

NEW YORK TRANSFORMED: COMMITTEES, MILITIAS, AND THE SOCIAL
EFFECTS OF POLITICAL MOBILIZATION
IN REVOLUTIONARY NEW YORK

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ABSTRACT

Social mobilization during the American Revolution rapidly, fundamentally, and permanently changed the way New Yorkers related to government. By forcing residents to choose sides and regulating their access to commodities such as salt and tea, local committees made government integral to how people lived their lives. Rebel campaigns against the British army in 1776 and 1777 furthered this involvement, giving state-formed commissions for detecting and defeating conspiracies the warrant to investigate individual conduct and define acceptable political behavior. With Tories expelled from central New York and the disaffected persuaded to support rebellion in the war's later years, the rebel government redistributed loyalist property and enfranchised much of white society. By the 1788 Poughkeepsie Convention, New Yorkers – a people who had previously related to each other through their social class, religious affiliation, and position within a community – believed that government existed to expand political participation, provide citizens with economic opportunity, and protect the rights of the individual.

DEDICATION

To my parents

ACKNOWLEDGMENTS

Submitting a doctoral dissertation is a good occasion to pause and thank a few people. First, for sparking and sustaining my interest in history, I thank my parents. To them I dedicate this manuscript. Second, for his critical eye and dedication to my development as an historian, I thank Harold Selesky. I am indebted to you more than you know. Finally, for making everything in life worthwhile, I thank my wife. I love you, honey.

CONTENTS

ABSTRACT.....	ii
DEDICATION.....	iii
ACKNOWLEDGMENTS.....	iv
INTRODUCTION.....	1
1. The Structure of Political Authority in Colonial New York.....	11
English Rule of a Dutch Colony.....	13
Attempts to Unify After Leisler.....	26
The Rise of Local Government as the Primary Means of Social Organization.....	40
2. Committee Formation and the Legitimization of the Rebel Cause, April 1775 – May 1776....	65
Establishing a Committee Structure of Government.....	66
Association-signing.....	81
The Quest for Legitimacy	105
3. The 1776 Campaign and the Increasing Authority of Committee System, June 1776 – October 1776.....	113
The British Advance in the North and Threaten the South.....	114
The British Stopped in the North and in Control of the South.....	127
Social Mobilization.....	138
4. Adjusting to the Permanent Presence of British Forces, November 1776 – May 1777.....	150
Committees for Detecting and Defeating Conspiracies	151
Suppressing Internal Dissent	162
George Clinton and the Committee System.....	178

5. The 1777 Campaign and the Establishment of a New Government, June 1777 – September 1779.....	188
Three Prongs into Central New York	189
The 1777 Constitution.....	200
Constitutional Governance in a Time of War.....	209
6. Legislating Social Change, October 1779 – July 1788.....	224
Transformative Legislation.....	225
The Return of Contention to New York Politics.....	233
The 1788 Poughkeepsie Convention.....	244
CONCLUSION.....	255
BIBLIOGRAPHY.....	261
APPENDIX: Paying for the War.....	273

Introduction

As an advisor in Kirkuk, Iraq in 2011, I participated in a lunch attended by the commander of the nearby Iraqi army, the commander of the nearby Peshmerga brigade, and the provincial police chief. Hosting the lunch was the commander of a rapid response force composed of soldiers and policemen from all three organizations. The four men differed in ethnicity, background, and agenda; their commands contained members of antagonistic religious sects and opposing political parties. What had brought them together was a shared love for their city and a desire to live together in peace. These men, all respected leaders whose reputations elevated them beyond the importance of their position, were able to negotiate and make agreements that, at least until American troops departed at the end of the year, curtailed acts of recrimination and violence.

Conditions, personalities, and environments differ for every situation, historical or current; nonetheless, the similarities between two points in time can sometimes be striking. When I was not advising the Peshmerga brigade commander, visiting the rapid response force commander, or facilitating meetings such as the lunch mentioned above, I spent my tour in Iraq writing and thinking about colonial and revolutionary New York. Although separated geographically and temporally, northern Iraq in 2011 and New York from 1664 to 1788 were both political entities defined more by their invasion histories and the presence of a dominant river basin than by the commonness of their inhabitants. Iraqis today interpret events through communal perspectives and relate to others according to the ethnicity, municipality, religion, and family into which they were born. Likewise, New York before the revolutionary crisis was a

premodern society in which people defined themselves locally and organized themselves hierarchically.

How New Yorkers emerged from a class-based and socially stratified understanding of political existence is the general theme of the dissertation that follows. Its approach is premised on two observations made both in my exploration of the primary record of New York politics and during my experience advising military and political leaders in Kirkuk, Iraq. First, when a state government is weak and distant, influence is exerted and decisions are made locally. Second, in such environments, change occurs neither by distant leaders trying to impose a unified identity nor by masses agitating for freedom from but by local leaders negotiating with other local leaders in an attempt to advance the political standing of their constituencies.

These ideas are not *sui generis*, having been applied in various ways to both colonial and revolutionary New York. Perhaps the most brilliant recognition of the importance of local factors in influencing political positions is John Shy's assertion in "The Military Conflict Considered as a Revolutionary War" that militia service taught the ideals of the revolutionary movement to newly independent Americans.¹ Shy presented his argument in an essay, a format that limited his ability to develop fully the implications of his claim. Although supporting his position with well-chosen examples, he argued for the importance of militias broadly, assuming that the "political education . . . by military means" of one militiaman was similar to that of every other militiaman.² Shy did not question who formed these local military organizations or how those who served in them were convinced of the need to separate from Britain, other than to suggest that exposure to British atrocities solidified residents' desire for independence. In this

¹ John Shy, *A People Numerous and Armed: Reflections on the Military Struggle for American Independence*, rev. ed. (Ann Arbor: University of Michigan Press, 1990), 236.

² *Ibid.*

observation Shy was correct – especially for those who took up arms to protect themselves from invasion – although incomplete. Atrocities themselves did not motivate men to take to the field; instead, it was the publication and propagandization of atrocities that convinced men to fight.

This dissertation is written to explain how that persuasion occurred in New York, why it upended the way New Yorkers defined themselves, and what this transformation meant to the state’s post-revolutionary generation. It does not focus on why New Yorkers rebelled from the British or posit an answer to why that rebellion was successful. Residents entered into military conflict due to exogenous reasons: they did not choose war; war came to them as a result of Parliament’s repression of a restive Boston and the fear – publicized and magnified by rebel-minded instigators – that they would be treated similarly. In accepting the existence of something already in progress, New Yorkers with rebel agendas made use of the province’s axial geography and social composition to prosecute the war in a way that changed the norms of political society.

Good studies of how the rebel elite and persuadable masses entered into a state of rebellion already exist. Daniel Hulsebosch, whose *Constituting Empire* is the most recent scholarly work on colonial and revolutionary New York, argues that geographic mobility transformed New York law from a system based on jurisdiction to one based on jurisprudence.³ To him, the war against Britain was part of a movement in which one understanding of how to order political society replaced three imperial understandings. While imperial agents viewed the common law “as a set of procedures to integrate the British Empire” and would eventually become loyalists, frontier settlers distanced themselves from forced oversight, imperial or social,

³ Daniel L. Hulsebosch’s *Constituting Empire: New York and the Transformation of Constitutionalism in the Atlantic World, 1664-1830*, Studies in Legal History (Chapel Hill: University of North Carolina Press, 2005), 9-10.

and would lead the fight for independence.⁴ The third interpretation came from the creole elite. This population believed that New York derived its legitimacy from the division of the empire into metropolis, colony, county, and town. Lawyers from this group defined New York as an entity legally distinct, if not politically separate, from the British Empire.⁵ They imbued the rebellion with its ideological purpose; through their arguments, they convinced those who lived far from government's reach – the marchland population – to serve in the militias that Shy claims incubated independence.

Hulsebosch's explanation of transformation is overly legalistic. What he sees as the growth of common-law constitutionalism is really the franchised New Yorker learning to use legalistic terms to justify his ownership of property and right to be treated fairly under the law. Although the elites of late colonial New York may have used the law to frame political discussion, were legal mechanisms really the vehicle through which republican governance replaced imperial order?

Edward Countryman addressed this question brilliantly twenty five years before the publication of Hulsebosch's *Constituting Empire*. His *A People in Revolution* portrays the revolutionary crisis in New York as a popular movement sparked by disenfranchised residents chaffing under a repressive political system. To Countryman, crowds and committees played a formative role in determining one's political position. Agrarian unrest in the Hudson Valley during the 1760s and protests against imperial rule during the first half of the 1770s were but precursors to the active resistance that started with Lexington and Concord in 1775. During the conflict, bands of rebellious citizens formed committees first to protest (through crowd action)

⁴ Ibid., 76.

⁵ Ibid.

and then to resist (through militias).⁶ Why certain leaders were selected and how they exerted influence mattered less to Countryman than what their political mobilization meant for the future of the state. In Countryman's interpretation, this future would be one of alternating social radicalism and conservative nationalism: for the first decade after New York was constituted in 1777, revolutionary-minded legislators passed socially-transformative laws, such as the widening of the electorate, which their more-conservative successors made permanent in order to maintain a stable society and their position in it.

In his reliance on Marxist social theory, Countryman overemphasized the importance of crowds as an historical agent, was too willing to characterize rebels as radicals, and missed the transformative effect of traditional measures of social change such as land transfers. More important than the multiplicity of crowd actions were the reasons why residents launched each protest. During the revolutionary crisis, New York legislators abridged the rights of Tories not because they wanted to upend the social order but because their hatred for the opposition rose *pari passu* with the increasing death and destruction of military conflict. They broadened the electorate, redistributed lands, and formed political parties because service on committees and in militias had shown them the effectiveness of equitable social policy. Although Countryman correctly identifies the presence of transformative change, he misunderstands how that change occurred in the minds of rebel leaders.

It is hard to imagine two books covering the same people and spanning the same period that differ more completely in tone, evidence, and agency than *Constituting Empire* and *A People in Revolution*. Although both works advance the historical field, neither explains how the war was managed at a local level, how rebel elites influenced the oftentimes apathetic masses, how

⁶ Edward Countryman, *A People in Revolution: The American Revolution and Political Society in New York, 1760-1790* (New York: W. W. Norton & Company, 1981), 143-48.

personalities and events combined to construct a unified state ideology, or, once New York became a governmental and political reality, how its occupants conceived of their citizenship in the United States of America. Furthermore, neither historian writes with the stated purpose of connecting prewar social relationships with the exercise of postwar government.

This dissertation argues that social mobilization during the revolutionary crisis transformed New Yorkers from a people whose localism conflicted with established government to a people who viewed government as the protector of individual liberties. The key elements of its analysis are political: how people related to government and how military conflict, community mobilization, and demographic changes altered the nature and intensity of those relationships. Chapter 1, “The Structure of Political Authority in Colonial New York,” examines the vibrant localism and tendency toward hierarchical order that characterized the province for a century after the English seized it from the Dutch in 1664. Although oftentimes contradictory, localism and hierarchy were also related: because New Yorkers were geographically separated and culturally different, they tended to invest local leaders with significant authority. Provincial figures were far less important. By the fourth decade of the eighteenth century, when new settlements beyond the effective reach of imperial governance began emerging, only war or economic interest could make New Yorkers look outside their communities for help in organizing their lives. Although the governor had the positional authority to act as a unifying figure, the factious nature of New Yorkers made the instances in which he could do so rare. Especially when the man holding the office was weak, absent from the colony, or not yet appointed, the province remained a collection of ethnically, religiously, and socially distinct communities.

Chapter 2, “Committee Formation and the Legitimization of the Rebel Cause, April 1775 – May 1776,” explains how rebels serving in the Provincial Council assumed the authority previously held by the governor while town, district, and county committees of safety assumed the authority that was once held by local magnates. By registering inhabitants’ political positions through Association-signing efforts and basing political decisions on this information, committees forced residents to oppose British imperial order. Starting after the battles of Lexington and Concord and ending before the British invasion of New York City, this chapter investigates how New Yorkers related to a new, if temporary, system of government.

Chapter 3, “The 1776 Campaign and the Increasing Authority of the Committee System, June 1776 – October 1776,” examines how committees, communities, and residents reacted to British troops in southern and northern New York. While intercolonial armies commanded by George Washington and Philip Schuyler bore the brunt of the fighting, committees mobilized militias to protect homes, gather intelligence, and build defenses along the Hudson River. With New Yorkers experiencing war-induced hardships during their first winter of independence, committees addressed domestic issues such as tea and salt shortages, convinced a sometimes irate populace of the necessity of their policies, uncovered Tory plots, and hunted counterfeiters.

As Chapter 4, “Adjusting to the Permanent Presence of British Forces, November 1776 – May 1777,” illustrates, the presence of British soldiers in New York during the 1776 campaign made those participating in the committee system view disaffected New Yorkers as threats to their tenuous political standing. The Provincial Council, composed of men chosen by local committees, addressed this perceived challenge by first investing investigatory and punitive power in George Clinton, its most aggressive militia general, and then establishing special judiciaries for determining the loyalties of residents suspected of acting against the rebel cause.

The internal strife uncovered and exacerbated by these organizations changed the relationship between government and the governed. As Tories fled to New York City, conspiracy committees pressured the nonpolitical into joining the rebel cause. Unlike earlier efforts to persuade the recalcitrant through social pressure, these committees concentrated on individual behavior, a focus that would continue after the war ended.

As campaigns during the spring, summer, and fall of 1777 continued to shrink the territorial ambit of rebel New York, the Provincial Council modified how political authority was exercised in the state. Ratifying a constitution that several of its legally-trained members had been drafting ever since the Continental Congress declared independence from Britain, the council created a centralized political apparatus, established four regionally-based senatorial districts, and replaced committees of safety with judiciaries dependant on the state for their authority. As Chapter 5, “The 1777 Campaign and the Establishment of a New Government, June 1777 – September 1779,” explains, however, the popularity of New York’s new government was due more to euphoria over turning back three British advances and the election of the non-aristocratic George Clinton as governor than to a widespread acceptance of how the new government was organized or the manner by which it was constituted.

New Yorkers did not fully accept the consolidation of political authority at the state level until after the war had ended. Once British troops had withdrawn from southern New York in November 1783, the Confiscation Act, legislation permitting the redistribution of seized loyalist property passed in 1779 but held in abeyance since then, became effective. With the enacting of new laws granting enhanced legal privileges to those who had held rebel sympathies during the conflict – the majority of the remaining upstate population – and disadvantaging those forced to associate with the British – the majority of the remaining southern population – the state

government became the arena in which the meaning of New York citizenship was debated. Positions on the legal status of individual New Yorkers, combined with increased political participation on issues both local and national, redrew the traditional divides of popular New York. Instead of socially-defined factions, residents now belonged to opposing political parties. As argued in Chapter 6, “Legislating Social Change, October 1779 – July 1788,” the compromise between Federalists and Antifederalists on the floor of the Poughkeepsie statehouse in 1788, by defining the state’s relationship with the rest of the union, allowed New York to experience unity, growth, and stability into the nineteenth century.

After 1788, New Yorkers adhered to a single political identity. Without the propagation of the rebel cause by the committee system, formative experience of militia service, and emotionally-charged atmosphere of persistent military conflict, New Yorkers would not have coalesced around a single definition of who they were. As it was, the state came very close to remaining outside the federal system of government. Given a slightly different wartime experience, it is also conceivable that New York would have sundered after independence, its regions breaking off and forming independent political entities. That neither isolation nor fracturing occurred was due less to the weakening of localism than to the wartime-induced perception that communal, state, and national identities were complimentary.

The committee system played a key role in forming this perception. More than just providing governance during the interregnum between imperial rule and constituted legality, local committees of safety achieved the social mobilization that only leaders with close connections to communities could accomplish. Commissions for detecting and defeating conspiracies – the post-constitution iteration of committees of safety – not only continued New York’s legacy of powerful judicial bodies but also focused politics on individuals, not classes or

groups. With Tories expelled from central New York and the disaffected persuaded to support rebellion in the war's later years, the rebel government redistributed loyalist property and enfranchised much of white society. By the 1788 Poughkeepsie Convention, New Yorkers – a people who had previously related to each other through their social class, religious affiliation, and position within a community – believed that government existed to expand political participation, provide citizens with economic opportunity, and protect the rights of the individual.

1. The Structure of Political Authority in Colonial New York

Founded in 1614 by merchants in Amsterdam who wanted to profit from the Netherlands's temporarily-suspended war with Spain, New Netherland was populated ten years later when the Dutch West India Company, looking to secure the Republic's position *vis-à-vis* its enemies, transported Walloons from modern-day Belgium to the New World.¹ Intent on claiming as much territory as possible, the company dumped families both at the mouth of the Hudson and 150 miles upriver, near present-day Albany.² With little to connect the two settlements over the next forty years except a common port and complimentary roles in the fur trade, the communities developed independently. While trade made the population around New York Harbor multi-ethnic, polyglot, and religiously diverse, isolation intensified Dutch customs and language in the upper-Hudson Valley. Security concerns for the two regions differed as well. While the Dutch in New Amsterdam viewed the surrounding Algonquin-speaking Indians as expendable, upriver residents saw their Mohawk neighbors as valuable trading partners without whom economic survival would be doubtful.³ Before the settlement of the Hudson Valley, tension between New York's two primary settlements provided the context in which local and hierarchical impulses manifested themselves.⁴

¹ Oliver A. Rink, *Holland on the Hudson: An Economic and Social History of Dutch New York*, New York State Historical Association (Ithaca, NY: Cornell University Press, 1986), 35-37, 70-73.

² The ship's captain, Cornelis Jacobsz May, also landed families in the Delaware Valley and, possibly, along the Connecticut River. *Ibid.*, 79-81.

³ Allen W. Trelease, *Indian Affairs in Colonial New York: The Seventeenth Century*, intr. William A. Starna (Lincoln: University of Nebraska Press, 1960), xii-xiii.

⁴ Throughout this manuscript, I define hierarchy as the ordering of social classes, with each class possessing more rights and privileges than the class beneath it. I define hierarchical authority as the power one

Subjecting disharmonious sections of the province to the same oversight – necessary for economic and military reasons – required an executive who knew how to use hierarchy and wield power. The Dutch West India Company found such an authoritarian in Peter Stuyvesant, governor-general of the colony after 1647. Stuyvesant’s jailing of council members, denial of town charters, and defense of Dutch territorial claims created a stability that, combined with relaxed oversight from the Netherlands, enabled the Dutch settlement to prosper in the mid-seventeenth century. Success did not come without problems, however. Of Stuyvesant’s many concerns was his colony’s population which, when compared to New England, was dispersed and diminutive. To remedy this shortage – as much a military as an economic problem – company directors sold grants of land and political authority called patroonships in order to recruit settlers. In return for attracting sixty persons to the colony within three years, enterprising individuals enjoyed “freedoms and exemptions” from the firm’s monopoly on the fur trade.⁵ Revised the following year due to lack of investment, the Charter of Freedoms and Exemptions invested patroons with legal authority over those whom they persuaded to serve as tenants.⁶ Few investors felt loyal to the company or its governor-general, however, and only one – Kiliaen Van Rensselaer – had the luck, talent, and resources necessary to profit from the venture. Notwithstanding Van Rensselaer’s careful planning and Stuyvesant’s leadership, New Netherland never grew to be more than two settlements connected – and separated – by 150 miles of river.

individual had over another due to his class and closeness to the governor (and, ultimately, the king). In personal interactions, hierarchical relationships were recognized by one person showing deference to another. In public, one’s position was often signified by dress or ceremony.

⁵ The 1628 Charter of Freedoms and Exemptions was a compromise between merchants in Amsterdam who wanted to populate the colony under the auspices of the Dutch West India Company and those who believed that private enterprise could best attract new settlers. Rink, 96.

⁶ Rink credits euphoria over Admiral Piet Heyn’s 1628 capture of Spain’s annual fleet of gold and silver from the New World with increasing the ambitions of Amsterdam merchants. *Ibid.*, 102-3.

English Rule of a Dutch Colony

Despite its underdevelopment, New Netherland was a prosperous province in 1664 when Richard Nicolls seized it for the Duke of York. Like the Dutch governor-general whom he had forced to surrender, Nicolls understood power, its use, and its limits.⁷ The government which he established in New York reflected the realities that his warships would soon have to depart and the English militiamen from Long Island who had marched on Manhattan would soon have to return to their homes.⁸ Recognizing these constraints, the English commander presented residents of New Amsterdam with Articles of Capitulation which allowed them to maintain their way of life. Not only were townsmen granted the right to practice their religion and “enjoy their own customs concerning their inheritances,” but they also received an exemption from the Navigation Acts and permission to use New York Harbor without impediment.⁹ These lenient terms convinced the Dutch, including a reluctant Stuyvesant, not to oppose English rule. After six months of peace, Nicolls met with representatives from communities on Long Island to outline a government for his colony. The plan, called the Duke’s Laws, established a single county – Yorkshire – over Manhattan Island, Staten Island, Westchester, and western Long Island: regions of the province over which the governor exercised direct influence. Although the Laws granted rights and permissions, by subjecting Long Islanders to a more-centralized government than they had known under Dutch rule, they also made the English in the colony

⁷ Robert C. Ritchie writes that “Nicolls was the best governor York ever appointed,” probably because of his patient but firm handling of the Dutch and English on Long Island. Robert C. Ritchie, *Duke’s Province: A Study of New York Politics and Society, 1664 – 1691* (Chapel Hill: University of North Carolina Press, 1977), 19.

⁸ *Ibid.*, 22.

⁹ Articles of Capitulation, 27 August 1664, in Edward T. Corwin, ed., *Ecclesiastical Records of the State of New York*, vol. 1 (Albany: 1901), 557-58.

resent provincial power.¹⁰ The Dutch in Albany, on the other hand, saw the Laws as a guarantee that the English government would tolerate their culture and petitioned the governor to be included under their jurisdiction.¹¹ By subjecting themselves to Nicolls's authority, the Dutch bound the English to protecting not only their property but also their matrilineal system of inheritance and other cultural practices.

The colony's population was legally unified under one provincial government by 1674 when Edmund Andros, an experienced military officer, arrived to provide the active leadership which the centralized political system established by Nicolls demanded of its governor.¹² Although a forceful advocate of the province in negotiations with Indians and New England leaders, Andros upset Dutchmen in the colony by foisting a domine on them who preached a doctrine that was not approved by the Classis of Amsterdam.¹³ Nicholas Van Rensselaer, an Anglophile Dutchman, appeared to be a logical choice for Andros to support: not only did he want to preach in America, but it also looked like he could move his congregation away from the religious customs that separated its members from English colonists. What the governor did not fully understand, however, was that Dutchmen feared Anglicization. Without the Netherlands providing the mores which define a culture, the Dutch in New York sought an identity in how

¹⁰ Ritchie, 36.

¹¹ The 1674 Treaty of Westminster convinced those Dutch in the colony who had not yet accepted English government of its *de facto*, as well as *de jure*, legality. Ibid., 82.

¹² Because the Dutch in New York outnumbered the English, any mention of a legislative body was conspicuously absent from the Duke's Laws. Ibid., 34. The imperial government would not grant New York an assembly until 1683, long after similar institutions had been established in Virginia and Massachusetts. Suspended two years later upon the ascension of the Duke of York to the English throne, the assembly was not re-established until after Leisler's Rebellion in the early 1690s. Because of its tenuous start, the assembly remained a vehicle through which the governor exercised authority until after King George's War in the 1740s.

¹³ Soon after instructing Andros to "permit all persons of what Religion soever," the Duke of York ordered him to appoint Nicholas Van Rensselaer as minister in either Albany or southern Manhattan. Commission of Andros to be Governor of New England, New York, and New Jersey, 1 July 1674, *Ecclesiastical Records*, vol. 1, 648-49; Duke of York to Governor Andros, 23 July 1674, Ibid., 652.

they practiced religion. Membership in the Dutch Reformed Church, which had increased steadily in the years before 1664, grew rapidly after Nicolls seized the colony. By 1695, 1,754 families in New York practiced the faith, almost 400 more than dissenter families.¹⁴ Five years later, at the turn of the century, twenty-nine of the colony's fifty churches were Dutch Reformed.¹⁵

Van Rensselaer's congregation rejected him not because of his ethnicity or beliefs but because of the way he preached. Although the Dutchman had been trained in the reformed faith and promised to conduct his services "according to the Dutch Church," he had been ordained by an Anglican bishop and was culturally English.¹⁶ Given the tolerance that the Dutch on Manhattan had for English ways, Van Rensselaer might have succeeded if Andros had given him a parish in the provincial capital. Instead, he forced him upon Domine Gideon Schaats and his Albany congregation. Responding to complaints by Schaats, Jacob Leisler and Jacob Milborne, two wealthy Dutch merchants whose contumacy would eventually cost them their lives, visited the domine's church and reported to the Classis of Amsterdam that Van Rensselaer did not preach according to Dutch tradition.¹⁷ Instead of making residents more tractable, Andros's appointment of Van Rensselaer to an Albany parish only increased the regionalist identity which geography and settlement patterns had already created in northern New York.¹⁸

¹⁴ Huguenot families numbered 261, Episcopalian families numbered 90, Lutheran families numbered 45, and Jewish families numbered 20. E. T. Corwin, *A History of the Reformed Church, Dutch*, American Church History, vol. 8, 2d ed., ed. Philip Schaff, et al. (New York: Charles Scribner's Sons, 1902), 110.

¹⁵ The French Reformed Church had four churches, the German Reformed Church had one church, Presbyterians had nine churches, Lutherans had two churches, Episcopalians had one church, and four churches were independent. *Ibid.*, 124.

¹⁶ Nicholas Van Rensselaer, Promise of Rev. Nicholas Van Rensselaer, 2 October 1675, *Ecclesiastical Records*, vol. 1, 681-82.

¹⁷ Randall H. Balmer, *A Perfect Babel of Confusion: Dutch Religion and English Culture in the Middle Colonies*, Religion in America Series, ed. Harry S. Stout (New York: Oxford University Press, 1989), 18.

Security concerns exacerbated the difference between frontier and interior areas of New York during the governorship of Thomas Dongan, the Duke of York's replacement for Andros.¹⁹ Despite the lack of a declared state of war between France and England, Dongan faced a situation in which two successive governors of Canada, Lefebvre de la Barre and the Marquis de Denonville, exploited the missionary efforts of Jesuits in an attempt to turn the Iroquois against the English. Catholics had long lived on Manhattan and, during the harsh winter of 1657-1658, even received sacraments from Father Simon Le Moyne, a French Jesuit who preached to the Iroquois.²⁰ As long as Indians sold them furs, Dutch merchants in Albany did not care if they practiced a different religion.²¹ The Duke of York, fearing French expansion out of Canada, did care, however. His appointment of a Catholic as New York's governor, even if not planned, provided diplomatic cover for the colonial administration.²²

Dongan's arrival came with a salve for the injured religious sensibilities of politically active New Yorkers. The same commission which appointed him governor ordered him to

¹⁸ Ritchie, 82.

¹⁹ Referring to southern Manhattan, Joyce Goodfriend remarks that "the sharpening of ethnic boundaries in seventeenth-century New York City and the emergence of ethnic communities brought a degree of order to a diverse society otherwise lacking in sources of cohesion. Forces that might have united New Yorkers across ethnic lines were barely perceptible in this vertically organized society." Joyce Goodfriend, *Before the Melting Pot: Society and Culture in Colonial New York, 1664-1730* (Princeton: Princeton University Press, 1992), 220. The order that Goodfriend observes existed north of Manhattan as well. Instead of homogenous individuals living together as a part of a larger urban community, however, like peoples separated themselves from unlike peoples by days of travel. In both New York City and the upriver region, the order to which Goodfriend refers was local, not provincial. It did not equate to authority or help governors exert imperial rule.

²⁰ Edward B. Coe and Edward T. Corwin, eds., *Reply of Rev. Johannes Megapolensis, Pastor of the Church of New Amsterdam to a Letter of Father Simon Le Moyne, a French Jesuit Missionary of Canada*, trans. Louis Bevier (New York: Collegiate Church, 1907).

²¹ Extract from a Letter of the Directors to Stuyvesant, 19 December 1656, *Ecclesiastical Records*, vol. 1, 363.

²² Although Dongan's inability to protect Catholic missionaries eventually cooled the friendliness with which the Marquis de Denonville had initially addressed him, diplomatic correspondence between the governors did not cease. Dongan to Denonville, undated, in *Ecclesiastical Records of the State of New York*, vol. 2 (Albany: 1901), 919; Denonville to Dongan, 20 June 1686, *Ibid.*, 920; Dongan to Denonville, 26 July 1686, *Ibid.*, 921; Denonville to Dongan, 1 October 1686, *Ibid.*, 923-24; Dongan to Denonville, 1 December 1686, *Ibid.*, 928-29.

convene an assembly so that residents would more willingly pay taxes.²³ In an acknowledgment of Dongan's Catholicism, members of the body's first meeting passed a Charter of Liberties resolving not to molest or punish residents "for any Difference in opinion or Matter of Religious Concernment" that they might have.²⁴ Just as important, the charter created twelve counties, established sheriffs for each of them, and installed a "wholly new" judicial system.²⁵ Although the new offices would eventually strengthen localism, they had the immediate effect of increasing Dongan's influence in the colony: according to the charter, the governor chose who he wanted for the positions.²⁶

The chance to install regional political leaders had the potential of imbruing the colonial population with a shared destiny, if not infusing it with a sense of shared belonging. Government was the primary, and oftentimes the only, vehicle through which governors could influence residents who did not look, speak, or act like they did. Conceptually, it was the best incubator of a provincial identity that a people with multiple ethnicities and viewpoints could have. Since the exercise of power in the premodern era was a personal affair, a governor who could hold those officials who judged disputes, collected money, decided commercial issues, and regulated the practices of daily life answerable to him could impose his will on the people of the province. In reality, New York was too large and its population too segmented for one man to establish dependent relationships with local leaders in New York City, on Long Island, and along the Hudson River. Stuyvesant had barely managed to do so despite sharing the same ethnicity as the majority of New Netherlands residents. Nicolls was fortunate in that the Dutch, for reasons

²³ Kenneth T. Jackson and David S. Dunbar, eds., introduction to the Charter of Liberties and Privileges, *Empire City: New York Throughout the Centuries* (New York: Columbia University Press, 2002), 44.

²⁴ "The Charter of Liberties and Privileges," *Ibid.*, 48.

²⁵ Ritchie, 175.

²⁶ *Ibid.*, 181.

over which he had little influence, wanted to be included in his government. Andros's energy and dominant personality did not win him the loyalty of Dutch in Albany. With an assembly and county offices, Dongan, unlike his predecessors, held a mechanism for exercising political authority and exerting influence. Such a system could be both an asset and a liability, depending on the conditions under which it was employed.

The most important of these conditions were the status and character of the governor. For a layered hierarchy to work, not only did the king have to appoint governors who had the stature, leadership, and largess to align influential locals behind his policies, but also residents had to consider their provincial identities as more important than their communal ones. If a governorship had lasted as long as Stuyvesant's directorship had lasted, then the need for security from the French and the presence of increasing commercial opportunities through trade with New York City might have eventually moved northern New Yorkers toward a more wholehearted acceptance of their provincial cohabitants. Holding office for only five years, however, Dongan was never able to make New Yorkers look beyond the localism that lay at the heart of their social character.

Dongan's governorship ended with the first of two blows to the emergence of a provincial identity in New York. In 1688, James II, the former Duke of York, added New York to the Dominion of New England, a consolidated government formed in 1685 to make his American possessions more profitable, their administration more tractable, and their defense more feasible. Inclusion affected New Yorkers negatively. Before the king added the colony to the Dominion, governors protected landowners who had acquired their property through agreements with Indians or as a result of patronage: it was often in a governor's political interest to ignore the questionable acquisitional practices of those who presented themselves as being

legitimately empowered when he arrived in the colony. With the governorship removed from the province, however, propertied residents would now have to influence a former governor: Andros, who would rule the Dominion from Massachusetts.²⁷ Without the ability to hijack the governor's goals for the colony, landowners feared that their holdings would be subject to redistribution. Confirming these suspicions were Andros's restrictive policies, especially his order to have all of New York's records removed to Boston.²⁸ How could a property be secure if its title was not even held in the province in which it was located?

What the Dominion portended for New York was a reordering of society: no longer would landholders and merchants view their provincial head – now Francis Nicholson, the viceroyalty's lieutenant governor – as the protector of their wealth, property, and freedoms. Instead, imperial considerations would determine social advancement. Inclusion made the connection between governor and propertied residents, already tenuous and indirect, even more distant.

Nicholson would leave the province soon after becoming lieutenant governor. When a rumor that William of Orange had invaded England crossed the Atlantic in early 1689, Bostonians rejoiced at the prospect of being ruled by a monarch who adhered to the true (reformed) faith. When the unconfirmed report reached Andros, who was trying to stabilize the Massachusetts frontier in Maine at the time, he responded by issuing a broadside – “By His Excellency, a Proclamation,” defending King James II.²⁹ Unfortunately for the governor, military campaigning prevented him from influencing – or reading – how people were

²⁷ See J. H. Elliot, *Empires of the Atlantic World: Britain and Spain in America, 1429-1830* (New Haven: Yale University Press, 2006), Chap. Six, “The Ordering of Society,” especially pages 178-79.

²⁸ Jerome R. Reich, *Leisler's Rebellion: A Study of Democracy in New York, 1664-1720* (Chicago: University of Chicago press, 1953), 49-50.

²⁹ Early English Books Online (10 January 1689).

responding to the news. When he returned to the capital, the sovereign had changed. With the proclamation as incriminating evidence, residents imprisoned the governor for acting contrary to the wishes of King William and Queen Mary. Nicholson, not sure of his authority after learning of Andros's arrest, fled to England on 3 June 1689, leaving New York, a colony in need of a centralizing figure, without an imperially-appointed head.³⁰

New York's colonial status made it subject to events occurring outside its territory. Like Nicolls's seizure of the province for the Duke of York in 1664 and the interplay of English and French interests between Albany and Montreal, the New World remained a place where European politics affected how people lived their lives. In the more homogenous colony of Massachusetts, this subjectiveness roused opposition and elicited expressions of corporate identity from those who formed public opinion in the colony.³¹ In New York, however, resentment toward a viceregal government was individually felt and far from pervasive. Residents, in general, did not want to oppose the English government; even without an official representative of the crown among them, self-preservation kept New Yorkers tentative in their statements and restrained in their actions.

Into this void of active leadership stepped Jacob Leisler, the devout Calvinist who had reported Van Rensselaer's unorthodox preaching in 1675. Ambitious and outspoken, Leisler had

³⁰ Leisler, in "Captain Leisler's Version of the Uprising, June 4, 1689," wrote that "Lieut. Governor Nicholls[on] is departed last night without taking leave." Michael G. Hall, Lawrence H. Leder, and Michael G. Kammen, eds., *The Glorious Revolution in America*, Documentary Problems in Early American History (Chapel Hill: University of North Carolina, 1964), 111. Jamison, the author of "A Letter from a Gentleman of the City of New York, 1689," on the other hand, argued that Nicholson did not flee the colony, instead being "forced out of his Command" when Leisler took possession of the city fort, withdrawing from the province only because "the safety of his Person . . . was daily threatened." Charles M. Andrews, ed., *Narratives of the Insurrections, 1675-1690*, Original Narratives of Early American History (New York: Charles Scribner's Sons, 1915), 363. Whether or not Nicholson's life was endangered is immaterial. He was the accepted imperial authority in the colony and, whatever the legality of that authority, had a duty to maintain order to the best of his ability, even if, by doing so, he risked imprisonment or worse.

³¹ For example, see "Increase Mather's Argument, 1683" in Hall, Leder, and Kammen, 23-24.

advanced in social position due to his denunciation of the domine.³² Dongan, not wanting Leisler as an enemy, commissioned him as captain of a militia company and an Admiralty court judge. Lt. Gov. Nicholson also tried to win the truculent merchant's support, appointing him to his council in April 1689, when the disorder in Massachusetts threatened to spread to New York. Leisler accepted the position but distanced himself from the man who gave it to him. When Nicholson waffled on recognizing England's new monarchs and, in a pique of frustration, threatened to torch New York City if it rebelled, Leisler stated "unequivocally that he recognized William and Mary and would obey orders from them or from any of their envoys."³³ Two days after Nicholson set sail for England, a self-appointed committee of safety, fearing a French attack on the port, appointed the militia captain commander of Fort William.³⁴

Except for his participation in the militia's seizure of the city fort, Leisler had exercised power only at the behest of the committee of safety, even after it appointed him commander-in-chief of the colony. Leisler was a natural choice for the committee to select. Not only was he a successful merchant who had trained at a military academy but the combination of his religious conviction and previous reluctance for civil office made him appear to be the safest individual in whom to vest temporary power.³⁵ The militia captain's restraint ended abruptly, however, when John Riggs arrived in New York on 8 December 1689 bearing a letter from King William III.

After a preamble, the monarch addressed his letter "To Our Trusty and Well-Beloved Francis

³² After the denunciation, Van Rensselaer sued Leisler for defamation. Losing the case in Albany's civil court, the merchant appealed to the governor. Andros, most likely surprised at how much controversy one relatively-minor appointment had caused, fined Leisler (who went to jail for refusing to pay) and, in 1677, deposed Van Rensselaer from his position in the church.

³³ Reich, 64.

³⁴ The membership of the committee is unknown today. It was likely composed of Leisler and other Calvinist merchants in New York City.

³⁵ David William Voorhees, "The 'fervent Zeale' of Jacob Leisler," *William and Mary Quarterly* 3, vol. 51, no. 3, Mid-Atlantic Perspectives (July 1994): 445, 457, 460-61.

Nichollson, Esq.," or, "in his Absence, To such as for the time being take care of preserving the Peace and administrating the Laws in Our Said Province."³⁶ Interpreting the salutation as an effective commission from the king, Leisler, who shared William III's hatred of Louis XVI, assumed the title of governor. To someone with Huguenot sympathies, orthodox beliefs, and a hatred of Catholicism, it was obvious that the Dutch-born king of England would want a coreligionist in control of his colonial government.

Leisler's assumption of the governorship proved disastrous for the colony. Without landholders and the monied interest under the sway of a governor, the weak but tangible hierarchy which kept New York from fracturing dissolved. The province divided, ideologically and geographically, with the population of lower Manhattan supporting the acting governor and those living in Albany rejecting his pretension of legal standing. Four possible reasons exist as to why the predominately Dutch northern part of the colony feared Leisler while the Anglican-dominated southern part of the colony initially allied with him. First, although reformed and Calvinist, Leisler was German, not Dutch, born. This ethnic difference would not have mattered in seventeenth-century New York if not for its role in forming Leisler's religious views: the second possible reason for Leisler's divisiveness. The merchant's strict adherence to the literal predestination beliefs of Calvin, as propagated by the Dutch theologian Gisbertus Voetius, alienated him from those reformed New Yorkers who followed the more accepting doctrine of Johannes Cocceius.³⁷ Van Rensselaer had been Cocceian in his preaching, as was Godfrey Dellijs, another domineer of the Albany Dutch. A third possible reason for the rift was commercial. Restrictions on trade and milling were becoming divisive issues in New York

³⁶ William of Orange, "The King's Letter," Early English Books Online (30 July 1689); Nicholas Bayard, "A Modest and Impartial Narrative, 1690," Andrews, 338. In a footnote to the document, Andrews remarked that Riggs sailed first to Boston to deliver a similar letter. *Ibid.*, 362n.

³⁷ Voorhees, 463.

during the last fourth of the seventeenth century; nonetheless, shared participation in the economic sphere prevented business positions from yet polarizing the province.³⁸ Finally, residents of southern New York might have cared more about English politics than did residents in northern New York. Although a plausible explanation for the rift, colonial historian William Smith states positively that both halves of the colony welcomed the reign of England's new monarchs.³⁹

New York fractured in the late 1680s for two reasons: Leisler's doctrinal, familial, and commercial ties to Europe, which scared those residents who enjoyed the peace and stability that distance from England brought them, and his attempt to unite the colony behind a strict religious orthodoxy. Due to the north-south axis of the Hudson River, it made economic sense for New York's northern and southern settlements to be led by the same government and regulated by the same laws. Leisler, a merchant, saw New York as a single political entity and tried to impose unity on it by appointing counselors who represented its ethnic diversity.⁴⁰ The families of these eight men may have hailed from different parts of Europe but they themselves were all from the New York City area, probably orthodox Calvinists, and, as to be expected in a New World urban environment, all connected to Leisler in one way or another. Their attempts to force a common destiny upon residents served only to segment an already fractious colony into its two most well-defined social constructs.

³⁸ Some commercial issues did exist between Albany and New York City at the beginning of the fourth quarter of the seventeenth century. For an example, see "A Petition of the Albany Merchants, April 30, 1679," in Hall, Leder, and Kammen, eds., 86-87.

³⁹ Smith writes that "Leisler at New York, and the convention at Albany [its local and temporary political leadership], were equally affected to the revolution." William Smith, *History of New York*, vol. 1 (1756; reprint, Charleston, SC: Bibliolife, n.d.), 109.

⁴⁰ The men on Leisler's council – Peter Deloanoy, Samuel Staats, Hendrick Jansen, Jokannis Vermilye, Gerardus Beekman, Samuel Edsall, Thomas Williams, and William Lawrence – were of Dutch, English, and French descent. Andrews, 340n.

Leisler's response to King William's War solidified this rupture. Instead of attacking New York City – the fear of those who had elevated the militia captain to fort commander – the French launched an assault on the isolated town of Schenectady, to the west of Albany.⁴¹ Leisler's retaliation, an attempted invasion of Canada in 1690, failed, causing him to lose what little popularity he had.⁴² At the nadir of his power, the influence of the self-elevated governor did not extend beyond his command of the militia in southern Manhattan, the approximate extent of his authority before he had assumed the governorship.

The end of Leisler's regime came quickly. On 29 January 1691, Maj. Richard Ingoldsby disembarked from a royal vessel with two companies of English soldiers, claiming to be the colony's newly-appointed lieutenant governor arriving in advance of Col. Henry Sloughter, the king's commissioned representative in New York. Leisler, unwilling to recognize a competitor for the governorship without first being shown credentials bearing the king's seal, refused to surrender his militia.⁴³ Although a newcomer to the colony, Ingoldsby had been visited by opponents of Leisler while still on his ship and had likely been influenced by them.⁴⁴ Instead of acting as a neutral arbitrator between Leisler and his enemies, the lieutenant governor took sides in the dispute and inadvertently furthered New York's political divide. By the time Sloughter arrived on 19 March, defenders of Fort William and Ingoldsby's force had exchanged fire,

⁴¹ Albany's population decreased twenty-five percent during King William's War. Trelease, 204; Alice P. Kenny, *Stubborn for Liberty: The Dutch in New York*, New York State Studies (Syracuse: Syracuse University Press, 1975), 74. The conflict ruined the fur trade and even changed marital patterns in the town. *Ibid.*

⁴² The invasion failed due to poor logistical support. With most of northern New York hostile to Leisler, the governor could not exert the influence needed to feed, supply, or transport the few troops that he had assembled at Albany. See Reich, 98-100 and Trelease, 304.

⁴³ Ingoldsby's authority was as questionable as Leisler's. According to the author of "Loyalty Vindicated," the English officer had acted presumptively and aggressively upon arriving in New York, not with diplomatic reserve and measured consideration of someone certain of his legal standing. Andrews, 390.

⁴⁴ Reich, 109.

resulting in the death of several English soldiers.⁴⁵ After accepting Leisler's surrender the following day, the English colonel declared him an enemy, arrested him, and formed a court of oyer & terminer to try "the persons imprisoned accused of Rebellion and Murder and their accomplices."⁴⁶ On 16 May, acting on the court's advice, Sloughter ordered the execution of his predecessor.

By resorting to the legality of a trial, Sloughter restored imperial authority in New York. Hanging Leisler and his son-in-law was the only accomplishment he had time to achieve, however. Four months after the trial had ended, the governor died of natural causes, leaving the challenge of maintaining order in the colony to Benjamin Fletcher, his replacement. Over the next three decades, Fletcher and his successors would struggle to assert imperial control over a society rent by Leisler's aggressive advancement of his religious views and the subjugation of Albany to New York City. The crisis had changed the way New Yorkers saw themselves in the world, although not by building a society united by orthodox Calvinism. Politically-active residents, in addition to defining themselves locally, now also labeled themselves as either adherents to Leisler's political views or opponents of them. Governors of late seventeenth and early eighteenth century New York would seek, to varying extents and for varying reasons, to reconcile these factions. Their success would depend mostly on the uncontrollable and unpredictable vicissitudes of European politics.

⁴⁵ According to Jamison's "A Letter from a Gentleman of the City of New-York, 1698," "the said Leysler proceeded to make War against . . . the Kings Forces, and fired a vast Number of great and small Shot in the City, whereby several of his Majesties Subjects were killed and wounded as they passed in the streets upon their lawful Occasions, tho' no Opposition was made on the other side." Andrews, 369. In 1664 and 1673, the arrival of soldiers in New York Harbor had resulted in peaceful political change, with the leader of the ousted government left unmolested by his successor. The shedding of blood eliminated any possibility of this precedent being followed in 1691, however.

⁴⁶ "At a Council held at ffort William Henry March the 24th 1690," E. B. O'Callaghan, ed., *Documentary History of the State of New York*, vol. 2 (Albany: Weed, Parsons & Co., 1849), 262 (26 March 1691). The court of oyer & terminer consisted of Robert Robinson, William Smith, William Pinhorne, John Laurence, Jasper Hicks, Richard Ingoldsby, John Young, and Isaac Arnold: all individuals whom Leisler had excluded from his administration.

Attempts to Unify After Leisler

Governors of colonial New York, like their Dutch predecessors, sought a unified province because with it came an opportunity to exert increased control over the populace. Control was vital if they were to oppose the French and make money for England, the reasons why the Duke of York had ordered the colony seized in 1664. By the first decades of the eighteenth century, the non-contiguous settlement and varied ethnic backgrounds of New Yorkers made it difficult, but not impossible, for governors to achieve these dual goals.⁴⁷ Culturally diverse peoples sharing a common political system will often allow themselves to be led by a unifying figure who displays strength, exercises patronage, and keeps the polity safe from outside threats.⁴⁸ Invested with authority and social standing commensurate with the challenges they faced, Fletcher and his early eighteenth-century successors had the influence necessary to blanket the province with common purpose. Any forced unity they managed to achieve was temporary, however: once the blanket was removed, uncovered New Yorkers reverted back to living communally.

Fletcher tried to diffuse tension in the colony by pressuring lax practitioners of the Dutch Reformed faith to attend Dutch services hoping, by doing so, to win the favor of the Church's anti-Leislerian ministers. He proved successful in at least one case, causing Dutch Reformed

⁴⁷ At the beginning of the eighteenth century, few people lived along the 150 miles of river between Albany and the City of New York. In 1698, only 2,666 men, women, children, and "negroes," or 15 percent of the province's total population, inhabited the Hudson Valley. Albany County added another eight percent. The remaining seventy-seven percent resided in New York, Kings, Queens, Richmond, and Suffolk counties. An Account of the Number of Inhabitants in yet Severall Counties of ye Province of New York taken by the High Sheriffs and Justices of Peace in each respective County; as p order of His Excell. The Earl of Bellomont Governr &c. anno 1698, in E. B. O'Callaghan, ed., *Documentary History of the State of New York*, vol. 1, arranged under the direction of Christopher Morgan (Albany: Weed, Parsons & Co., 1849), 44.

⁴⁸ In *Duke's Province*, Ritchie correctly sates that imperial rule worked in New York only "if there was a strong governor, such as Andros . . . When there was not, [however,] the colony fell into its constituent parts, each trusting its own local government and going its own way." Ritchie, 163.

domine Rudolphus Varick to exult that “I now receive more of my salary, and that one half of the congregation comes to church.”⁴⁹ When Dutch parishioners on Manhattan petitioned the governor to incorporate their church, Fletcher obliged them.⁵⁰ Although not personally tolerant,⁵¹ the governor abided by his instruction from King William “to permit a liberty of Conscience to all persons (except Papists),” likely understanding that refusing to sanction churches would win him unneeded enemies.⁵² Incorporation, like land grants, offered financial advantages and political freedoms as quid pro quo for recognizing the governor’s control of the province. For a negligible quit rent – twelve shillings a year for the Dutch Church, one peppercorn for the Anglican – the ecclesiastical bodies could tithe members, sue and be sued, and conduct commerce.⁵³ The governor, meanwhile, became someone who supported the religious welfare of his majesty’s subjects: for very little cost, he could look good to brokers of power on both sides of the Atlantic.

Incorporation did not win Fletcher the acclaim he sought. New Yorkers cared about more than the recognition of churches and the governor’s other executive decisions gave them cause to view him with contempt. Some of the governor’s actions upset significant portions of the colonial population while others succeeded in alienating almost everyone who lived in the province. By failing to appoint a naval officer and applying the Navigation Acts selectively, for

⁴⁹ Rev. Rudolphus Varick to Classis of Amsterdam, 9 April 1693, *Ecclesiastical Records*, vol. 2, 1048-53.

⁵⁰ Petition of the Reformed Dutch Church of New York City for a Charter, 19 June 1695, *Ibid.*, 1127-28; The Ecclesiastical Charters of the Dutch Reformed Church, 1696, *Ibid.*, 1136-65.

⁵¹ Fletcher’s successor, Richard Coote, the first Earl of Bellomont, wrote to London that “the late Governor made advantage to divide the people by supposing a Dutch and English interest to be different here.” Bellomont to the Lords of Trade, 22 June 1698, *Ibid.*, 1225. The accuracy of this statement is questionable: the easiest way to portray yourself as better than your predecessor is to cast aspersions on him.

⁵² Secret Instructions to Governor Fletcher, undated, *Ibid.*, 1033-34.

⁵³ The Ecclesiastical Charters of the Dutch Reformed Church, 1696, and English Church, 1697, *Ibid.*, 1136-65.

example, he not only sanctioned piracy but profited from it.⁵⁴ According to the convention of the day, a governor's personal gain was supposed to be an outgrowth of his corporate leadership.⁵⁵ Conversely, when a governor became rich at the expense of a colony, he distanced himself from those subject to his authority. Without popularity, the governor had little influence and, without influence, governors could not be profitable for long. Fletcher's response to this reality, taken before he incorporated the Dutch and Anglican Churches, was to choose sides in the Leislerian debate, support one faction at the expense of the other, and seek profits from this partial alliance. Since lax enforcement benefited trade, the livelihood of anti-Leislerian merchants, the governor gladly joined their camp. Albany – the heart of anti-Leislerianism – enjoyed the advantages that came with gubernatorial backing, especially the repeal of the Bolting Act, a law that had established Manhattan's monopoly on processing flour.⁵⁶ The repeal indebted wealthy New York merchants to the governor, as did his granting of thousands of Hudson Valley acres to them, a process which not only made him richer but also created a landed elite in New York society.⁵⁷ The benefits gained from these exertions of executive power could not be gifted to future governors, however. By the time Fletcher left office, New York had a propertied class but one whose loyalty was based on financial greed. Since it would be socially disruptive, not to mention illegal, to deprive landowners of property without cause, the only way that future governors could influence elites was to grant them more land.

⁵⁴ John D. Runcie, "The Problem of Anglo-American Politics in Bellomont's New York," *William and Mary Quarterly* 3, vol. 26, no. 2 (April 1969): 198, 203.

⁵⁵ Stanley Nider Katz, *Newcastle's New York: Anglo-American Politics, 1732-1753* (Cambridge, MA: Belknap Press, 1968), 28-31.

⁵⁶ Runcie, 204.

⁵⁷ For example, Fletcher granted Adolph Philipse his 205,000-acre Highland patent and Stephanus Van Cortlandt his 86,000-acre Manor of Cortland patent in 1697. *Ibid.*, 66.

Fletcher had another purpose for donating land: like the Dutch West India Company earlier in the century, he hoped to populate the largely-vacant expanse between Manhattan and Albany. Both defensive considerations and the allure of economic growth fueled this desire. Indian trouble as well as the difficulty inherent in organizing settlement ventures had initially kept the Hudson Valley sparsely populated.⁵⁸ Mohawks could have moved into the area in the 1670s but Andros, wanting to keep the Iroquois out of King Philip's War, persuaded them that doing so was not in their best interest.⁵⁹ By 1693, at the beginning of Fletcher's governorship, Orange County had "not above twenty families" living in it.⁶⁰ On the eastern side of the Hudson River, Dutchess County was still too small to have a government.⁶¹

In the late seventeenth century, the sparse population of the Hudson Valley distinguished it from Albany, dominated by those who engaged in the fur trade, and New York City, controlled by those who made their money from Atlantic trade. The farmers who did inhabit the Valley

⁵⁸ Willem Kieft, governor-general in the mid-1640s, had invited military conflict by taxing the fur trade and choosing to respond violently to Indian provocations. Later, under Stuyvesant's governorship, the Peach Tree War depopulated the Valley of both settlers and Indians. See Trelease, Chapter 3, "Governor Kieft's War," especially page 83; Chapter 6, "The Subjugation of the Algonquian," especially page 175; and Chapter 7, "The Submergence of the Algonquian," especially page 184.

⁵⁹ There are two historical interpretations of Andros's role in King Philip's War. According to Ritchie in *Duke's Province*, the governor's attempts to prevent the conflict from spreading to New York forced him to defend Dutch residents whom New Englanders had wrongly believed were selling muskets to Indians. By coming to the aid of the Dutch, the governor was, in effect, supporting diversity in his colony. Ritchie, 148-49. According to Stephen Saunders Webb, merchants in Albany sold muskets to Indians allied with King Philip but without the governor's knowledge. Stephen Saunders Webb, *1676: The End of American Independence* (1984; repr., Syracuse: Syracuse University Press, 1995), 365. To Webb, Andros's influence among the Iroquois, especially the Mohawks, saved New York from annihilation. *Ibid.*, 365-66. Although Webb is correct in crediting Andros for strong and effective military leadership, he misreads his influence among the Indians. If the governor could persuade the Iroquois to fight, then why could he not persuade them to refrain from selling weapons? Whatever the answer and whatever Andros's motivation, the Hudson Valley was not a hospitable place in the 1670s.

⁶⁰ Civil List of the Province of New York, *Documentary History*, vol. 1, 317.

⁶¹ *Ibid.*

grew the wheat that townspeople at both ends of the province consumed.⁶² Life in the Hudson Valley was agrarian, familial, and hierarchical, with the father as the head of a family unit comprised of his wife and almost as many children as the number of years he and his wife had been married. Production came from more than offspring: blacks plowed fields and harvested crops, providing the unpaid labor which permitted their owners to eke out a living.⁶³ Although most freeholders in the Hudson Valley housed the one or two slaves they owned in their own dwellings, they still considered them to be social inferiors.⁶⁴

Tenants as well as well as freeholders owned slaves. When Fletcher started donating land to wealthy merchants in order to accelerate the settlement of the Hudson Valley, the men these new landlords persuaded to sign leases engaged the slave market in New York City in order to maximize the acreage that they could reasonably till.⁶⁵ Tenantry was a buyer's market and those who agreed to work the land of another, although not possessing the clout needed to receive plots from the governor, could still afford to buy slaves and build a profitable farmstead.

Slaves in the Hudson Valley constituted a distinct and subordinate social class. Their labor became a significant part of the region's economic system and their status a foundation

⁶² By the middle of the eighteenth century, flour was the New York's chief export. Carl Lotus Becker, *The History of Political Parties in the Province of New York, 1760-1776* (Madison: University of Wisconsin Press, 1960; reprint, no. 286 of the Bulletin of the University of Wisconsin History Series, vol. 2, no. 1, 1909), 67.

⁶³ Slaves from Africa constituted a significant portion of the Hudson Valley population. In 1698, Westchester County had 146 blacks out of a total population of 1,063 (14 percent), Orange County had 19 blacks out of a total population of 219 (9 percent), and Ulster and Dutchess Counties (combined) had 156 blacks out of a total population of 1,384 (11 percent). An Account of the Number of Inhabitants in ye Severall Counties of ye Province of New York, *Documentary History*, vol. 1, 44.

⁶⁴ A. J. Williams-Myers, *Long Hammering: Essays on the Forging of an African American Identity in the Hudson River Valley to the Early Twentieth Century* (Trenton, NJ: Africa World Press, 1994), 3.

⁶⁵ The supply of slave labor in New York matched its demand, with traders bringing 2,395 slaves into the colony between 1701 and 1726. The majority of these blacks (1,573) came from the West Indies, suggesting that they were accustomed to a life of servitude in the fields. Number of Negroes Imported From 1701-1726, *Documentary History*, vol. 1, 707.

upon which the rest of the social order stood. As early as 1702, 33 out of Orange County's 268 residents (12 percent) were slaves.⁶⁶ These slaves all worked for individual farmers or tenants, with William Merritt possessing the largest slave labor force: four men, one woman, one boy, and two girls.⁶⁷ In Dutchess County in 1714, 31 out of the 445 residents were slaves (7 percent), with Baltus Van Kleck and Dirck Wessele each owning five human beings, tied for the highest number in the county.⁶⁸ In Westchester County, manors owned by the Morris and Philipse families housed slaves who answered to the landlord, not tenants. Twenty-three unpaid labors worked the Philipses' Upper Mills plantation in 1750, for example.⁶⁹

Slavery, common to all parts of New York save Long Island and the hinterland to the north and west of Albany, did not define the colony as it did for Virginia and Maryland. The institution did help establish the position of tenants in society, however. For example, when residents entered the Old Dutch Church in Sleepy Hollow, Philipsburg (Westchester County), for service, first in was the upper rank: the minister for the week, accompanied by the Philipse family and its friends. Next came tenants. Following them, at the bottom of the social order, were slaves and the ne'er-do-wells of the town.⁷⁰ Tenants accepted their social position not because of a premodern, religiously-derived understanding of how people should be ordered but because the agreements that shaped their lives – marriage, slave purchases, lease terms – dictated who was their superior and who owed them allegiance and respect.

⁶⁶ List of the Inhabitants in the County of Orange, 1792, *Ibid.*, vol. 1, 366-67.

⁶⁷ *Ibid.*

⁶⁸ A List of Inhabitants and Slaves in the County of Dutchess, 1714, *Ibid.*, 368-69.

⁶⁹ Denis J. Maika, "Encounters: Slavery and the Philipse Family, 1680-1751," chap. in *Dutch New York: The Roots of Hudson Valley Culture*, ed. Roger Panetta, with a forward by Russell Shorto (New York: Fordham University Press, 2009), 59-61.

⁷⁰ Edgar Mayhew Bacon, *Chronicles of Tarrytown and Sleepy Hollow*, illustrated, 2d ed. (New York: G. P. Putman's Sons, 1898), 43-44.

An hierarchical social system existed in political New York as well, although the factions which emerged after the Glorious Revolution influenced residents' willingness to subject themselves to the will of the governor. Richard Coote, the first Earl of Bellomont and Fletcher's successor as governor of the colony, held office from 1698, after the end of King William's War, to 1701, before the start of Queen Anne's War. After arriving in the province, he tried to secure his authority over the elite class – grown in number due to Fletcher's land-jobbing – by forming a council that included both Leislerians and anti-Leislerians. Unfortunately for the governor, attempting to unite the factions removed the one method by which a peacetime governor could exert influence. Despite their reprehension to the modern-day mind, favoritism and land granting were practicable ways by which someone empowered to act in the name of the monarch could direct policy and influence politics. Authorities from England, even those commissioned by the queen, had to adjust to the political realities of New York if they were to shape the colony so that it benefited the mother country. Since the province's localism was manifold, their best bet was to align their politics with one of the population's two meta-narratives: the Leislerianism of New York City merchants or the Anti-Leislerianism of Albany traders.⁷¹ Learning this lesson, Bellomont chose sides, broke a three-to-three split in his council, and, on 12 May 1699, dispossessed anti-Leislerians such as Col. Nicholas Bayard and Rev. Godfredius Dellius of land that Fletcher had given them in the Schoharie Valley.⁷² By the governor's untimely death in 1701, New York remained fractured politically, divided geographically, and segmented socially.

⁷¹ John D. Runcie argued that a "loose connection" existed between Tories and anti-Leislerians and Whigs and Leislerians. Runcie, 193. Even this cautious statement goes too far. Although each paring might have thought similarly, local, not imperial, events determined where one stood in New York politics.

⁷² Bellomont to the Lords of Trade, 12 May 1699, *Ecclesiastical Records*, vol. 2, 1296-97.

Despite possessing several advantages, Bellomont's replacement also failed to reduce New York's factionalism. Cousins with Queen Anne, England's new monarch as of March 1702, Edward Hyde, Viscount Cornbury, had the social standing to unify the colony; as an experienced military commander, he could lead troops against England's enemies.⁷³

Unfortunately, Cornbury faced entrenched opposition from proprietors such as Lewis Morris who used their political weight to limit his imperial reforms.⁷⁴ Cornbury's reputation suffered from these political attacks during his governorship and throughout much of the three-hundred years of intervening history that followed.⁷⁵

Even Cornbury's championing of the Anglican Society for the Propagation of the Gospel received little support from New Yorkers.⁷⁶ Established by William III in June 1701, the Society had the ultimate goal of converting English subjects to the official state religion.⁷⁷ In order to accelerate its efforts, William III instructed Cornbury to permit "no schoolmaster . . . to come

⁷³ Patricia Bonomi, *The Lord Cornbury Scandal: The Politics of Reputation in British America*, Omohundro Institute of Early American History and Culture (Chapel Hill: University of North Carolina Press, 1988), 47.

⁷⁴ Eugene R. Sheridan, *Lewis Morris, 1671-1746: A Study in Early American Politics* (Syracuse: Syracuse University Press, 1968), 61-62.

⁷⁵ Morris attempted to defame Cornbury by claiming that he wore women's clothes. Along with similar rumors by other enemies of the governor, this highly-unlikely perversion became historical truth before its recent debunking by Patricia Bonomi. Bonomi blames the political environment that antedated the party system in England (and America) for Cornbury's unfortunate reputation. See Bonomi, *Lord Cornbury*, 187.

⁷⁶ The Society for the Propagation of the Gospel eventually proved successful, influencing many New Yorkers over the course of the eighteenth century. When Cornbury first introduced the organization to the colony, however, he did so by licensing the English-friendly Bernardus Freeman instead the orthodox Henricus Beys to minister in Kingston. Perhaps remembering the Van Rensselaer affair, his council tried to convince him that the traditionally-educated domine held more legitimacy in the Hudson Valley. Cornbury chose not to follow his council's advice, thus handicapping the Society's efforts to win converts during its first years in New York. Journal of Domine Beys, January – March 1706, in Edward T. Corwin, ed., *Ecclesiastical Records of the State of New York*, vol. 3 (Albany: 1902), 1615-19. Cornbury did not share the collective memory of the colony and wrongly felt that legitimacy emanated from his office, not the remembered past.

⁷⁷ Extract from Charter of the Society for Propagating the Gospel in Foreign Parts, 17 June 1701, *Ibid.*, vol. 3, 1468.

from England and keep a school within this province without the license of the Right Rev. Father in God Henry, Lord Bishop of London.”⁷⁸ Once in New York, however, the governor agreed with his council that restricting the pool of new teachers to those who had been licensed by the Anglican Church made little sense in a colony separated from England by an ocean. Deviating from the king’s instructions, the governor signed an act of the general assembly which allowed Manhattan’s council to choose schoolmasters “for the time being.”⁷⁹ Local realities had trumped the recently-dead monarch’s desire to order the province.

Imperial authority was effective in colonial New York only when governors sold it as support for local agendas. Not commissioned by Queen Anne until 1710 – two years after Cornbury had departed – Robert Hunter inherited a colony still plagued by Leisler’s rending of political society. Although it took him several years, Hunter restored the power of the governorship to where it had been before Leisler’s Rebellion. He achieved this Herculean task by developing the Hudson Valley: populating the region with Palatine refugees, creating seats in the assembly for its counties and plantations, and placing his supporters in newly-created county posts. Sailing to the colony with more than three thousand displaced natives of central Europe, the newly-commissioned governor hoped to settle his fellow passengers in the under-inhabited regions of his province where they would produce tar for the royal navy until they had reimbursed the government for the cost of their passage.⁸⁰ Hunter would then grant each male

⁷⁸ Council Journal, 29 January 1702, *Ibid.*, 1509-10.

⁷⁹ *Ibid.*; An Act for Encouragement of a Grammar Free School in the City of New York, 27 November 1702, *Ibid.*, 1511.

⁸⁰ Between three and four thousand Palatinates survived the voyage and settled in New York. The Condition of Germans in New York, 20 August 1720, *Ecclesiastical Records*, vol. 3, 2168. This migration was the largest single transfer of civilian immigrants to America during the colonial period. Mary Lou Lustig, *Robert Hunter, 1666-1734: New York’s Augustan Statesman*, New York State Study (Syracuse: Syracuse University Press, 1983), 61. Presumably the idea of having Palatinates manufacture tar originated in England, when Hunter sought a way to make his resettlement scheme financially feasible. Although apprised of New York’s political problems and

refugee forty acres of land in the Schoharie Valley, exempting him from the need to pay taxes and quitrents for seven years.⁸¹ The project did not go as planned, however. Not only did Parliament fail to fund the transport and provision of refugees but laboring in supervised gangs proved distasteful to the Germans, causing them to protest and stop working.⁸² Having exhausted his financial credit in support of the endeavor, Hunter had no choice but to release the immigrants from their indentures.⁸³

One of the few New Yorkers to benefit from the arrival of Germans was Robert Livingston. The Hudson Valley landlord entered into an agreement with Hunter to victual refugees who settled on the west bank of the Hudson and accept those who came to his east bank plantation, the Manor of Livingston, as tenants.⁸⁴ Although Palatinates on Livingston's property did not rebel, they did not enjoy living under his authority. In a letter to Hunter dated 27 March 1711, a Mr. Cast summarized a conversation he had overheard among five Germans. According to Cast, the men agreed on four things: the good fortune of making it so close to where farmable land was available, faith that the English would defeat the French in Canada, their duty to work for the queen who had brought them to the New World, and their desire someday to be free of their commitment to her.⁸⁵ In their intimate conversation with each other, the five Palatinates

acutely aware of its geography, he either was informed incorrectly about its arboreal composition or assumed that trees in New York were similar to trees in Virginia.

⁸¹ Hunter planned to settle the Palatinates on land made available by Bellomont's 1699 Vacating Act.

⁸² Michael Kammen, *Colonial New York: A History* (1975; repr., New York: Oxford University Press, 1966), 178.

⁸³ Lustig suggests that money was not advanced to Hunter for political reasons. He was a Whig, Tories controlled Parliament, and the assembly recognized the governor's weak political situation. Lustig, 79.

⁸⁴ Contract between R. Livingston and Gov. Hunter, 13 November 1710, *Ecclesiastical Records*, vol. 3, 1872-73.

⁸⁵ Letter from Mr. Cast to Gov. Hunter, 27 March 1711, *Ibid.*, 1877-78.

revealed that they had agreed to settle in America not so they could supply the royal navy with tar, adjust the demographic balance of New York, or enhance Robert Livingston's power.

Instead, they had traveled across the Atlantic so that they could pursue an agrarian lifestyle in a location where they would be only minimally bothered by outsiders.

Hunter, who was as financially invested in his agenda as the Palatinates were personally invested in their situation, did more to establish the political importance of the Hudson Valley than to transplant refugees. In 1712 he appointed estate holders to judicial positions, creating the first provincially-controlled governments that these riverine counties had ever had. More importantly, he increased the political weight of the region by expanding its representation in the assembly. In March 1713, Hunter granted Dutchess County a representative; in May 1715, he gave it another. Later that year, he established two more seats: one for Orange County and one for Livingston Manor. By the end of 1715, Hudson Valley assemblymen, when combined with those from Albany County, accounted for nineteen seats, or half of the votes in the assembly.⁸⁶ The governor had already given the assembly purview over disbursing provincial monies as a *quid pro quo* for funding his government for five years; now he wanted it to reimburse him for expending his personal wealth on his settlement scheme.⁸⁷ By adding new seats to the assembly, he simultaneously bestowed a legislative voice to the region that he had helped populate and won favorable votes from those individuals he had appointed to the newly-created offices.⁸⁸

⁸⁶ In the seventh assembly, the last to be held before Hunter's arrival, seven out of twenty-two seats represented the Hudson Valley (thirty-two percent). Including Albany County, ten out of twenty-two seats represented northern New York (forty-five percent). In the twelfth assembly, which first met at the end of Hunter's governorship, Hudson Valley assemblymen filled fifteen out of thirty-eight seats (forty percent). Adding Albany, the region held nineteen out of thirty-eight seats (fifty percent).

⁸⁷ Lusting, 124-26.

⁸⁸ *Ibid.*

Hunter succeeded in imbuing New York with a unified purpose because he recognized local agency. Instead of using the instruments of his office to reward Leislerian or anti-Leislerian elites, he auctioned off some of his positional authority to right the financial standing of the colony and expanded the assembly in order to influence its decisions. Although the experiences of those living in New York's largest towns remained different – while Albany residents enjoyed several decades of peace after the Iroquois decided in 1701 to pursue a policy of neutrality in the Anglo-French conflict, Manhattan residents suffered rebellion when armed slaves killed nine whites trying to douse a fire in April 1712 – populating the Hudson Valley had increased the complexity of colonial politics in ways that benefited the governor.⁸⁹ Despite Hunter's political success, the unity that New York experienced at the end of his tenure was temporary, being based on conditions that affected the entire province, such as economic distress, and not on residents' shared conceptualization of who they were.

One of the reasons why New York was in such poor financial condition during much of Hunter's governorship was the accumulating expense of launching campaigns against the French during Queen Anne's War. Two unsuccessful attempts, one orchestrated by Cornbury in 1704 and another by Hunter in 1711, not only demonstrated the weakness of intercolonial unity but also stressed New York's ability to meet its pecuniary responsibilities. The war was generally unpopular in the colony due to its cost. Although merchants in New York City saw France as a political enemy and economic competitor, they did not want to sacrifice their wealth to defeat a threat that was not, at least at the time, all that threatening. Residents of northern New York were even less supportive of invasion attempts. Provoking the French made little sense to those

⁸⁹ By August 1718, Hunter's Germans, widows and orphans excluded, accounted for 499 residents east of the Hudson River and 272 residents west of the river. Another 680 refugees had settled in the seven townships of the Schoharie River Valley. Only 150 lived in and around the City of New York. An Account of the Families of Germans Settled on Hudson's River in the Province of New York, 1718, *Documentary History*, vol. 1, 692-93.

who would bear the brunt of any retaliation. Instead of campaigns, northern New Yorkers favored defensive measures such as fort construction and repair.⁹⁰ Whereas Cornbury and Hunter worked with New England governors to fight the queen's war, Albany merchants, undeterred by the violence and apprehension around them, upset New Englanders by continuing to trade with the French.⁹¹ Because they were imperial officials, Cornbury and Hunter sided with the pro-New England and anti-French view; because localities in their province were indifferent to imperial policy, their effective authority diminished.

Upriver communities similarly frustrated William Burnet, Hunter's successor as governor of New York. After the war ended in 1713, Albany merchants returned to buying furs openly from the French, transactions which Burnet believed not to be in Britain's best interests. When New Yorkers traded with the Iroquois, they purchased furs with gunpowder and cooking utensils: items which the British had access to, the French had difficulty obtaining, and the Indians did not manufacture. When New Yorkers traded with Europeans, however, no such dependency existed. Furthermore, the French who sold furs to Albany merchants purchased their pelts from Indians in the *pays de haunt*; their profit came not from trapping or access to consumers but from transportation. Burnet tried to remove the middle man – the Iroquois – by outlawing commerce with Canadians and establishing Fort Oswego so that his colonists could trade directly with tribes to the west of the Seneca. After Albany merchants complained to King George II, however, Burnet realized the futility of his plan and instead levied a double tax on pelts obtained through Britain's enemies. When this measure also failed, the king sent Burnet to Massachusetts in 1728 and rescinded all trade restrictions in New York the following year.

⁹⁰ Bonomi, *Lord Cornbury*, 169-70.

⁹¹ Patricia Bonomi, *A Factious People: Politics and Society in Colonial New York* (New York: Columbia University Press, 1971), 48-49.

The King moved Burnet to appease merchants in Britain, not because New Yorkers disliked the policies of their governor.⁹² Nevertheless, as the removal was the wish of those in the province who profited from trade with the Indians and the French, it looked like George II was responding to the displeasure of his colonial subjects.⁹³

Evidence of a political agency among residents was abundant in colonial New York during the four decades following the province's inclusion in the Dominion of New England. Leisler had elevated himself to the governorship based on the belief, mistaken though it was, that England's new monarchs wanted their colony managed by someone ardent in his propagation of orthodox Calvinism. Cornbury, not a popular governor, was jailed by his creditors – in New York – after leaving office. Even Hunter, who ended his time in office after a long but successful struggle to gain control of the colony's governing apparatus, had to surrender his power of disbursing the king's monies to the assembly in order to be politically effective. Add Burnet's removal to this list and the contemporary observer could not but recognize the primacy of local matters in determining political outcomes. The governor and his provincial officials had authority but were subject to both events in Europe and local factions at home.

⁹² Kammen, 194. The king replaced Burnet with Montgomerie, "a man of few convictions who unhesitatingly abandoned Burnet's contest with the local fur interests in favor of an alliance with their political leaders, the Philipse and DeLancey families." Katz, 22.

⁹³ According to Brendan McConville, the love colonists expressed for their sovereign increased after the Glorious Revolution because of their overt Protestantism and ignorance of the role Parliament had played in inviting William and Mary to rule the kingdom. A combination of religion and rituals bonded provincial subjects to their ruler and reinforced social and political hierarchy. Love of king survived pressures such as population growth and limited patronage because it was amorphous: every group that sought justice in colonial America believed that it did so with royal approval. Brendan McConville, *The King's Three Faces: The Rise & Fall of Royal America, 1688-1776*, Omohundro Institute of Early American History and Culture (Chapel Hill: University of North Carolina, 2006).

The Rise of Local Government as the Primary Means of Social Organization

During the fourth decade of the eighteenth century, demographic and political developments began to change the way that communities related to the provincial government. As the generation that had divided over Leisler's attempt to force a protestant-based unity on the colony expired, its children found reasons to segment themselves from each other that were not religiously or ethnically based.⁹⁴ The emergence of new ways to define otherness had much to do with the assimilation of Dutch New Yorkers to English legal customs, language, and culture.⁹⁵ Also important were the immigrant populations that arrived to the colony in great numbers, almost tripling New York's population in the first third of the eighteenth century.⁹⁶ The Hudson and Mohawk River Valleys received a disproportionate share of this growth, as settlers established new communities on the frontier in order to avoid oversight from the small and overwhelmed provincial government.⁹⁷ These settlements had the additional destabilizing effect of nurturing leaders who were not versed in the hierarchical relationship that connected farm to landlord to governor. Helping to open the hinterland was the three decades of peace with

⁹⁴ According to Joyce Goodfriend in *Before the Melting Pot*, "it was not until the mid-eighteenth century . . . that other forms of social identity superseded ethnicity" in New York. Goodfriend, 7.

⁹⁵ One reason for this cultural shift was the missionary work of the Society for the Propagation of the Gospel in Foreign Parts. The society had several significant successes, most notably persuading the French congregation in New Rochelle to adapt Anglican practices. Col. Heathcote to the Society for Propagating the Gospel, Manor of Scarsdale, 13 Jun 1709, *Ecclesiastical Records*, vol. 3, 1751.

⁹⁶ In 1698, 18,067 people lived in the province. An Account of the Number of Inhabitants in ye Severall Counties of ye Province of New York taken by the High Sheriffs and Justices of Peace in each respective County; as p order of his Excell. the Earl of Bellomont Governr &c. anno 1698, *Documentary History*, vol. 1, 44. In 1731, 50,289 residents called one of New York's ten counties home. Abstract of the Accounts of the Number of Inhabitants of the Several Cities and Counties in the Province of New York, 2 November 1731, *Ibid.*, 694.

⁹⁷ Douglas Greenberg, *Crime and Law Enforcement in the Colony of New York, 1691-1776* (Ithaca: Cornell University Press, 1976; Fall Creek Books, 2011), 213.

France that followed Queen Anne's War.⁹⁸ Imperial neglect during this period did more to further the independence of towns and regions than it did for the province as a whole.

As New York's population continued to increase throughout the mid-eighteenth century, settlements bridged the northern and southern sections of the colony and new wars with France promised to unify the entire population. The concord that emerged from these developments was one based on opposition to Parliamentary measures such as the Stamp and Tea Acts. Since resistance required organization, disenchanted but influential residents formed extralegal committees that claimed to speak for residents. Necessarily local, these assemblages erected shadow governments after the Battles of Lexington and Concord in Massachusetts on 19 April 1775 and ushered New York into a state of military conflict with the British Empire.

Before Parliamentary restrictions began to affect the outlook of individual New Yorkers, politics subjected the hierarchical relationships that governed life among the elites of the colony to stress. An early manifestation of this disunity occurred in late 1732 when William Cosby, the new governor of New York, instructed his council to collect half of the salary paid to Rip Van Dam, acting governor for the thirteen months between Cosby's appointment and his arrival in the colony.⁹⁹ Although nonresident governors had collected salaries before, Van Dam had no desire to surrender his income to someone whose claim to the earnings was based on custom and position, not services rendered to the crown. Cosby's reaction to Van Dam's refusal was to ask the colony's Supreme Court to sit as an equity chamber and hear his case. This request pitted the new governor against both his assembly, which claimed that only it could call chancery courts into session, and Lewis Morris who, as chief justice, would hear the case but as interim governor

⁹⁸ A lack of epidemics during the first decades of the eighteenth century also helped the population of colonial New York grow. Goodfriend, 134.

⁹⁹ Katz, 63.

of New Jersey, a job that he held concurrently with his New York office, would suffer the same financial loss as Van Dam.¹⁰⁰ By splitting political society into those who believed that laws emanated from executive authority and those who believed that they reflected the accumulation of legal precedents, the Van Dan Affair weakened the governor's ability to influence New Yorkers who disagreed with him.¹⁰¹

Crosby further segmented New York political society when he ordered John Peter Zenger, the publisher for the *New-York Weekly Journal*, imprisoned for libel. Although released from jail after a jury decided that printing the truth was not libelous, Zenger's fate mattered less to the future of New York than did the polarizing effect that his case had on the colony's political society. Members of this privileged class cared for their social and political standing and positioned themselves on issues like the Zenger trial in ways that advanced their reputations. Lewis Morris, in particular, desired to maintain the rights, position, and superiority of the landowning class in New York and New Jersey, a stance which sometimes had him attacking governors and sometimes, especially when he himself governed New Jersey, supporting them. His *volte-faces* were not unique; self-interest made other New Yorkers change factions depending on the issue of the day.¹⁰²

The politics of colonial New Yorkers, both well-born and marginally-privileged, are best understood by considering the conditions affecting their lives. Daniel Hulsebosch, in his valuable *Constituting Empire*, has posited the idea of multiple constitutions to identify what the populous thought and why. His first grouping is the imperial agents, or those individuals who

¹⁰⁰ Bonomi, *A Fictitious People*, 108-110.

¹⁰¹ Katz, 70.

¹⁰² James DeLancey also switched factions due to personal interest. Sheridan, 205.

sought to establish New York as a legal entity by defining its position in the empire.¹⁰³ His second classification is the creole elites: traders and landowners from northern New York and merchants and lawyers from southern New York who sought colonial improvement and the protection of their liberties.¹⁰⁴ Hulsebosch's third grouping had the potential to change New York socially and affect it politically. Comprised mostly of white farmers who possessed little property, members of this grouping migrated from jurisdiction to jurisdiction and largely avoided contact with the provincial government.¹⁰⁵ They not only lived more independently of provincial control than had their colonial ancestors but they also moved to the frontier in large enough numbers to create insular towns and communities.

The settlements of new immigrants in New York's marchland kept localism the defining characteristic of New York politics in the decade following Cosby's death in office. George Clarke, acting governor from 1736 to 1743, used his position to increase his wealth, oftentimes at the expense of the royal authority he was supposed to embody.¹⁰⁶ His placement of self and wealth above the need to expand New York's government weakened the office of governor and the defensive posture of the colony. Of course, strengthening the province was not the goal of someone who lacked a commission from the king, would uproot his family a few years after the arrival of his replacement, and would live the rest of his life in England. Failure to provide

¹⁰³ Hulsebosch, 76.

¹⁰⁴ Ibid. For the importance of lawyers in mid-eighteenth century New York, see Milton M. Klein, "The Rise of the New York Bar: The Legal Career of William Livingston, *William and Mary Quarterly* 15, no. 3 (July 1958); 334-58, especially page 335.

¹⁰⁵ Hulsebosch, 76.

¹⁰⁶ According to Katz, Clarke desired neither to strengthen the governorship nor to promote the interest of a certain faction. Instead, personal interest motivated the British official. Katz, 147. When he left the post of governor, he was a richer man and New York a poorer province. Even though he governed in a time of peace, provincial expenditures were twice that of revenue by the time that he left office. Smith, *History of New-York*, vol. 1, 454.

effective law and order over the marchland population, a development well traced in Douglas Greenberg's *Crime and Law Enforcement in the Colony of New York, 1691-1776*, did not prove catastrophic during Clarke's years as acting governor because, despite a slave uprising in New York City in 1741, he had the fortune of holding office during a time of general peace.

Attempts by Clarke's successor to solidify the governor's control over New York politics failed for two reasons: James DeLancey and King George's War.¹⁰⁷ Upon arriving in the colony, George Clinton relied heavily on the chief justice for knowledge of the workings and personalities of the province.¹⁰⁸ Clinton felt that he had to trust someone; DeLancey, knowing the benefits that a close relationship with the governor can bring, was eager to please. The chief justice also knew that, in New York, provincial politics could end a governor's time in office. With this in mind, he began subversively to support opposition interests.¹⁰⁹

New York's involvement in King George's War openly sundered the Clinton-DeLancey relationship. As a member of the Manhattan merchant class, the chief justice feared that taking an active role in the conflict would affect the colony's commerce negatively. Because they lived within reach of the French, residents of Albany displayed a similar disinterest in military conflict, supporting defensive – and less expensive – measures such as raising militias; securing Indian support; and strengthening fortifications at Oswego, Saratoga, and Albany instead of offensive campaigns.¹¹⁰ Likewise, landowners and tenants in the Hudson Valley generally saw

¹⁰⁷ Katz, 171.

¹⁰⁸ Ibid., 165.

¹⁰⁹ Ibid., 171.

¹¹⁰ Smith, *History of New York*, vol. 1, 461-66.

no benefit in fighting France.¹¹¹ For one of the few times in the history of colonial New York, most of the province agreed on a political issue. Unfortunately for Clinton, that agreement contradicted the interests of the crown.

Opposition to the governor lasted throughout the war, was expressed in assembly meetings and centered on two issues: invading Canada and paying for the war. Disagreement stemmed from the tension between imperial and local viewpoints. Clinton wanted not only to defend the frontier but also to defeat the French. He sent cannon to Georgia and Massachusetts and, after receiving instructions from Newcastle on 9 April 1745, requested that the assembly fund a campaign north down Lake Champlain. Unless the troops and money needed for such an expedition came from Britain, however, the assembly favored using the colony's scarce resources to pay for rangers, build block houses, and supply soldiers at outposts such as Fort Oswego. Arguments over which policy to pursue became accusations of ineptitude after Indians under French sway "depopulated" settlements at Saratoga on 28 November 1745 by burning houses, murdering men, and capturing women and children.¹¹² The assembly blamed Clinton for withdrawing troops and Clinton blamed the assembly for not voting funds to support outposts.¹¹³ Throughout the war, Clinton never succeeded in launching an invasion. Even when a regiment arrived from Britain and – through the impressment of wagoners – made its way to Albany, disputes over salaries and supplies prevented it from being sent northward.¹¹⁴ Interpreting the

¹¹¹ According to Katz, Philip Livingston was an exception, believing that war would secure his property which, being in Albany County, was more vulnerable to attack than other Hudson Valley lands. Katz, 181.

¹¹² Smith, *History of New York*, vol. 1, 476.

¹¹³ William Smith, Jr., *History of the Province of New-York, Volume 2: A Continuation, 1732-1762* (1824; reprint ed. Michael Kammen (Cambridge, MA: Belknap Press, 1972), 93, 98.

¹¹⁴ The assembly had passed laws authorizing the governor to impress artificers, horses, wagons, carpenters, joiners, and sawyers. Smith, *History of New York*, vol. 1, 488; Smith, Jr., *History of the Province of New-York*, vol. 2, 78.

impasse as intentional obstruction by New York City traders and Albany merchants, the governor refused to prosecute the war until the assembly performed the duties that the king expected of it.¹¹⁵ Although news of the Treaty of Aix-la-Chapelle lessened the animosity between the governor and assemblymen, calmed relations were due also to Clinton's fear that word of his unpopularity would occasion his recall to England.¹¹⁶

New Yorkers remained passive about opposing the French throughout the first half of the 1750s, despite the troubles that a young George Washington was having preventing their encroachments into land claimed by Virginia. This lack of concern was expressed in 1754 when, at the behest of London's Board of Trade, representatives from the northern colonies met in Albany to discuss how they could protect themselves against King Louis XV's Indian allies. Discounting the threat posed to their colony, Lt. Gov. James DeLancey and Indian trader William Johnson, New York's leading delegates to the conference, devoted their time and influence to propagating opposing means to achieve the same goal. DeLancey, a merchant in league with Albany traders, used the conference to push for the several colonies to fund construction of two new forts on the frontier, as well attempt to solidify his – and his province's – role in negotiating with the Iroquois.¹¹⁷ Johnson, for security, economic, and personal reasons, wanted to be the sole authority through which the Empire spoke to Iroquois nations.¹¹⁸ Both leaders desired a defensive posture on the frontier in which the Iroquois helped protect New York from French invasion.

¹¹⁵ Clinton's claims: Smith, *History of New York*, vol. 1, 499; and Smith, Jr., *History of the Province of New-York*, vol. 2. Clinton's refusal: Smith, Jr., *History of the Province of New-York*, vol. 2, 90.

¹¹⁶ Smith, Jr., *History of the Province of New-York*, vol. 2, 113.

¹¹⁷ Timothy J. Shannon, *Indians and Colonists at the Crossroads of Empire: The Albany Congress of 1754* (Ithaca: Cornell University Press, 2000), 105-6, 131, 145, 158.

¹¹⁸ *Ibid.*, 151, 172-73.

DeLancey and Johnson, a second-generation merchant from New York City and an Anglo-Irish plantation owner living on the province's northwest frontier, represented colonial unity only in that they both saw the presence of Indians at Albany as a chance for self-advancement. Such individualistic attitudes were the norm for the province. Unlike Massachusetts, where the myth of Plymouth and the Puritanism of the Massachusetts Bay defined who one was, New York had no formative narrative with which to imbue a collective sense of belonging in its residents. During King George's War, counties from as far away from the northern frontier as Suffolk joined in the defense against the French and their Indian allies but their participation signified a common position on the war, not a common identity. After its conclusion, New Yorkers reverted to living their localized lives and felt indifferent about the need to cooperate with anyone outside of their own communities.

Fear replaced apathy, however, when a French and Canadian expedition led by the Marquis de Montcalm took Fort Oswego, on the eastern shore of Lake Ontario, in August 1756 and Fort William Henry, at the head of Lake George, a year later. French possession of these posts not only imperiled New Yorkers' economic livelihoods but also threatened their relationship with the Iroquois and made occupation a conceivable reality. Residents needed imperial help in order to avert segmentation and dissolution, receiving it when Maj. Gen. James Abercromby, Prime Minister William Pitt's choice to replace the much disliked Earl of Loudoun as commander of British forces in North America, focused his campaign on New York. Although Abercromby impaled his army against Montcalm's fortified lines at Ticonderoga, Jeffrey Amherst, his replacement, kept New York the center of the war and lower Manhattan the headquarters of British forces.¹¹⁹

¹¹⁹ Amherst operated out of New York because Pitt instructed him to invade Canada from the province in 1759 and 1760. Fred Anderson, *Crucible of War: The Seven Years' War and the Fate of Empire in British North*

New York's insular nature was a result of settlement patterns and the different lenses through which its residents viewed the world around them. It was not a design intended to secure the province from attacks by a foreign power such as France. The presence of Britain's traditional enemy in Canada did not normally force communities to act in concert because the distance between Albany and Montreal and the intervening Iroquois meant that colonists of different European heritages did not normally have to interact with each other. In the eighteenth century, only in times of war did the French and their Indian allies pose a threat to the lives and livelihoods of New Yorkers, as the destruction of Saratoga during King George's War illustrated. Even this attack, for all of the dislocations that it caused, did not permanently unsettle the frontier population. A raid committed by hostile Indians, it was seen as a disastrous but temporary and precedented disruption of frontier existence. The reductions of Forts Oswego and William Henry, on the other hand, struck a pervasive and intense fear in New Yorkers. These assaults were European-style maneuvers viewed by inhabitants as preliminaries to occupation. As divided as residents of the colony were, none wanted to be controlled by French Catholics.¹²⁰ The concept of New York became less fragile during the final French and Indian War because residents faced a common enemy.

Invasion by the French did not unify the northern and southern regions of the colony for long. With the war won and the threat posed by the French and hostile Indians all but

America, 1754-1766 (2000; repr., New York: Vintage Books, 2000), 310, 387. Wolfe's capture of Quebec in 1759 had anchored both the general's and the prime minister's focus; a shared desire to finish what had been started dictated operations and kept New York the main theater of war during the following year. New York City, through which the theater's line of communication ran, presented a logical location from which to organize the defense of America after the successful Canada campaign. *Ibid.*, 719-20.

¹²⁰ Ned C. Landsman, *Crossroads of Empire: The Middle Colonies in British North America*, Regional Perspectives on Early America, ed. Jack P. Greene and J. R. Pole (Baltimore: Johns Hopkins University Press, 2010), 183-84.

eliminated, the population of the province's frontier grew rapidly.¹²¹ Expansion far exceeded the ability of the legal apparatus upon which hierarchical order was based to incorporate new peoples and, more importantly, new communities.¹²² Previously, the governor and his council, through sheriffs and justices of the peace, exerted influence, if not control, over frontier peoples. With growth came inept constables, ignorant judges, and lengthy periods between accusation and conviction.¹²³ The lack of law enforcement in some areas and the lack of effective law enforcement in other areas distanced residents from the provincial government and strengthened communal ties.

The mobility of a growing population made it difficult for New York's mid-eighteenth century governors to control their province. The French and Indian War had unified New Yorkers behind the fear of French domination. With the removal of security concerns, however, migrants had little need to look past their neighbors for help or counsel.¹²⁴ The mobility of colonists in general and New Yorkers in particular is important to Daniel Hulsebosch's explanation of the assault on imperialism. He overstates its significance, however, when he writes that marchland residents "were loyal foremost to the freedom of movement, ignored jurisdictional claims, and laughed at the face of those titled."¹²⁵ New Yorkers could escape provincial jurisdiction but could be free of neighborhood influences only if they established a

¹²¹ In the fifteen years between the 1756 and 1771 censuses, the total number of white residents in New York increased by more than two thirds, from 83,223 to 148,124 (78 percent). Albany County, which included the entire northern frontier at the time, accounted for much of that increase, expanding from 14,805 to 38,829 (162 percent). General List of the Inhabitants in the Province of New York, Extracted from the Returns of the Sheriffs of the Several Counties, in the Pursuance of Warrants to Them, Dated 16th February 1756, *Documentary History*, vol. 1, 696; List of Inhabitants in the Several Counties in the Province of New York, taken in the year 1771, *Ibid.*, 697.

¹²² Greenberg, 213.

¹²³ *Ibid.*, 217.

¹²⁴ Hulsebosch, 143.

¹²⁵ *Ibid.*, 103-4.

self-sustaining farmstead far in the colony's interior. Their existence was not lawless, it was local. If the common farmer were indifferent about penalties for squatting, which he could be if the owner of his land resided in New York City, why would he be concerned about the common law, a topic that Hulsebosch claimed interested all subjects of the British Empire?¹²⁶ Moreover, if Hulsebosch's argument is accepted fully, why would a farmer, when faced with the threat of eviction, not just remedy his situation by moving to uninhabited land beyond the reach of the provincial government? Inconveniencies and violations of the understood legal order cause people to protest. Only fear and feelings of helplessness can incite rebellion among a migrant people.

The French and Indian War weakened the provincial government in another way. Before 1756, governors had commanded several companies of British soldiers. Although varying in number and largely ineffective at protecting the population from external threats, the troops represented both a symbolic and a physical manifestation of executive authority.¹²⁷ With the headquartering of Maj. Gen. Thomas Gage in New York City, an imperial officer who could not only assume command of this small force but also wield far-reaching military power resided in the same town from which post-war governors would try to exert influence. During the war, the appointment of serving officers – Admiral Sir Charles Hardy and Lt. Gen. Robert Monckton – as governor, as well as the population's desire for military strength, had mitigated jurisdictional conflicts. After Pontiac's Rebellion and Parliament's restriction of westward settlement in 1763, however, Gage withdrew eight-thousand soldiers from the frontier and stationed them in Boston

¹²⁶ Ibid.

¹²⁷ Governors officially lost command of the companies in 1752 but it was not until a British army officer arrived in New York City four years later that this transfer occurred. Stanley McCrory Pargellis, "The Four Independent Companies of New York," in *Essays in Colonial History, Presented to Charles McLean Andrews by his Students*, Essay Index Reprint Series (1931; repr., Freeport, NY: Books for Libraries Press, 1966), 116-19.

and New York City where he could control them and they could control an increasingly restless colonial population. Now, despite the theoretical separation of political and military spheres, the instrument of Gage's power – troops – was more visible and appeared more effective than the instruments of the governor's power – sheriffs, judges, and (sometimes) powerful landlords. Sir Henry Moore, who became the commissioned governor in 1765, at the end of the French and Indian War, faced a situation in which his law enforcement apparatus was weak, residents were not looking for help from the provincial government, and authority appeared militarized.

Moore had not yet arrived in New York when its residents learned that Parliament had imposed the 1764 Sugar and 1765 Stamp Acts. The Sugar Act mandated that admiralty courts enforce a three-pence-per gallon tax on molasses, a levy that merchants in New York City believed would ruin them. The Stamp Act affected both rural and urban New York. According to this broad-ranging regulation, colonists had to pay a surcharge on everything from commercial and legal documents to cards and dice.¹²⁸ Resistance came from all elements of New York society because all elements of New York society were affected.¹²⁹ Lt. Gov. Cadwallader Colden, the ranking executive authority in the colony, did not distribute the stamps when they arrived on 22 October, instead instructing the mayor to keep them under lock and key until the newly-appointed governor arrived to assume responsibility for their disposition. Although the reason for Colden's reluctance is unknown, his decision might have been influenced by rioters who burned him in effigy and destroyed his property.¹³⁰ Delaying put Colden in league with the

¹²⁸ "The New-York Pocket Almanack For the Year 1766," Evans Digital Archive, Early American Imprints, ser. 1, no. 10077. See also Edmund S. and Helen M. Morgan, *The Stamp Act Crisis: Prologue to Revolution*, 2d ed. (New York: Collier Books, 1962), especially chapters three and five.

¹²⁹ Even the "strongly conservative" assembly opposed the act, approving measures proposed by the Stamp Act Congress to oppose the legislation. Becker, 40.

¹³⁰ *Ibid.*, 34.

New York populace, albeit temporarily and for reasons at variance with his duty-bound proclivities.

Moore arrived in November along with a second shipment of stamps. Although an experienced administrator, the new executive found himself in a weak position. Not only had the war increased military authority in the colony but it had also strengthened the assembly's influence and vigor, a fact which the governor learned when he tried to prevent the renewal of legislation which permitted "justices of the Peace, mayors, Recorders and aldermen to try causes to the value of five pounds" in the counties, towns, and communities in which they lived.¹³¹ Because this empowerment emanated from an elected body, Moore could neither influence the local officials who exercised it nor remove them from office.¹³² He could prevent the assembly from meeting but proroguing it would eliminate the vehicle through which every governor since Hunter had been able to effect change. Disbanding it was also problematic: nothing guaranteed that the voting public would elect representatives more responsive to the governor's will than those who they would replace.

More troubling for the new governor, however, was violence east of the Hudson River between farmers who banded together in order to oppose the legal authority of the colony and tenants loyal to their landlords.¹³³ When mobs led by William Prendergast, a disenchanted

¹³¹ Moore to Shelburne, 1 October 1767, in E. B. O'Callaghan, ed., *Documents Relative to the Colonial History of the State of New York; Procured in Holland, England, and France by John Romeyn Brodhead, Esq.*, vol. 7 (Albany: Weed, Parsons, and Company, 1856), 978-80.

¹³² Ibid.

¹³³ Current-day scholars disagree over what caused the land riots. In *Agrarian Conflicts in Colonial New York, 1711-1775*, Irving Mark argued that they occurred because tenants felt exploited, especially when they compared themselves to Massachusetts freeholders. Michael Kammen, viewing events through an economic lens, suggested in *Colonial New York: A History* that squatters and the indigent caused rent troubles by claiming the same land as landlords. Sung Bok Kim focused on provincial governments, asserting in *Landlord and Tenant in Colonial New York* that economic and political competition between New York and Massachusetts was to blame for what was, in essence, a territorial dispute. Edward Countryman, in *A People in Revolution*, connects uprisings in the Hudson Valley with the political unrest in lower Manhattan. Most recently, in *Land and Liberty: Hudson Valley*

tenant, and Robert Noble, a Massachusetts settler, forced loyal tenants from their farms, manor lords, needing more than the protection of local courts, requested help from Moore. Fearing that the unrest would spread, the governor ordered Albany County Sheriff Harmanus Schuyler to recruit 105 men and suppress an uprising on the Van Rensselaer manor.¹³⁴ When this attempt at quieting the unrest failed, Moore requested help from Gage. Gage responded by sending the 330 men of the 28th Regiment to the Philipse Patent (southern Dutchess County) and 100 men from the 46th Foot to Livingston Manor.¹³⁵

Moore's need to use military force illustrated how weak governors had become since the start of King George's War. For three quarters of a century, governors had embodied monarchical authority. All imperial decisions, whether economic, social, or military, were theirs to make, in accordance with instructions given to them by the king and his ministers. During King William's and Queen Anne's Wars, governors had mobilized and funded expeditions without the help of the mother country. Excepting a slave uprising in New York City in 1712 and the suppression of another in 1741, however, no internal unrest had caused as much bloodshed in Britain's century-long control of New York as did the agrarian tumults of the 1760s. Even Leisler's Rebellion, for all that it upset the political and social order of the colony,

Riots in the Age of Revolution, Thomas J. Humphrey has contended that the riots occurred because certain members of society – poor whites, blacks, Indians – failed to win acceptance for their claims in New York courts. According to him, the unrest was too complex to be attributed to just a border dispute between colonies. Humphrey is correct in recognizing the multiplicity of reasons for disgruntlement in the Hudson Valley but incorrect in viewing those reasons as the underlying cause of rebellion. The key historical question that needs to be asked in order to understand the uprising is whether a tenant or farmer felt that he was at risk of losing the land that he tilled. Many things will impel someone to oppose a situation which he thinks unfair. Only a deeply-held fear – such as not being able to provide for one's family – will incite rebellion.

¹³⁴ Schuyler and his posse engaged sixty rioters in an inconclusive exchange of fire that left four dead and many wounded. Bonomi, *A Factious People*, 222-23.

¹³⁵ Anderson, 722.

had resulted in the death of only two colonists. Although not revolutionary, the rent riots contributed to the dissolution of imperial authority in the province.¹³⁶

Moore tried to restore order by making everybody happy. First, in order to preempt criticism, he immediately apologized to Secretary of State Henry Seymour Conway for what he had done and credited the king's troops, not his own assertiveness, for restoring peace.¹³⁷ Knowing that local interests could weaken his position within the colony but uproot him from his post only by going through London, he was quick to reassure the ministry that he was no tyrant. He then exploited the hierarchical social structure of the Hudson Valley by informing rioters that they could have their case heard in the province's circuit court. As litigation heard in these judiciaries favored established white claimants such as Stephen Van Rensselaer II, this apparent judicial balance not only appeased landlords but did so in a way that established the province as the level of government at which problems were solved.¹³⁸ It also framed the uprising as a property-rights issue, a position behind which the entire Hudson Valley population – to include most renters – could align.

Moore was supported in this attempt by colonists who knew the importance of propriety in determining the political and social order. For example, in the City of New York, "A Son of Liberty" wrote a broadside in 1765 lambasting protestors in Dutchess and Westchester Counties. According to the author, those who resisted authority did not understand true liberty. By fighting to be exempt from contracts that they had voluntarily entered into, protestors risked weakening

¹³⁶ The organization of the rent rioters into bands led by committees – what Greenberg observed as requiring "far more planning and organization than" urban riots – is less evidence of a revolutionary mentality among New Yorkers (Countryman's thesis) than the natural reaction to having the security of one's property called into question by distant authorities. Greenberg, 148; Countryman, 40-41.

¹³⁷ Moore to Conway, 14 July 1766, *Documents Relative*, vol. 7, 845-46.

¹³⁸ Moore to Shelburne, 10 June 1767, *Ibid.*, 940-41.

the laws “by which their Property, their Religion, and every Thing they hold dear in Life are secured.”¹³⁹ Mild treatment of those who had rebelled also helped to restore order. Not knowing who, or even how many, tenants, squatters, and freeholders had risen in opposition, Moore sought to punish only those, such as Prendergast and Noble, who had self-identified as leaders of the protest.

Although Moore had reinforced hierarchy east of the Hudson River, events outside of his control prevented him from asserting his authority in the southern part of the province. The universal hatred of the Stamp Act had united colonists behind a rhetoric of rights, liberties, and the specialness of English common law. A year after Parliament had repealed the hated legislation in 1766, Charles Townshend, chancellor of the exchequer, imposed taxes on goods imported by the colonies. To a people who defined themselves locally, impediments to economic life were seen as violations of individual and communal liberties. To protest these burdens, New Yorkers entered into non-importation agreements, promising each other and subscribers from other colonies not to purchase the taxed items.¹⁴⁰ The Townshend Duties would have worried New Yorkers little if they had not followed the mutiny and restraining acts, which had sensitized residents to the appearance of a punitive agenda on the part of Parliament. The perceived pattern of injustice was widespread, expressed even by the well-to-do members of the assembly, who passed resolutions blaming the imperial government for distressing the colony by placing duties on certain goods. Moore responded to this truculence on 2 January 1769 by dissolving the lower house of the legislature. Without representatives to oppose the governor,

¹³⁹ “To the Public” by “A Son of Liberty,” broadside printed in the City of New York in 1765, Evans Digital Archive, Early American Imprints, ser. 1, no. 41592 (n. d. 1765).

¹⁴⁰ Becker, 57.

resistance leaders such as Alexander MacDougal, John Lamb, and Isaac Sears formed extralegal committees to track compliance with the non-importation resolutions.¹⁴¹

MacDougal, Sears, and Lamb had emerged as resistance leaders due to the nature of local politics in New York City. Before becoming committeemen, the three city residents had been Sons of Liberty: organizers of the protest against oppressive imperial policies. Like their brethren in Boston, they exploited the economic troubles of artisans and merchants to get them to organize demonstrations, intimidate Tories, and correct perceived wrongs.¹⁴² In December 1769, McDougal had authored two broadsides – *To the Betrayed Inhabitants of the City and Colony of New York* and *To the Public* – which criticized a bill to provision royal soldiers in New York, castigated DeLancey for his court sympathies, and called for New Yorkers to gather in protest. When 1,400 people – about a tenth of the city’s population – met, they chose Lamb to present their grievances. The following month, Sears instigated the Golden Hill Riot by seizing soldiers from the 17th Foot after they had destroyed several liberty poles.

The rise of committee agency posed an active threat to Moore’s control of the colony and an existential one to the office of governor. There was little that Moore could do to reassert his authority. The ministry in London would not have permitted him to use force to break up gatherings, assuming he could locate them, since it had chastised him for employing soldiers to suppress the far more violent Hudson Valley riots. With the power of his office diminished, he proceeded to make matters worse by succumbing to an illness in September and dying, leaving the management of the colony to the partisan Lt. Gov. Cadwallader Colden.¹⁴³

¹⁴¹ Ibid., 80-82.

¹⁴² As Sons of Liberty, McDougal, Sears, and Lamb resisted imperial authority by agitating crowds; as committee leaders, they would achieve the same effect by employing agents.

¹⁴³ Long involved in New York politics, Colden not only professed loyalty to the British crown but also sought to define the province’s role in the imperial system. Along with Indian agent William Johnson and other

After a year of Colden's leadership and another in which King George III and his ministers shuffled colonial executives, William Tryon assumed the governorship of New York in 1771. Previously the governor of North Carolina, Tryon had successfully suppressed civil unrest in that colony by allying with its assembly.¹⁴⁴ Events would prevent him from doing the same in New York, however. With the non-importation campaign being run by those over whom he had no influence, Tryon concentrated on restoring order to the frontier regions of the colony. Perhaps letting time lessen the fervency of the non-importation movement would have worked as a strategy if Parliament had not, after several years of quiet, confirmed its tax on tea in 1773. Agitated by Sons of Liberty, residents of lower Manhattan formed committees of inspection to search ships for the only Townshend duty not to be repealed. Tryon, looking to regain the social authority that his office had once held, promised New Yorkers that he would not distribute any tea as long as they would not embarrass his standing in London by protesting. Unfortunately for the governor, this *quid pro quo* "miscarried" when Whitehead Hicks, mayor of New York, omitted the governor's carefully-worded entreaty when announcing his decision not to release the tea.¹⁴⁵

When the Sons of Liberty dumped East India tea into New York Harbor in April 1774, it was the extension of a protest movement that had begun in 1765 with residents' visceral reaction

educated men of standing who had immigrated to the colony from non-English parts of the Empire, the lieutenant governor had developed an epistolary constitutionalism that demanded his continued service to the king. Hulsebosch, 77-83.

¹⁴⁴ Paul David Nelson, "William Tryon," *Oxford Dictionary of National Biography* [28 August 2012].

¹⁴⁵ Bernard Mason, *The Road to Independence: The Revolutionary Movement in New York, 1773-1777* (Lexington: University of Kentucky Press, 1966). 16. It is unclear why Hicks omitted the plea. He likely misunderstood that the governor, unable to influence the committee leadership and knowing that assembly members held little effective control of events or people's reactions to them, was attempting to win the masses to his side. Not necessarily populist, the governor, as evidenced by his first years in New York and his preceding years as governor of North Carolina, was nonetheless an astute politician who sought influence by any means available to him. Hicks, less politically-astute than Tryon, may have edited the governor's speech for no purpose other than concision.

to the Stamp Act, not a scheme to embarrass Tryon. Although accomplished by actors different from those who had destroyed tea five months earlier in Boston Harbor, the two events were connected by the fear which Britain's reaction to the disruptions sparked in colonists from both provinces. In retaliation for Boston's unruliness, Parliament closed the town's port and restricted the freedoms of its people. New Yorkers, who learned about the Boston Port Act less than a month after they had held their own version of a tea party, feared receiving the same treatment.¹⁴⁶ With an example of imperial disapproval before them, city residents met on 16 May 1774 "at the Exchange" and voted a council of fifty (later fifty-one) men to organize the resistance: a governing body with no legal authority but one chosen publicly, with the names of members printed for display in a broadside.¹⁴⁷ The governor did not oppose the committee's formation because he was out of the colony at the time, having returned temporarily to England in April 1774.

Through its epistolary efforts, the Committee of Fifty-One helped politically-interested New Yorkers view imperial issues through provincial, as well as local, lenses. For the next ten months, the organization increased the colony's participation in the resistance movement by corresponding with opposition leaders in Boston and publicizing the oppressions of the British Army. Wishing to increase its effectiveness, the Committee printed a broadside arguing that counties and districts should create committees of correspondence in order to monitor participation in the resistance movement.¹⁴⁸ Men of letters in upriver New York communities

¹⁴⁶ Becker, 112.

¹⁴⁷ "A meeting at the exchange, 16th May, 1774," no author, printed in the City of New York, Evans Digital Archive, Early American Imprints, ser. 1, no. 13125.

¹⁴⁸ The broadside advised its readers: "let us not collect the sense of this county and that district by 'virtual representations.'" To the Inhabitants of the City and Colony of New-York, broadside reprinted from William Bradford's *Pennsylvania Journal*, Evans Digital Archive, Early American Imprints, ser. 1, no. 13660 (n.d. 1774).

responded, forming committees of correspondence to coordinate support for Boston, facilitate collective action, identify local leaders, and inform residents of atrocities committed by British troops. In at least one case, they also collected donations to support the “Poor at Boston.”¹⁴⁹ In order to secure their leadership of the resistance movement, the Manhattan committee printed additional broadsides asking residents to unite behind all honest men who promoted American Liberty.¹⁵⁰ When the Continental Congress, meeting in Philadelphia, recommended that the provinces form committees to enforce the Association – a new non-importation pledge – New Yorkers, meeting in the city hall, elected sixty men and then immediately dissolved the Committee of Fifty-One.¹⁵¹

The Committee of Sixty, with twenty-nine members from the Committee of Fifty-One in its ranks, furthered the resistance effort by unifying the artisans and mechanics of New York, as shopkeepers Robert and John Murray learned when a committee of inspection indicted them for keeping their store open after others, abiding by the Association, closed theirs. To correct their error, the brothers had a broadside printed declaring that they would follow committee instructions in the future.¹⁵² Three days later, they issued another apology, assuring readers that they had not intended to profit at the cost of others and offering to surrender goods obtained

¹⁴⁹ James Sullivan, ed., *Minutes of the Albany Committee of Correspondence, 1775-1778*, vol. 1, University of the State of New York (Albany: J. B. Lyon Company, 1923), 9 (21 March 1775).

¹⁵⁰ “To the Worthy Inhabitants of the City and Colony of New-York, broadside, Evans Digital Archive, Early American Imprints, ser. 1, no. 13683 (July 1774); “To the Freeborn Citizens of New-York,” broadside, Evans Digital Archive, Early American Imprints, ser. 1, no. 13655 (11 July 1774). The two postings suggest that members of the Committee of Fifty-One agreed that they could decide issues not addressed by colonial law but disagreed over whether they could act contrary to it.

¹⁵¹ Since the votes were taken by recording shouts in a crowd, Becker believes that non-propertied New Yorkers participated in this election. Becker, 166.

¹⁵² To the Public, Robert and John Murray, Evans Digital Archive, Early American Imprints, ser. 1, no. 14266 (18 March 1775).

while in violation of the committee's strictures.¹⁵³ Due to their *mea culpas*, the committee voted "against the cruel and unwarrantable Measure of banishing [Robert and John Murray] from their Country."¹⁵⁴ An official pardon came for the repentant violators two days later when a committee formed to investigate their wrong-doing decided not to mete out punishment.¹⁵⁵

Although upriver New Yorkers had formed committees of correspondence in late 1774 at the behest of the Continental Congress, they did not fully unify with their counterparts in lower Manhattan until after the Battles of Lexington and Concord, fought between British regulars and New England militias on 19 April 1775.¹⁵⁶ Unlike in Massachusetts, where a shared foundational myth connected Bostonians with residents living outside the town, in New York, events in New York City affected the province's northern population less directly. Wars against the French and common cause in the non-association movement of the past decade had seen regions of the colony act together but only because of a shared self-interest, not because of political or social unity. What New Yorkers were protecting in the late eighteenth century was their livelihoods, not a common way of life. Before the onset of military conflict, New Yorkers had a tenuous perception of togetherness.

¹⁵³ To the Public, Robert and John Murray, Evans Digital Archive, Early American Imprints, ser. 1, no. 14267 (21 March 1775).

¹⁵⁴ To the Publick, Evans Digital Archive, Early American Imprints, ser. 1, no. 14513 (22 March 1775). The same author warned New York's reading public that creating a new committee for every political event would enable "arbitrary Power" to "divide and destroy" the resistance movement: a statement which reflected how an hierarchical society desired order even in its extralegal organizations. Ibid.

¹⁵⁵ To the Publik, Jacobus Van Zandt and five others, Evans Digital Archive, Early American Imprints, ser. 1, no. 14514 (24 March 1775).

¹⁵⁶ In other colonies, committees of correspondence had ordered themselves hierarchically in 1773 and early 1774. Instead of meeting at the request of the First Continental Congress, however, they had met out of a religious – or mercantile – desire to communicate the oppressions of the Boston Port Act. Edward D. Collins, "Committees of Correspondence of the American Revolution," in *Annual Report of the American Historical Association*, vol. 1 (American Historical Association, 1901), 246. In fact, it was their correspondence which had called for a continental congress in the first place. Ibid., 265.

Lexington and Concord reintroduced a need to act as a unified colony. Chaired by Isaac Low, the Committee of Sixty responded to news of war by asking county committees of correspondence to send representatives to Manhattan to help choose the colony's representatives to the Second Continental Congress.¹⁵⁷ If New York were to organize against the might of the British army, then committees would have to combine their manpower and efforts. In general, community leaders from central and northern New York recognized the need for a unified response and responded positively to Low's call. In Orange County, where freeholders had been vocal in their condemnation of Parliament, leading residents convened on 17 April 1775 to choose representatives to the Provincial Convention.¹⁵⁸ In sparsely populated Charlotte County, surrounding Lake Champlain in the northernmost part of the colony, a committee met on 12 May 1775 and elected John Williams as its delegate.¹⁵⁹ Albany, Ulster, Westchester, Dutchess, Suffolk, and Kings Counties also sent delegates to the City of New York, converting that town's Committee of Sixty into a Provincial Council.¹⁶⁰

The Provincial Council effectively supplanted the assembly. Half a year after Tyron returned from England on 15 June 1775 – the same day that George Washington entered

¹⁵⁷ Isaac Low, chair of the Committee of Sixty, "Provincial Convention of New-York, List of Deputies, Credentials of the Deputies for New-York, Albany and Ulster Counties, Credentials for Orange County, Credentials for the Deputies for Westchester County, Credentials for Suffolk and King's Counties," in Peter Force, ed., *American Archives*, ser. 4, vol. 2, 351 (20 April 1775). All citations from this collection were obtained by using Northern Illinois University's on-line database at <http://dig.lib.niu.edu/amarch/>.

¹⁵⁸ Meeting of the Freeholders and Inhabitants of Orange Town," Force, ser. 4, vol. 1, 506 (4 July 1774).

¹⁵⁹ Proceedings of the Charlotte Committee, Force, ser. 4, vol. 2, 833 (12 May 1775). Williams would later represent the county in the 1788 Poughkeepsie Convention.

¹⁶⁰ Ibid. The counties not represented were either controlled by local figures opposed to the rebellion (Queens and Richmond, close to New York City, and Tryon, west of Albany) or not fully organized (Cumberland and Gloucester in today's Vermont). Excluding these last two counties, not historically connected to either of the colony's two important urban areas or the river which connected them, nine of New York's twelve counties responded to the Committee of Sixty's call. Throughout this dissertation, I refer to the provincial rebel body as "council" or "convention." It was sometimes called a congress or a committee by contemporaries; in order to prevent confusion, I reserve "congress" for the intercolonial Continental Congress and "committee" or "board" for all town, district, and county organizations.

Manhattan on his way to take command of the New England army outside Boston – he disbanded the assembly and called for new elections in February 1776. Unfortunately for the governor, rebellion-friendly residents won the majority of the seats, leaving him with no choice but to prorogue the body before it ever met. On 16 May 1776, Tryon released an appeal “To the Inhabitants of the Colony of New-York” which omitted any mention of the events that had transpired over the course of the previous year.¹⁶¹ Reflecting the changed political environment was the location where the governor had written his entreaty: “Ship Dutchess of Gordon, North-River, New-York.”¹⁶² Less than a year after his return from England, the only place where Tryon felt safe in the colony was on a warship in its harbor.¹⁶³ With the governor in semi-exile, the Provincial Convention, arguing that the assembly had not been disbanded or prorogued, claimed the right to assume its authority.¹⁶⁴ Like the body that it replaced, the council made decisions, such as who would speak for New York in the Continental Congress, that affected the entire colony. Unlike the late-colonial assembly, however, the resisters’ council represented broadly-defined constituencies, not narrowly-construed interests.

¹⁶¹ To the Inhabitants of the Colony of New-York, William Tryon, Printed by Hugh Gainé, Evans Digital Archive, Early American Imprints, ser. 1, no. 14920 (16 March 1776).

¹⁶² Ibid. Tryon had issued a similar message to New Yorkers on 4 December 1775. “To the Inhabitants of the Colony of New-York,” William Tryon, printed by Hugh Gainé, Evans Digital Archive, Early American Imprints, ser. 1, no. 14297 (4 December 1775).

¹⁶³ According to the loyalist Thomas Jones, “a usurped kind of Government took place [in the spring of 1776], a medley of military law, convention ordinances, Congress recommendations, and committee resolutions.” Thomas Jones, *A History of New York during the Revolutionary War: And of the Leading Events in the Other Colonies at that Period*, vol. 2, ed., Edward Floyd DeLancey, The John D. Jones Fund Series of Histories and Memoirs (New York: New York Historical Society, 1879), 115.

¹⁶⁴ Hulsebosch, 182. The Provincial Council took the position that a legislative body had first to meet before it could be prorogued. After Lexington and Concord, the council stated that, since Tryon had not prorogued or dissolved the assembly before “quitting” the province, it had a legal right to govern the colony. A Free Citizen, “Petition to the Honourable the Committee of Safety for the Colony of New York,” printed by John Holt in the City of New York, Evans Digital Archive, Early American Imprints, ser. 1, no. 14384 (n. d. 1775).

Local committees of correspondence did not have a similar institution from which they could draw legitimacy. Although Englishmen had formed extralegal committees at least as far back as the English Civil War, fought shortly before Nicolls's seizure of New Netherland for the Duke of York in 1664, such organizations had never held a legal role in colonial affairs. Their unprecedented nature mattered little now due to two developments. First, Lexington and Concord had instilled a palpable fear in the population. No community wanted to happen to it what had happened to the two Massachusetts towns. Second, the Provincial Council, which served a political function similar to that of the colonial assembly, sanctioned their formation.

Even before the Provincial Council offered political cover, however, committees of correspondence had renamed themselves committees of safety and began to govern, not just oppose those who had been doing the governing.¹⁶⁵ These committees would assume judicial authority, form militia units, enlist men for continental service, and align their communities behind the rebel cause, achieving the social mobilization that only leaders connected to the people could accomplish. Local committees may not have had a strong legal foundation; nonetheless, they served the rebel war effort's need for an organized populace and communal needs for order in a post-imperial world. Their legitimacy would depend on their ability to meet both expectations.

The localism and hierarchy that defined New York from 1664 to 1775 were functions of how the colony was settled and governed. When the English took the colony from the Dutch, they found a diverse and dispersed people linked only by economics and the personality of Peter Stuyvesant. In the first half-century of English rule, cultural disputes, the instability of property

¹⁶⁵ In Albany County, for example, Abraham Yates, Jr. chairman of the county committee, declared on 29 April 1775 that "it [is] absolutely necessary that there should be a meeting of the Committee of this County" and that, until it sat, "a Committee of Safety, Protection & correspondence should be appointed" from the existing body. Albany, vol. 1, 14-15 (29 April 1775). Other committees of correspondence acted similarly. John S. Pancake, *1777: The Year of the Hangman* (Tuscaloosa: University of Alabama Press, 1977), 105.

in the Dominion of New England, and Jacob Leisler's vision of a religiously-pure province fractured the colony. Robert Hunter's development of the Hudson Valley and manipulation of the assembly restored hierarchical order in the early eighteenth century. Starting in the 1730s, self-interested governors, an increasingly-powerful assembly, and factional politics strengthened localism at the expense of hierarchically-ordered and imperially-based authority. Failed invasions of Canada during Queen Anne's and King George's Wars – like Leisler's unsuccessful attempt during King William's War – revealed the colony's disunity.

Although a common desire to retard French aggression unified local, provincial, and imperial interests during the French and Indian War, the governor did not benefit from this singularity of purpose. Instead, a new agent of imperial authority, the British army, supplanted his more malleable and socially-derived version of that authority. As the embodiment of the monarch, governors exerted influence through their power of appointment, ability to grant land, and right to judge equity cases. These tools usually worked but, unlike intimidation and brute military force, they needed to be exercised through intermediaries in order to be effective in the complex political environment that was New York. Thus, an hierarchical system of government, as weak and imperfect as it was, provided a common direction for a people who, for the century between England's seizure the province and the announcement of the Stamp Act, accepted imperialism but organized themselves communally. When the uprisings of the following decade – in the Hudson Valley as well as the City of New York – were met with the blunt instrument of military force, hierarchical imperialism, much like the governor who personified it, fled the colony. Localism – and the regional differences on which it was based – remained.

2. Committee Formation and the Legitimization of the Rebel Cause

April 1775 – June 1776

Lexington and Concord changed the conditions facing New Yorkers but not their character. Although apprehension and fear may have been universally felt across the colony, residents came to no consensus about how to react to what had occurred in eastern Massachusetts. New Yorkers who had favored a strong union with England during the previous decade – mostly merchants in New York City and those whose livelihoods depended on Atlantic trade – continued to hope for a political solution that would ensure the future prosperity of the province. Residents who lived farther north in the colony, on the other hand, valued freedom from imperial oversight, many to the degree that they were willing to resort to military force to save themselves from oppression. As they had during Leisler's Rebellion and the Hudson Valley rent riots, New Yorkers divided over how to respond to a militant British government.

Because New Yorkers of all political bents valued their communal ties, they were generally open to persuasion by leaders who could frame issues in a way that made sense given the conditions affecting life in their particular region of the province. This openness favored the incipient rebel movement which, unlike the paralysis of loyalist-inclined residents, had reacted to news of the Massachusetts battles with energy and a fear-inspired desire to organize for military conflict. As it had in earlier protests, anti-imperial organization took the form of extralegal committees. With the advent of war, committees adopted the name of the select body of Parliamentarians and various county organizations which had led opposition to monarchical rule during England's civil war and styled themselves committees of safety.

These committees shared more than a political vocabulary with their ancestral namesake. As with their seventeenth-century English predecessors, New York's committees of safety were local in nature, hierarchical in structure, and authoritative in their execution of war.¹ Most importantly, they became the sole organs of legitimate government in their respective jurisdictions. Composed of the most dedicated proponents of the rebel cause in each town, district, and county of the province, committees would spend the fourteen months between Lexington and Concord and the arrival of British military might in New York Harbor struggling to exert control over their communities, register the political stances of military-aged males, seek to enhance their legitimacy, and mobilize their populations for the prospect of armed conflict. In doing so, they distanced New Yorkers from their colonial understanding of political sovereignty and unintentionally prepared them for republican governance.

Establishing a Committee Structure of Government

Not all sections of the colony conformed to the committee structure of government, despite its origins in the generally-accepted prewar associations, the medium through which Alexander McDougall, Isaac Sears, and their ilk had led the past decade's resistance to imperial policies. The practice of holding town meetings on Long Island limited for rebels the importance of committee governance in Suffolk, Queens, and Kings Counties.² Cumberland and Gloucester

¹ For England's committees of safety, see C. V. Wedgwood, *The King's War, 1641-1647* (New York: Book-of-the-Month Club, 1958), 294-95, 430-31.

² In Suffolk, Queens, and Kings Counties, residents used town meetings to select committee members. In New England, which had settled most of Long Island's fifty towns, this forum could reject decisions made by committees and remove committeemen from office. Dirk Hoerder, "People and Mobs: Crowd Action in Massachusetts during the American Revolution, 1765-1780," (PhD diss., Free University of Berlin, 1971), 544. This authority did not exist in other parts of New York, where town and manor residents congregated to elect

Counties, in present-day Vermont, were populated largely by people who refused to subjugate themselves to any New York political organization, rebel or Tory. In New York City, people lived close enough to each other for crowds to form and artisans to band together. With alternate forums through which people could express themselves publicly, committees of safety on Manhattan lost their monopoly on voicing rebel angst. The hierarchical and communal characteristics of Tryon, Charlotte, Albany, Orange, Ulster, and Westchester Counties, on the other hand, permitted committees to form, gave them a chance to establish their legitimacy, and, once accepted by their communities, allowed them to intervene in the lives of individuals to a degree never before experienced in the province.

Although rebel committees in Tryon, Charlotte, Albany, Orange, Ulster, Dutchess, and Westchester Counties all succeeded in becoming the central war-fighting agencies for their respective communities, their maturation into first regulatory and then governmental organizations took time. Being deliberative bodies that promulgated policies only after they had been decided on by a vote, committees resolved disputes internally before they proclaimed decisions public. Opposition came mostly from active loyalists who felt that it was their duty to prevent committees of safety from being successful. Sometimes personal grievances factored into one's political position; in all instances, the personalities of committee members and their detractors affected the decisions made by New York's committees.

How one accepted the emergence of rebel committees depended on one's personal experiences and the experiences of the community in which he lived. In general, the more settled a county was, the more likely its residents were to assent to local governance. Rebels in Albany County, the former locus of Anti-Leislerianism and opposition to wars with France,

committeemen but not to judge the measures that they enacted. As a result, committees in the greater Hudson Valley were generally more powerful than those on Long Island or in New England.

readily accepted committee leadership. Tryon County, on the other hand, had a much weaker county board. The county was not only a new political entity but also an ethnically heterogeneous one. With little social or historical unity among residents, the rebel committee of safety would struggle to exert the authority vested in it by the Provincial Council.

After Lexington and Concord, rebels in Tryon County found themselves in a precarious position. Alexander White, the county's law enforcement officer, vigorously supported King George III's supremacy over the colony. An opponent of the non-importation movement, the sheriff had affixed his name to a 16 March 1775 declaration censuring the "violent and designing men" in Boston who "had committed an outrageous and unjustifiable act on the private property of the [East] *India* Company" a year and a half earlier.³ Published in the *New-York Gazetteer* by Jams Rivington, a newspaper editor who would be suspected of having Tory sympathies in the months to come, the proclamation became public shortly before violence erupted in eastern Massachusetts. According to Christopher Yates, the chairman of the Schenectady Committee (Albany County), White "repeatedly insulted" residents who supported rebellion once his political sentiments were widely known.⁴ Members of Tryon County's nascent committee of safety, unsure of their legitimacy in an area dominated by ardent pro-imperials such as Sir John Johnson and his clan, refrained from apprehending him. In addition to wanting to avoid a confrontation, they had another reason for their cautious response. Guy Johnson, Sir John Johnson's brother-in-law, served as Britain's superintendent for Indian affairs. As the Tryon

³ Declaration of the Grand-Jury and Magistrates, Etc. at the Court of Quarter-Sessions, at Johnstown, Tryon County, New-York March 16, 1775, Force, ser. 4, vol. 2, 151; *Rivington's New-York Gazetteer*, NewsBank, Archive of America, America's Historical Newspapers, Early American Newspapers (ser. 1, 1680-1876), American Antiquarian Society (6 April 1775).

⁴ Schenectady (New-York) Committee to General Schuyler, Force, ser. 4, vol. 2, 1730 (14 September 1775). I use "rebellion" instead of "revolution" because, at least in the first years of the war, colonists who were opposed to British rule did not necessarily want a radical change in the colonial government. Rebels usually referred to Americans who remained loyal to the British crown as "Tories," those who chose to remain loyal usually referred to themselves as "loyalists." I use both terms.

Committee well knew, residents who challenged the Johnsons invited retaliation by the Iroquois tribes adjacent to the county's western communities, a consequence that would not only erode support for the rebellion but also risk lives and livelihoods.⁵

Committee members need not have worried. White had enough enemies in the county that, on 20 July 1775, a month after he had arrested John Fonda, a neighbor and an early frontier settler, one-hundred vigilantes broke into the county jail (located on the Johnson's property) and freed the prisoner.⁶ The mob searched for the sheriff but, fearing an attack by Johnson retainers, disbanded before locating him. Recognizing that he was a marked man, White fled to Johnson Hall, Guy Johnson's fortified home in Johnstown, Tryon County.

Not sure what to do, Tryon committeemen consulted with the Albany Committee and Maj. Gen. Philip Schuyler, a leading merchant in Albany whom the Continental Congress had recently appointed commander of its northern department, and decided to arrest the wayward sheriff.⁷ Hoping that the display of rebel fervor on the twentieth had pressured Johnson into seeking compromise and disarmament, the board sent messengers to Johnson Hall demanding White's surrender. Rebuffed by Sir John, the envoys returned to the committee which then considered organizing an assault on the house. Rejecting the idea due to lack of firepower, it instead apprised Schuyler that armed Tories has massed at Johnson Hall. Busy at Crown Point

⁵ Letter from Colonel Guy Johnson to New-York Congress: opened and read by the Albany Committee, and a copy sent to General Schuyler, Force, ser. 4, vol. 2, 1669 (8 July 1775).

⁶ Fonda had struck White, an imperial official, after the two had quarreled about livestock crossing into each other's property. James F. Morrison, *A History of Fulton County in the Revolution*, Bicentennial Project of the County of Fulton (Gloversville, NY: Fulton County Bicentennial History Committee, 1977), 1. Ethnicity might have sharpened the animosity which the two gentlemen felt for each other. White was an Englishman who, by all accounts, had not been acculturated to the way longtime residents in northern New York lived. Fonda was likely a descendant of the Palatinate families that Hunter had settled in the Schoharie Valley earlier in the century, a population which did not readily subject itself to English rule.

⁷ James Sullivan, ed., *Minutes of the Albany Committee of Correspondence, 1775-1778*, vol. 1, University of the State of New York (Albany: J. B. Lyon Company, 1923), 166-167 (22 July 1775). Tryon committeemen often consulted their brethren in Albany during the war's early months, perhaps because the county had been part of Albany before 1772.

directing the invasion of Canada, the continental general could not afford to send any of his troops to Tryon County.⁸ Schuyler understood the threat posed by Johnson and, even if he believed that success in Canada would alter the political situation in Tyron County, knew that the landlord would have to be forcibly accosted before the rebel committee would have any chance of success at controlling the county's inhabitants. With troops from New England and an attack into Canada to oversee, the campaign against a non-compliant county sheriff and his powerful backers would have to wait.

Deciding that he could no longer live in the county, White attempted to escape to Canada. Apprehended on 13 August 1775 by William Gilliland, a manor lord in Charlotte County who communicated freely with Schuyler, the seizure of the sheriff created several challenging questions for the Tryon Committee.⁹ First – and most basic – the board had to decide where to hold him. It could not lodge him in the county jail, a building located on Johnson property. More troubling was the questionable legitimacy of his arrest. The committee did not know what residents would think of its action in jailing White, especially since he had broken no laws and was the only individual legally empowered to enforce order in the county. Although the sheriff's apprehenders had found a letter from Sir John Johnson on his person, no mittimus directed them to imprison him.¹⁰ Moreover, Gilliland, as a Charlotte County manor lord, held no jurisdiction over Tryon County residents and could not have legally executed a warrant even if he had possessed one. The committee resolved the first problem by asking its Albany counterpart for assistance. The Albany Committee agreed to help, dispatching a detail to escort the sheriff to its

⁸ Extract of a Letter dated Crown Point, August 14, 1775, Force, ser. 4, vol. 3, 135.

⁹ White had tried to seize Gilliland before Gilliland seized White, "Norwich, 21 Aug.," *The New-York Gazette; and the Weekly Mercury*, NewsBank, Archive of America, America's Historical Newspapers (ser. 1, 1680-1876), American Antiquarian Society (4 September 1775).

¹⁰ Letter from Sir John Johnson to Alexander White, Force, ser. 4, vol. 2, 1726 (25 July 1775); Letter from Sir John Johnson to Alexander White, Sheriff of Tryon County, Force, ser. 4, vol. 3, 233 (n. d.)

own jail.¹¹ Tryon's board never addressed the second problem, trusting that Albany's rebel-friendly population would not oppose White's questionable imprisonment. White in an Albany County jail was a good enough solution for the Tryon committeemen. His departure from the county removed both a symbolic and an actual impediment to their attempt to win the sanction of residents.

Schuyler was more concerned than the Tryon Committee about the lack of due process in White's arrest. Writing to the Albany board, he declared that he "would not wish to give the least shadow of appearance to any that are unfriendly to the Cause of America . . . that we forceably set aside the Laws."¹² Trying to impress Canadians as well as disaffected New Yorkers with the legality of the rebellion, the general requested that the committee ask the Provincial Council to justify the arrest with a retroactive writ.¹³ The board dashed off a missive the same day, recommending that the province take responsibility for the prisoner.¹⁴ Through its correspondence over the next few weeks, the Albany Committee took steps to legalize White's arrest. On 1 September 1775, it instructed the county jailer not to release the prisoner before his disposition had been determined.¹⁵ After learning that the Provincial Council would assume responsibility for jailing White once he had covered the expenses of his incarceration, the committee wrote to its Tryon counterpart, suggesting that it replace the sheriff "in the usual manner by way of Petition to the Governor" – a disingenuous stratagem that, because the convention claimed the executive power previously exercised by the royal governor, redounded

¹¹ *Ibid.*; Albany, vol. 1, 196-97 (15 August 1775), 199 (16 August 1775).

¹² *Ibid.*, 204 (20 August 1775).

¹³ *Ibid.*

¹⁴ Letter from the Albany Committee to the New-York Congress, Force, ser. 4, vol. 3, 223 (21 August 1775).

¹⁵ Albany, vol. 1, 220 (1 September 1775).

the responsibility for filling the office back upon its membership.¹⁶ Tryon County followed its neighbor's advice, deposing White from office, electing a new sheriff, and justifying its actions in a long letter to the Provincial Council.¹⁷ Then, on 20 September, the Albany Committee resolved to furnish its prisoner "with Copies of every thing in the Possession of this Board with which he is charged," a decision which allowed it to claim that it had handled the former sheriff's case with due process.¹⁸

Although form mattered to the Albany Committee, it was less important to those who sat on the Tryon Committee. While the Albany Committee tried to justify White's arrest retroactively, the polarization of politics in Tryon County made the quest for legitimacy there more of a reactive than a proactive proposition. Throughout the first six months of war, committeemen acted only in the wake of popular sentiment, not deciding to arrest the sheriff until after the uprising on 20 July had shown them that an attack on imperial authority would have popular support. With little ethnic diversity within villages but great ethnic diversity among them, popular sentiment in the county as a whole was hard to read. Far from the imperial governor in New York City and, for the most part, beyond his reach, residents of Tryon County had spent the last dozen years looking east for economic connections while remaining insular in their politics. With settlements such as Stone Arabia and German Flatts occupied by descendants of the Palatinate migration and villages such as Cherry Valley and Springfield populated by French Canadians and the Scotch-Irish, the county's population was separated geographically and ethnically. Factoring in the county's lingering ties with Dutch-dominated

¹⁶ Proper bail: *Ibid.*, 229 (5 September 1775); petition: *Ibid.*, 242 (13 September 1775).

¹⁷ Tryon County Committee to New-York Congress, Force, ser. 4, vol. 3, 660 (7 September 1775); Samuel Ludlow Frey, ed., *Minute Book of the Committee of Safety of Tryon County, the Old New York Frontier, Now Printed Verbatim for the First Time, With an Introduction by J. Howard Hanson* (New York: Dodd, Mead, and Company, 1905), 67 (7 September 1775).

¹⁸ Albany, vol. 1, 247 (20 September 1775).

Albany County, the importance of the Anglo-Irish William Johnson, and the proximity of tribesmen from the Iroquois Confederacy, it was impossible for the committee to determine how much legal forms mattered to its handling of Alexander White, an Englishman.

White's flight to Johnson Hall prevented the Tryon Committee from outpacing those it claimed to represent. With the sheriff protected by Johnson's armed retainers, he could not be apprehended forcibly.¹⁹ The board likely held off demanding that Sir John Johnson surrender his fellow loyalist until it became evident that assaulting the stronghold was impossible. With the futility of taking action apparent, the committee increased its rhetoric against the Tories, solidifying its ideological leadership of the county's active rebels without risking the loss of life, dignity, or prestige. When Gilliland captured White, the committee had the opportunity to incarcerate the sheriff; however, it worried if it possessed the legal justification to do so. Procedural and jurisdictional questions mattered to the committeemen but only because they wanted to be accepted by their community. By early September, however, the election to replace the jailed Englishman as sheriff gave the Tryon Committee the confidence it needed to exert itself more assertively. Winning the contest was John Frey, a committee member from the town of Palatine and one of the two men who had approached Johnson Hall to demand the surrender of White. Not only had the voting public let the committee know that it accepted its leadership of the rebel cause but they had also placed a committed rebel in a position to execute its orders.²⁰

¹⁹ Sir William Johnson had used patronage and influence to build a large plantation community devoted to him and, upon his death, his heir, John Johnson and nephew, Guy Johnson. His 250 tenant families accounted for approximately one-fifth of the Mohawk Valley population. John Christopher Guzzardo, "Sir William Johnson's Official Family: Patron and Clients in an Anglo-American Empire, 1742-1777" (PhD diss., Syracuse University, 1975), 3-4. Many of his tenants had military experience, such as Capt. Norman McLeod, formally of the British Army's 80th Regiment of Foot. *Ibid.*, 126.

²⁰ Tryon County Committee to New-York Congress, Force, ser. 4, vol. 3, 660 (7 September 1775); Tryon, 67 (7 September 1775).

The Albany Committee, with members more experienced with the forms of legal governance than the men who sat on the Tryon Committee, remained concerned about the legality of White's arrest. When the sheriff's wife pleaded for her husband's release in October 1775, she reminded the board that it had apprehended him for doing his job: lawfully arresting one resident for physically assaulting another.²¹ Implicit in Elizabeth White's entreaty was not only the legitimacy of her husband's actions but also the illegality of his imprisonment. Less than a month later, committeemen interviewed the former sheriff and treated him with respect. The board voted his parole after he assured it "that he will bare [sic] no part against America in its present struggle for Liberty."²² A legal conscientiousness impelled the Albany Committee to free White. Unlike their Tryon County brethren, its members were not afraid that taking forceful action would lead them to irrelevance.

The gentleman's agreement between the Albany Committee and White did not last throughout the war. Imprisoning the Tory twice more over the next few years, the board forced him to post a five-hundred pound bond for good behavior on 19 December 1776, when the rebel military campaign was at its nadir, and to move to Kingston on 27 August 1777, when British forces threatened Tryon and Albany Counties from several directions.²³ After rebels had repulsed the British incursions, White escaped to Canada, a relocation that neither county's committee of safety protested.²⁴

The manners in which Tryon and Albany rebels handled White and the threat he posed represent the range of assertiveness exercised by local committees in the first months of the war.

²¹ Albany, vol. 1, 273 (19 October 1775); Petition of Elizabeth White, Force, ser. 4, vol. 3, 923 (3 October 1775).

²² Albany, vol. 1, 292 (11 November 1775).

²³ *Ibid.*, 643 (19 December 1776), 836 (27 August 1777).

²⁴ Morrison, 1. The "no protest" claim is based on negative evidence.

Although these differences were expressed by committee members, they originated in the particularized circumstances affecting each county and its resident populations. Because men in Tryon County lived freer from imperial oversight than other New Yorkers, they recognized the injustice of what was happening in Boston. The county was one of the first in the province to have a committee of correspondence. In May 1775, a month after Lexington and Concord, “A Tryon-County Freeholder,” authored a handbill asking his countrymen to

Sleep no longer in a State of Supineness and Inattention . . . Behold Rapine and Murder, Blood and Slaughter, have already entered into the Bowels of a neighboring Province . . . Necessity urges use to Battle, we cannot escape it.²⁵

Yet, in the same county, William Johnson armed retainers to fend off rebel agents and Sheriff White threatened committee members with imprisonment in order to prevent them from meeting.²⁶ Because of this resistance, representatives from the district committees could not assemble together at William Seeber’s house in Canajoharie for the initial county meeting until 24 May.²⁷ At the same time, the Albany Committee, upon receiving a request from the Provincial Council to provision volunteer guards at Fort Ticonderoga in sparsely-populated Charlotte County, decided instead to support defenders of its own county’s borders.²⁸ In this case, the decision to disregard the newly-formed Provincial Council stemmed from an accurate understanding of public sentiment in the county. The first month of military conflict had showcased both cooperation and independence by local governments. Unfortunately for the Provincial Council, cooperation, when it did occur, was not yet directed toward a common provincial purpose.

²⁵ A Tryon-County Freeholder, “To the Freeholders and Inhabitants of the County of Tryon,” Evan’s Digital Archive, Early American Imprints, ser. 1, no. 49319 (20 May 1775).

²⁶ Tryon, 12-15 (24 May 1775).

²⁷ Thirty members participated in the first meeting. Ibid.

²⁸ Albany, vol. 1, 31 (11 May 1775).

To provide unified oversight, the Provincial Council, now an assembly-like political body representing the rebel population of the entire colony, began corresponding with local leaders, asking, in a circular dated 29 May, for all counties, districts, and precincts to establish committees “in order to carry into execution the resolutions of the Continental and this Provincial Congress.”²⁹ The committees that emerged opposed imperial interference in local affairs with as much authority and power as their communities granted them. With military conflict a reality, protecting New Yorkers from the crown became the *sine qua non* of committee existence.³⁰

Committees would play a central role in New York’s political transformation. For the first six months of the war, however, they sought more continuity than change. The men who served on these local governing boards were leading figures in the community, if not always the voices of prewar protest. Their newfound power was rooted in their collective prewar reputations, as well as the leadership vacuum created by the absence of either a governor or an official legislative body. Common circumstances, combined with habitual tendencies for hierarchy, the desire for information, and the evident need for joint action, made the Provincial Council important to county committees and county committees important to precinct, town, and district committees.³¹ Much as the Provincial Council originated from the Committee of Sixty,

²⁹ *Journals of the Provincial Congress, Provincial Convention, Committee of Safety and Council of Safety of the State of New-York, 1775-1776-1777*, vol. 1 (Albany: Thurlow Weed, Printer to the State, 1842), 18 (29 May 1775). This request was in addition to the earlier suggestion that counties choose delegates to a Provincial Council. Following the suggestion of the first circular required a meeting of county rebels but only for the purpose of nominating individuals to represent the county in New York City. The second request asked county rebels to establish a semi-permanent organization for prosecuting the war.

³⁰ Alexander Clarence Flick, *Loyalism in New York During the American Revolution*, Studies in History, Economics and Public Law, ed., the Faculty of Political Science of Columbia University, vol. 14, no. 13 (London: P.S. King & Son, 1901), 102.

³¹ According to Brendan McConville, “the existence of localized social hierarchies essentially apart from the imperial state that were either able to weather the attacks upon the imperial structures or encourage those attacks

the colony's committees of safety had precursors in prewar regional committees of correspondence. The new resistance organizations grew in power and confidence during the first six months of their existence. Using their innate legitimacy, they not only identified, persuaded, and organized the manpower that continental and militia units needed but also prosecuted counterfeiters, punished ration violators, and gathered intelligence by visiting households and questioning travelers: activities that necessitated a closeness to – and knowledge of – the people.

The committee that met in Charlotte County saw its role in the rebellion as more judicial than legislative. Referring to themselves as a “court,” William Marsh and Samuel Rose – the only two board members present on 28 June 1775 – informed the Provincial Council that “sundry men in our County” were forming themselves into a mob to protest against recent decisions made by the committee.³² These protestors were not loyalists but citizens who thought that their concerns were not being considered. Disagreements included the board's failure to stop the removal of cannon from Fort Ticonderoga (which gave the impression of leaving rebels in Charlotte County vulnerable to a British attack from Canada) and its refusal to use the rebellion as an excuse to forgive personally-held debts.³³ A careful reading of the Charlotte Committee's letter to the Provincial Council suggests class-based reasons for this animosity: those less able to survive a reversal of fortune were subject to decisions made by men of property who were willing to place the needs of the rebel war effort above the safety and security of residents in their home county. Whereas Marsh and Rose felt comfortable interpreting the law, they, as shown by their request that the Provincial Council issue proclamations to “encourage

out of sincere patriotism, ambition, or simple malice fueled by political rivalry” indicate the continuance of hierarchical order during the rebellion. McConville, 300.

³² Charlotte Committee to the Provincial Council, Force, ser. 4, vol. 2, 1124 (28 June 1775).

³³ Ibid., 1124-25 (28 June 1775).

and strengthen the well-minded, and weaken the ill-minded” of the county, worried that they did not possess the prestige needed to influence residents of their county.³⁴

Keeping a familiar legal system operating effectively was important to William Duer, a county judge and leading landholder in Charlotte County. In a 5 June 1775 letter to the Provincial Council, he worried that men from the New-Hampshire Grants, as well as “some persons of desperate fortunes and bad characters in the western districts” of the colony, would march on Fort Edward and, in an overly-zealous protest, close all courts in the region, leading him to declare “the absolute necessity . . . of keeping up at least the shadow of order and justice.”³⁵ When residents of Charlotte County complained that his decisions “with relation to the northern Frontier of the Colony” sacrificed their homes for the good of the southern counties, he asked the Provincial Council to exonerate him of charges of ill conduct.³⁶ Duer’s fear of a mobilized population would diminish over the course of the war. Like others in New York, experience had to convince the judge that those with origins more humble than his own needed to be empowered in order for permanent political change to occur.³⁷ Despite his inability to understand the fears and motivations of the common farmer in 1775, however, opposition to imperial government gave him, Marsh, and Roe limited authority and tenuous legitimacy.

In less-exposed Orange County, elections to military commands became forums for proving one’s rebel credentials. When one militia company chose its officers on 23 August, for example, “several persons” complained to the Cornwall Committee that Phinehas Rumsey had obstructed the Provincial Council-sanctioned process for selecting company-grade officers, most

³⁴ Ibid.

³⁵ Letter from William Duer to the Provincial Council, Force, ser. 4, vol. 2, 910-11 (5 June 1775).

³⁶ William Duer to the New York Congress, Force, ser. 4, vol. 2, 981 (14 June 1775).

³⁷ Duer’s change of view was perhaps due to his service as a commissioner for detecting and defeating conspiracies. See Chapter 4.

likely because he feared that, as the unit's current commander, he would lose his position.³⁸

According to these complainants, Rumsey resisted the new county government, denying those in his company the right to choose their non-commissioned officers and refusing to report to the Cornwall Committee when summoned to explain his actions.³⁹ The committee responded by assigning a time and place for the company's soldiers to elect their sergeants. Rumsey then pleaded his case to the Provincial Council, claiming that, in a fair election supervised by Archibald Little and Nathaniel Satterly, "two of the Committee of Blooming Grove," he had gained more votes than did Dr. Silas Peirson or Stephen Gilbert, the other gentlemen standing for election.⁴⁰ Rumsey (and forty-seven Blooming Grove residents who signed a petition attesting to his version of events) further claimed that votes cast against him in the election held to clarify the issue included men who did not live in the district.⁴¹ Understanding that intervening in a local issue could only win it enemies, the Provincial Council returned the problem to the localities from which it had originated.⁴²

Rebels had an even harder time organizing themselves in Tyron County, where the Johnsons continued to use their influence over White to threaten negative consequences to those who opposed imperial authority. Upon hearing of Lexington and Concord, Guy Johnson had his servants fortify his home in Johnstown and dispatched armed tenants to intercept travelers along nearby King's Road. Not having the force to handle this threat militarily, the county committee

³⁸ Cornwall Committee, Force, ser. 4, vol. 3, 459 (30 August 1775).

³⁹ Cornwall Committee, Force, ser. 4, vol. 3, 459-60 (31 August 1775).

⁴⁰ *Ibid.*

⁴¹ *Ibid.*

⁴² According to the Council, "the Congress, unwilling to determine the controversy subsisting among you, relative to the appointment of Field-officers to command the militia in the south part of Orange County, do recommend it to the committees of Haverstraw and Orange Precinct to meet together, without delay and, by the plurality of voices, nominate the Field-Officers for the Regiment to be formed on the south side of the Highlands." Provincial Council, Force, ser. 4, vol. 3, 1306-7 (27 October 1775).

chose a diplomatic approach, sending the Indian commissioner a letter asking him why he was harassing the people of the county.⁴³ After receiving an evasive response in which Johnson claimed only honest intentions, the committee decided to wait until its military position had improved.⁴⁴

The Johnsons, along with about 150 “Highlanders,” guarded their fortified home until 17 January 1776 when Schuyler marched almost three thousand men west from Albany, surrounded the house, and demanded that Sir John disarm his retainers. After keeping the general waiting for a day, the son of the baronet and former Indian commissioner agreed to a parole and ordered his tenants to lay down their weapons. Schuyler’s show-of-force in Tryon County occurred shortly after his subordinate Richard Montgomery had died attempting to take Quebec, a campaign that the northern department commander supported logistically but not in person. This resource allocation was intentional. In the Albany merchant’s view, taking the Johnstown residence was as important to winning independence as conquering the Canadian town would have been. While success in Canada would have helped convince disaffected New Yorkers of the viability of the rebel cause, intimidation in western New York not only permitted the Tryon Committee to meet but did so with enough force to allow it to organize residents without fear of retaliation.⁴⁵

⁴³ Tryon, 18-23 (2 June 1775).

⁴⁴ The committee’s decision not to challenge Johnson’s response shows his dominance on the New York frontier. *Ibid.*, 81-82 (26 October 1775), 83-84 (27 October 1775).

⁴⁵ Schuyler wrote to Washington on 28 May that he dared “not by any means remove Colonel Dayton’s Regiment from Tryon County, for I am morally sure that Sir John Johnson would immediately full [sic] upon that part of the country and ravage it without mercy; an event that would so intimidate the people that I should procure very few to be employed on the communication, lest they should be cut off by scalping parties of Indians.” Philip Schuyler to George Washington, Force, ser. 4, vol. 6, 608-9 (28 May 1776).

Association-Signing

Even with militiamen securing the Tryon Committee's position in the county, the rebel body's authority was limited by the county's sharp political divide. Not being able to approach all military-capable residents in the county freely prevented the board from registering the political sentiments of each New Yorker in its jurisdiction, as both the Continental Congress and the Provincial Council had requested during the first summer of the war. Well thought-out, the plan to record individual political positions involved local committees presenting male residents with a petition on which they were asked to record their commitment to the rebellion. Individuals who did not pledge their fidelity to republican government would have their names placed on a list of disaffected residents.

Known as Association-signing, this procedure took time and tested the legitimacy of committees. In Albany County, not all of the local boards made the deadline of 15 July set by the Provincial Council.⁴⁶ Balls Town was perhaps delayed by confusion over the form of accepted rebel governance. When James Gordon informed Albany's board that the people of the town had chosen him to represent their community, the Albany Committee replied that it would recognize only committees, not individuals.⁴⁷ To explain its decision, the committee sent an envoy to Gordon along with its reply and a copy of the Association list from Balls Town. Although the committee's rejection made Gordon livid, at this early state of the conflict, empowering individuals must have invoked fears of imperialism. By sending a representative, the board could find out if there were obstacles to committee formation that necessitated its intervention. Finally, using the Association list helped ensure that the committee which had

⁴⁶ Journals, vol. 1, 18 (29 May 1775).

⁴⁷ Albany, vol. 1, 68 (7 June 1775).

selected Gordon was a true representation of the town's rebels.⁴⁸ Other districts in the county had less trouble obtaining the names of signers (and non-signers). Lists from Coxsackie, Schaghticoke, Little Hoosick, Claverack, Kinderhook, and Schenectady arrived in Albany on 29 June, two weeks before the Provincial Council wanted them.⁴⁹ Although a lack of petitions in the surviving historical record makes it impossible to determine what percentage of the county's politically-active residents were presented with an opportunity to sign the Association, evidence that committees exerted themselves in contacting people suggests that a significant number of Albany's adult males declared their political views.

Not all Hudson Valley counties achieved the success (or timeliness) that Albany did. In Tryon and Westchester Counties, where loyalist-leaning residents had opposed committee formation, rebel leaders did not have enough influence to produce lists in 1775. Even if some residents did manage to add their signatures to a list, rebel leaders likely destroyed any record of them doing so when the British made incursions into their counties. Although never suffering from the close proximity of enemy soldiers, residents of Dutchess County also did little, if any, Association-signing.⁵⁰ The county's rebel leadership was well aware of the degree to which residents recoiled at the idea of having their fate dictated to them. The memory of tenant uprisings of the previous decade combined with an accurate read of the current sentiment toward the committee 'rule' to make committee members cautious and undemanding of county inhabitants.

⁴⁸ James Gordon to the Albany Committee, Albany, vol. 1, 84 (12 June 1775).

⁴⁹ Journals, vol. 1, 113-4 (29 June 1775).

⁵⁰ There are no Association lists from Dutchess County extant in the historical record.

Tenants at Clermont, one of the largest plantations in Westchester County and the property of the strongly anti-imperial Livingstons, exercised a less openly hostile form of resistance to rebel committee prerogatives. The family persuaded its social inferiors to support the rebellion but only by the application of pressure – both overt and implied. According to a letter written by R. R. Livingston to his friend John Jay three months after Lexington and Concord, some of the farmers on his father’s estate at Clermont had signed “a counter Association” and “resolved to stand by the King . . . in hopes that if he succeeded they should have their Lands.”⁵¹ When these loyalist-minded tenants learned that the majority of their neighbors had agreed to serve in units commanded by Captains John R. Livingston and Henry Beekman Livingston, R. R. Livingston’s brothers, they then “changed their battery” and asserted “that they can not engage in the controversy since as their leases are for lives their families must want when they are killed.”⁵² R. R. Livingston reported that, in order to negate this excuse, “my father had declared to them that a new lease shall be given to the family of every man who is killed in service.”⁵³ He went on to say that his uncle, Philip Livingston, the second lord of Livingston Manor, had made the same promise as had his brother at Clermont.⁵⁴

Unfortunately for Robert Livingston, R. R. Livingston’s father, this offer did not satisfy the loyalist-leaning tenants at Clermont. In order to free themselves of the pressure being exerted on them by their landlord, the recalcitrant tenants wrote the Provincial Council to

⁵¹ Letter from R. R. Livingston to John Jay in John Jay, *The Selected Papers of John Jay*, vol. 1, ed. Elizabeth M. Nuxoll, Mary A. Gallagher, and Jennifer E. Steenhorne, revised from *John Jay: The Making of a Revolutionary, Unpublished Papers, 1745-1780*, ed. Richard B. Morris (Charlottesville: University of Virginia Press, 2010), 129-31 (17 July 1775).

⁵² Ibid.

⁵³ Ibid.

⁵⁴ Ibid.

complain about their treatment. R. R. Livingston's letter to Jay, then a member of the Council, advised him to "use some prety [sic] strong language to intimidate fellows [his father's tenants] who act on no principle but fear, & will if they meet with the least encouragement throw the whole country into confusion.'⁵⁵

This one letter illustrates much about how those living in the Hudson Valley reacted to the growing realization that New York was in a state of active rebellion against the British Empire. First, it indicates that most tenants of the rebel landowning family accepted the rise of an anti-imperial governing apparatus. Second, it illustrated that those Livingston tenants who did resist pressure to sign the Association came from Clermont, in Westchester County, where many with strong ties to the Empire lived, and not Livingston Manor, in more rebel-inclined Albany County. Third, the method by which upset tenants chose to register their protest – a petition to the Provincial Council – meant that they were addressing their complaint to the political body which had originally directed that the Association be circulated and signed. Although the tenants could probably think of no other recourse, the idea of a counter-Association would, by itself, have no effect on the Provincial Council's attempts to convince New York's citizenry of the need to oppose Britain militarily. In fact, a voluntarily-initiated counter-Association helped the Council achieve its own goal: registration of the political sentiments of all military-aged males in the province.

Voluntary signing was more prevalent in counties west of the Hudson River, where fewer and less-powerful landlords made the reach of imperial officiousness less directly felt by the common farmer. Surviving documents indicate that, in Orange County, 1,683 men signed the Association, 201 refused to do so, 43 were exempt from having to do so (probably because they had already made their political positions known), 35 did not sign but agreed to subject

⁵⁵ Ibid.

themselves to the Continental Congress, and 33 signed a less provocative oath.⁵⁶ In Ulster County, extant records indicate that 1,942 men signed and 79 refused to do so.⁵⁷ In Charlotte County, where most residents lived either south or west of Lake Champlain (the Hudson River extended), 108 men signed the Association.⁵⁸ In these counties, committees proved effective at collecting information, if not at persuading everyone who lived within their geographical boundaries to oppose the British Empire.

As in Albany County, committees in Ulster and Orange Counties had contacted nearly every white male between the ages of sixteen and sixty to learn his position on the conflict. With about 2,500 residents constituting this segment of the population in Orange County, extant records confirm that at least eighty percent had been approached by somebody in the committee system's employ.⁵⁹ For Ulster County, with 3,300 white males between the ages of 16 and 60, the percentage drops to sixty.⁶⁰ If for no other reason than the ability of these organizations to

⁵⁶ Signers in Goshen, Force, ser. 4, vol. 3, 590-91 (8 June 1775); Signers in Orange County, Force, ser. 4, vol. 3, 589-90 (n. d.); Signers in Cornwall, Orange County, Force, ser. 4, vol. 3, 591-93 (8 July 1775); Signers in Haverstraw Precinct, Orange County, Force ser. 4, vol. 3, 593-95 (11 July 1775); Signers in Newburgh, Orange County, Force, ser. 4, vol. 3, 595-97 (14 July 1775); Signers in Minisink, Orange County, Force, ser. 4, vol. 3, 597 (n. d.); Signers in Orange County, Force, ser. 4, vol. 3, 593 (n. d.).

⁵⁷ Alphonso T. Clearwater, *The History of Ulster County, New York*, vol. 1 (Kingston, NY: W. J. Van Deusen, 1907), 123-141; Signers in New-Paltz, Force, ser. 4, vol. 5, 582-83 (10 May 1775); Signers in New-Paltz, amendment, Force, ser. 4, vol. 3, 583 (24 May 1775); Signers, Troop of Horse, Force, ser. 4, vol. 3, 585 (9 June 1775); Signers, Mamacoting, Force, ser. 4, vol. 3, 586 (26 June 1775); Signers, Hurley, Force, ser. 4, vol. 3, 587 (6 June 1775); Signers, New-Marlborough, Force, ser. 4, vol. 3, 588-89 (11 July 1775).

⁵⁸ Signers in Charlotte County, Force, ser. 4, vol. 3, 618-19 (n. d.).

⁵⁹ In 1771, Gov. William Tryon reported 2,297 white males between the ages of 16 and 60 in Orange County. Report of Governor Tryon on the Province of New-York, in E. B. O'Callaghan, ed., *Documents Relative to the Colonial History of the State of New York; Procured in Holland, England, and France by John Romeyn Brodhead, Esq.*, vol. 8 (Albany: Weed, Parsons, and Company, 1857), 457 (11 June 1774). It is unclear if residents in the towns of Orange and Bloominggrove were included in these tallies, counted and their names lost, or never given an opportunity to sign.

⁶⁰ According to Tryon, 3,023 white males between the ages of 16 and 60 lived in Ulster County in 1771. *Ibid.* It is unclear if residents in Kingston, Marblatown, Rochester, New-Windsor, or Hanover were included in these tallies, counted and their names lost, or never given an opportunity to sign.

collect taxes later on in the war, it is reasonable to assume that they contacted everyone whom they wanted to contact.

Polling residents on an issue as consequential as whether or not to rebel departed from the colonial norm. In prewar New York, one's opinion had usually mattered only on local issues. Even those tenants and farmers who could vote did so in the presence of their landlord, a not-too-subtle way of ensuring that they supported whatever candidate best advanced their patron's interests. After the agrarian unrest of the 1760s, however, committeemen could not assume that landlords spoke for those who farmed their holdings on an issue as divisive as whether or not to rebel against the monarchy. As board members realized, New Yorkers could not be told what their positions were on an issue that would frame the colony's political status and define the relationship that its residents would have with future governments. They had to be convinced.

Committees employed different methods of persuading inhabitants to sign the Association, tailoring the forcefulness of their intimidation to their degree of influence in the community. The Tryon Committee, like other county-level organizations, tried to have people sign "voluntarily" instead of "by Motives of Force or Fear."⁶¹ More often than not, however, committeemen had to take forceful measures, such as restricting commercial interactions with recalcitrant citizens, in order to obtain signatures.⁶² The Albany Committee engaged in deception when needed, downplaying the illegality of the Association in a response to Cambridge and Quasakoke residents who had inquired if signing meant repudiating "the

⁶¹ Tryon, 31 (14 June 1775).

⁶² According to the minutes of the Canajoharie District (Tryon County) for 29 May 1775, "Resolved unanimously by this Committee, that [well-affected citizens should not] . . . from this Day have any Dealings or other Connections in the Way of trade with any person or persons whatsoever, who have not signed the Association entered into by this District." Ibid., 16 (29 May 1775).

Execution of Law and Administration of Justice in his Majesty's Name."⁶³ Replying on 29 June, the board prevaricated, stating that "the course of Justice ought . . . [to] continue in the usual Course and in the King's Name."⁶⁴ Albany committeemen, whatever their true feelings, had no qualms against invoking the king's popularity when needed. The Newburgh Committee (Orange County), which spoke for a population further removed from the king's authority than the populations of other towns, acted more aggressively, developing a policy of persuasion that stressed the limits of what colonial law permitted New Yorkers to do to each other. If a white male aged sixteen years or older refused to sign the Association, rebels from the town would wait on him "in the most friendly manner."⁶⁵ If this visit did not work, then the committee deemed him an enemy of his country, ostracized him from the community, and outlawed him from corresponding or conducting business with his neighbors. Those associated with the outcast would likewise become enemies of their country.⁶⁶ If this procedure still did not change his mind, then the board notified fellow committees of the individual's recalcitrance and printed his name in newspapers so others in New York who favored liberty would know to shun him.⁶⁷ Even for farmers, ostracization meant that one's economic life in the county had ended, a real threat in a premodern society.

Applying face-to-face pressure not only helped put every man in the province on one of two lists but also solidified the importance of local committees to the prosecution of the rebel

⁶³ Ibid., 115.

⁶⁴ Ibid.

⁶⁵ Newburgh Committee, Force, ser. 4, vol. 2, 606-7 (15 May 1775).

⁶⁶ Ibid.

⁶⁷ Ibid. The same set of resolves made every master in Newburgh responsible for keeping his "Negroes" in "his dwelling house or farm, after sundown" in order to prevent them from rising up in support of the imperial cause. Ibid.

cause. Once a resident – whether persuaded, pressured, or deceived – had signed the Association, evidence existed professing his allegiance to the rebellion. Since committees controlled this potentially-incriminating document, self-interest induced them to continue contesting imperial order, especially when the military situation seemed to be favoring the rebels.

Although Association-signing forced residents to choose sides, propagating lists did not legitimate committees. Instead, committeemen rested their authority on a more traditional mechanism for securing community acceptance: elections. All boards feared the “oligarch” label and looked to increase, or at least maintain, the size of their membership. In September 1775, after members of the Saratoga Committee had left to command military units, the Albany Committee, which paid all town committeemen in county, authorized the town to elect five more persons.⁶⁸ The next year, the Albany Committee expanded the number of representative sitting on its Cambridge and Livingston Manor boards by six and five persons, respectively.⁶⁹ On 12 August, the Tryon Committee increased the membership of its Palatine Committee by two members, most likely to replace men currently sitting in its own body.⁷⁰ Committee governance could not be seen as a series of executive decisions made by a few dedicated anti-imperialists if the rebel cause were to resonate in the hearts and minds of the populace. Such a perception militated against one of the underlying beliefs of whole movement: that people should not be ruled by distant, unrepresentative, and uninterested functionaries.

Frequent elections helped validate claims of disinterested service. An editorial published in the 20 June edition of *The New-York Journal* expressed the common sentiment that, “If

⁶⁸ Albany, vol. 1, 230-31 (7 September 1775).

⁶⁹ Ibid., 413 (23 May 1776), 417-18 (28 May 1776).

⁷⁰ Tryon, 47 (12 August 1775).

elections were free and regular, it will be impossible to shake a popular government.”⁷¹ The Albany Committee, like most boards in New York, held an election every six months, asking residents to re-legitimate its authority (and the authority of district committees and Provincial Council representatives) in November 1775, March 1776, and November 1776.⁷² Not every adult male would vote in these contests, however. When the Provincial Council announced 16 April 1776 as the date for holding the next election, for example, it restricted franchise to freemen who had “effects in goods and chattels in his own right, of the value of forty pounds” and had lived in the colony for at least three months.⁷³ The existence of military conflict had not completely effaced the norms of the colonial era. As the appearance of the same individual and family names from committee session to committee session indicates, questioning the validity of hierarchy as an imperial governing construct did not necessarily mean that men with property desired a radical reordering of the social order in the first year and a half of the war.

Committees used printed broadsides to announce the time and place of an election, as well as the gentlemen running for office, while sheriffs and constables – putatively disinterested because they did not regularly stand for election – managed polling sites and tallied votes.⁷⁴ Despite attempts to make elections as open and conspicuous as possible, the lack of established norms for voting members onto boards opened committees up to criticism, as when a disagreement over when to cast votes caused a “Contraverted Election in Kinderhook District

⁷¹ Spartanus, “The Interest of America,” *The New-York Journal; or, The General Advertiser*, NewsBank, Archive of America, America’s Historical Newspapers, Early American Newspapers (ser. 1, 1680-1876), American Antiquarian Society (20 June 1775).

⁷² Albany, vol. 1, 281 (30 October 1775), 446 (30 March 1776), 601-2 (8 November 1776).

⁷³ *The New-York Gazette; and the Weekly Mercury*, NewsBank, Archive of America, America’s Historical Newspapers, Early American Newspapers (ser. 1, 1680-1876), American Antiquarian Society (18 March 1776).

⁷⁴ Without a constitution mandating periodic reelections or a tradition of being held accountable to the general public, sheriffs had no set term of office. Sheriffs had been appointed in colonial times while the constables who assisted them were elected. See Greenberg, especially 163-64.

[Albany County].” In a sign that committee membership mattered to New Yorkers, 270 out of the 278 men who voted on the correct day signed a petition requesting that the county accept the elected slate, a recommendation that the committee readily followed.⁷⁵ Despite valuing the right to vote, residents did not know the degree to which their ballot empowered the gentlemen they chose. Because they acted in an ever-changing political landscape, without a written constitution to guide them, representatives did not know themselves.

Originally, local committees had existed for three reasons: to gather intelligence on British troops and armed Tories, to form militias, and to regulate the political activities occurring in their jurisdictions.⁷⁶ When continental units were nearby, town and district committees corresponded directly with commanders. Just as often, however, news, information, and alarms were announced using the hierarchical structure of the committee system. When several members of the Provincial Council learned of “a conspiracy of a great number of people from Haverstraw [Orange County] to [go to] Hackensack [NJ], to join the King’s troops,” for example, they immediately notified the town, requesting that it inquire about the threat with “as little violence as the nature of it will permit.”⁷⁷ As the passing of intelligence and receipt of guidance differed little from the coordination effected by committees of correspondence, town and county committees of safety did not fear that they were assuming too much authority.

Since committees did not publish their proceedings, they needed methods by which they could inform their communities of intelligence that affected their lives. The quickest way to do

⁷⁵ Albany, vol. 1, 304 (5 January 1776).

⁷⁶ Journals, vol. 1, 131-32 (1 September 1775).

⁷⁷ Ibid., 185 (25 October 1775). The Provincial Council wanted the Haverstraw Committee to be careful because the conspiracy included a plan to “take up the Committees and Congress men, and deliver them [to British officers].” Anonymous Letter, Informing of a Conspyracy [sic] to Join the King’s Troops, Force, ser. 4, vol. 3, 1305 (25 October 1775). No challenge to the committee system arose at this time, suggesting that the Provincial Council had received inaccurate, dated, or false intelligence.

this was to have printers publish handbills or broadsides for posting in gathering places, a procedure which Manhattan's resistance committees had used frequently before the war. Rebel newsprint – whether in article or broadside form – was more than a forum for disseminating communications, analyzing the war effort, and defining continental events, however. By unifying opinion, it helped New Yorkers form an identity separate from that of Britain, easing the psychological burden of separation.⁷⁸

The handling of intelligence was one of the reasons why committeemen conducted their deliberations in secret. Unlike the broad and strategically-oriented topics talked about in the Continental Congress, local committees discussed individuals, informants, and the precise location and availability of resources. While the Provincial Council considered Continental Congress minutes as public information, even deciding, on 19 December 1775, to “purchase five hundred copies of the Proceedings of the Continental Congress, in low Dutch” and another five-hundred copies “printed in the German tongue,” it feared that the rebel population was not ready for local committees to be so transparent.⁷⁹

Gathering intelligence was especially important in Tryon County, where rebels were vulnerable to attacks by Tories and their Indian allies. In addition to mobilizing and supplying militia units, the Tryon Committee also deployed scouts to collect information on Indians and the Johnson clan.⁸⁰ On 13 July 1775, committeemen voted to have routes leading into the county from the west watched by residents loyal to the cause.⁸¹ On 6 November 1775, they expanded this reconnaissance by adding a two-to-three man “Spyguard” to warn rebel-friendly residents of

⁷⁸ On the importance of newsprint in forming identities see Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism*, revised edition (New York: Verso, 1991), especially page 35.

⁷⁹ Provincial Council, Force, ser. 4, vol. 4, 423-24 (19 December 1775).

⁸⁰ Tryon, 41-42 (13 July 1775).

⁸¹ *Ibid.*

an enemy approach.⁸² Assertive measures taken to protect the populace increased the committee's legitimacy: inhabitants wanted security and the elected members of the county board seemed to be making an effort to provide it to them.

In addition to obtaining intelligence on known and potential enemies, committees collected privately-owned weapons, an exercise of authority that both increased their ability to protect residents and prevented loyalists from using force to defend their political beliefs. Assuming the lead in carrying out this policy, the Albany Committee appointed three men to take a census of all arms, ammunition, and other accouterment in the county. By 25 May 1775, this subcommittee had learned the whereabouts of approximately four-hundred firearms and had started transferring to militiamen those arms owned by residents who were exempt from personal military service.⁸³ The fact that the Albany Committee had asserted itself in the defense of the county attested to its control of the situation. The fact that it took possession of private property without complaint affirmed its general acceptance among the people of the county.

At the same time that the Albany Committee was collecting weapons, the Provincial Council decided to equip volunteers for New York's continental regiments with weapons appropriated from those who had refused to sign the Association.⁸⁴ In late September, it sent the troops it had just armed from the first regiment of the New York Line into Queens County to support rebels there, collect firearms, and prevent Tories from moving up the Hudson. The

⁸² *Ibid.*, 92 (6 November 1775).

⁸³ The subcommittee – Henry Wendell, Goose Van Schaick, and Jeremiah Van Rensselaer – reported that a fourth of all arms needed major repair and instructed owners to take their weapons to a gunsmith. The gentlemen judged the remaining weapons to be in poor shape but salvable with some at-home maintenance. *Albany*, vol. 1, 32 (18 May 1775), 33 (25 May 1775).

⁸⁴ The Provincial Council mandated that “the person or persons, who shall have the charge of . . . carrying this resolution into execution in each county” furnish the owners with a written receipt for items taken. The council directed Captain Dutcher's militia to accomplish this task in the Tory stronghold of Westchester County. *Journals*, vol. 1, 149-50 (16 September 1775).

council authorized Col. Alexander McDougall, the regimental commander, to use force if necessary.⁸⁵ In Queens County, compliance was the result of coercion, not persuasion, a not very effective way of securing legitimacy.

The committee system needed to employ military force in Queens County because its population, never a hotbed of anti-imperial sentiment in the decade before Lexington and Concord, remained generally hostile to rebel efforts to influence political thinking after the battles. In December 1775, *The Constitutional Gazette* published an article addressed to the inhabitants of the county stating that “there is not a more cruel tyranny, than that which is exercised under the shadow of laws, and with the colour of justice, when the unfortunate sufferers, are drowned, as it were on the very plank, than had taken to save themselves.”⁸⁶

With such sentiment common among the population, McDougall thought it best that “should the [Continental] Congress adopt the measures of disarming Queens,” it should direct rebels from as far away from the county as possible.⁸⁷ In particular, anti-imperialists from Suffolk County should not be sent to Queens, as retribution against their own property would surely be attempted.⁸⁸ Neighbors can be an effective means of applying pressure but only when they do so from a position of strength.

The Albany Committee policed its jurisdiction without outside help, establishing a “Strong Watch well armed and under proper Discipline” to imbue residents with the mindset that

⁸⁵ Colonel McDougall Ordered to Enforce the Resolutions of the Committee, Force, ser. 4, vol. 3, 911 (25 September 1775).

⁸⁶ “To the Inhabitants of Queen’s County,” *The Constitutional Gazette*, NewsBank, Archive of America, America’s Historical Newspapers, Early American Newspapers (ser. 1, 1680-1876), American Antiquarian Society (6 December 1775).

⁸⁷ Alexander McDougall to John Jay, *Jay*, 189-93 (24 December 1775).

⁸⁸ *Ibid.*

defense was a collective responsibility.⁸⁹ Later in the month, it appointed a “Town Serjeant” to manage the rotation and arming of the nightly officer-in-charge.⁹⁰ Codifying watch participation on 12 June, the board mandated periodic service, declaring “That if any Person willfully neglect or refuse to Watch agreeable to the Resolves . . . he shall be deemed an Enemy to his Country, Peace and good order unworthy the protection of this Committee, and that his Name be held up to the public in Hand Bills to be dispersed through the different Parts of this City an County.”⁹¹

Over time, duties of the town sergeant grew to include more than managing the night watch. On 22 April 1777, the committee instructed Jacob Kidney, the town sergeant, to order butcher Anthony Vain “to desist from killing any Cattle &c in his present Slaughter House and . . . remove filth with the greatest dispatch.”⁹² Whether the committee decided upon this measure for health reasons, because of a malodorous smell, or to punish Vain, is not clear. Whatever the reason, the restriction reflected the board’s success in involving itself in parts of communal life other than town defense.

The first year of the conflict remained a local affair in the central Hudson Valley as well, with loyalist sentiment existing in certain towns and precincts but not throughout the region as a whole. Public acceptance of committees permitted intelligence networks to develop that helped rebels expose Tories. On 6 September 1775, the Kingston Committee informed the Provincial Council “that Christian Bergh, Jr.’s sloop, of Dutchess County, now lying near the east shore of

⁸⁹ Albany, vol. 1, 24 (3 May 1775).

⁹⁰ County minutes did not stipulate if the watch rotated with the officer or by some other method. *Ibid.*, 56 (30 May 1775). Keeping teams together seems most likely. Doing so would have not only fostered unit cohesion but also moved the community toward the collectivist mindset that the Albany Committee thought necessary for committee defense.

⁹¹ *Ibid.*, 75 (12 June 1775).

⁹² *Ibid.*, 729 (22 April 1777).

Hudson's River . . . [was] taking a freight on board, in order to supply the King's Troops or the Men of War now lying at New-York."⁹³ The sloop had arrived empty earlier in the day and – perhaps due to Bergh's known sympathies – had been inspected and seized by the Ulster militia.⁹⁴ Bergh, a Dutchess County resident, had publicly and loudly made his loyalism known. Just a week before docking his sloop, he, a relative, and a friend had brandished pistols; “threatened death if an attempt should be made to take them; endeavored to obstruct the choice of officers that [the committee] was making on the 25th instant in Captain Radcliff's Company; threatened him; d—d the Congress; spoke ill of the new commissions the officers are to receive, . . . called them d—d rebels; [and,] after that, enlisted four men in the ministerial service.”⁹⁵

Although Bergh and his friends were able to flaunt their pro-Parliament stance in Dutchess County, where a history of land protests had made individuals suspicious of authority, unimpeded communication among rebels on the west bank of the Hudson hurt the ability of imperialists to disrupt rebel governance. Informing the upriver community was Egbert Dumond, a member of the Provincial Council representing Ulster County who was kept apprised of traffic on the Hudson by his home committee.⁹⁶ Less active a role by Dumond – or a tepid response from either the Provincial Council or the Ulster Committee – would have allowed a political opponent to operate against the rebel cause, challenging the authority of the committee system. Instead, Bergh and his cohort were jailed and their morale broken.⁹⁷

⁹³ Provincial Council, Force, ser. 4, vol. 3, 899 (17 September 1775).

⁹⁴ Report of the Committee of Kingston, Force, ser. 4, vol. 3, 900 (8 September 1775).

⁹⁵ P. De Witt to New-York Congress, Force, ser. 4, vol. 3, 457-58 (30 August 1775).

⁹⁶ Provincial Council, Force, ser. 4, vol. 3, 899 (17 September 1775).

⁹⁷ Bergh petitioned the Provincial Council – the governmental body he had refused to recognize – at least four times for a trial and release to his family. Petition of Christian Bergh, Jr., Force, ser. 4, vol. 3, 907 (23 September 1775); Petition of Timothy Doughty and others, Force, ser. 4, vol. 3, 910-11 (25 September 1775);

The arrest of Bergh and his friends had two positive outcomes for the Dutchess Committee. First, it removed a source of active opposition to its authority. Bergh had not only been vocal in his denunciation of the committee's right to exist, but he had also tried to arm loyalists, prevent the committee from meeting, and imprison its members aboard a British naval vessel.⁹⁸ Second, the arrests showed a restless population that those who refused to bend to the will of the committee would suffer for their intransigence. Sensing a shift in the political orientation of the county, people responded by choosing sides. On 27 September 1775, a week and half after Bergh's apprehension, a party of unnamed residents tarred and feathered James Smith, Esq., a judge of the county's Court of Common Pleas who had acted "in open contempt of the resolves of the County Committee."⁹⁹ The judge had invalidated a committee resolve to disarm Tories and jailed a committee member for executing the measure.¹⁰⁰ Treating Smith roughly did not assure the committee's control of its county for the rest of the war: future British success would rekindle the hopes of closeted loyalists in 1776 and 1777, making the county nearly-impossible to govern. Still, the committee of safety, helped by people's reaction to

Petition of Godfrey Haynes and others, Force, ser. 4, vol. 3, 1267 (4 October 1775); Christian Bergh and others to New-York Congress, Force, ser. 4, vol. 3, 1016 (11 October 1775). It is not clear from the primary record whether the Provincial Council ever released Bergh.

⁹⁸ Dutchess County Committee to their Deputies in Provincial Congress, Force, ser. 4, vol. 3, 466 (31 August 1775).

⁹⁹ James Smith, Judge of the Court of Common Pleas for Dutchess County, Force, ser. 4, vol. 3, 823 (27 September 1775).

¹⁰⁰ Ibid. It is unknown who Judge Smith jailed or who he employed to carry out the jailing. There were nine members of the Dutchess Committee in September 1775: Roswell Hopkins, Beverly Robison, James Smith [not the judge – there were at least two men with the name James Smith in Dutchess County, one who signed the Association and one who was "exempt" from doing so. Signers in Goshen, Orange County, Force, ser. 4, vol. 3, 590-91 (8 June 1775)], Abraham Bocker, Cornelius Humphrey, Ananias Cooper, Jacob Swartout, Jonathan Lewis, and Egbert Benson. Committee of Dutchess County to the New-York Congress, Force, ser. 4, vol. 2, 834 (16 May 1775). The imprisoned member was probably not Smith, Robinson, or Benson. Smith had left the county a few months earlier to serve as Schuyler's commodore on Lake Champlain. Beverly Robison, Jacob Swartout, and Egbert Benson all played visible roles in the revolutionary and early-national periods and no historian has ever mentioned this episode in his or her writings.

Bergh's imprisonment, had achieved effective – if not consistent – control over most the county five months after Lexington and Concord.

Continental Army leaders had to learn how to work with these increasingly-legitimate county boards. The Albany Committee's decision to halt four companies of New York's Second Continental Regiment from moving north to Fort Ticonderoga until it had received the latest communication from the Provincial Council, for example, exasperated Benedict Arnold, the fort's commander.¹⁰¹ Although the company commanders – John Visscher, Joel Pratt, Hezekiah Baldwin, and George White – were officers in the continental line, this distinction meant little to them: they were all from Albany County and had recruited their soldiers from their home districts. Upon receiving word from the committee, they dutifully turned their units around and returned to Fort George. Distressed by the committee's myopia, Arnold complained to the board that the “departure [of the Line] leaves us in a very defenseless situation.”¹⁰² At other times, civilian control of the militia had a more salutary effect, such as when the Provincial Council, concerned that Continental soldiers would not pay residents for commerce conducted with them, published its decision to require soldiers to obtain written permission from their commanding officer in order to take civilian property.¹⁰³ Measures meant to protect inhabitants from the arbitrary activities of campaigning soldiers, even when they were New Yorkers, helped increase the legitimacy of the new provincial government.

Considering the people's welfare was necessary to the survival of the committee system.

The most crucial concern of rebels throughout the state in the late summer of 1775 was their

¹⁰¹ Albany, vol. 1, 66-67 (6 June 1775).

¹⁰² Ibid., 88 (12 June 1775).

¹⁰³ *New-York Gazette; and Weekly Mercury*, NewsBank, Archive of America, America's Historical Newspapers, Early American Newspapers (ser. 1, 1680-1876), American Antiquarian Society (22 April 1776). The *Gazette* was published in New York City; editions would not have made their way up the Hudson for some time after they were printed.

vulnerability to British incursions. The organization and coordination of militias, one of the initial goals of the Provincial Council, was meant to preempt these budding fears. On 9 August 1775, the council disseminated standards for militia formation and command – a centralization of provincial militia authority that had already taken place in eastern Massachusetts – and recommended an organizational structure for counties yet to form boards. These instructions, which arrived in Albany on 15 August, also directed committees to oversee the election of ensigns, lieutenants, and a commander in each militia company; select field officers; and form companies into regiments.¹⁰⁴ On 22 August, the council announced that it was assuming control over all militia units and asked “every County, City, manor, Town, Precinct, and District, within this colony” to form a militia company if they had not already done so.¹⁰⁵ In September 1775, before departing Manhattan to visit their families, representatives invested a pared-down version of their body with the authority to direct militia, minute-men, and continental commanders as long as its instructions aligned with the “orders and suggestions” of the Continental Congress and did “not contravene the orders of Continental Generals.”¹⁰⁶ The Provincial Council exercised its authority on 21 December 1775 by ranking counties in order of military importance, combining their militias into seven brigades, appointing locally prominent supporters of the rebellion to command these units, and basing each general’s seniority on the importance of the area for which he was responsible.¹⁰⁷ This hierarchy would not last, changing due to British occupation of southern New York and the rise of George Clinton, among other factors.

¹⁰⁴ Journals, vol. 1, 104 (9 August 1775); Albany, vol. 1, 193-94 (15 August 1775).

¹⁰⁵ William Walton, “Resolves from the Committee Chamber,” Evans Digital Archive, Early American Imprints, ser. 1, no. 14334 (22 August 1775).

¹⁰⁶ Committee of Safety appointed, Force, ser. 4, vol. 3, 580-82 (2 September 1775).

¹⁰⁷ Representatives ranked the counties from one to fourteen, with New-York and Albany at the top and Cumberland, Charlotte, and Gloucester at the bottom. John Morin Scott would command the militias of New York,

Unlike the mobs and vigilantes that had enforced the Committee of Sixty-One's proclamations in New York City, militia troops were *bona fide* agents of a legitimate, if extralegal, government. No longer did militias represent the authority of the governor and, ultimately, the king. Instead, they enacted the will of elected leaders who, by conferring with each other on boards, claimed to make decisions in the interest and welfare of those who supported the rebel cause. Although initially raised to protect communities from British soldiers and armed Tories, militias soon enforced the resolutions of the boards which had formed them, commissioned their officers, and paid enlistment bonuses to their soldiers.¹⁰⁸

Militias raised and paid by committees followed their instructions.¹⁰⁹ The subordinate status of independently-raised units was less clear, however. In May 1775, before the committee system had arrogated to itself all civil and military power, two Albany County residents, infused with *rage militaire*, formed their own companies. The Albany Committee spent the next few weeks trying to persuade these individuals to subordinate their units to committee oversight. The commander of the Association Company of the City of Albany agreed, marching his unit to Ticonderoga in May when asked to do so by the county board.¹¹⁰ Also recognizing the

Kings, and Richmond Counties; Abraham Ten Broeck would command the militias of Albany and Tryon Counties; Nathaniel Woodhull would command the militias of Suffolk and Queens Counties; George Clinton would command the militias of Orange and Ulster Counties; Lewis Morris would command the militia of Westchester County; Peter Ten Broeck would command the militia of Dutchess County; and Jacob Bailey would command the militias of Charlotte, Gloucester, and Cumberland Counties. Proceedings of the Provincial Council, Force, ser. 4, vol. 4, 483 (21 December 1775). Within a year, Tryon County would get its own militia general – Nicholas Herkimer – and soldiers from Dutchess and Westchester Counties would take orders from Clinton.

¹⁰⁸ A complete record of militia payments was included in volume 40 of Manuscripts of the Colony and State of New York in the Revolutionary War, 1775-1800. Along with the other fifty-one volumes in the series, Volume 40 burned in the Capitol fire of 1911. Note by James Sullivan, Albany, vol. 1, 965.

¹⁰⁹ The committee system could not prosecute the war without money. After exhausting easily-obtained sources of revenue, it took the perilous step of taxing wealth – an extension of governmental power that necessitated not only interactions with people but also the knowledge of how much they were worth. See Appendix A.

¹¹⁰ Albany, vol. 1, 41 (26 May 1775).

committee's legitimacy, Benjamin Hicks consented to disband his company on the condition that, if ever mobilized by the board, "he would rely upon the Credit of the colony for his Pay."¹¹¹ Fortunately for the committee, officers and soldiers from these units accepted its legitimacy. Once clearly in charge of the county's rebel-minded population, the board required prospective militia commanders such as Elisha Benedict of Balls Town to obtain its approval before organizing companies.¹¹²

Even with mandatory service and popularly-elected officers, committees had to resolve disputes over which commander residents were supposed to obey. John Salsbury, a militia captain in Albany's 7th (Kings District) Regiment, created several jurisdictional issues for his committee to settle. First, on 2 February 1776, he and another company commander argued over who was authorized to recruit one Ephraim Kidder, Jr.¹¹³ Two weeks later, Claverack's board complained that Salsbury was enlisting recruits from within its district, an act which prompted the Albany Committee to request that he explain his actions before it.¹¹⁴ Investigating the captain's character, it learned that, when Peter Wiesman had asked the county sheriff to force Nicholas Grott to pay a debt owed to him, Salsbury and friends had physically prevented him from discharging his duty. Taking matters into his own hands, Wiesman seized a mare and colt from his debtor as collateral. Salsbury responded by forcibly returning the animals to Grott, saying that "People there [in Spenser Town and Noble Town] would not be sued for they must

¹¹¹ Ibid., 61 (2 June 1775).

¹¹² Ibid., 56 (30 May 1775).

¹¹³ Albany, vol. 1, 325 (2 February 1776).

¹¹⁴ Ibid., 339 (18 February 1776). According to John Gott of Albany County, Salsbury "drafted" soldiers into his militia company. Pension of John Gott of Albany County, submitted to USGenWeb Archives by Donald E. Lampson [<http://files.usgwarchives.net/ny/columbia/military/revwar/pensions/gott-john.txt>].

go to war.”¹¹⁵ In a similar complaint, Christiaen Smith related an incident in which he had tried to execute a warrant on Jacob Lottewall only to have him escape into the captain’s protection. Salsbury then threatened to tar and feather Smith if he ever accosted Lottewall again.¹¹⁶ Coenraedt Peterson reported a similar story, attesting that Salsbury had refused to accept that he already belonged to a militia company. Hearing that he had shared news of their conversation with Louranc[e] Hogeboom, Salsbury called Peterson a liar, “tied him with a Rope, and Carried him about a Mile” before forcing him to confess that he, not Salsbury, was telling mistruths.¹¹⁷ When the committee heard Salsbury testify on his recruiting methods, it learned that the captain’s commission to raise a minute company conflicted geographically with regular militia enlistment. Instructing Salsbury to stop recruiting soldiers, it then wrote the Provincial Council, requesting permission to disband its minute companies.¹¹⁸

Resolving disputes as complex as the Salsbury case required time, local knowledge, and the ability to interview inhabitants. Because the Albany Committee held military authority over all male residents, it could force them to appear before it and answer questions. Because it could devote hours to investigating the root causes of a problem, it could act judiciously in the eyes of those whom it employed. As it had during colonial times, management of local disagreements, military or civil, helped to secure local agency.

¹¹⁵ Albany, vol. 1, 344 (1 March 1776).

¹¹⁶ Ibid.

¹¹⁷ Ibid., 345 (1 March 1776).

¹¹⁸ Ibid., 485-86 (12 July 1776). Neither the Albany Committee nor the Provincial Council recorded a resolution to this matter. Salsbury received mention in the Albany Committee minutes a few months later for returning to his strong-armed recruiting. According to Col. Stephen Hogeboom and Major Ford, “Mr. Salsbury of Kings District was extremely busy in recruiting from that and some adjoining Districts a Company of Minute Men, and thereby kept the Militia Officers in those Districts in Continual Confusion.” Ibid., 549 (11 September 1775). During the war, Salsbury activated his company “to attend the Kinderhook Election,” for “apprehending disaffected Persons,” for “apprehending certain dangerous Persons,” and for unknown service, but never for engaging the enemy in combat. Salsbury’s company received a total of £25-12-3 for these four mobilizations. Ibid., 487 (12 July 1776), 774 (31 May 1777), 794 (14 June 1777), 883 (11[12] December 1777).

In Tryon County, where Tory and rebel-minded residents lived in neighboring towns, militia formation was decentralized and the county committee's treatment of those willing to serve the rebellion was solicitous. In June 1775, the Canajoharie District Committee, fifteen miles to the west of Johnstown and outside its orbit of influence, petitioned the county board for permission to form its own unit.¹¹⁹ The following month, with the situation at Johnson Hall little changed, the Tryon Committee began finding arms and ammunition so that it could organize residents into military units.¹²⁰ Despite the increasing legitimacy ceded to the committee by the rebel population, the loyalist faction in the county remained unpersuadable. Declaring that it would hear any dispute that a militia commander did not think himself able to handle, the county committee established itself as the final judicial authority over the troops it had raised. Within units, order depended on the ability of commanders to pressure malcontents into obedience. Capt. Jacob Seeber learned that he held the responsibility for instilling discipline in his company when he took Charles Gordon and Lawrence Zimmermann, two of his recruited soldiers, before the committee for refusing to drill. To Seeber's embarrassment, the committee sided with the soldiers. The commander never brought another problem to the board.¹²¹

Whereas committee members interacted with supporters of the rebellion such as Seeber directly, they would rarely accost or apprehend a Tory personally. Instead, they relied on sheriffs, militia detachments, or rangers (quickly-mustered, select militia units capable of handling a variety of tasks) to control the food supply, ferret out Tories, pressure the disaffected,

¹¹⁹ The Canajoharie Committee recorded that it needed "to have a Review" of its newly-enlisted citizen soldiers on 15 June 1775 in order to ensure that the formation was "agreeable to the Regulations of our Provincial Congress." Tryon, 29 (15 June 1775).

¹²⁰ Ibid., 35 (3 July 1775).

¹²¹ Ibid., 72 (26 October 1775). This claim is based on negative evidence.

and guard critical sites. As the Association-signing efforts illustrated, force or the threat of force was the only legitimacy that some loyalists respected.

Committees chose the agent they employed based on the problem they faced and how they wanted it resolved. For civil issues not directly related to the war, they often employed sheriffs and constables who, because they had once been functionaries of the imperial government, already held legitimate authority. Sheriffs and constables executed writs, mittimus, and warrants as they had previously, except that they now took orders from boards. The need to maintain continuity with the past was why Tryon County's committee spent so much time worrying about Sheriff Alexander White and the Ulster Committee would attempt to win the loyalty of its sheriff, Thomas Colden. For larger threats, committees mobilized militias for set periods of time. When the threat consisted of individuals who could flee or act quickly, they utilized the more responsive ranger units. These three agents of police power – sheriffs, militia, and rangers – allowed committees to pressure the disaffected, combat armed Tories, and resist British incursions.

The least effective branch was also the least political, as was shown by Thomas Colden, sheriff of Ulster County at the beginning of the war. Colden was, through family connections, a loyalist who supported King George III. As with most other sheriffs, however, he saw his position as apolitical and maintained his post when rebels gained control of the county, performing duties such as overseeing elections to the Provincial Council.¹²² The Ulster County

¹²² Original Return of Election of George Clinton and Charles DeWitt as Delegates from Ulster County to Provincial Assembly, in George Clinton, *Public Papers of George Clinton, First Governor of New York, 1777-1795 – 1801-1804*, vol. 1, with an Introduction by Hugh Hastings, state historian (Albany: State of New York, 1899), 219 (14 February 1776). Sheriffs were the lowest functionaries of imperial authority. Although agents of the king, they were often either the son of a prominent landlord (like Colden) or a creole who would have had difficulty gaining an audience with the governor or his council (White was an exception, being born and raised in England). Whether because they were used to doing what they were told to do or because they truly believed that it was their duty to enact the will of others, sheriffs worked for whoever they deemed to be in control of their county; instead of persuading others to join or oppose the rebellion, others persuaded them. In *Crime and Law Enforcement in the*

resident also saw it as his duty to read the King's Proclamation to the Inhabitants of his American Colonies. Announcing that he would address "all such officers, both civil and military, and all others that chose to attend" at St. Andrew's Church on Saturday, 2 December 1775, he effectively invited the rebel militia to be his audience.¹²³ Responding to this forecasted display of loyalism, members of the Hanover Committee (Ulster County) arrived at the church with four companies of militia and forced Colden to pledge his allegiance to the rebel cause.¹²⁴

Although the sheriff signed the document and continued to live in the county, committeemen did not know what to do with him. The joint committee of New Windsor and Newburgh (Orange County), whose residents lived near the sheriff, saw Colden as a threat and tracked his movements and activities, especially in the first months after British forces invaded southern New York.¹²⁵ The Ulster Committee, on the other hand, having helped the Hanover Committee obtain the sheriff's support for the rebellion, published his confession for acting "in such a manner as to draw the resentment of all those that have appeared friends to the true interest of the United Colonies."¹²⁶ Although less than a full-throated support of independence, Colden's *volte-face* showed New Yorkers that a relative of the former lieutenant governor had recognized the legitimacy of committee rule.

Colony of New York, 1691-1776, Douglas Greenberg posits that sheriffs were intimidated by the aggressiveness of law breakers in colonial New York. His claim is persuasive, especially for law enforcement officers of frontier communities. Greenberg, 158-63.

¹²³ Declaration of Thomas Colden, Force, ser. 4, vol. 4, 156 (7 December 1775).

¹²⁴ Ibid.

¹²⁵ The Committee directed a guard to "disarm" Colden "but to their great disappointment, found no arms of any sort whatever." Provincial Council to George Clinton, *Clinton*, vol. 1, 244-47 (3 July 1776).

¹²⁶ *The New-York Gazette*, NewsBank, Archive of America, America's Historical Newspapers, Early American Newspapers (ser. 1, 1680-1876), American Antiquarian Society (11 December 1775).

The Quest for Legitimacy

When local committees encountered resistance to their employment of law enforcement, the Provincial Council lent its legitimacy in ways that went beyond passing edicts and coordinating defensive preparations. Involving itself in county prerogatives, the council had already sent militia from Suffolk County to confiscate weapons in Queens County in September 1775.¹²⁷ When this action and other equally assertive measures failed to win the county for the cause, the Provincial Council shifted its focus to Westchester County.¹²⁸ When Fordham and West Farms, two communities in the southern region of the county, petitioned the council to form militias independent of the Borough of Westchester, it bolstered the county committee's authority by writing to it (and not the townsmen), stating that, as long as militia companies consisted of eighty-three men, "the division of the County into Beats or Districts is referred to you."¹²⁹ A month later, the council resolved a dispute in Orange County by directing the New Windsor board to reimburse Newburgh's committee for the latter's help in apprehending Stephen

¹²⁷ Flick, *Loyalism*, 62.

¹²⁸ Joseph S. Tiedemann claims that the committee system failed in Queens County because of demographics and decisions made by rebels before the arrival of Howe's army in 1776. Historically, the county had suffered little from New York's subordinate relationship with the British crown. Ethnically, it was populated with Anglicans who were predisposed to loyalism for religious reasons and Quakers who were doctrinally pacific and, therefore, not willing to oppose the crown militarily. To influence the county, the Provincial Council had to rely on armed men, a necessity which resulted in the poor treatment of Tories and provided fodder for loyalist propagandists. According to Tiedemann, "Since the committee system was the stepchild of external force, rather than the offspring of community influence, it never became an effective instrument of revolutionary warfare" in the county. Tiedemann adds that rebels were further hampered by the widely-held assumption that the British would soon invade Long Island. Joseph S. Tiedemann, "A Revolution Foiled: Queens County, New York, 1775-1776," *Journal of American History* 75, no. 2 (September 1988): 432. I agree with Tiedemann's analysis but not his emphasis. Queens County stayed loyal for the first year and a half of the conflict more because residents anticipated the arrival of the British than because Tories organized better than did the committee system. Loyalists did not foil "revolution" in Queens County because the county was never truly revolutionary.

¹²⁹ Provincial Council to Westchester Committee, Force, ser. 4, vol. 3, 879 (5 September 1775).

Wiggins and David Purdy, two confessed Tories.¹³⁰ By the end of 1775, after each county had established a viable committee, the Provincial Council began addressing specific issues instead of promulgating generalized directives. On 12 December, after moving from White Plains to Fishkill in order to avoid capture by the British, it authorized county committees to come to each other's aid without first requesting provincial-level permission to do so. In the same session, it allowed the Dutchess Committee to detain residents who refused to cooperate with investigations.¹³¹ The Provincial Council set policies for the county committees but involved itself in their issues only when its help was requested or it sensed that its help was needed.

With New Yorkers about to participate in the invasion of Canada, the first military campaign of the war in which residents would participate, committees in the northern portion of the province felt that they needed to regulate their societies in order to control those they had identified as Tories.¹³² As early as the first of May, the Albany Committee believed that it needed "full Power to transact all such matters" that it "shall conceive may tend to promote the Weal of the American Cause."¹³³ On 16 September, John Pierce, a future paymaster general in the Continental Army, commented that "the committee in this Place [Albany] enforced their

¹³⁰ *Journals of the Provincial Congress, Provincial Convention, Committee of Safety and Council of Safety of the State of New-York, 1775-1776-1777*, vol. 2 (Albany: Thurlow Weed, Printer to the State, 1842), 97 (27 October 1775); Newburgh (New-York) Committee to the Provincial Congress, Force, ser. 4, vol. 3, 1206 (27 October 1775). Although the minutes do not state why Wiggins and Purdy were arrested, it might have been because both had twice refused to sign the Association. Signers in Newburg, Orange County, Force, ser. 4, vol. 3, 595 (14 July 1775). The Newburgh Committee appealed directly to the Provincial Council most likely because it thought that the Orange Committee was feckless.

¹³¹ Journals, vol. 1, 214-15 (12 December 1775).

¹³² In *The People's Welfare*, William J. Novak argues that state (police) powers were exercised mostly at the local level. Although he focuses on early-national America, Novak reads his observations back to cover the fight against the British. *The People's Welfare: Law & Regulation in Nineteenth-Century America*, Studies in Legal History (Chapel Hill: University of North Carolina Press, 1996), 3-13. For the most part, this extrapolation describes communities in New York's Hudson Valley: although boards lacked the permanence or legal standing to possess "police powers," they relied on regulatory measures to prosecute the war. In this dissertation, I use "police powers" to refer to the enforcement of regulations, not the committee decisions which authorized them.

¹³³ Albany, vol. 1, 18 (1 May 1775).

command by fine & imprisonment” and that its members were the “sole legislatures, & a . . . committee of war.”¹³⁴ In Tryon County, committeemen voted regulations defining their jurisdiction and responsibilities.¹³⁵ Because the board did not exercise complete control over the county, however, a large number of Tory-minded residents ignored writs demanding that they present themselves before the committee.¹³⁶ In the first months of the war, residents had increased their identification with the province as the importance of town and county governance increased, especially in exposed Albany, Tryon, and Charlotte Counties. Given that the requirement was now to support a northern invasion rather than to defend against an invading force, the willingness of a previously independent-minded frontier population to look to committees for direction, protection, and unity was muted and selective.

Throughout the war, the rebels who comprised New York’s committee system, knowing that legitimacy derived from more than just military necessity, vigorously attempted to unearth disloyal behavior. On 4 September 1775, the Provincial Council had the *New-York Gazette; and Weekly Mercury* inform the colony of its resolution of 28 August that residents who abetted British forces “shall be punished at the Discretion of the Committee before whom he or they shall be found guilty . . . not [to] exceed three Months Imprisonment.”¹³⁷ Those arrested for aiding the enemy a second time “shall be banished from this colony for the term of seven

¹³⁴ John Pierce, Jr. to Andrew Adams, New York State Library/Manuscripts and Special Collections/Phelps-Gorham Papers/SC10440 (16 September 1775).

¹³⁵ Tryon, 51-52 (26 August 1775).

¹³⁶ For example, Roger Baxtor, Thomas Baxtor, Charles Gordon, and Christian House never appeared for questioning. Ibid., 63-66.

¹³⁷ Robert Benson, “A True Copy from the Minutes,” *New-York Gazette; and the Weekly Mercury*, NewsBank, Archive of America, America’s Historical Newspapers, Early American Newspapers (ser. 1, 1680-1876), American Antiquarian Society (4 September 1775). The council had the resolution reprinted in *The New-York Journal* on 14 September 1775, NewsBank, Archive of America, America’s Historical Newspapers, Early American Newspapers (ser. 1, 1680-1876), American Antiquarian Society.

Years.”¹³⁸ Speaking ill of any level of committee government would receive the same punishment as taking up arms against the united colonies: an indefinite jail sentence.¹³⁹

On the same day that the Provincial Council printed its resolution, the Albany Committee received a letter from Daniel B. Bratt of the Hoosick Committee recounting his efforts to verify the Monro family’s suspected Toryism. Bratt and others had approached John and Daniel Monro’s residence, entered their house, searched trunks of paperwork for a rumored royal commission, asked them questions, and then left. According to Bratt, “During the whole [of the] Transactions, Mr. Monro’s behavior was very manly, & we cannot think he is in the least Guilty & have entirely discharged him on that Account.”¹⁴⁰ To the Hoosick Committee, regulation meant denying individuals their privacy but not their protection from unsubstantiated hearsay.

The Fishkill Committee was similarly energetic in policing its community, foiling a British plot to arm loyalists in the Hudson Highlands by acting on information given to it in late April 1776 by a young boy. The boy had been playing with friends in Wiltsy’s store when he noticed that a chest on a wagon owned by a gentlemen passing through town contained weapons.¹⁴¹ Members from the committee, after listening to the boy’s report, opened the boxes and learned that they contained pistols and broadswords owned by the visitor, a Maj. Duncan Campbell of the British army.¹⁴² Fishkill rebels took control of the crates as the town committee summoned Campbell, who had been traveling on an authorized pass, to appear before it. Although it is unknown whether or not he appeared before the committee, as Clinton reported in

¹³⁸ Ibid.

¹³⁹ Ibid.

¹⁴⁰ Bratt dated his letter 29 August 1775. Albany, vol. 1, 227-28 (4 September 1775).

¹⁴¹ George Clinton to George Washington, *Clinton*, vol. 1, 232-33 (5 May 1776).

¹⁴² Ibid.

a letter to Washington, it was unlikely that a British army officer would subject himself to questioning by local rebels.¹⁴³

The ability of local committees to prevent Tory activities such as Campbell's delivery of weapons gave members of the Provincial Council the temerity to declare that witnesses who refused to submit evidence to a committee were to be imprisoned at their own expense until agreeing to give their testimony.¹⁴⁴ With the regulation enacted and winter reducing the urgency of military matters in the colony, the council devoted a whole day of business to hearing prisoner cases. The same committeemen judged four crimes consecutively, making decisions that reflected the priorities of an organization trying to legitimate both the fight for liberty and their role in directing that fight.¹⁴⁵ When William Weyman of Westchester County, imprisoned for selling goods to British sailors on board the *Asia* when it had anchored in Haverstraw Bay earlier in the year, appeared before the provincial leaders, he "acknowledged, voluntarily, the charges against him and appeared contrite and penitent for his past ill conduct."¹⁴⁶ The council reprimanded him but allowed him to return home. Likewise, Thomas Service, who had carried an unauthorized trader on one of the colony's vessels, was admonished without being penalized.¹⁴⁷ Azor Betts and Robert Simmons, on the other hand, found the council punitive in its judgments. Betts, who had publicly "damed the Congress and Committees, both Continental

¹⁴³ Ibid. Also unknown is how Campbell obtained a pass and who signed it.

¹⁴⁴ Letter from Dutchess County and reply by the Provincial Council, Force, ser. 4, vol. 4, 403 (5 December 1775).

¹⁴⁵ The council called itself a committee of safety because of the small number of delegates present. Proceedings of the Provincial Council, Force, ser. 4, vol. 4, 1043-45 (13 January 1776).

¹⁴⁶ Ibid., 1043. The Provincial Council permitted authorized agents to supply the *Asia*, most likely to keep its cannon quiet and ensure that its captain treated the rebel prisoners in his brig well. Abraham Lott to the Provincial Council, Force, ser. 4, vol. 3, 465 (31 August 1775).

¹⁴⁷ Proceedings of the Provincial Council, Force, ser. 4, vol. 4, 1043-45 (13 January 1776).

and Provincial,” was locked up in the Ulster County jail.¹⁴⁸ Simmons’s attempts to bribe his way out of an unfavorable verdict won him the council’s disapprobation and a sentence to join Betts.¹⁴⁹ The Provincial Council judged Weyman leniently because it thought him winnable, did not over-react to learning of Service’s peccadillo, controlled the threat posed by Betts, and responded emphatically to Simmons’s machinations.¹⁵⁰

At this stage in the war, before the British occupied significant parts of the colony, what most worried councilmen was disrespect for the governing body on which they served. Legitimacy was required if communities were to follow the decisions made by their local committees. Without respect, there was little chance that the general population would grant the committee system the legitimacy it needed to prosecute the war.

The most promising way for loyalists to attack the legitimacy of the rebel war effort was to devalue the paper currency that the rebels had justified issuing by claiming to speak for the economic interests of the citizenry as a whole. Counterfeiting schemes, therefore, posed a dangerous threat to the continued existence of rebel committees. They were also one of the most difficult Tory subterfuges for committee governments to unearth. Replying to a letter from Saratoga asking “How is the Person to be dealt with, that counterfeits or forges the Albany committee Currency, or the Continental Currency, or the Boston Notes [?],” the Albany Committee answered that a “Magistrate” needed to determine the accused’s guilt or innocence and then, if found guilty, send him to the gaol.¹⁵¹ Although clear and reasonable, this procedure was not easily followed: much to committee members’ dismay, counterfeiters evaded rebels by

¹⁴⁸ Ibid., 1043-44.

¹⁴⁹ Ibid., 1044-45.

¹⁵⁰ Ibid., 1043-45.

¹⁵¹ Albany, vol. 1, 291 (11 November 1775).

running printing presses in Tory-controlled Manhattan and then smuggling faux bills up the Hudson River.¹⁵²

To foil counterfeiting plots, the committee system directed military formations to search suspected sites and arrest those caught in the activity. On 19 April 1776, Col. Gilbert Drake notified the Provincial Council that forged currency was circulating in Westchester County, although he could not implicate anyone in its production.¹⁵³ Several weeks later, the council learned from Charles Friend of Westbury, Queens County, that unknown persons were secretly printing continental bills in Cold Springs (Long Island). After sending Captain Wool and a party to stop production, the convention then spent two days hearing testimony from the four men caught red-handed.¹⁵⁴ Although the council suppressed the Cold Springs plot, James Rivington, the loyalist printer who likely oversaw the operation, remained under British protection in Manhattan.¹⁵⁵

In the Hudson Valley, being classified as disaffected not only meant that you were questioned first whenever a counterfeiting plot was uncovered but also that you were the first approached by sheriffs and militias for items such as blankets and weapons.¹⁵⁶ If you were

¹⁵² For a detailed explanation of counterfeiting schemes, see Kenneth Scott, *Counterfeiting in Colonial New York* (New York: American Numismatic Society, 1953).

¹⁵³ Journals, vol. 1, 414 (19 April 1776).

¹⁵⁴ Ibid., 413-17 (14-15 May 1776).

¹⁵⁵ Although Rivington printed tracts for the British in New York City, I have come across no definitive proof that he was involved in counterfeiting plots. Since there were few presses in New York City that operated during the British occupation, however, it was likely that Rivington was in league with those who tried to profit at the rebels' expense. Counterfeiting – whether independent of British officials or under Rivington's aegis – continued after the Cold Spring raid, as did efforts to quell the practice. For example, a Captain Slawson led troops into Thomas Heden's house to seize illegal currency in April 1777. *Calendar of Historical Manuscripts relating to the War of the Revolution*, vol. 2 (Albany: Weed, Parsons and Company, 1868), 91, cited in Scott, 157 (5 April 1777).

¹⁵⁶ Proceedings of the Provincial Council, Force, ser. 4, vol. 5, 1461 (24 April 1776).

known to deny committees the legitimacy they sought, then little could be lost if you were made to bear more of the war's burden than your neighbors were. In the spring of 1776, rebel leaders along the Hudson River appropriated needed items from the disaffected and gave them to militiamen manning the Highlands fortifications.¹⁵⁷ The more legitimacy New Yorkers granted the committee system, the less it worried about making enemies.

Committees of safety mostly succeeded in preparing New York society for military conflict during the fourteen months between Lexington and Concord and the arrival of British ships in New York Harbor. Taking the advice of the Provincial Council, these extralegal organizations attempted to interview every adult male and record his stance toward the rebellion. Although not a complete record due to entrenched opposition in Tyron County, unpersuadable tenants east of the Hudson River, and traditions of dependence in Queens County, these lists helped the new government pressure loyalists, gather intelligence, and assemble militias. As political exigencies forced committees to assume investigatory and regulatory powers beyond those exercised by the Committee of Sixty-One, the focus of the rebel effort unintentionally devolved upon individuals, not classes or professions. New Yorkers still acted communally; nonetheless, they were beginning to express themselves individually and accept a provincial identity. Invasion in the summer of 1776 would accelerate these trends and intensify the degree to which the increasingly-legitimate committees involved themselves in the lives of New Yorkers.

¹⁵⁷ Proceedings of the Provincial Council, Force, ser. 4, vol. 5, 1486-87 (4 May 1776).

3. The 1776 Campaign and the Increasing Authority of the Committee System, June 1776 –

October 1776

The presence of British troops in New York increased the importance of committees of safety. In the first year of the war, committees had mobilized militias mostly to oppose the Johnsons in Tryon County or to construct defenses in the Hudson Highlands.¹ Even fewer had been sent on the ill-fated invasion of Canada.² With two enemy armies threatening the state during the summer of 1776, however, committeemen needed to find ways of defeating professional soldiers who were superior to militiamen on open fields of battle. Reacting to changed circumstances, boards raised more soldiers; restricted the privileges of those they deemed disaffected; and regulated access to critical items such as tea, salt, and gunpowder. In the south, committees allowed their militias, combined under the command of George Clinton, to assist Washington's continental army. In the Hudson Valley, committees used militias to suppress uprisings in Dutchess County and contest British control of parts of Westchester County. In the north, local forces helped Benedict Arnold convince Sir Guy Carleton, the governor of Canada, to halt his movement up Lake Champlain. By October 1776, committees,

¹ In late 1775, for example, soldiers from Dutchess County and Albany County's 10th (Manor of Livingston) Regiment built barracks in Fishkill which housed activated militias throughout the rest of the war. Pension of Andrew A. Race of Albany County, submitted to USGenWeb Archives by Donald E. Lampson [<http://files.usgwarchives.net/ny/columbia/military/revwar/pensions/race-andrewa.txt>]; Pension of John Salpaugh of Albany County, submitted to USGenWeb Archives by Donald E. Lampson [<http://files.usgwarchives.net/ny/columbia/military/revwar/pensions/salpaugh-john.txt>]; Pension of William Scott of Albany County, submitted to USGenWeb Archives by Donald E. Lampson [<http://files.usgwarchives.net/ny/columbia/military/revwar/pensions/scott-william.txt>]; Pension of Barent Shepperly of Dutchess County, submitted to USGenWeb Archives by Donald E. Lampson [<http://files.usgwarchives.net/ny/columbia/military/revwar/pensions/shipperly-barent.txt>].

² The Fifth (Claverack) Regiment (Albany County) supported continental units on two occasions during the invasion of Canada. Pension of Jonathan W. Race of Albany County, submitted to USGenWeb by Donald E. Lampson [<http://files.usgwarchives.net/ny/columbia/military/revwar/pensions/race-jonathanw.txt>].

fully established as the state's legitimate government, had intervened in people's lives to an unprecedented degree. Although still extralegal, they had succeeded in instilling a common political outlook among the people of New York.

The British Advance in the North and Threaten the South

While the committee system worked to legitimate itself during the winter of 1775 and spring of 1776, losses suffered by the Continental Army in Canada left New York open to attack by British forces. To bolster Schuyler's command, the Continental Congress asked the Provincial Council to raise an additional regiment of the New York Line. This enlistment challenged the committee system, which had to use all of its still questionable authority to induce men to serve. The Charlotte Committee, although overseeing the rebel effort in one of the least-populated counties, found ways to recruit additional soldiers, perhaps because its territory would be the first invaded if the British tried to push south along Lake Champlain.³

In Dutchess County, mobilization triggered events that led to open rebellion against the committee system. Men from the county first protested by traveling east to enlist, believing that the pay in the Connecticut Line was greater, the bounty more generous, and the length of enlistment better defined.⁴ In truth, the Continental Congress determined how much soldiers got paid in the Continental army. That military-aged men in Dutchess County thought otherwise

³ For example, William Tyrel was identified by the Charlotte Committee as someone who should serve in this off-cycle enlistment. He was instead represented by his brother Samuel. Petition of Samuel Tyrel of Charlotte County, 28 August 1832, submitted to USGenWeb Archives by Thomas L. Dunne [<http://files.usgwarchives.net/ny/washington/military/revwar/pensions/t000001.txt>].

⁴ Letter from the Dutchess Committee to the Provincial Council, Force, ser. 4, vol. 5, 1402 (19 March 1776).

suggested that the county committee had been unable both to influence those whom it claimed to represent and to convince them of the veracity of its proclamations.⁵

The lack of rebel fervor which had made many Dutchess County residents unwilling to sign the Association in the spring of 1775 and reluctant to serve in the New York Line a year later expressed itself as open insurrection in June 1776, when their committee's decision to contest the British in southern New York indicated that it favored an irrevocable split from the Empire. When Isaac Nicoll, a colonel of Orange County militia, reported the status of his Highlands command to Washington, he reported that enough disaffected residents lived in Dutchess and Westchester Counties that they could, if organized, launch successful attacks against Constitution Island and Fort Montgomery.⁶ In the same letter, the militia commander conveyed a rumor that Captain Menos of Fredericksburg, Dutchess County, had deserted to the enemy with forty men.⁷ In June 1776, several soldiers in John Field's regiment of Dutchess County militia refused to serve in a continental brigade after their captains, following a resolve of the Continental Congress, selected them to do so.⁸ More disturbing to the Provincial Council, four company commanders – two from Field's unit and two from Henry Luddington's Dutchess County regiment – declined even to attempt to conscript soldiers.⁹ In the spring of 1776, continental service meant marching to New York City to fight the redcoats who would soon be disembarking from transports in New York Harbor.

⁵ Provincial Council to the Dutchess Committee, Force, ser. 4, vol. 5, 1402 (25 March 1776).

⁶ Letter from Isaac Nicoll to Washington, Force, ser. 4, vol. 5, 1153 (30 April 1776).

⁷ Ibid.

⁸ Proceedings of the Provincial Council, Force, ser. 4, vol. 6, 1429 (25 June 1776).

⁹ Proceedings of the Provincial Council, Force, ser. 4, vol. 6, 1432 (26 June 1776).

Members of the Provincial Council debated how best to combat dissention in Dutchess County. After surviving protests and unpopularity during the first winter of the war, the county committee, chaired by Egbert Benson, requested that the colony pay 150 men to be kept under arms within county borders.¹⁰ Representatives from Charlotte County and the City of New York resisted.¹¹ Although the provincial body did not record reasons for these objections, they clearly had to do with the apportionment of colonial resources. Northern and southern New York were the two geographic areas facing invasion in the summer of 1776; manpower permanently mobilized in the Hudson Valley – especially when thousands of the colony’s men were already serving in the New York Line – meant less protection for these vulnerable localities. John Morin Scott, brigadier general of the New York, Kings, and Richmond militias then representing New York County in the convention, decided the issue by supporting the measure, negating the opposition of John Van Cortlandt, the other delegate from Manhattan.¹² Siding with the majority of the colony’s residents, Scott focused more on the war at home than on the threat posed by the British army.

Not only did the Provincial Council allow Dutchess County to form a ranger unit but it also suggested that Westchester and Ulster Counties do the same.¹³ Any doubt over the need for a permanent force to oppose loyalists was erased when councilmen learned of further insurrection in Dutchess County. According to a letter written by Benson, about two-hundred Tories had appropriated arms from unprotected rebel farmers. Order had been restored only

¹⁰ Proceedings of the Provincial Council, Force, ser. 4, vol. 6, 1416 (19 June 1776); Proceedings of the Provincial Council, Force, ser. 4, vol. 6, 1417-19 (20 June 1776).

¹¹ Tryon County’s vote was divided. Ibid.

¹² Ibid.

¹³ Proceedings of the Provincial Council, Force, ser. 4, vol. 6, 1416 (19 June 1776).

when five-hundred Connecticut militiamen arrived to force the loyalists back into the woods.¹⁴ The committee chairman was not asking for military assistance; instead, he requested only money to reimburse the Connecticut troops and guidance on where to keep the prisoners they had apprehended.¹⁵ Using the incident to champion a county-run ranger detachment, he added that “a standing military force equal to what we [had previously] requested” would not only have negated the need to rely on – and pay – men from another colony but also “overawe the disaffected” in the future.¹⁶ A week later, councilmen advanced six counties a total of £4,560 for ranger formations.¹⁷

With the unrest temporarily dissipated, the Dutchess Committee had time to raise 150 men to police the area within county borders.¹⁸ These rangers employed accepted forms of physical violence, issued threats to the lives and livelihoods of residents, and utilized the intimidation that comes from living in a militarized society to enforce the committee’s will and strengthen its ability to influence residents. Serving as the unit’s “captain commandant” was the Dutchess County businessman who had secured the prisoners captured by the Connecticut

¹⁴ Letter from the Dutchess Committee to the Provincial Council, Force, ser. 5, vol. 1, 1408 (12 July 1776). Two days later, Benson wrote Washington that “the insurrection of Tories was rather an inconsiderable affair,” suggesting that less than two-hundred residents had rebelled against the committee. Letter from Egbert Benson to General Washington, Force, ser. 5, vol. 1, 337 (14 July 1776).

¹⁵ Letter from the Dutchess Committee to the Provincial Council, Force, ser. 5, vol. 1, 1408 (12 July 1776). After reading the letter, members of the Provincial Council voted to pay Connecticut for its help. Proceedings of the Provincial Council, ser. 5, vol. 1, 1413 (16 July 1776).

¹⁶ *Ibid.*

¹⁷ The Ulster Committee, which received £960 of that total, began charging other mobilization expenses to the source of the largess, a slight of hand which the council quashed by rebuking the committee’s treasurer for not using his own sources of income to cover “so small a sum.” Proceedings of the Provincial Council, Force, ser. 5, vol. 1, 1437 (24 July 1776); Letter from the Provincial Council to the Ulster Committee, Force, ser. 5, vol. 1, 1517 (16 August 1776).

¹⁸ Westchester County already had a fifty-man ranger company. Proceedings of the Provincial Council, Force, ser. 4, vol. 6, 1424-25 (22 June 1776). The company would increase in size when the provincial government began paying its expenses.

militia: Melancton Smith.¹⁹ Under Smith's leadership, Dutchess County's ranger companies helped restore rebel control east of the Hudson River. On 9 August 1776, when the board felt that a military supply depot needed protecting, it called on two ranger companies "to Guard the Stores of this City."²⁰ The next month, it sent Captain Baldwin's troops to Coxsackie to apprehend persons "turbulent and Dangerous to Safety" who were terrorizing "the good People of that District."²¹ As the war progressed, these companies effectively became their committee's police force, an accepted agent of legitimate violence used most often to hunt down elusive Tories.²²

For the rest of the year, loyalist activity kept the county committee more concerned with suppressing riots at home than with mobilizing against the British army, as evidenced by its request to the Provincial Council in October for permission to raise "another Company of County Guards, for the detection and suppression of dangerous and disaffected persons."²³ Meeting in nearby Fishkill at the time, the convention approved a forty-nine man ranger company, paid for by the state but under the county committee's direction.²⁴ These committed rebels succeeded in bringing Tories before the county committee, solidifying its control over the jurisdiction.

Although Ulster County's freeholder population and distance from the British advance saved it from experiencing the level of loyalist activity that Dutchess County encountered,

¹⁹ Provincial Council to the Dutchess Committee, Force, ser. 5, vol. 1, 1413 (16 July 1776).

²⁰ Albany, vol. 1, 518-19 (9 August 1776).

²¹ *Ibid.*, 551-52 (14 September 1776).

²² For example, Dutchess County rangers brought John M. McDonald before the county committee to receive sentencing on 23 July 1776. Reuben Hopkins, secretary of the Dutchess Committee, New York State Library/Manuscripts and Special Collections/Jacob Abbott Collection/SC961/Item 387 (23 July 1776).

²³ Letter to the Provincial Council from John Field and Isaac Paddock, Force, ser. 5, vol. 3, 231 (8 October 1776).

²⁴ *Ibid.*

unassertive leadership in the spring and summer of 1776 had its committee complaining to the Provincial Council about small matters when consequential ones loomed. On 14 March 1776, the Provincial Council informed the Ulster Committee that Abraham Hasbrouck, a militia colonel, had complained to it about the renaming of his regiment and the promotion of Clinton to brigadier general.²⁵ As both of these issues were county-level problems, the council chided the Ulstermen, claiming – accurately – that it was too busy to devote time to the nomenclature of units, adding that it could not “judge of the qualification of any person, in *your* County [my emphasis].”²⁶

Clinton, meanwhile, addressed himself to provincial issues. Because he believed that manpower had to be husbanded, he opposed the Continental Congress’s resolution to raise a regiment from New York (and three from other states) as a reaction to the rebel loss at Trois Rivières on the Saint Lawrence River in Quebec. Not only was summer the wrong time of the year to recruit from an agrarian population but those who did volunteer would not be able to influence the situation in Canada for several months, if at all.²⁷ Clinton also let the Continental Congress know that its decision to appoint officers of the new regiment instead of allowing the Provincial Council to do so would limit enthusiasm for the effort.²⁸ Left unsaid, perhaps because it was obvious, was the inability of troops sent north to support Washington’s soldiers in New York County. Although Clinton correctly identified the cost of additional recruitment for the New York Line, he underestimated the colony’s ability to convince men to serve. By the end of

²⁵ Letter from the Provincial Council to the Ulster Committee, Force, ser. 4, vol. 5, 379 (14 March 1776).

²⁶ Ibid.

²⁷ Col. Lewis DuBois was the eponymous commander of the June regiment. Draft of letter from George Clinton to the Provincial Council, *Clinton*, vol. 1, 237-38 (n. d. June 1776).

²⁸ George Clinton to the Continental Congress, *Clinton*, vol. 1, 241-42 (26 June 1776).

the summer, the Provincial Council had raised seven regiments for the Continental Army, more than New York would field during any other period of the war.

The British army's successes on Long Island in August 1776 and on Manhattan Island in September resulted in its occupation of New York County and increased the importance of the committee system to the rebel war effort. Not only did local boards need to keep their communities supporting independence but incursions into the northern and southern parts of the state forced them to build and man defensive works, support displaced residents, and regulate scarce commodities. Perhaps more importantly, the militias they mobilized opposed enemy raiding parties and fought armed loyalists. With Howe's army the victor in battles fought against Washington's rebel forces on Long Island, on Manhattan Island, in Westchester County, and in northern New Jersey, the committee system invested George Clinton, its most active commander in the strategically-important Hudson Highlands, with control over regiments from the four counties most vulnerable to British invasion. Clinton managed to keep sufficient force in the field, deterring the British from heading north up the Hudson and keeping the rebel cause alive in central New York.²⁹

While Clinton led forces in the field, the committee system addressed itself to collecting munitions, another critical aspect of mobilization. Anticipating a British attack on Manhattan, the Provincial Council sought to accumulate sufficient stocks of gunpowder. By April 1776, a year after Lexington and Concord, it had obtained 413 casks weighing an estimated 10,303

²⁹ My understanding of the New York campaign was initially formed by reading Chapter 15, "The War of Posts," in Robert Middlekauff, *The Glorious Revolution: The American Revolution, 1763-1783* (New York: Oxford University Press, 1982) and Ira D. Gruber's "America's First Battle: Long Island, 27 August 1776" in Charles E. Heller and William A. Stofft, *America's First Battles, 1776-1965* (Manhattan: University Press of Kansas, 1986). It has since been tempered by "New York Lost and New Jersey Saved, August 1776 - January 1777" in Mark V. Kwasny, *Washington's Partisan War, 1775-1783* (Kent, OH: Kent State University Press, 1966) and "The Fall of New York" in David Hackett Fischer's *Washington's Crossing* (New York: Oxford University Press, 2004). Reading Barnett Schecter's *The Battle for New York: The City at the Heart of the American Revolution* (New York: Walker & Company, 2002) filled gaps in my knowledge.

pounds.³⁰ During the same period, the council had assembled 20,622 pounds of lead, 42,500 flints, and 10,527 musket cartridges. From 16 February to 20 April, it distributed at least 265 casks (10,486 pounds of lead, 15,050 flints, and 10,946 musket cartridges) of this acquired stock to continental, provincial, county, and naval units. Unfortunately for the rebels, these supplies did little to stop Howe's army from taking possession of Manhattan and crossing the Harlem River into Westchester County.

With continental forces fighting in Westchester County and occasionally assigned to protect the Hudson Highlands, New York's riverine counties became militarily important to both the British and the rebels. Once Washington, attempting to block British access to the Hudson Highlands, had withdrawn all troops not defending the upper west side of Manhattan into central Westchester County, the Provincial Council resolved to keep his army supplied by improving the Albany Post Road.³¹ Farmers in Dutchess, Orange, and Ulster Counties, when they were not mobilized for militia service, grew and harvested the wheat that sustained not only local military and civilian populations but also victualed continental formations.³² With the Hudson littoral home to many mills, grain could be sold to purchase agents in the Continental Army and, if local committees lost their influence, to purchasers in the British army. Possession of the mills and control of nearby farmland would be a blow to the rebel military effort as well as a boon to loyalists wishing to return the Hudson Valley population to a state of willing subordination to the crown.

³⁰ Return of Military Stores found at the Powder-House, and received and issued at the Provincial Store, in New-York, from February 12 to April 20, Force, ser. 4, vol. 5, 999 (n. d.).

³¹ Otto Hufeland, *Westchester County during the American Revolution, 1775-1783* (White Plains, NY: Westchester County Historical Society, 1926; reprint, Harrison, NY: Harbor Hill Books, 1982), 180 (page reference is to reprint edition).

³² For example: Proceedings of the Provincial Council, Force, ser. 5, vol. 2, 700 (n. d. 1776).

Sensitive to the vagaries of the larger military conflict as well as to the shifting political attitudes of its residents, the Dutchess County Committee often mobilized militias to defend Fort Constitution on Martlaer's Rock (Constitution Island), the site of the rebels' first defensive works on the Hudson River.³³ With many in the county expressing only lukewarm acceptance of the rebellion, non-combat duty represented an appropriate way for the Provincial Council to utilize the county's militias. Even using Dutchess County manpower for passive purposes had its consequences: the poor organizational abilities of the Dutchess Committee and the low morale of its militiamen hindered Fort Constitution's construction, manning, and provisioning. With Dutchess County primed for further unrest, neighboring committees remained sensitized to reports of dissatisfaction and disaffection in the county.³⁴

Across the Hudson, the Orange and Ulster Committees had to find men willing to serve in their militia regiments. British vessels on the Hudson made towns and farms along the river susceptible to plundering, destruction, and temporary occupations, something about which George Clinton had worried ever since he took command of the Orange and Ulster County militias. In August 1776, British soldiers on barges, threatening the rear of Washington's army, landed on the river's west bank, drove off Jacob Halstead's cattle, took his calves, and burned his house to the ground.³⁵ Such raids were hard to defend against due to the speed of an enemy who could move troops by water. The conundrum of how best to guard against incursions kept

³³ Letter from Col. Henry B. Livingston to John McKesson, Force, ser. 4, vol. 6, 510 (19 May 1776).

³⁴ On 9 October 1776, Samuel Ten Broeck, a major of the Albany County militia who had observed residents of Livingston Manor, informed Peter R. Livingston, his regimental commander and the district's representative to the Provincial Council, that the disaffected had begun "to be rather more trouble-some and daring than formerly." Letter from Samuel Ten Broeck to Peter R. Livingston, Force, ser. 5, vol. 2, 963-64 (9 October 1776); Pension of Samuel Ten Broeck of Columbia [Albany] County, NY, 23 June 1832, USGenWeb Archives, site managed by W. David Samuelson [<http://files.usgwarchives.net/columbia/military/revwar/pensions/tenbroeck-samuel.txt>].

³⁵ Examination of John Halsted, Force, ser. 5, vol. 1, 1490 (7 August 1776).

Clinton in constant communication with nervous committeemen during the second half of 1776. The committees had the advantage of trying to organize a population that did not want to be raided. With the British occupying New York City, the problem was not in raising men but directing their energies in productive ways.

Committees in Orange County helped Clinton protect townsmen and farmers by inhibiting the British from receiving intelligence about unguarded and easily-assailable locations on the west bank of the Hudson. The Cornwall Precinct Committee, for instance, called James Haff before it on 22 June 1776 to question him about a suspected plot between residents and the enemy.³⁶ Haff confessed to participating in a plan, naming five others but only “after some hesitation.”³⁷ Why this particular Tory succumbed to pressure is not clear, although his doing so suggests that committee members were capable of making his life miserable. Committeemen representing the district south of Cornwall also exercised increased power in the summer of 1776, warning off the Snydens – Dennis, Jesse, William, and Samuel – for refusing to sign the Association.³⁸ Doing so not only rid the county of four loyalists but also gave rebels control of Snyder’s Ferry, across the Hudson River from Dobb’s Ferry in Westchester County.

Much as the Snydens hindered the Orange Committee’s ability to control residents and the Johnsons were the bane of the Tryon Committee’s efforts to exert influence, the Colden family impeded attempts by the Ulster Committee to be the sole agents of legitimate political authority in its county. Fortunately for the board, Thomas Colden, sheriff of the county, had acceded to committee rule when pressured in late 1775. Likewise, Cadwallader Colden,

³⁶ The committee clerk (Thomas Moffat) did not state who had executed the warrant on Haff. Since he did not mention any correspondence with militia or continental commanders, however, the county sheriff or one of his constables probably apprehended the suspect. Proceedings of the Cornwall Committee, Force, ser. 4, vol. 6, 1032 (22 June 1776).

³⁷ Ibid.

³⁸ Resolution, Orange County Committee of Safety, Force, ser. 5, vol. 1, 648 (29 July 1776).

Thomas's grandfather and the colony's quondam lieutenant governor, died in September 1776, ending his influence on the county. Still very much a Tory was his son and Thomas's father, Cadwallader Colden, Jr. Socially prominent because of his name and holdings, the disaffected New Yorker wrote to his county's rebel leadership on 27 June 1776, protesting that men of Newburgh Precinct had arrested him when, according to "the role of the [Provincial] Congress," he was supposed to answer to the Hanover Precinct Committee, where he lived.³⁹ Colden's point was valid but self-serving: if those financially connected to him heard his case, his chance for an advantageous decision would be greater than if representatives from a neighboring precinct decided it. The Ulster County resident further complained that he had been imprisoned for his political views, not a crime.⁴⁰ Two months later, Colden petitioned the Provincial Council to remind it that he had recanted his position on the conflict because he wished "to avoid giving the least cause of offense" to his rebel neighbors.⁴¹

The questionable legitimacy of Colden's arrest mattered less to the Ulster Committee than the authority that his name carried. If the former governor's son abandoned his neutrality – a likelihood if the British advanced up the Hudson River – he could challenge the committee's legitimacy. At the same time, however, any action that the Ulster patroon took against the rebel cause would have invalidated his claims to neutrality, giving his enemies justification to seize his property. In the end, the county banished Colden to Manhattan but allowed him to return and

³⁹ Letter from Cadwallader Colden, Jr., to the Committee for Ulster County, Force, ser. 4, vol. 6, 1112 (27 June 1776).

⁴⁰ Ibid.

⁴¹ Petition of Cadwallader Colden, Force, ser. 5, vol. 1, 1097-98 (21 August 1776). Colden followed this petition with a letter. Letter from Cadwallader Colden, Jr., to the Provincial Council, Force, ser. 5, vol. 1, 1113-14 (22 August 1776).

own land after the war ended.⁴² The Ulster Committee cared most about its ability to mobilize and, with Colden out of the way, it could focus on recruiting, fielding, and supplying the manpower of the county.

While the state allowed Dutchess County to devote manpower to non-combat projects, troops raised by Ulster and other upriver counties had to face the king's soldiers, if not always on the field of battle. The Provincial Council expected its call for militiamen in June 1776 – who were to serve no-later-than 1 December 1776 – to mobilize 3,750 men.⁴³ Of this total, 750 soldiers were to strengthen the faltering army in Canada and the remainder was to bolster the defense of New York County and Long Island.⁴⁴

Committees failed to achieve this goal. The prospect of engaging armed British formations, increased in likelihood since the arrival of William Howe's army in New York, scared more than just Dutchess County residents; committees from other counties had trouble mobilizing their full militia compliment as well. On 8 September 1776, nine days after state representatives, meeting in Fishkill, had called up all of their Orange, Ulster, Dutchess, and Westchester soldiers, Clinton reported 596 men missing from his brigade.⁴⁵ This shortage provoked the general to lament that using soldiers who did muster to fetch those who did not left too few to defend the Highlands.⁴⁶ Frustrated, he blamed the rebel government, claiming that, although it was his "duty, as well as the duty of every other officer in the service, to cause

⁴² I have come across no evidence that Colden abandoned his neutrality while living in New York City.

⁴³ "In Provincial Congress," printed by Samuel Loudon, Evan's Digital Archive, Early American Imprints, ser. 1, no. 14935 (7-9 June 1776).

⁴⁴ Ibid.

⁴⁵ George Clinton to the Provincial Council, *Clinton*, vol. 1, 338-45 (8 September 1776).

⁴⁶ Ibid.

deserters to be apprehended . . . it is also [the] duty of every friend to his country, and more particularly so, of members of committees.”⁴⁷ Mobilization continued to frustrate both Clinton and the committees in the fall of 1776.

Even after taking legitimizing actions such as removing opposition, conducting the Association-signing campaign, and fielding militia units, committees had not yet gained the far-reaching and permissive authority needed to act as wartime governments. With the arrival of British ships in New York Harbor, what little rebel sentiment existed in Queens and Richmond Counties vanished.⁴⁸ Residents of those counties could foresee future occupation by the British; one had to be convinced of his hatred of imperialism to continue active resistance. Given that few in either county supported the conflict, the rebel cause in the province as a whole was not much affected. In Westchester, Orange, Ulster, Dutchess, Albany, Tryon, and Charlotte Counties, on the other hand, newly-realized doubts about the rebellion permeated the populous. The political position of rebels did not change; their vulnerability to the extended reach of the British Empire had vastly increased. After preparing their communities for military conflict as best they could, committees reacted to events in the late summer and fall of 1776 in ways that the situation demanded and the temper of the people permitted. Out of necessity, committees of the riverine counties forced men to serve and restricted the consumption of critical items by their residents. Playing an aggressive hand, they sometimes overreacted. Nevertheless, as political actors dependent upon the sanction of the populous, they adjusted their involvement in the lives of others to meet not only pressures from without but also pressures from within their spheres of influence.

⁴⁷ Ibid.

⁴⁸ The most-recent account of Richmond County during the rebellion is Phillip Papas, *That Ever Loyal Island: Staten Island and the American Revolution* (New York: New York University Press, 2009).

The British Stopped in the North and in Control of the South

With troops from Dutchess County on Constitution Island and militias from Orange, Ulster, and Westchester Counties concentrated at Fort Montgomery, settlers in New York's frontier found themselves dangerously unprotected from attacks into the region that did not come by way of the Hudson River. The decision to leave the state's northern periphery relatively unguarded was intentional: councilmen believed that the only way to defend the Highlands was to concentrate all available forces there. As the council informed the Ulster Committee on 2 October 1776, ranger units were the only armed force available to counter British-influenced Indian activity.⁴⁹ Even these troops would not escape the reach of the state government for long: two weeks after writing to the Ulster Committee, the convention subjected county rangers "to the order and direction of the committee appointed for detecting conspiracies," a move which demonstrated that, despite recent developments, political stability was still more important than military problems.

Although farmers in western Ulster County rightfully feared attacks by Mohawks, residents in sparsely-populated Charlotte County faced a more-imminent threat: invasion by British forces from Canada. William Gilliland, who had apprehended Sheriff White for the rebels and, for a long time, was thought to be a rebel himself, was too self-interested to sacrifice for New York. Instead, as he confessed to his guest Thomas Day, a sergeant in the continental service, he hoped to get as much as possible out of the new government's effort to provision its troops.⁵⁰ Owing land thirty-four miles north of Crown Point and influencing the lives of his

⁴⁹ Proceedings of the Provincial Council, Force, ser. 4, vol. 3, 215-16 (2 October 1776); Proceedings of the Provincial Council, Force, ser. 5, vol. 3, 229-30 (5 October 1776).

⁵⁰ Testimony of Thomas Day, Force, ser. 5, vol. 2, 591 (n. d. 1776).

tenants, the Charlotte County manor lord would have assuredly been contacted by British officers at St. John's before they made any attempt to move south along Lake Champlain.⁵¹

Gilliland might have viewed correspondence with the enemy as the best method for assuring continued possession of his land but it was also a quick way to lose favor with the rebel leaders who were trying to stop Sir Guy Carleton, governor of Quebec, from launching invasions of the state. Although a lack of incriminating evidence initially prevented Schuyler, Gates, and Arnold – the ranking officers in the northern department – from arresting the powerful landlord, Day's testimony gave them justification to do so.⁵²

Even with Day's testimony, it took questioning by Robert Lewis, a justice of the peace in Charlotte County, and the perceptiveness of Arnold to discern Gilliland's artfulness (he had sent a letter to the British by having a tenant pretend to be captured) and artifices (he had requested reimbursements from Gates for false and exaggerated damages to his livestock and property).⁵³ Day had reported his conversation with Gilliland to Lewis, who, after querying the informant, then told Arnold of what he had learned. Armed with this evidence, the Connecticut general had Gilliland and several of his tenants arrested and taken to Fort Ticonderoga.⁵⁴ From there, they brought the estate holder to Schuyler in Albany. Schuyler freed him, only to have him

⁵¹ This assertion is speculative but believable. See Benedict Arnold's letter to Horatio Gates, Force, ser. 5, vol. 2, 591-92 (28 September 1776).

⁵² Testimony of Thomas Day, Force, ser. 5, vol. 2, 591 (28 September 1776). Thomas Hartley, a colonel in the Continental Army, had become suspicious of Gilliland after talking to individuals who knew him and his tenants but, after questioning the landlord, had his doubts allayed. Letter from Hartley to Gates, Force, ser. 5, vol. 1, 564 (24 July 1776); Letter from Hartley to Gates, Force, ser. 5, vol. 1, 564 (24 July 1776). Gates informed Schuyler, who was negotiating with Indians in Albany at the time, of the development. Letter from Gates to Schuyler, Force, ser. 5, vol. 1, 1165-66 (26 August 1776).

⁵³ Letter from Gilliland to Gates, Force, ser. 5, vol. 1, 486 (21 July 1776); Letter from Gates to Schuyler, Force, ser. 5, vol. 1, 1165-66 (26 August 1776); Letter from Arnold to Gates, Force, ser. 5, vol. 2, 591-92 (28 September 1776).

⁵⁴ Letter from Gates to Arnold, Force, ser. 5, vol. 1, 847 (2 October 1776).

apprehended whenever the British threatened the New York frontier for the rest of the conflict.⁵⁵ Gilliland would be ruined by the war and viewed as a traitor to his country.⁵⁶ Unlike Arnold, however, he never actively opposed independence.

Schuyler may have been lenient with Gilliland because he could not promise the politically-cautious landlord that his manor would be protected by rebel soldiers. After forces under the Carleton's direction pushed continental troops commanded by Maj. Gen. John Sullivan from Saint Johns to Ile Aux Noix, the Albany native realized that all of Lake Champlain – to include Gilliland's property – would soon fall to the enemy. Schuyler also knew that the Provincial Council would do little to help Sullivan as he continued his retreat first to Crown Point and then to Ticonderoga, as it viewed British activity in the southern part of the state as more dangerous and the construction of Fort Montgomery next to Popolopen Creek as more important. Instead of sending troops northward, it called on Orange, Ulster, and Dutchess Counties to reinforce the garrison at Fort Montgomery.⁵⁷ Even more indicative of its understanding of the security situation, the convention also requested that 150 men from southern Albany County join the consolidating force.⁵⁸

⁵⁵ Winslow C. Watson, *Pioneer History of the Champlain Valley; Being an Account of the Settlement of the Town of Willsborough by William Gilliland, Together with His Journal and Other Papers and a Memoir, and Historical and Illustrative Facts* (Albany: J. Munsell, 1863), 46-85. Gilliland had supported the 1775 invasion of Canada, going so far as to give his friend Schuyler a cutter with a thirty-foot keel and 20,000 feet of milled lumber with which to build transports. Don R. Gerlach, *Proud Patriot: Philip Schuyler and the War of Independence, 1775-1783* (Syracuse: Syracuse University Press, 1987), 37. Although wanting to profit from the war and willing to collude with the British to save his farm and farmers, the manor lord supported the rebellion and the commander of the northern department.

⁵⁶ The state seized Gilliland's land after the war, forcing him to spend time in debtors' prison. Watson, 79-80, 83.

⁵⁷ Proceeding of the Provincial Council, Force, ser. 5, vol. 2, 668 (6 September 1776).

⁵⁸ *Ibid.* Reflecting the Provincial Council's decision to defend Albany and not the lower Lake Champlain region, Samuel Tyrel, a Charlotte County resident who served as a substitute for his brother William, was sent with his company in June to strengthen the defenses of Fort George on the northernmost bend of the Hudson River – the southernmost border of Charlotte County. Tyrel was at Fort George for only one month, being sent home after having taken sick "with the Camp Distemper." Petition of Samuel Tyrel of Charlotte County, 28 August 1832,

Like the Provincial Council, Schuyler accepted the risk of ignoring British boat-building at Ile Aux Noix. While Gates and Sullivan kept watch over Carleton, the northern department commander spent much of July conferring with Indians at German Flats.⁵⁹ Even in September, when Carleton's troops began sailing south across the lake, he remained unconcerned, informing the Ulster and Dutchess Committees, as well as Abraham Yates, the chairman of the Provincial Council, that his continental army did not need local soldiers.⁶⁰ Two observations helped Schuyler come to this conclusion, one which he stated clearly to the convention, the other which he implied by the tone with which he conveyed the first. The explicit perception emerged from his recognition that the enemy would "undoubtedly" winter close to where it currently was. Even before the Battle of Valcour Island, the commander of the northern department could see that weather and logistics prevented the British from advancing on his home county.⁶¹ Second, he discerned that militiamen would lose motivation (and, therefore, discipline) if not actively engaged. Schuyler's concern with the criticism that he expected to receive for not mobilizing fully reflected his realization that other rebel leaders did not share his opinion.⁶²

Although Schuyler focused on Indian relations, he did not completely abandon Charlotte County to the British. While Carleton's men built boats at Ile Aux Noix, boatwrights in the merchant-general's employ constructed the fleet he had planned with the supplies he had

submitted to USGenWeb Archives by Thomas L. Dunne
[<http://files.usgwarchives.net/ny/washington/military/revwar/pensions/t000001.txt>].

⁵⁹ Gerrit Lansing, Jr. to Peter Curtenius, New York State Library/Manuscripts and Special Collections/Jacob Abbott Collection/SC9691/Item 444 (26 July 1776).

⁶⁰ Letter from Philip Schuyler to Abraham Yates, Jr., Force, ser. 5, vol. 2, 707-8 (15 September 1776).

⁶¹ Ibid.

⁶² Although Schuyler's view of the situation mirrored that of the Provincial Council, it contradicted what Continental Army officers had been espousing. Letter from Philip Schuyler to Egbert Dumond, Force, ser. 5, vol. 2, 684 (n. d.).

assembled. In late June, before entering into conference with the Indians, Schuyler learned that his carpenters had already completed two gondolas.⁶³ On 11 October 1776, these vessels, along with thirteen others constructed during the rest of the summer, would, under Arnold's command, be overwhelmed by Carleton's squadron at Valcour Island on Lake Champlain. Although it ended in a tactical defeat, the boat-building effort succeeded operationally. Slowed by the time taken to construct the squadron, the time needed to repair the damage sustained in beating Arnold, and the early onset of winter, Carleton withdrew first to Crown Point and then, a month later, to Quebec.

Arnold was not solely responsible for this outcome. Ten months before the battle, Schuyler had notified Jacobus Wynkoop, a fifty-five year old merchant from Kingston then serving as a captain in the New York Line, that the Continental Congress would soon appoint him as commander of all rebel vessels on the lake. In March of that year, however, he learned from Schuyler that Congress wanted him in command only if Commodore Douglass, a Manhattan resident with questionable rebel sympathies but solid naval experience, did not accept the commission.⁶⁴ After visiting Douglass and learning that he was reluctant to serve, Wynkoop, on instructions from both the Provincial Council and Schuyler, started assembling a fleet of commercial vessels and the men to sail them.⁶⁵ Wynkoop assumed that the orders Douglas had refused to accept gave him, as Douglas's replacement, similar command of all rebel vessels on the lake. For three months he served as temporary commodore, all the while

⁶³ Letter from Schuyler to Gov. Jonathan Trumbull, Force, ser. 4, vol. 6, 1071-72 (25 June 1776).

⁶⁴ Ibid.; Letter from General Schuyler to New-York Congress, Force, ser. 4, vol. 5, 389 (8 April 1776).

⁶⁵ Memorial by John McKesson, secretary to the Provincial Council, *Clinton*, vol. 1, 323. Commodore Douglas never did serve the rebel cause. It is unclear what became of him, although a "Commodore Douglas" was in command of "his Majesty's ship the *Isis*" by the end of the year. Arrival in England of General Burgoyne and others, Force, ser. 5, vol. 2, 1134 (9 December 1776).

expecting the Continental Congress to confirm his assignment.⁶⁶ When Congress instead appointed Arnold, Wynkoop learned of his demotion when Arnold arrived in person to take command, not by message from Philadelphia. Without confirmation of the orders, the Dutchman refused to surrender his ships, forcing the general to arrest him.⁶⁷

Arnold did not exact vengeance on Wynkoop, instead requesting that Gates respect the Dutchman's record of service.⁶⁸ For his part, Wynkoop, who had been paid by the Congress as captain of its Lake Champlain flotilla but understood the temporary nature of his commission, accepted his forced exit from the operational side of the war.⁶⁹ The incident had occurred due to slow communication rather than Congress's desire to embarrass Wynkoop. Except for the Dutchman's truculence upon being relieved, the defense of northern New York in 1776 exemplified local and continental cooperation: Arnold, a much younger and, in all likelihood, more aggressive officer than Wynkoop, inherited ships and men which, in less than two month's time, he would use to fight Carleton's vessels.⁷⁰ His performance during the action at Valcour Island validated Congress's decision to have someone with proven combat experience leading

⁶⁶ Jacobus Wynkoop to Provincial Council, *Clinton*, vol. 1, 324. Wynkoop's merchant background was crucial in getting sailors to serve in the fleet. "Captain Jacobus Wynkoop has attended this committee, and informed that he has inlisted the number of Seamen wanted for the Lakes." Proceedings of the Provincial Council, Force, ser. 4, vol. 5, 1460 (24 April 1776).

⁶⁷ *Ibid.*, 325.

⁶⁸ John F. Luzader, *Saratoga: A Military History of the Decisive Campaign of the American Revolution* (New York: Savas Beatie, 2008), 162.

⁶⁹ General Washington to General Schuyler, Force, ser. 4, vol. 5, 1053 (24 April 1776). Wynkoop would later move his family from Kingston to Albany and start a business building boats. Stefan Bielinski, "Jacobus Wynkoop," New York State Museum, <http://www.nysm.nysed.gov/albany/bios/w/jawynkoop6954.html> [accessed 7 September 2011].

⁷⁰ In *Saratoga: A Military History of the Decisive Campaign of the American Revolution*, John F. Luzader assumes the worst of Wynkoop's performance without providing a reason for his criticism. According to Luzader, Wynkoop as "an unfortunate appointment whose continued involvement in matters concerning the inland flotilla would have been disastrous." Luzader, 162.

rebels against a major British advance.⁷¹ Unappreciated by Congress, however, was the importance of having an individual with ties to the community and knowledge of the area's geography recruit the defending force.

It is unclear what might have happened if Arnold's stand at Valcour Island had not convinced Carleton of the infeasibility of continuing his attack.⁷² Perhaps Schuyler was correct in predicting the limitations of the British advance and Crown Point would have been their ultimate terminus.⁷³ The Provincial Council, which agreed with the commander of the northern department that Carleton posed no threat to Albany, did not criticize him for allowing British troops to winter in Charlotte County, although it did send a twelve-man commission to coordinate the "devising and carrying into execution [of] all such measures . . . for repelling the invasion of enemy's Army" with him.⁷⁴ It also asked the committees of Albany, Tyron, and Charlotte Counties to call out their militias, although it held back from ordering them to join continental forces, most likely because of the trust its members had in Schuyler's military

⁷¹ Arnold was an experienced sailor. Before the war, he had navigated sloops and brigantines between New Haven, where he owned an apothecary shop, and ports in the Caribbean, where he exchanged American produce for European goods. He also conducted commerce along the Hudson River and in Quebec, places which he would revisit during the first two years of the war against Britain. James Thomas Flexner, *The Traitor and the Spy: Benedict Arnold and John André*, Syracuse University Press Edition (Syracuse: Syracuse University Press, 1991), 13-17.

⁷² Flexner states that the Battle of Valcour Island, although delaying the British by only three or four days, showed Carleton that any further advance would be contested, a realization which "changed the complexion of the entire campaign." *Ibid.*, 112. The time that the governor spent building boats was the real deciding factor in the campaign, however.

⁷³ Carleton's troops may have been even less prepared for a campaign than Schuyler thought. Not only were they in poor physical condition but also the *Swift*, sailing from England, had sunk before being able to supply the governor with much-needed provisions. R. Arthur Bowler, *Logistics and the Failure of the British Army in America, 1775-1783* (Princeton: Princeton University Press, 1975), 214-18.

⁷⁴ Proceedings of the Provincial Council, Force, ser. 5, vol. 3, 260 (19 October 1776). The twelve delegates – Abraham Ten Broeck, Evert Bancker, Jacob Cuyler, John Bleecker, John Taylor, James Duane, Robert R. Livingston, Robert Yates, Christopher Yates, John Ten Broeck, Volkert Veder, and William Harper – were men whom Schuyler would have worked with easily, as they all were members of his social class before the war.

capabilities.⁷⁵ In a sign that domestic concerns coincided with operational ones, the convention's resolution following the one to send a party to Albany directed Robert Van Rensselaer, a member of the council currently commanding militia in Charlotte County, to

postpone his march [to Fort Ticonderoga] till such time as he shall receive orders from the Committee appointed by the convention of the State of New-York, for the purpose of inquiring into, detecting, and defeating all conspiracies formed in the State of New-York against the liberties of America.⁷⁶

With the military situation in the north stable during the winter of 1776 / 1777, rebel leaders at the county and state level focused on winning the war at home.

The military situation in the south was not as promising. Ever since the British army had occupied Richmond County (Staten Island) in July 1776, a nervous committee system struggled to control a population that became less controllable with each advance of enemy troops. Unlike in the northern part of the state, where Schuyler anchored the rebel effort to contain British activity and the powerful Albany Committee of Safety used the long-established legitimacy of its members to involve itself in the lives of residents, committees of southern counties found it administratively difficult to enforce measures, such as the use of travel passes, that had proven largely effective upriver.⁷⁷ Such indications of weakness caused upriver committees to fear that supporters of the crown would arm, overwhelm local rebels, and infiltrate provocateurs into their jurisdictions. With the British in control of southern Westchester County and all of New York County except Fort Washington by early November, the Provincial Council resolved to crack down on "great abuses" such as the printing of false currency and the forging of passes, and

⁷⁵ The council also communicated with Gloucester and Cumberland Counties. *Ibid.*

⁷⁶ *Ibid.* Committees for detecting and defeating conspiracies will be examined more fully in Chapter 4.

⁷⁷ In addition to establishing a procedure for using travel passes, the Albany Committee had charged a four-man commission on 17 July 1776 with inquiring into the reasons why every visitor was in the city. *Albany*, vol. 1, 493 (17 July 1776). The committee most likely started gathering this information because the county was experiencing an influx of new faces due to dislocations from other communities.

standardized the forms and procedures that county committees used to permit residents to travel.⁷⁸ Although too many loyalist sympathizers lived in upriver counties for their boards to enforce this regulation rigorously, the plan foreshadowed two trends in rebel governance: a growing focus on individual actions and the centralization of military authority at the state level.

Making attempts to regulate travel in New York difficult was the navigability of the Hudson River. Control of the river was important: by stationing forces along the waterway connecting Manhattan to Montreal, Britain could interdict troop movements and seize supply columns crossing between New England and the middle states. For rebels, controlling this passage would limit how far inland the king's troops could safely penetrate. The best place for redcoats to secure this corridor was also the best place for rebels to defend it: the Highlands of the lower Hudson Valley. Although the area was important enough strategically for the Continental Congress to plan its security (one of its generals commanded the gateway throughout the war) New York's committees constructed, manned, and managed the river's defenses.

The Provincial Council, recognizing the ease with which the British could deploy troops northward, assumed responsibility for defending the river on 16 July 1776 by voting into existence a secret committee for obstructing the Hudson.⁷⁹ Beginning by overseeing the placement of *cheveaux de frise* and employing pilots to navigate friendly shipping around these submersible frames, the subcommittee eventually decided that British ships could be slowed – if not stopped completely – by an iron chain spanning the width of the river. Although assembling this chain proved an engineering challenge for the men serving on the secret body, it paled in

⁷⁸ Journals, vol. 1, 706 (7 November 1776). The program was likely a response to Britain's occupation of New York County.

⁷⁹ The committee consisted of rebels who would have a future in New York politics: John Jay, Robert Yates, Christopher Tappan, Robert R. Livingston, Gilbert Livingston, and William Paulding. Proceedings of the Provincial Council, Force, ser. 5, vol. 1, 1409 (16 July 1776).

comparison with the difficulty of constructing defensive works without the labor, barracks, load-bearing animals, axes, nails, cannon, money, or technical knowledge to do so.

Militia labor built two forts in the Highlands in 1776: Constitution and Montgomery. The Provincial Council activated units to construct these fortifications, oftentimes choosing to employ soldiers whose homes were not threatened by the British and, therefore, had little desire to face their enemy on the field of battle. In November 1776, for example, Egbert Benson, chairman of the Dutchess Committee, requested that the convention allow men under his control to build barracks, most likely on Constitution Island.⁸⁰ Housing militiamen was an important, if a laborious, lengthy, and costly element to securing the Highlands. As with other construction projects, militiamen had to cut wood (requiring axes, which were in short supply), hire teams of load-bearing animals to transport felled trees to the building site (costing the state money), and – the biggest impediment according to Brig. Gen. James Clinton – acquire or make nails.⁸¹ To aid construction, militia soldiers also repaired roads leading to Fort Montgomery, a project which Henry Wisner, who was making a profit producing gunpowder for the revolutionary cause, funded.⁸² Few were in a position to prosper from the conflict as baldly as Wisner; still, in certain areas of the defensive effort – fort construction and gunpowder production – the self-interest of individuals complimented the pooling of resources by committees.

Devoting manpower to building forts in the Hudson Highlands reduced the number of soldiers which the committee system could use to oppose British advances in the northern and southern parts of the state. Service in the Dutchess County militia, in particular, consisted more

⁸⁰ Proceedings of the Provincial Council, Force, ser. 5, vol. 3, 286 (5 November 1776).

⁸¹ James Clinton to George Clinton, *Clinton*, vol. 1, 336-37 (8 September 1776). For an example of supplies needed, see List of Articles Shipp'd for Fort Constitution by Order of Genl. [George] Clinton, *Ibid.*, 513 (n. d.).

⁸² Proceedings of the Provincial Council, Force, ser. 5, vol. 3, 252 (16 October 1776).

of guard duty and construction projects than fighting battles. After participating in the 1775-1776 invasion of Canada, for example, the closest Pvt. Simon Whitcomb came to combat in his five remaining activations (a total of two years and six weeks of service) was witnessing the burning of Schoharie.⁸³ At the same time, the committees' focus on Forts Constitution and Montgomery left other key sites unprepared for attack. Alexander McDougall, a continental officer due to his command of the First Regiment of the New York Line but, more often an agent for the Provincial Council, wrote to Clinton from Peekskill on 5 May 1777, informing him that "the Public works carrying on at this Post are greatly retarded for want of a proper Number of Teams."⁸⁴ Inadequate defensive works were among the many challenges that New York rebels would face during the 1777 campaign season.

Deciding which fortifications to build, which to improve or repair, and how many militiamen to dedicate to the defense of each were complex issues that involved not only predictions of enemy actions and awareness of rebel weaknesses but also accurate knowledge of how far from their families recruited members of society were willing to serve. Mobilization entailed more than putting weapons in the hands of adult-aged males. It also meant inconveniencing people and impinging upon their liberties. As the war progressed, committees would make decisions affecting facets of communal life that were both critical to the success of the rebellion and fundamental to the lives of New York's newly-independent residents. In doing so, they pursued a new phenomenon for the colony: complete social mobilization.

⁸³ Pension of Simon Whitcomb of Albany County, NY, submitted to USGenWeb Archives by Tom Lanagan [<http://files.usgwarchives.net/ny/albany/military/revwar/pensions/witcomb-simon.txt>].

⁸⁴ Alexander McDougall to George Clinton, *Clinton*, vol. 1 (5 May 1777).

Social Mobilization

The committee system had exploited the danger of a British invasion to get people to sign the Association and follow its leadership during the first sixteen months of the war. With Carleton advancing southward from Canada and Howe in New York Harbor, military confrontation became a reality, increasing the importance of, and challenges for, local, county, and provincial organizations. During this period of dampened spirits, rebels took steps to legalize a reordering of society. At the continental level, the Congress in Philadelphia declared independence, converting Britain's thirteen rebellious North American colonies into independent states. New Yorkers had not agitated for such a drastic change.⁸⁵ Regional and communal leaders had formed committees of safety for narrow purposes, not to restructure political life. Nonetheless, they accepted independence as a necessary outgrowth of what the military situation. Throughout the latter part of 1776, committees responded to food shortages and the unavailability of military supplies by increasing their regulation of society and judging individuals on how they could best serve the cause.

By the summer of 1776, a shortage of tea had begun to unsettle upriver New Yorkers. Understanding both the importance of the article in people's daily lives and the difficulty of importing quality (Bohea) leaves from China, the Albany Committee appointed a commission "to discover and bring to an [end to the] Indiscriminate Sale of Tea in this City and County."⁸⁶ Within a week and a half, the subcommittee had started seizing incoming shipments in order to

⁸⁵ The Declaration of Independence was one of several foundational documents vying for political supremacy in the City of New York. According to Thomas Jones, a provincial judge who lived in Queens County and remained loyal to the king, "a usurped kind of Government took place [after passage], a medley of military law, convention ordinances, Congress recommendations, and committee resolutions." Jones, vol. 2, 115.

⁸⁶ Albany, vol. 1, 521 (10 August 1776).

distribute leaves among the people of the county equally.⁸⁷ The New Windsor Committee (Ulster County) took similar action when it found out that a Mrs. Jonathan Lawrence had sold tea for profit and, along with her husband, was manipulating supply of that article. The Provincial Council, upon being asked how to handle the situation, advocated acting “spiritedly against all such as shall be convicted of that offence [pricing tea in excess of its set rate].”⁸⁸

As summer turned to fall, the Provincial Council took a more stringent stance, directing county committees to expropriate all quantities of Bohea tea in excess of twenty-five pounds (from both merchants and households) and to appoint a respected citizen to sell allotments of no more than twelve pounds per household at the regulated price of six shillings per pound.⁸⁹ Unfortunately for the committees, this measure did not provide the quantities that New Yorkers wanted. When word spread that the Provincial Council was storing tea in Kingston (Ulster County), mobs descended on the town, broke down doors to public buildings, and forcibly entered private residences until they had found the precious commodity. As reported by Johannes Sleght, the Kingston Committee chairman, rioters had taken “that detestable article called tea” and “divided or distributed [it] in such manner as they . . . [thought] fit.”⁹⁰

It took less than six months for the closing of the port of New York to result in domestic crises such as tea shortages. Residents, suffering the inconveniences of war, looked to committees for solutions partly because they held them responsible for their condition and partly

⁸⁷ *Ibid.*, 527 (21 August 1776).

⁸⁸ It is not clear if the Ulster Committee was involved in this decision. *Journals*, vol. 1, 494-95 (14 June 1776).

⁸⁹ The authorized merchant would receive 3d. per pound for his responsibilities; the original owner would receive no compensation. *Ibid.*, 682 (17 October 1776).

⁹⁰ *Journals*, vol. 2, 229-30 (18 November 1776); *Journals*, vol. 1, 714 (23 November 1776). According to Barbara Clark Smith, New Yorkers rioted on ten occasions between the start of the war and the end of 1777. Barbara Clark Smith, “Food Rioters and the American Revolution,” *William and Mary Quarterly* 3, vol. 51, no. 1 (January 1994): 35-36.

because, by the end of 1775, they were the only decision-making bodies extant in the province. How these extralegal organizations addressed and handled local security, commodity distribution, military provisioning, and money collection would determine if the legitimacy that they had relied on to mobilize militias would last.

In Albany, the county board tested its legitimacy early in the conflict by establishing set prices for commodities in short supply. Worried that residents would violate its price controls, the committee posted handbills listing congressionally-set rates.⁹¹ A month later, it published its own prices, a move that not only reflected “the Rise of West India produce and Bohea Tea” but also established its autonomy from higher echelons of colonial governance.⁹² In addition, the committee mandated that butchers slaughter all the animals in their shops and sell the resulting meat at the cost per quantity set by the county, a decision meant to ensure that the common man could eat as complete a diet as the wealthy could.⁹³

Committeemen hoped that residents would recognize that they had based these proactive measures on local market conditions and not protest their board or cheat their neighbors. Addressing complaints about price-gouging nonetheless dominated much of the Albany Committee’s meeting time during the summer of 1776.⁹⁴ Despite a desire to do more, the committee could only regulate availability, not increase supply. In May, after declaring that

⁹¹ It is not clear what was put on the handbills but reason suggests that it was addressed to the purchaser, either a list of prices or a *caveat emptor* warning. Albany, vol. 1, 353-54 (8 March 1776).

⁹² County-published handbills listed prices for West India rum, Jamaica spirits, molasses, New York rum, coffee, loaf sugar, chocolate, sugar (1st quality), good coarse salt, pepper, and Bohea tea. Ibid., 385 (20 April 1776). These items, with the possible exception of New York rum, were imported into the county. With southern New York closed to rebel commerce, these goods became scarce upriver. Regulating their purchase and use was a way that the Albany Committee could enforce a degree of equal sacrifice among its residents, prevent a challenge to its authority, and, perhaps, identify which merchants were maintaining a subversive connection with British traders.

⁹³ Ibid., 496 (18 July 1776).

⁹⁴ Ibid., 351 (6 March 1776), 387 (24 April 1776), 400 (8 May 1776), 483 (10 July 1776), 493 (17 July 1776).

manipulators John Boyd, Sr., and Absalom Woodworth, Jr., “ought to be considered as [enemies] . . . to the American Cause,” it recommended “that all Persons break off all commercial intercourse” with them.⁹⁵ In July, it resolved that John Roff “be immediately apprehended and confined in Tory Goal till farther ordered by this Board” for illegally raising the price of Bohea tea.⁹⁶ These measures did not ease residents’ hunger or quench their thirst (or even necessarily ensure equal sacrifice) but they did show inhabitants that the legitimacy-seeking rebel government was establishing policies that advanced the welfare of the people.

Tea shortages – especially of the Bohea variety – excited people living in rural New York because the drink represented a minimum level of comfort, civility, and gastronomic pleasure in their lives. Salt, however, figured decisively in New Yorkers’ diet, being essential to making food edible and in preparing meats for winter storage. Rochester (Ulster County) fell precariously short of this commodity during the hard winter of 1776. In November of that year, Jacob Hornbeck, the Rochester Committee chairman, wrote the Provincial Council, beseeching it for any salt it could spare his community. In the request, Hornbeck reminded council members that “the season of the year is now for killing their [Rochester residents’] winter provision and pork for next summer.”⁹⁷ The council received this plea at the same time that it recorded a note from Orange County reminding it that the survival of a great number of poor people west of the Hudson River depended on receiving food from the colony during the winter.⁹⁸ The loss of New York Harbor made many Hudson Valley residents dependent on committees for sustenance such as salt and, *ipso facto*, on the political leadership necessary to remedy the shortages.

⁹⁵ Ibid., 400 (8 May 1776).

⁹⁶ Ibid., 483 (10 July 1776).

⁹⁷ Journals, vol. 2, 316 (November 1776).

⁹⁸ Ibid.

Unfortunately for the Provincial Council, it could do little to rectify the shortage. In autumn it had attempted to induce enterprisers to construct and operate works which extracted salt from sea water, resolving to reimburse proprietors “one Half of the Money which has been appropriated for the purpose of erecting” the site if the enemy destroyed it.⁹⁹ This effort was doomed to fail. Even if the British had not controlled the lower Hudson, extracting salt would have been too inefficient to remedy New York’s deficiency.

Counties had begun experiencing a shortage of salt as early as the summer of 1776. In Albany County, a decreasing supply of the commodity tempted some merchants to raise prices above the congressionally-mandated rate. Responding to political pressures, the committee mandated set prices, lowered the maximum amount one buyer could purchase, and appropriated a large quantity from Joshua Watson, a resident who had hoarded salt at his residence. The committee then appointed Anthony A. Bratt to parcel out the salt, allowing him a cut of the proceeds but not reimbursing Watson.¹⁰⁰ The committee pursued a similar course of action when, on 15 November 1777, members learned that Teunis Swart, a disaffected resident, had purchased fifty-seven quarts of salt in Schoharie. Ordering the quantity seized, the committee then distributed it “among the well affected agreeable to the Resolutions of the Convention.”¹⁰¹ In Orange County a few months later, John Macamly and Nathaniel Finch reported to the Provincial Council that, two days previously, residents from the town of Florida had formed in mass and, after being “at a loss [over] what method to take,” decided that, if any salt was found in the community, they would seize it and sell it at a profit to (but without the permission of) the

⁹⁹ *The New-York Gazette; and Weekly Mercury*, NewsBank, Archive of America, America’s Historical Newspapers, Early American Newspapers (ser. 1, 1680-1876), American Antiquarian Society (12 August 1776).

¹⁰⁰ Albany, vol. 1, 512 (3 August 1776). Joshua Watson could have been a Tory or a profiteer.

¹⁰¹ *Ibid.*, 868 (15 November 1777).

owners.¹⁰² Instead of mounting a search, however, Floridians decided to request help from the council.¹⁰³ The gathering of townspeople was not meant to challenge the men who sat on the Orange Committee. The willingness of the crowd to be talked out of illegal actions (presumably by Macamly and Finch) indicates that their real goal was to send the committeemen a message: your job, as we have defined it, is to ensure a fair distribution of salt among the residents of our town. On mobilization issues, the scope of committee authority was internally, as well as externally, directed.

Whether effective or not, attempts by committees to resolve critical commodity shortages reflected an exercise of power that many found acceptable. Local and provincial board members addressed these problems in part because they experienced the same conditions as those they represented. More important, much of the affected population was used to having their lives directed by the men who sat on local committees. Unlike New England farmers, those who worked the land in New York, although rarely obligated for anything other than their rent, lived in an hierarchical world. Propertied independence, or competency as it was then called, was an unachievable goal for those whose grain was milled by others, transported to market by others, and, oftentimes, grown on other's land.¹⁰⁴ As the war continued, the number of impoverished residents dependent on committee support for their survival increased in every community, widening the committee system's scopes of authority, action, and power. Authorizing counties to appoint commissioners of the poor, the Provincial Council permitted local leaders to spend up

¹⁰² Memorial of John Macamly and Nathaniel Finch, Force, ser. 5, vol. 2, 554 (26 September 1776).

¹⁰³ Ibid.

¹⁰⁴ Although they were never self-sufficient, farmers in America developed a desire for competency and independence before adopting capitalistic motivations. Daniel Vickers, "Competency and Competition: Economic Culture in Early America," *William and Mary Quarterly* 3, vol. 47, no. 1 (January 1990): 12. In some colonies; this development occurred before the revolutionary crisis and helped frame the political struggle. Ibid., 23. In New York's Hudson Valley, the desire for competency grew during the crisis, making the political contest socially relevant.

to five hundred pounds of state currency to alleviate the sufferings of the destitute.¹⁰⁵ Because many hardscrabble citizens in the Hudson Valley did not have the means to weather the economic hardships placed upon them by food and commodity shortages, committees did not vigorously prosecute indebtedness during the conflict. Instead, when the fight against Tories heated up, they released prisoners charged with insolvency to make room for the disaffected.¹⁰⁶ In the context of military necessity, a poor rebel was an asset, not a liability.

Just as salt was critical to the survival of New York's upriver communities, gunpowder was indispensable to the militias formed by committees. On 27 May 1775, the Albany Committee replied to a letter from Governor Jonathan Trumbull of Connecticut, apologizing for not being able to send him the quantity of gunpowder that he had requested. According to the authors of the letter, all but a small reserve had already been sold to residents of Massachusetts and the governor's own colony.¹⁰⁷ When 1,247 pounds of powder was "brought in" on 14 June of the following year, the board decided to parcel out quantities to each of the county's communities.¹⁰⁸ By October, gunpowder was in such short supply that, when Albany served as a

¹⁰⁵ Journals, vol. 1, 916 (8 May 1777). At least one Hudson Valley community had long supported the poor. Referring to Dutchess County's Rumbout Precinct, Ellen A. Sellingsloh writes, "While growing pressure to provide a sufficient amount to support the poor reached a high point during the Revolution, it is important to note that there was a long time of increasing need for poor relief revenues." Ellen A. Sellingsloh, "A More Equal Proportion: Public Finance and the Social Order in Rumbout Precinct and the Town of Fishkill, N.Y., 1737-1800" (PhD diss., State University of New York at Albany, 1984), 48.

¹⁰⁶ For example, the Provincial Council ordered the sheriff of Orange County to release Andrew Bostwick after he had spent eighteen months in jail, despite the fact that he could not repay his debtors. Journals, vol. 1, 688 (23 October 1776).

¹⁰⁷ The authors were Peter W. Yates, Peter Van Ness, Jeremiah Van Rensselaer, and Leonard Gansevoort. Albany, vol. 1, 50 (27 May 1775), 58 (1 June 1775).

¹⁰⁸ It is unclear where the powder originated although, most likely, it came from France. Orlando Stephenson, "The Supply of Gunpowder in 1776," *American Historical Review* 30, no. 2 (January 1925): 276. East Camp received 10 pounds, the Manor of Livingston 50, Claverack 50, Kinderhook 20, Kings District 32, East Manor of Renslaerwick 50, Hoosick 30, Cambridge 50, Schaghticoke 20, Balls Town 60, Half Moon 50, Schenectady 250, West Manor of Renslaerwick 100, Schohary 250, Coxsackie 50, Groat Imbocht 15, the three wards of the City of Albany 60 (total), and Saratoga 100. Albany, vol. 1, 451 (14 June 1776).

depot for the Northern Army's movement into Canada, the county committee kept secret the fact that it was storing 1,400 pounds of the article in the town.¹⁰⁹ Despite the importance of gunpowder to the county's defense and the rebel cause at large, the Albany Committee often gave quantities to visiting Indians in an attempt to buy their friendship. Leaders in the county did not unanimously agree upon this policy and, in June 1775, the board had to investigate whether rebels from outside the organization had attempted to stop a transaction without the committee's knowledge.¹¹⁰ The Albany Committee continued giving gunpowder to the Iroquois as late as January 1777.¹¹¹

As Indian relations were a matter that affected multiple counties, representatives in the Provincial Council also debated the issue. In one of the few instances when a policy was voted on (or, at least, the results of a ballot were recorded in a journal), members decided twenty-seven to fifteen to supply the Onenohkwaga and Tuscarora tribes.¹¹² These tribes were seen as providing a buffer on the northern and western frontiers of the state; councilmen from Albany, Dutchess, Cumberland, Charlotte, and Ulster Counties, along with County of New York, affirmed the measure while delegates from Westchester, Orange, Queens, and Suffolk Counties voted against it.¹¹³ In colonial times, Indian relations had been the purview of first the governor, then Albany, and finally, from the end of the Albany Congress to the beginning of the rebellion,

¹⁰⁹ *Ibid.*, 267-68 (9 October 1775).

¹¹⁰ The investigation revealed that the transaction could not have been stopped since there had not been enough gunpowder in the county stores for it to have even occurred. According to those investigated, "We wish them [the Indians] well and would gladly supply them with Powder if we had any to spare." *Ibid.*, 58-59 (1 June 1775).

¹¹¹ *Ibid.*, 656 (9 January 1777). The journal entry does not specify which tribes received the powder, although it was likely the Oneida and Tuscarora, the rebels' most steadfast allies.

¹¹² Proceedings of the Provincial Council, Force, ser. 5, vol. 1, 1437 (24 July 1776).

¹¹³ *Ibid.*

the empire. With mobilization and independence, this key function of government returned to those most concerned with the safety and security of the upstate population.

Attempting to remedy the gunpowder shortage, the Provincial Council tried to persuade mill owners to produce the munition locally. In one of its largest printing projects, it hired Samuel Loudon in January 1776 to engross copies of “Essays Upon the Making of Salt-Petre and Gun-Powder.”¹¹⁴ Although most of the articles in this compendium required burying toxic offal and then waiting years for the nitrate content to build, Henry Wisner’s testimonial claimed that he had created two tons of excellent-grade saltpeter in just a couple of months.¹¹⁵ Likely more braggadocio than fact (high-quality gunpowder was very difficult to make), Wisner’s account nonetheless prompted others to mimic his “success.”¹¹⁶ Even with a proper site, such as at the Livingstons’ mill in Claremont (Westchester County), an inadequate supply of components (salt-petre in Livingston’s case) prevented large-scale production.¹¹⁷

Despite difficulties, projects to build powder mills along the Hudson River received the Provincial Council’s repeated attention. After requesting that counties identify ideal construction locations, the council received a petition on 18 April 1776 from John Carpenter and Henry Wisner to construct a mill in Cornwall. Three months later, after moving the site to a location along the Wallkill River, the Orange Committee reported that the mill had produced two hundred pounds of good powder in one day of operation. On 11 September 1776, the county committee

¹¹⁴ “Essays Upon the Making of Salt-Petre and Gun-Powder,” compiled by Thomas Tredwell, printed by Samuel Loudon in New York, Evans Digital Archive, Early American Imprints, ser. 1, no. 14930 (17 January 1776).

¹¹⁵ Ibid.

¹¹⁶ Ibid.

¹¹⁷ Journals, vol. 1, 287 (27 January 1776). Additionally, stones that ground corn were too coarse to be used to grind charcoal and saltpeter for gunpowder.

bragged that the site had milled 1,459 pounds of good powder in seven consecutive days.¹¹⁸

Having heard about Wisner's manufacturing success, Matthew Adgate, the Kingston Committee chairman, sent the council a proposal to "erect works to manufacture sulpher."¹¹⁹ The convention approved the petition on 16 September and, without even acquainting itself with the plan's details, allocated one-hundred dollars for the project.

The committee system promoted enterprising individuals because the soldiers it supported desperately needed the wherewithal to combat the British. Similarly, when the rebel government had quantities of powder on-hand, committees assigned the most reputable militia elements the task of guarding the stores. On 31 July 1776, for example, the Provincial Council detached Melancton Smith and seven of his Dutchess County militiamen to guard a co-located powder mill and magazine in Orange County.¹²⁰

Since Washington rarely agreed to detach continental soldiers to protect individual communities, much less stores of gunpowder, counties needed to marshal as much of their population for defense as they possibly could.¹²¹ Save for residents in a few clearly-defined professions, committees assumed control over all men of military age.¹²² Local exemptions covered only those considered too valuable to fight.¹²³ The Albany Committee, for example,

¹¹⁸ Journals, vol. 2, 167 (18 April 1776), 302 (16 July 1776), 322 (11 September 1776).

¹¹⁹ Ibid., 416 (16 April 1777).

¹²⁰ Journals, vol. 1, 551 (31 July 1776).

¹²¹ Flick, *Loyalism*, 70.

¹²² Provincial-level exemptions existed only for judges and sheriffs, although the council did allow those chosen to serve to hire a substitute and pay a monthly fine. John M'Kesson, "By Order of the Council," Kingston, New York, printed by John Holt, Evans Digital Archive, Early American Imprints, ser. 1, no. 43318 (31 July 1777).

¹²³ For a detailed investigation of service exemptions, see Arthur J. Alexander, "Exemption From Militia Service in New York State During the Revolutionary War," *New York History* 27, no. 2 (April 1946): 204-12. In *Washington's Partisan War*, Kwasny argues that "better" laws would have fielded New York more soldiers. Kwasny, 168. I believe that *different* laws might have increased the number of men serving in the militia but that

decided “that Thomas Holliday[,] who is employed in making Coals for the use of the Blacksmiths who are employed in making spades &c for the use of the Continental Army[,] remain at home.”¹²⁴

At the county, district, and precinct levels, the power to exempt men from service involved committees in local economies, enabling them to define critical professions and promote new businesses. When Samuel Mabbit, who wanted to build a flaxseed mill, asked the Dutchess Committee not to recruit the six men he wanted to employ, the request made its way to the Provincial Council, which granted it with the proviso that the brigadier general of the county (Peter Ten Broeck) be informed.¹²⁵ Mabbit was not alone in requesting exemptions for his interest. On 29 July 1776, Richard Cantillon and John Parkinson, both residents of Dutchess County, wrote to the council, requesting protection from militia service so that they could start a linen factory.¹²⁶ They received exempt status the next day, being allowed to hire up to twelve men who would also not have to bear arms.¹²⁷ Saltpeter was an important-enough necessity that James Cargill of Orange County used the fact that he was manufacturing it as reason to request that he not have to serve as a militiaman.¹²⁸ Residents from other areas of the state, mostly businessmen, submitted similar petitions. While these requests revealed the degree to which enterprising individuals thought they could profit from opposing the British army, whether or not

such a policy would have come at an unacceptable cost to communities and their committees. Kwasny’s failure to research local sources biases his interpretation. *Ibid.*, 168,193.

¹²⁴ Albany, vol. 1, 586 (24 October 1776).

¹²⁵ Application of Samuel Mabbit, Force, ser. 5, vol. 1, 1540 (26 October 1776).

¹²⁶ Petition from Richard Cantillon and John Parkinson to the Provincial Council, Force, ser. 5, vol. 1, 1457 (29 July 1776).

¹²⁷ Proceedings of the Provincial Council, ser. 5, vol. 1, 1456-57 (30 July 1776).

¹²⁸ Petition of James Cargill, Force, ser. 5, vol. 1, 1491 (8 August 1776).

committees granted them, showed the activities which local rebel leaders considered essential to the rebellion.

By ruling on exemptions from military service, local organizations increased their ability to shape the economy and regulate society, establishing precedents for how New York would be governed after independence had been secured. Just as important, considering exemption petitions forced committees to examine individuals. Requests were granted only when one's reason for not wanting to serve was seen as advantageous to the rebel cause; manpower was such a critical asset that blanket rulings could have harmed the ability of communities to defend themselves. In the winter of 1776, with rebel fortunes at their lowest ebb, the committee system would apply this particularized focus to individuals whom it suspected of being disloyal to the rebel cause.

4. Adjusting to the Permanent Presence of British Forces

November 1776 – May 1777

On 21 September 1776 the Provincial Council created a committee for detecting and defeating conspiracies to address the threat posed to the rebellion by New Yorkers who did not support independence. The convention had formed subcommittees to address disloyalty on previous occasions but had limited their term and scope of power. With Howe's army occupying all of New York south of Eastchester and New Rochelle in Westchester County, however, the need for a specially-empowered body was acute and persistent. A creature of the convention, the conspiracy committee differed from its parent organization in membership, charge, and fidelity to legal forms.¹ Including only men who had proven active in their support for rebellion, the subcommittee assumed judicial powers beyond those indicated by its formal name. Investigating disaffection, armed loyalism, and civil unrest, the tribunal apprehended individual New Yorkers for opposing rebel governance but not for protesting against food shortages, austerity measures, or travel restrictions. In doing so, its members – in conjunction with the rest of the committee system – defined a new relationship between government and political society.

¹ Conspiracy committee members were appointed, not elected. In general, they had three, five, or seven judges. Committees of safety were larger and included representatives with a wider range of positions on how best to oppose Britain. The Albany Committee, for example, rarely met with less than ten members present and sometimes as many as thirty. Minutes of the Provincial Council, *Calendar of Historical Manuscripts Relating to the War of the Revolution*, vol. 2 (Albany: Weed, Parsons and Company, 1898), 526-7.

Committees for Detecting and Defeating Conspiracies

The Provincial Council had established an early version of a committee for detecting and defeating conspiracies in late May 1776 when it appointed councilors to “frame a law to prevent the dangers to which the colony is exposed by its internal enemies.”² Within a month, this subcommittee had proscribed 118 individuals, reading their names to the convention and paying a printer to publish them in one-hundred broadsides – enough to distribute a copy to every county and district committee of safety.³ Reporting to the full convention, these councilmen announced that suspected residents would be released if they swore an oath to the rebel cause and, “in the judgment of the said Committee,” could be trusted to act appropriately in the future. Undertaking these prosecutions effectively enlarged their mandate to include a judicial as well as an executive role.⁴ The council approved the method, empowering the nominally subordinate body.⁵

One advantage of having a provincial-level committee investigate the politics of citizens was the political distance its members had from those suspected of loyalist doings. Because

² Proceedings of the Provincial Council, Force, ser. 4, vol. 6, 1135 (25 May 1776); Report of the Committee appointed to frame a law to prevent the dangers to which the colony is exposed by its internal enemies, Force, ser. 5, vol. 6, 1341-42 (28 May 1776).

³ This list included fifty-seven residents from New York County, thirty-eight from Queens County, thirteen from Westchester County, six from Richmond County, and four from Kings County. Being proscribed meant that you were to be warned, summoned (presumably to the conspiracies committee since the counties listed did not have functioning committees of safety), arrested, or apprehended. Minutes of the Committee to Detect Conspiracies, *Calendar of Historical Manuscripts Relating to the War of the Revolution*, vol. 1 (Albany: Weed, Parsons and Company, 1868), 340-41 (15 June 1776). One-hundred copies was not many; when the Provincial Council wanted to disseminate information widely, it printed up to one-thousand fliers and published in every newspaper that it could. For example: Resolutions for Removing doubts which have risen respecting the true construction of the Association, Force, ser. 4, vol. 6, 1419 (20 June 1776).

⁴ Resolutions relative to persons dangerous and disaffected to the American cause, Force, ser. 4, vol. 6 (5 June 1776).

⁵ Flick, *Loyalism*, 67-68.

local committees usually determined the fates of individuals based on reputation, hearsay, and affidavits from those they trusted, they were prone to making judgments without paying proper attention to facts and evidence. In the summer of 1776, district committees in Albany, Dutchess, and Westchester Counties punished Tories harshly, sentencing them to hard labor constructing Fort Montgomery.⁶ Although the assistance was needed, the punishment struck William Alexander, the *soi-disant* Lord Stirling, a general of the New Jersey Line then helping southern New York prepare for British attack, as being outside the bounds of legal propriety. In a letter to Washington, the self-proclaimed noble questioned if the judgments accorded “with the resolutions or intentions of the Continental or Provincial Congress.”⁷ In the summer of 1776, they most likely did not. As shown by the elapse of over fourteen months between the onset of military conflict and the Continental Congress’s Declaration of Independence and the Provincial Council’s delayed establishment of a new government, these political bodies made decisions only after their constituents had signaled their readiness for change.⁸

Understanding the connection between accuracy and legitimacy, the Provincial Council strove to develop a fair process for determining a person’s loyalty. In June, the convention added two displaced lawyers, John Jay of New York County and John Sloss Hobart of Suffolk County, to the conspiracies committee, ensuring that it had the legal expertise to adjudicate issues with Tories.⁹ With the addition of Jay and Hobart, the committee consisted of nine men, six of whom practiced law – Leonard Gansevoort, Jr., John Haring, Thomas Tredwell,

⁶ Letter from Lord Stirling to Washington, Force, ser. 4, vol. 6, 672-74 (1 June 1776).

⁷ Ibid.

⁸ The Continental Congress did not declare independence until colonial forces had been at war with the British Empire for almost fifteen months. The Provincial Council did not call New York a state until after independence was declared.

⁹ Journals, vol. 1, 478 (5 June 1776); Petition from Mangle Mintborne, who was advertised, praying to be discharged, Force, ser. 4, vol. 6, 1399-400 (13 June 1776); Journals, vol. 1, 495 (14 June 1776).

Gouverneur Morris, Jay, and Hobart – and one of whom – Lewis Graham – had been the sheriff of Westchester County. Philip Livingston, one of the remaining two members, had led the effort to resist imperial order in southern New York before the war. Although qualified to sit on the committee by position, education, and experience, he served as an *ex officio* member, spending most of his days in Philadelphia representing the state in the Continental Congress. The only member without a background in the maintenance of justice was Joseph Hallett of New York County. Hallett, a former Son of Liberty, was probably added to the group to appease the council’s radical faction. A week after solidifying the subcommittee’s membership, the council empowered it to direct military units to arrest any person it considered to be dangerous to the rebel cause.¹⁰

Armed with proscription lists and authorized to coordinate with military leaders, the conspiracies committee began holding hearings almost as soon as it had formed. On 24 June 1776, Jay and Morris, a legal scholar who had studied under famed New York lawyer William Smith, listened to John Yates testify how his neighbor Absalom Bull had tried to recruit Ulstermen to serve in the king’s army by telling them that William Tryon would give them two hundred acres of land for their troubles.¹¹ Attractive to those who wanted to advance their lot in life, the deal could not be guaranteed by deed since anything signed by the colony’s former governor would be valid only if British forces were nearby to enforce it.¹² In addition to defusing an attempt by the enemy to recruit in the Hudson Valley, the select body investigated, judged, and confined seventeen residents in its first month of work. It imprisoned ten of these

¹⁰ Resolutions for removing doubts which have arisen respecting the true construction of the Association, Force, ser. 4, vol. 6, 1419 (20 June 1776).

¹¹ Examination of John Yates of Wallkill Precinct, Ulster County, Force, ser. 4, vol. 6, 1171-72 (24 June 1776). I have not come across evidence that this recruitment ploy had any success.

¹² Ibid.

men for “Treasonable practices against the States of America” or being “Notoriously disaffected to the rights and cause of America,” three for counterfeiting, and one for supplying the enemy. It confined the remaining three without charging them with a crime. Two were allowed to join the New York Line (presumably to clear their reputations) and one, Ryner Van Hoesen, spent time in jail because he was “too good a pilot to be trusted at large.”¹³

The need for an investigating committee increased in July as continental forces fled from Montreal to Crown Point in the northern part of the state and could not prevent the British from taking Staten Island in the southern part of the state. In particular, residents in Albany County faced multiple external, as well as internal, threats. Fortunately for its committee, the county’s wealth and size – 42,706 residents in 1771 – allowed it to address the array of demands placed upon it.¹⁴ To reinforce continental forces in Charlotte County, the Albany Committee first asked the 10th (Manor of Livingston) Regiment to send some of its members to Schenectady and then recommended that it search for Tories as it marched to Ballstown. From there, the committee directed the unit to strengthen continental forces at Ticonderoga.¹⁵ The board supplied victuals to both militia and regular soldiers at the fort during the winter, as well as loading flour and beef onto horse-pulled carts in an attempt to feed Washington’s army at White Plains in October. At the same time, it directed 140 men from Col. Peter Van Ness’s Claverack regiment “to oppose the designs of the disaffected” in Hellebergh, sent 15 rangers to aid continental troops in securing King’s District, and mobilized 50 militiamen from its Schoharie and Livingston Manor

¹³ Several of the accused had already been investigated by the committee system. Report of Committee on Dangerous and Disaffected Persons, Force, ser. 5, vol. 1, 1417 (18 July 1776).

¹⁴ Report of Governor Tyron on the Province of New-York, *Documents Relative*, vol. 8, 457 (11 June 1774).

¹⁵ Pension of Michael Ploss of Albany County, submitted to USGenWeb Archives by Donald E. Lampson [<http://files.usgawarchives.net/ny/ulster/military/pensions/ploss-michael.txt>].

formations to disarm loyalists in Coxsackie.¹⁶ Simultaneous operations taxed but did not overwhelm the board or Robert Yates, its unflappable chairman.¹⁷

By December 1776, the proximity of British forces had made Westchester County a battleground for the allegiance of the home population. Even as George Clinton led militiamen into northern New Jersey, British control of New York City made the area between Tory and rebel-controlled sections contested territory, forcing first the committee system and then the new state government to combat raiders, oppose loyalist bands, and care for displaced families. In a response to attacks by the King's American Rangers, a band of loyalist partisans, the Provincial Council directed regiments commanded by Col. William Malcom and Col. Thomas Thomas "to fall upon . . . Troops of the Enemy and remove the Stock & Grain from that [Westchester] County."¹⁸ Tories were engaged in the same activity. In late March and early April 1777, loyalist bands drove horses and cattle from farms, creating fear among the rebel-friendly population.¹⁹ According to its secretary, the Westchester Committee had recruited only 140 militiamen, 40 of whom were to finish their agreed-upon duty in just over one week.²⁰ With Tory bands plundering and disarming inhabitants of the county, the rebel organization could not muster the manpower to stop them.²¹

As Washington's army fled across northern New Jersey, exposing Dutchess and Ulster Counties to a British army that might move north, the convention appointed a new subcommittee

¹⁶ Letter from Robert Yates to the Provincial Council, Force, ser. 5, vol. 3, 280-81 (1 November 1776).

¹⁷ Ibid.

¹⁸ Provincial Council to George Clinton, *Clinton*, vol. 1, 463 (12 December 1776).

¹⁹ Westchester Committee to George Clinton, *Clinton*, vol. 1, 703-4 (7 April 1777)

²⁰ Ibid.

²¹ Robert R. Livingston to George Clinton, *Clinton*, vol. 1, 709-10 (11 April 1777).

“for the express purpose of enquiring into, detecting and defeating all conspiracies, which may be formed in this State, against the liberties of America.”²² Keeping Jay and Leonard Gansevoort Jr., the council replaced the other members of the earlier body with William Duer (Charlotte County), Charles De Witt (Ulster County), Zephaniah Platt (Dutchess County), and Nathaniel Sackett (Dutchess County).²³ Less than a month later, the convention put two militia companies and the Ulster County rangers at the subcommittee’s direction, temporarily relieving Clinton of the need to address internal threats.²⁴ Members of the larger body felt comfortable investing the smaller one with power because they regarded the conspiracies committee as a subordinate executive agent: a collection of experts who, through discussion and debate, were able to make informed decisions in a gray area of law and legality and thus unburden the council of daily details.²⁵ As soon as it had formed the conspiracies committee, the Provincial Council began referring to it petitions from prisoners trying to obtain their freedom, as well as depositions from residents denouncing their neighbors.²⁶

²² Provincial Council proclamation, *Clinton*, vol. 1, 360-2 (21 September 1776). The Provincial Council singled out Capt. Melancton Smith’s command as an example of the size and type of unit that should enforce the decisions of the committee for detecting and defeating conspiracies. *Ibid.* Smith’s reputation for competence suggests that the Provincial Council was looking to increase not only the legal authority of the original committee but also the extent to which it could affect residents. A smaller, less efficient force than Smith’s would have lacked effectiveness; a larger, less well led force would have appeared too much like an occupying army.

²³ *Ibid.* The turn-over in the conspiracies committee’s membership was likely due to many of the original members trying to move, protect, or take care of families along the route of the British. Three of the four new members (De Witt, Platt, and Sackett) were from counties not yet invaded. The changed membership of the committee likely increased the influence of Jay and Gansevoort.

²⁴ Commissary appointed for the Troops coming up to Fishkill, Force, ser. 5, vol. 3, 257 (17 October 1776).

²⁵ On 8 November 1776, William Duer of the committee for detecting and defeating conspiracies requested “the sense of the [general] Committee whether” a prisoner who might have been an officer in the Royal Navy serving on board a ship in the Hudson “ought not to be sent to Head-Quarters, to be tried by law martial.” A person in custody of the Committee on Conspiracies, Force, ser. 5, vol. 3, 302 (8 November 1776). This jurisdictional propriety would have comforted Provincial Council members.

²⁶ For example: Letter from Joseph Bull to Brig. Gen. Nathaniel Woodhull, Force, ser. 5, vol. 2, 109-10 (n. d. September 1776); Memorial of upwards of a hundred inhabitants of Tryon County, Force, ser. 5 vol. 3, 228-29 (5 October 1776); A letter from General Scott, Force, ser. 5, vol. 3, 230 (7 October 1776); Several letters from Goshen

Delegating investigatory work put difficult questions in the hands of experienced and specifically-selected judges, allowing the state body to focus on addressing the military effort and supporting county committees. Fear might have given the Provincial Council impetus for creating such an organization – the British army was on Staten Island in July, on Long Island in August, on Manhattan Island in September, and in Westchester County in October; it looked like it might continue driving up the Hudson Valley – but New York’s long experience with committee rule in religious and political life was also a factor.²⁷ Residents of New York were used to having their lives examined by others. The focus of the committee for detecting and defeating conspiracies differed from the colonial paradigm in two ways, however. First, it judged individuals based on their allegiance to a cause, not their membership in a social class. Second, it judged people in the name of a culturally-diverse political entity engaged in a struggle for freedom from a regime seen as oppressive and limiting.

Concerned about the seemingly-inexorable advance of the British Army, the committee for detecting and defeating conspiracies deviated from its standard of carefully deliberating the political positions of individual residents. On 8 November 1776, it decided to send ten Tories convicted of crimes such as “refusing to receive in payment the Continental currency;” “aiding, assisting, and abetting the enemy;” and taking arms against the cause of independence to prison

Precinct, Force, ser. 5, vol. 3, 241-42 (12 October 1776); Two letters from Tench Tilghman read, Force, ser. 5, vol. 3, 243 (12 October 1776); Petition of William Watkins and others, Force, ser. 5, vol. 3, 269 (23 October 1776); A letter from Nicholas Governour read, and committed to the Committee on Conspiracies, Force, ser. 5, vol. 3, 316 (23 November 1776).

²⁷ At the start of the conflict, the majority of New Yorkers still belonged to the Dutch Reformed Church, a religion in which all decisions were made by assemblies of church members, coetuses, or the Classis of Amsterdam. Committees had long played a role in provincial politics. A committee had elevated Leisler to prominence in 1688 and one had collected money for the establishment of King’s College on Manhattan in the 1750s. Before the imperial crisis, however, all committees in New York claimed to act in the name of the British monarch. McConville, 167-69.

in Exeter, New Hampshire.²⁸ Unlike men arrested previously, these loyalists were to fund their own incarceration.²⁹ New Hampshire, which had long objected to New York's claim to Gloucester and Cumberland Counties (the future state of Vermont), likely supported its neighbor because of a new-found desire for continental unity. Although militiamen from Orange and Ulster Counties would soon serve in New Jersey, the Provincial Council had not formed a conspiracies committee to better the state's relationships with its neighbors.³⁰ Negotiating with other states to gain access to jail space was the council's attempt at giving its conspiracies committee time to judge the rebel credentials of individual New Yorkers and remove threats to the state.

From the summer of 1776, when British ships began arriving in New York Harbor, to the spring of 1777, when Lt. Gen. John Burgoyne started advancing south from Montreal, the Orange and Dutchess Committees were constantly suppressing unrest in their counties. In June 1776, the Provincial Council received word that most of Capt. Avery Blouvelt's Haverstraw Precinct militia (Orange County) had "refused to suffer drafts to be made from said company for reinforcing the army at New-York."³¹ Fearing disaffection, the council, meeting in an unusual Sunday afternoon session, instructed Col. Ann Hawkes Hay of Orange County to arrest "seven of

²⁸ Proceedings of the state committee for detecting and defeating conspiracies, Force, ser. 5, vol. 3, 470-71 (8 November 1776).

²⁹ Ibid.

³⁰ In December, members of the Provincial Council ordered George Clinton to push his command into New Jersey and take orders from continental generals Charles Lee and Horatio Gates because it was their "firm intention and earnest desire . . . to give every assistance possible to any of their sister states." Proceedings of the Provincial Council, Force, ser. 5, vol. 3 (8 December 1776).

³¹ Journals, vol. 1, 512 (30 June 1776).

the most refractory men of said company” and authorized continental commanders to impress New York militia whenever they deemed it necessary “for the defense of this Colony.”³²

Conspiracy committees, acting in a judicial role, worried more about making mistakes than the Provincial Council or military officers such as Colonel Hay did. Although committees for detecting and defeating conspiracies may have wrongly penalized neutral residents in the summer and winter of 1776, when the presence of the British in southern New York necessitated that they watch disaffected members of society closely, they were generally careful about accusing residents of acting contrary to the interests of the state. Mistakes, if publicized, consistent, or blatant, would have made the members of the committee of detecting and defeating conspiracies appear to be acting like the imperial lawyers they once were. In at least one instance, the judges refrained from convicting someone they had charged because they feared that they would make an error.³³ Postponing trials indefinitely was a stratagem that the committee of safety, concerned mostly with the conduct of military affairs in the fall of 1776, could not afford to pursue. For the conspiracies committee, however, delay – if unfair to the accused – indicated circumspection, at least to those residents who foresaw a resolution to the conflict which included New York’s independence from the British Empire. Fortunately for the rebels, Washington’s victories at Trenton in December 1776 and Princeton in January 1777 signified that armed opposition to imperial authority would continue into the new year. With the need to act in haste averted, at least for the time being, the conspiracies committee had the time that it needed to prosecute people in accordance with accepted forms of jurisprudence.

³² Ibid.

³³ An affidavit by Abraham W. de Peyster, a member of one of the oldest and most important Dutch families in New York, reported hearsay that one Joseph Reid, “was a great Tory.” Deposition of Abraham W. D Peyster, Force, ser. 5, vol. 2, 680 (10 September 1776). With the emergency police powers assumed by the committees at the time, this information was enough to charge, but not to convict, Reid.

Jurisprudence was important because not all anti-committee activity was motivated by opposition to the rebellion. With the committee system deriving its legitimacy from the public, it could not oppose those who protested the unavailability of food without losing the support of communities. When Johannes Sleight, chairman of the Kingston Committee (Ulster County), reported to the convention that soldiers' wives had surrounded the board's meeting place, threatening to have their husbands stop serving unless they could get tea, the council could think of no response other than to hand the letter to its Ulster County members.³⁴ If a local committee could not assuage its residents' anger, then a political body composed of gentlemen farther removed from the community had no chance of doing so. Problems could be solved only by those who knew the particular circumstances of a community and the individuals living in it; in post-independence New York, residents accepted state agency but not when its policies seemed unfair.

Because the people at large did not want to suffer more from committee strictures than did their neighbors, mobs had just as much say in enforcing compliance as their representatives did.³⁵ Not only did committees rely on residents to honor the rates that they set but they also expected inhabitants to report violators.³⁶ In the May 1776 Poughkeepsie riot, for example, rioters broke into a shopkeeper's store with the town committee's knowledge, suggesting that residents were reasserting their political agency after surrendering it to the committee for military purposes a year earlier. Allowing themselves to be occasionally led by their communities proved a prudent course of action for local boards to take. Remaining in a constant state of negotiation with the populace not only ensured their survival but also enhanced their

³⁴ Proceedings of the Provincial Council, Force, ser. 5, vol. 1, 1542 (24 August 1776).

³⁵ *Ibid.*, 23.

³⁶ Smith, "Food Rioters," 15.

effectiveness at addressing issues other than food supply. By protesting against price and food rationing but not against militia mobilizations or travel restrictions, residents were effectively sanctioning their committee's right to regulate most matters affecting their daily lives. In the Hudson Valley's most significant wartime riots – in Fishkill in August 1775 and in Kingston in August 1776 – women, after seizing tea and selling it at a price they deemed fair, returned profits to the local committee.³⁷ In these instances, Hudson Valley residents accepted the authority of the committee system, even as they acted to adjust its specific policies.

Charlotte County escaped the food riots that Ulster and Dutchess Counties experienced, partly because the county was rural, making it difficult for people to assemble, and partly because its committeemen exercised influence less directly than did their counterparts in the Hudson Valley. On 8 July 1776, for example, the local board in Skenesborough, calling itself a “committee of observation,” declared Daniel Brundage, one of its militia lieutenants, an enemy of American liberty.³⁸ Interestingly, it did not arrest Brundage – the usual procedure for the committee system to take at this stage of the war – but instead notified the public to treat the turncoat “with all that neglect and contempt which is so justly his due.”³⁹ This indirect approach dealt with disloyalty in the most efficient way possible, especially for a small town as physically isolated as Skenesborough. In addition to being effective, the decision also reflected the state's current military situation. Although the British army had pushed the rebels out of Canada by the summer of 1776, Carleton had yet to launch a campaign into New York. With pressure from the

³⁷ *Ibid.*, 8, 18.

³⁸ Declaration by the Skenesborough Committee, Force, ser. 5, vol. 1, 128 (8 July 1776).

³⁹ *Ibid.*

enemy's army minimal, the committee could spend time trying to win over dissidents, an effort both militarily and politically important to the success of the rebellion.

Suppressing Internal Dissent

While committees of safety tried to establish order in their jurisdictions, the Provincial Council responded to issues resulting from the British occupation of southern New York. Meeting in Fishkill on 13 December 1776, the convention answered petitions from eight New Yorkers desiring to journey either to Manhattan or from the British-occupied port to locations in the Hudson Valley.⁴⁰ Councilmen considered each individual's situation and his ability to harm the rebel war effort, going as far as to question one petitioner why he chose to live in the presence of enemies when "his connections by marriage would have rendered his residence with his family [in Ulster County] much more agreeable than at New-York."⁴¹ With the need to prevent knowledge of the rebels' vulnerability to British attacks up the Hudson paramount and those requesting travel southward all prisoners of the state, the council denied seven of the eight appeals.⁴² The consideration given to each case suggests that, at least for the requests that came from the city by a courier displaying a flag of truce, the appearance – if not the reality – of respecting individual rights was an element in the committees' quest for legitimacy.

Unlike the Provincial Council which, as an executive body, considered the population as a whole, the committee for detecting and defeating conspiracies could focus solely on

⁴⁰ Report of the Provincial Council, Force, ser. 5, vol. 3, 1204-7 (13 December 1776).

⁴¹ The petitioner in question was Charles Inglis, a clergyman who was curate at Trinity Church. Ibid., 1204.

⁴² Ibid., 1204-7.

individuals, an outlook which allowed it to ignore the declining fortunes of Washington's army. Even in what Thomas Paine would call "the times that try men's souls," the subcommittee remained active, attempting to restore order to an unsettled people. Meeting at Conner's Tavern in Fishkill on 17 December 1776, the committee members directed a ranger captain to bring four Ulster County men before them, released four other residents once they had sworn their fidelity to America, received intelligence from the Tryon Committee on two "particularly dangerous and desperate fellows," and sent seven residents – including one charged with horse stealing by the Westchester Committee – to the Poughkeepsie jail.⁴³ The next day, the committee met again to discuss how to ensure that New York presented a unified front against the British threat.⁴⁴ The state committee for detecting and defeating conspiracies acted more aggressively with the military situation at its nadir than it might have if the Continental Army had been effective against Howe, knowing that dire circumstances gave it license to do everything within its power to prevent Tories from garnering political support and obtaining foodstuffs from the British. Late in December, while hearing complaints about residents brought before it by militia soldiers, the panel received a letter from commissary Hendrick Wichoff, stating that the Lower Barracks, a new location for the committee's prisoners, was too far away for him to provision.⁴⁵ The men of the subcommittee, changed slightly in membership since a week and a half ago (most likely to provide members with an opportunity to remove their families living in close proximity to the

⁴³ The committee included William Duer (the chairman, from Dutchess County), Col. Charles DeWitt (Ulster County), Leonard Gansevoort Jr. (Albany County), and [Pierre?] Van Cortlandt (New York County). Proceedings of the secret committee, Force, ser. 5, vol. 3, 1542 (17 December 1776).

⁴⁴ Proceedings at Connor's Tavern in Fishkill, Force, ser. 5, vol. 3, 1543 (18 December 1776).

⁴⁵ Proceedings of the Secret Committee, Force, ser. 5, vol. 3, 1552-55 (30 December 1776).

advancing British), resolved that Wichoff needed to bear the burden of his job or quit the office.⁴⁶

With militia units under the operational command of Clinton or controlled by the state government, the committee for detecting and defeating conspiracies relied on rangers to carry out its orders. Although sometimes directed by the convention to “guard & protect” stores, rangers were not traditional law enforcement agents.⁴⁷ While they directed their persuasion against individual New Yorkers, they were also military units capable of addressing threats posed by bands of armed Tories. Especially good at accomplishing the committee’s bidding was Melancton Smith, a respected merchant from Poughkeepsie whose advocacy of the rebel cause as a representative of Dutchess County in the Provincial Council during the first six months of the conflict had so impressed his fellow councilors that they commissioned him as a major and entrusted him with command of his own ranger formation in December 1776.⁴⁸

The Provincial Council devoted much of its legislative attention to areas of the state, such as Westchester County, that were close to royal forces. After the British had occupied New York City, patrols and raids to acquire information, cattle, and provisions constantly disrupted the civilian population of the county, especially those living along the eastern bank of the Hudson River and northern shore of Long Island Sound. Washington’s decision to store supplies in the county, made earlier in the year when it looked like Howe would invade southern New York,

⁴⁶ The committee now consisted of John Jay (the chairman, from Westchester County), Nathaniel Sacket (Dutchess County), Zephaniah Platt (Dutchess County), John Ten Broeck (Albany County), and William Duer (Charlotte County). Ibid.

⁴⁷ Pension of John J. Best of Albany County, NY, submitted to USGenWeb Archives by Donald E. Lampson [<http://files.usgwarchives.net/ny/columbia/military/revwar/pensions/best-johnj.txt>].

⁴⁸ Proceedings of the committee for detecting and defeating conspiracies, Force, ser. 5, vol. 3, 1545 (20 December 1776). Also see Robin Brooks, “Melancton Smith: New York Anti-Federalist, 1744-1798” (PhD diss., University of Rochester, 1964), in ProQuest Dissertations and Theses (accessed 27 October 2012), especially pages 4-12.

only increased the area's importance to British soldiers. Recognizing the importance of the area, the commander-in-chief had sent Maj. Gen. Charles Lee to New York to prepare a defense of the city. Lee worked with the Provincial Council to assemble 1,850 bushels of peas, 1,200 barrels of "good salted pork," and other foodstuffs in the county.⁴⁹ Although some of this sustenance came from Long Island and New England, the difficulty of transporting goods in late eighteenth-century America meant that much of it was grown or raised on farms in Westchester County.⁵⁰ In December 1776, after Washington had lost New York, the Westchester Committee reported to the Provincial Council three ways in which the proximity of the British plagued the county. First, a Tory raiding party of approximately seven hundred men, led by Robert Rogers of French and Indian War fame, had destroyed farm produce, confiscated livestock, and injured people. Second, Washington and his subordinates had directed all of the county's militias southward in an attempt to defend New York County. Third, continental troops in and around New York City could not defend residents from Tory incursions.⁵¹ After the British had secured Manhattan Island, Westchester County became a no-man's land.

Such a volatile situation made all violations of law and order potentially dangerous: in late 1776, all crime – civil or military – threatened the existence of the rebel movement.⁵² Trying to figure out what happened to a man's personal property and who stole butter from a

⁴⁹ Journals, vol. 1, 336 (4 March 1776); *Ibid.*, 350 (12 March 1776).

⁵⁰ New York's local committees attempted to feed and house continental units when they were within their borders. James A. Huston, *Logistics and Liberty: American Services of Supply in the Revolutionary War and After* (Newark, DE: University of Delaware Press, 1991), 82.

⁵¹ Journals, vol. 2, 259 (23 December 1776).

⁵² Judges on the conspiracies committee addressed seemingly-minor issues because the Provincial Council had yet to establish a precedent for which cases were the purview of what subcommittee. When information arrived that certain residents had purchased bread and flour to give to the British, the Provincial Council somewhat off-handedly ordered "that the said Papers be referred to a Committee, say the Committee for detecting Conspiracies." A letter from Samuel Brewster, Force, ser. 5, vol. 3, 286 (5 November 1776).

soldier stationed at Fort Montgomery, although perhaps minor compared to the loss of lives and destruction of homes, were critical to establishing the perception of legal oversight necessary if people – to include those under arms – were to support a new construction of the political order.⁵³ Paranoia over Tory involvement in matters large and small would lessen after it became apparent that Washington's army would survive the winter of 1776 / 1777. What would remain, however, was the committee system's examination of the lives and politics of individual New Yorkers.

Although precedent existed for the investigation of individual sentiment in colonial New York, examinations had before been either religious or restricted to a relatively-small class of politically-active residents. Religion had fueled, if not instigated, disputes in the past, especially for the generation of Dutch Reformed practitioners that had experienced the imposition of Anglican government, Leisler's Rebellion, and the polarization of late seventeenth- and early eighteenth-century New York society. With religion, however, the believer usually ascribed to the position taken by whatever consistory determined the expected behavior for his church. Even the Reformed Church's debate over whether to follow the Classis of Amsterdam or an American Coetus was a short-lived theological dispute among domines that incited little of the fervor that contemporary disputes in the Congressional and Presbyterian religions elicited.⁵⁴ Political stances mattered more than religious ones in colonial New York only for landed gentry: during the 112 years that the province was part of the British Empire, residents had to own property or be willing to oppose the interests of their landlords if they wanted to have a voice in

⁵³ John Marline had beds, blankets, and linen taken from his house in Westchester County. Affidavit of John Marline, Force, ser. 5, vol. 3, 333-34 (13 November 1776, entered into the record on 28 November 1776); Affidavit of Marmaduke Forster, *ibid.*

⁵⁴ The most comprehensive account of how the Dutch Reformed Church maintained its identity in an Anglican political environment is Gerald F. De Jong's *The Dutch Reformed Church in the American Colonies*, Historical Series of the Reformed Church in America, no. 5 (Grand Rapids, MI: Wm. B. Eerdmans Publishing Co., 1978).

political affairs. Of course, New Yorkers were always free to express themselves through protests and riots. Such agitation, however, was effective only if one class rose up to oppose another class. Otherwise, it reinforced a legal system that classified people by their relationship to established members of society, not as individuals whose views were militarily and politically significant. With local committees of safety and the state committee for detecting and defeating conspiracies maintaining their focus on individuals into 1777, government was becoming less of a way for genteel members of society to protect their property and more of a vehicle for ensuring that all members of society shared a common political philosophy.

Because New York's committees were composed of men who were critical of imperial governance, they understood the value of small but direct measures in establishing control of their communities. The Albany Committee, for example, made six individuals part of the rebel government in November 1776 by appointing them as fire-masters, a newly-created job which helped the community combat an uncontrollable conflagration, one of the terrors of eighteenth-century urban life.⁵⁵ Although the board did not state the reasons why it chose who they did, it likely identified individuals whose concern for the welfare of their community needed to be reinforced by external pressures. The Schenectady Committee also used local governance to expand its control over people. Holding an election on 1 April 1777, it vested twenty townsmen – two assessors, one collector, four highway overseers, two fire masters, four constables, two “fense vewers,” two poor masters, one town clerk, and two pound masters – with a stake in the outcome of the contest.⁵⁶ On 6 November 1777, the Albany Committee appointed two chimney

⁵⁵ The six men chosen were probably of middling rank: none of them had an “Esq” behind or a “Mr.” in front of their names. Albany, vol. 1, 617 (25 November 1776).

⁵⁶ Alexander C. Flick, ed., *Minutes of the Albany Committee of Correspondence, 1775-1778, Volume II and Minutes of the Schenectady Committee, 1775-1779*, University of the State of New York (Albany: J.B. Lyon Company, General Printers, 1925), 1085-86 (28 March 1777).

viewers for each ward of the city, established the frequency of their inspections, and authorized them to fine residents twelve shilling for each deficient fireplace.⁵⁷ Later in the year, it assumed purview over the city's Fire Engine Company.⁵⁸ In addition to fulfilling a basic need, job creation made individuals financially dependant on committees, reinforcing the perception that life could be good and government could be inclusive – as long as one accepted the rebel cause.

Governing an area with few slaves, the Schenectady Committee had less motivation for including the working population of its town in governmental duties until faced with the threat of approaching British soldiers.⁵⁹ Whereas a fear that “Negroes” would react wildly to news of war prompted the Albany Committee to institute a night watch for the town of Albany just weeks after Lexington and Concord, the Schenectady Committee did not create a similar watch for its town until early April 1777.⁶⁰ Expecting the enemy, the committee assigned all men over sixteen to shifts and set clear criteria for the conduct of the watch, including the frequency of inspection rounds and the oath sworn before starting a shift. Instituted for practical reasons, the duty must have also increased the cohesiveness of fellow townsmen in a time of fear and uncertainty. Although the committee authorized the watch to levy fines on fellow townsmen for unruly or dangerous behavior, it never recorded collecting money for this offensive.⁶¹ Externally focused, Schenectady's night watch gave residents the opportunity to participate in the effort to

⁵⁷ Albany, vol. 1, 861-62 (6 November 1777).

⁵⁸ Ibid., 883 (11 December 1777).

⁵⁹ Although 3,877 blacks lived in Albany and Tryon Counties (9 percent of the total population), most worked as servants for Dutch merchants in the town of Albany. List of Inhabitants in the several Counties in the Province of New York, taken in the year 1771, *Documentary History*, vol. 1, 697; Kenny, 77.

⁶⁰ Albany, vol. 1, 24 (3 May 1775).

⁶¹ Albany, vol. 2, 1089-91 (13 and 19 April 1777). This claim is based on negative evidence.

save the town from destruction or occupation, a goal of self-preservation that had state-wide and, due to the centrality of New York to the 1777 campaign, continental-wide importance.

While community leaders tried to employ residents to widen support for the rebellion, New York's committee for detecting and defeating conspiracies punished residents only when it felt that it had investigated them with due process. When James Mason levied a charge of treason against William Forbes, a tanner and currier who had signed the Association in Orange County and voted for sending deputies to the Continental Congress as a resident of Queens County, the conspiracy committee declared the itinerant workman – along with four of his associates – enemies of America.⁶² Unlike the trial of those who had tried to burn the City of New York in 1741, the investigation conducted by the conspiracies committee did not convict on just one witness. After arresting Forbes and his companion John Clarke, the judges – Philip Livingston, John Jay, and Gouverneur Morris – examined both men to corroborate Mason's story.⁶³ Finding enough similarities to suspect – but not prove – the tanner's opposition to the rebel cause, they sent him to a jail in Litchfield, Connecticut, and had his name added to the list of “dangerous and disaffected persons.”⁶⁴ After spending more than four months in prison, Forbes wrote a memorial to the Provincial Council, claiming his innocence and professing his loyalty to the

⁶² List of Signers and non-signers in Orange County, Force, ser. 4, vol. 3, 589 (n. d. June 1775); Vote of Queen's County, New-York, Force, ser. 4, vol. 3, 1389-92 (7 November 1775); Proceedings of the New York Committee for Detecting and Defeating Conspiracies, Force, ser. 4, vol. 6, 1155-57 (21 June 1776); Proceedings of the New York Committee for Detecting and Defeating Conspiracies, Force, ser. 4, vol. 6, 1157-58 (25 June 1776).

⁶³ Orders for the arrest of Peter McLean, James Matthews, William Forbes, John Clarke, John Campbell, and George Brewerton, Force, ser. 4, vol. 6, 1162 (22 Jun 1776); Delivery of prisoners, Force, ser. 4, vol. 6, 1163 (23 June 1776); Examination of William Forbes, Force, ser. 4, vol. 6, 1166-67 (23 June 1776).

⁶⁴ Proceedings, Connecticut Council of Safety, Force, ser. 5, vol. 1, 731 (2 August 1776); Proceedings of the New York committee for detecting and defeating conspiracies, Force, ser. 5, vol. 1, 1417 (18 July 1776). Clarke would later join Forbes.

united colonies.⁶⁵ The convention reconsidered his petition, although what became of his effort to reenter society remains unknown.⁶⁶ For someone like Forbes, with weak local ties, state bodies like the conspiracies committee and the convention could render decisions that were more balanced than those of the committee of safety whose district he was then traversing.

Although ensuring public safety gave the committee for detecting and defeating conspiracies the justification to detain Forbes without definitive proof of his treachery, at least he did not suffer for his ambiguity with his life. Livingston, Jay, and Morris processed his case with evenness, hearing evidence from multiple sources (including the accused) and keeping the Provincial Council informed of their actions.⁶⁷ Declaring Forbes an enemy of America – as well as deciding to imprison him in Connecticut – reflected how desperate the three judges believed the military situation to be; it did not confirm his participation in monarchical plots. The concept of individual rights had advanced far enough in New York that, even at a time when the success of the rebel cause was in doubt, a man of protean political views would not be punished severely. The forced acceptance of diversity, a dominant social characteristic of New York ever since Leisler's Rebellion, was now, expressed as due process by the state's committee for detecting and defeating conspiracies, a weapon in the fight for the allegiance of the home population.

Perhaps because of its select membership, the committee on conspiracies, although sanctioning aggressive searches to gather intelligence on individuals, maintained a view of what to do with Tories and the disaffected that was less extreme than that of other members of the Provincial Council. When William Duer presented a report of the subcommittee to the full

⁶⁵ Memorial of William Forbes to the New-York Congress, Force, ser. 5, vol. 2, 1259-60 (26 October 1776).

⁶⁶ Proceedings of the Provincial Council, Force, ser. 5, vol. 3, 283 (2 November 1776).

⁶⁷ Orders for the arrest of Peter McLean, James Matthews, William Forbes, John Clarke, John Campbell, and George Brewerton, Force, ser. 4, vol. 6, 1162 (22 June 1776).

council in late 1776, for example, its contents were debated and tempers rose among the representatives.⁶⁸ To defuse the tension – as well as to give those assembled more time to consider the report’s recommendations – the convention delayed its decision to the following day.⁶⁹

Unfortunately, the council’s record did not describe the contents of the committee’s report. Due to the date it was issued and the lack of correspondence with continental generals that oftentimes influenced deliberations in late 1776 and early 1777, it likely dealt with New York’s old nemesis: civil insurrection in Dutchess County. The decision of what to do with the disaffected in this highly unstable region had become complex in late 1776 when neighbors of Malcolm Morrison, a successful landowner and businessman in the county who was thought to be a friend of the rebellion, testified that he had accepted a bribe from Howe.⁷⁰ Questioned by Gansevoort Jr., Duer, Jay, Sackett, and Platt, Morrison admitted to receiving a communication from the British general but claimed that he had not requested or ever used the protections it contained.⁷¹ In examining neighbors and those with whom the Dutchess County businessman had associated, the judges decided to accept the defendant’s statement.⁷² Although they kept him (and his business) locked up, they would not countenance an “enlargement” of the charges

⁶⁸ Proceedings of the Provincial Council, Force, ser. 5, vol. 2, 711-12 (n. d.).

⁶⁹ Duer, upset by the objections of certain members of the Provincial Council, dissented from every other motion voted that day, to include one allowing fellow members to depart for a fortnight and a week. *Ibid.*

⁷⁰ Proceedings of the committee for detecting and defeating conspiracies, Force, ser. 5, vol. 3, 1545 (20 December 1776). Morrison had been elected as first major of Col. Jacobus Swartwout’s regiment of Dutchess County militia but had declined to serve, citing familial and business concerns. Letter from Malcolm Morrison to New-York Congress, Force, ser. 4, vol. 5, 136 (8 March 1776).

⁷¹ Howe tried to win support in the Hudson Valley by authorizing disaffected landowners to trade and communicate with his agents on Manhattan. Proceedings of the committee for detecting and defeating conspiracies, Force, ser. 5, vol. 3, 1544 (20 December 1776).

⁷² Testimony of John Kane, Colonel Ludinton, and Matthew Patterson to Leonard Gansevoort [Jr.]’s subcommittee, Force, ser. 5, vol. 3, 1547-48 (22 December 1776).

against him that some of his associates (presumably competitors) had requested, considering such an action “inexpedient and improper” and one that could “impeach the impartiality of this committee.”⁷³ The proportionality and discrimination exercised by the committee for detecting and defeating conspiracies went beyond the individual focus of local committees, which, for all their investigating and judging, cared more about a person’s behavior than his politics. Whereas actions mattered to committees of safety, conspiracy judges disregarded extenuating factors in order to expose true beliefs.

The committee for detecting and defeating conspiracies thought it had handled Morrison’s case in a balanced manner, judging the defendant in proportion to the danger that he presented the rebel cause. As the judges hearing his case realized, the Dutchess County businessman had good reason to be concerned about the security of his possessions. Not only was his right to property in jeopardy but his position in the county – as attested to by both the fact that he was nominated to serve as major in the county militia and attempts by the opposing commander to win his allegiance – suggested that he had a lot to lose. One of the rebels’ complaints against British imperialism, after all, was that it did not respect the property rights of Americans.

Being from Pauling’s Precinct in the eastern part of the county made Morrison especially sensitive to the legality of his land title. Although the rent riots had ended with the start of the war and the rebel government communicated on good terms with Gov. Jonathan Trumbull of Connecticut, animosity still existed between farmers in Dutchess County and their neighbors to the east. In a letter written to the Provincial Council on 11 March 1776, Morrison reported that

⁷³ In particular, Roswell Wilcox wanted Morrison condemned for telling him that he had kept the protection from Howe “only to save his property from plunder.” Testimony heard by the subcommittee, Force, ser. 5, vol. 3, 1549-50 (23 December 1776).

he had forcibly removed Connecticut men from his neighbor's house.⁷⁴ The men, some armed, left peacefully but not without first scaring the Dutchess County leader.⁷⁵ Writing to the Provincial Council, he requested help solving the dispute, expressing fear that "if something is not done to prevent them [the Connecticut intruders], we shall have a second Prendergast affair [rent riot] in our County."⁷⁶

As landowners had done since the Hudson Valley was settled, Morrison was using his social position to protect a tenant. Patrician responsibilities did not resonate with New Yorkers in late 1776 and early 1777, however. Having accepted the primacy of rebel government and facing a perilous threat to their lives and livelihoods, residents had become extreme in their political positions and insensitive to mitigating circumstances. Although sufficiently rebel in their proclivities, Morrison and his tenants erred by reverting to a traditional understanding of the social order and not appealing to the committee for protection and political cover.

The committee for detecting and defeating conspiracies understood what had influenced Morrison's actions because it had investigated the unrest in Dutchess County and knew the entire situation. The judges kept the landlord in prison because he was a potential threat, not an active one. Not every member of the Provincial Council, which had received letters from the enemies of the Dutchess County businessman, agreed with the subcommittee's interpretation, frustrating attempts by Duer and his fellow judges to legitimize their actions by using legal procedures.⁷⁷ Whereas conspiracy judges had focused on the facts of the case, councilmen not on the special

⁷⁴ Letter from Malcolm Morrison to the Provincial Council, Force, ser. 4, vol. 5, 365-66 (11 March 1776).

⁷⁵ Ibid.

⁷⁶ Ibid.

⁷⁷ In addition to Duer, Leonard Gansevoort, Jr.; Zephaniah Platt; and John Ten Broeck heard Morrison's entire case, while John Jay and Nathaniel Sackett attended some of the testimony. Testimony heard by the subcommittee, Force, ser. 5, vol. 3, 1549-50 (23 December 1776).

committee were undoubtedly recalling the county's history of protest against committee governance when Duer reported that his subcommittee had decided not to prosecute Morrison fully.

Morrison's decision to hold onto a protection from Howe attests to a prevailing uneasiness with the rebel cause which would, due to the rapidly deteriorating rebel military position, manifest itself as mutiny when Dutchess County militiamen again refused to bear arms the following month. Hearing that soldiers in Col. Morris Graham's (Rynbeck Precinct) regiment not only refused to defend the Highlands but also "most contumaciously prevent[ed] those who were well affected, from obeying the said resolutions," the convention responded with force.⁷⁸ Apologizing to the county committee for infringing on its jurisdiction, it sent two regiments of Ulster militia into Dutchess County and invested executive authority in a special committee of seven commissioners, any four of whom could direct the outside force first to fire on any resistor and then "to take such ways and means, as they [the advisors], in their discretion, shall think proper to discover, arrest and secure the principals in the said riot and disaffection."⁷⁹ In order to prevent the leniency shown to Morrison from occurring again, the Provincial Council gave the seven gentlemen specific guidance as to what it wanted the perpetrators to suffer.⁸⁰ At the same time, recognizing that decisions would have to be made immediately and locally, it authorized them to take control of the Rynbeck Committee; march militia from northern Ulster

⁷⁸ Journals, vol. 1, 757-58 (3 January 1777).

⁷⁹ Ibid.

⁸⁰ Resolution of the Provincial Council, *Clinton*, vol. 1, 525-29 (3 January 1777). No member of the special committee was also a conspiracy judge. This division of responsibilities may have been because the original body was still hearing cases but, since no record exists of a meeting after its Connor Tavern sessions, it is more likely that the leniency its members had shown Morrison upset their friends on the Provincial Council. Jay was present and active in the convention on 1 January 1777, suggesting that the committee for detecting and defeating conspiracies formed on 21 September 1776 had disbanded at the end of that year. *Calendar of Historical Manuscripts*, vol. 2, 7.

into the area; and, if the militia of the recalcitrant district “shall prove refractory and obstinately refuse to obey the Authority of this State, [then to] ... fire upon and otherwise treat them as open Enemies.”⁸¹ Residents who were not killed or arrested would be forced to declare their loyalty to the rebellion.

The Provincial Council detached Levy Pawling’s and Johannes Snyder’s regiments of northern-Ulster County militia from Clinton, despite his need for them, because they could better serve the rebellion at the Flatts in Rynbeck, where the commissioners could call on them.⁸² Although the British army had the ability to occupy districts and disperse standing military forces, it could only extinguish the rebel cause if residents believed that continued resistance was hopeless. In early 1777, militiamen who refused to fight threatened the cause more than did redcoats.

After the presence of another county’s militia had kept unhappy residents in Dutchess County from overwhelming rebels, the council directed the Ulster County units, via the commissioners, to present a show-of-force in Paulding’s Precinct. The Pauldings’s Precinct Committee likely welcomed the presence of Ulster troops since, only three days earlier, it had requested a ten-man guard from outside the county to protect its meetings.⁸³ The committee system acted more aggressively against dissention in Dutchess County in January 1777 than it had in June 1776 for several reasons: the threat was greater; continental forces were doing less well; independence had made the rebellion an all-or-nothing proposition; and, most importantly,

⁸¹ The seven gentlemen were Egbert Benson, David Johnson, Walter Livingston, Ephraim Paine, Ezra Thompson, Jacobus Swartwout, and Israel Thompson. *Ibid.*, 526-27.

⁸² General Orders of George Clinton, with the Provincial Council’s instructions to George Clinton attached, *Clinton*, vol. 1, 532-33 (6 January 1777).

⁸³ *Journals*, vol. 1, 766 (9 January 1777).

rebel government had, through a process of negotiation with the people of the state, won the right to judge the political sentiments of individual residents.

Like the Provincial Council and its committee for detecting and defeating conspiracies, the Albany Committee continued to pressure and discipline Tories, although, with the threat of invasion receding, it found itself negotiating the duties of ranger formations with the men it had chosen to serve in those units. In November 1776, when the board had learned that Gerrit Seeger, Staats Bratt, and Gerrit Slingerlandt might have loyalist sympathies, it directed the rangers to bring the gentlemen in for questioning, and the rangers willingly complied.⁸⁴ When the committee resolved to send rangers to guard Fort Ticonderoga on 5 February 1777, however, twenty-four soldiers in Capt. Alexander Baldwin's company, either doubting the necessity of guarding a distant fort in another county, worried that a long posting would cause them to miss the spring harvest, concerned about an Indian or a British attack on their homes, or unwilling to perform so dangerous a duty, refused to go. Fearing such a large number of irate fellow rebels, the board compromised and deployed fewer men, kept them within the county, and rotated their service.⁸⁵ With British troops encamped at Crown Point for the winter, the Albany Committee had to consider the personal security concerns of residents willing to serve the rebellion militarily when making its decisions. The proximity of the enemy could empower a temporary government when the need for collective action was so apparent and immediate that it trumped individual concerns. When the threat posed by the enemy was persistent but distant, a rebel

⁸⁴ After questioning, all three men "Voluntarily Swore allegiance to the free and Independent States of America" and were released. Since the committee made no mention of a connection between the apprehended Bratt and John A. Bratt, a ranger commander, any familial relationship must not have been too direct. Albany, vol. 1, 599 (6 November 1776).

⁸⁵ Ibid., 677, 681-82 (11 February 1777).

governing body could lose the support of those it was trying to protect if the sacrifice it demanded was seen as being in excess of the danger faced.

The continuing presence of British forces in New York presented problems for the Provincial Council that went beyond the quest for legitimacy and need to mobilize people for military conflict. With the coming of spring, councilors worried that the enemy would seize and consume the produce of the Hudson Valley. A subcommittee of the council, addressing the continued threat from the British in New York County, advocated that rebels destroy all forage and grain between the Long Island Sound littoral and the rebel-controlled area north of the Eastchester-New Rochelle Road.⁸⁶ Although New Yorkers were not yet ready to pursue such drastic action, raids and the migration of farmers had already exhausted the area of any surplus harvest. Later in the season, upon hearing a rumor that farmers in Newburgh (Orange County) were planning to sell the fruits of their labor to the British, the Provincial Council sent assistant commissioner Henry Scherck to purchase the “wheat and flour in any public or private store” in the county.⁸⁷ In a clever move, it paid for excess foodstuffs, providing an assured and immediate market for disaffected farmers and, by using continental currency, wedded their financial interests to the rebellion’s success.

Exigencies had increased the authority of the committee system as the British pushed back rebel forces in northern New York and invaded southern New York in the summer and autumn of 1776. When it looked like the British would advance up the Hudson Valley, the Provincial Council had invested military authority in one man: George Clinton, its most capable militia commander in the region. With the campaign effectively suspended, the focus of rebel

⁸⁶ *Calendar of Historical Manuscripts, Relating to the Revolution*, vol. 1, 622 cited in Hufeland, 193-94 (6 February 1777).

⁸⁷ *Journals*, vol. 2, 409 (11 March 1777).

governance turned inward. As the committee system worked to prepare New Yorkers for the 1777 campaigning season, the political environment in which it worked, like the security environment which had presented it with problems and challenges throughout 1776, intensified. As the fate of the rebel movement entered its second spring, Clinton's duty to punish those residents who had failed to serve in his command when directed to do so made him, like the committee for detecting and defeating conspiracies, an examiner of the conduct of individual New Yorkers.

George Clinton and the Committee System

George Clinton became increasingly important to the rebel cause in New York when the Provincial Council recognized that it needed to concentrate militia forces against a possible movement up the Hudson by the British. Already general of militia units in Ulster and Orange Counties and known to many members of the Provincial Council by his former participation in that body, Clinton was a natural choice to invest with control over militiamen from numerous recruiting districts. On 8 August 1776, when the threat of a British invasion loomed, the convention added forces raised in Westchester County to the militia general's command.⁸⁸ On 30 November 1776, worried that the British would attack up the Hudson Valley, it temporarily added troops from as far north as Albany County.⁸⁹ This trend continued into the new year

⁸⁸ John McKesson to George Clinton, *Clinton*, vol. 1, 298-99 (8 August 1776).

⁸⁹ According to the convention, "all Troops of this State who are not by the Term of their Enlistment, confined to particular Counties, except those in the Counties of Charlotte, Tryon, Cumberland & Gloucester be ordered down to Fort Constitution & be annexed to Genl. George Clinton's Brigade, till the first day of January next, and that letters written to the Chairmen of the County Committees where the Troops are under their Direction requesting them to enforce this Resolution." Resolutions of the Provincial Council, *Clinton*, vol. 1, 435-57 (30 November 1776). Since Clinton already controlled the militias of Orange, Ulster, and Westchester Counties, this resolution referred to troops from Dutchess and Albany Counties.

when, on 25 March 1777, the convention permanently subordinated soldiers from Peter Ten Broeck's Dutchess County regiments to Clinton's brigade, increasing the number of county militias under his direction to four.⁹⁰ Clinton was the ideal candidate to defend the southern Hudson Valley. Philip Schuyler may have had more stature in the state as a whole but he was from Albany and currently engaged in a project critical to his fellow townsmen: the negotiation of peace treaties with the Iroquois Confederacy.

Committees felt comfortable investing Clinton with power because, more than was the case with Schuyler, his authority was derived from their legitimacy. When he had a non-operational question, he sought and received guidance from civilian leadership, as in January 1777 when he requested the convention's advice on what to do with property seized from disaffected residents.⁹¹ Although the Provincial Council, settling into its new home in Kingston (Ulster County), made Clinton responsible for recruiting militiamen for the 1777 campaign, the general refused to accept the privilege, assuring the convention that county muster colonels were fully capable of raising men.⁹² Likewise, lacking the time to conduct investigations and courts martial while campaigning, he sent Tories captured by his brigade to their respective county committees and allowed the political system to dispense military justice.⁹³ As he reminded the convention when he refused responsibility for mobilizing militias, he had to spend his winter

⁹⁰ Resolutions of the Provincial Council, *Clinton*, vol. 1, 682-83 (25 March 1777). Dutchess County nominally fielded seven regular regiments and two minute men regiments, although disaffection and loyalism were so rampant in the ranks that Clinton could count on receiving few, if any, militiamen from the county.

⁹¹ George Clinton to the Provincial Council, *Clinton*, vol. 1, 547-49 (n. d. January 1777).

⁹² George Clinton to the Provincial Council, *Clinton*, vol. 1, 592-94 (13 February 1777). Although Clinton's response was politically sound, he likely made it because overseeing recruitment would have hindered his ability to command actively and in person, probably the reasons why most militiamen under his authority did not abandon their units in the first place.

⁹³ Letter from Col. William Allison to Captain Matthew Johnson, Force, ser. 5, vol. 3, 1348 (21 December 1776).

strengthening the defenses of the Hudson Highlands.⁹⁴ Clinton's reluctance to assume authority over residents did not stem from a disdain for political power but from political acuteness; he would accept responsibility for only those aspects of the rebellion which he could affect. The Ulster County native was more than willing to determine the fate of others. He would not do so, however, until he had first the time to conduct investigations and second the knowledge that assuming increased authority was what the population wanted him to do.

After Washington's boldness in late 1776 and early 1777 prevented the most significant rebel force in the middle states from collapsing, insurrections and overt displays of loyalism occurred less frequently in the Hudson Valley. Loyalist sentiment in places such as Dutchess County was not ephemeral but, for self-interested reasons, it was on display only when British efforts to reassert imperial control looked promising. During this relative calm, Clinton's attention to the civil dimension of the conflict, temporarily suspended while fighting in northern New Jersey, returned. In a letter to Maj. John Haring, a former subordinate now representing Orange County in Kingston, the general questioned how the rebel government could create an inclusive movement among a politically-divided people. After stating that "The Persons who have surrendered are Offenders of the first magnitude," he then asked "but what shall we do with them? If we treat them harshly it will prevent others from coming in & whether it will be of any advantage to us that they should, is a matter of much doubt with me."⁹⁵ As a militia commander who spent time in the field with his troops, Clinton realized that effectiveness was due, in large part, to how discipline was enforced; as a former committeeman, he recognized that consensus was a prerequisite for restructuring the social order.

⁹⁴ George Clinton to the Provincial Council, *Clinton*, vol. 1, 592-94 (13 February 1777).

⁹⁵ George Clinton to Maj. [John] Haring of the Provincial Council, *Clinton*, vol. 1, 555-57 (18 January 1777).

Because Clinton observed daily fluctuation in his men's morale, he had a good read on how much support the rebellion had in the Hudson Valley. He understood that mobilizing all military-aged males in the region was politically dangerous, even in a time as critical as the winter of 1776 / 1777. In a letter to the Provincial Council on 24 December 1776, he asked to be allowed to dismiss one-thousand men, saying that, "unless this is done[,] their minds will be much soured, & the Cause Thereby greatly injured."⁹⁶ While arguing for a realistic authorized strength of his unit, Clinton urged those soldiers already in the field not to return home. Four days after writing to the convention, while conducting operations against the British army's line of communications from his base in Ramapo, New Jersey, the militia general pleaded with his colonels to keep the one-third of their men who had not yet deserted from doing so for a few days more.⁹⁷ Clinton's claim that two-thirds of his command had gone home was not much of an exaggeration. When Col. Jacob Hoornbeck submitted a return of his regiment on 1 January 1777, he listed eighty-five privates fit for duty, fifty on furlough, and eighty-nine deserted.⁹⁸ Such numbers, even absent the stories which surely accompanied them, presented the commander of New York's Hudson Valley militia with a window through which he could observe the real state of the rebel war effort.

Not until after the crisis abated did these colonels begin holding courts martial for those in their commands who had performed their duty poorly or not at all.⁹⁹ Punishments meted out by these tribunals ranged from fines of five dollars for minor violations to death by hanging for

⁹⁶ George Clinton to the Provincial Council, *Clinton*, vol. 1, 490-91 (24 December 1776).

⁹⁷ *Ibid.*

⁹⁸ Col. Jacob Hornbeck to George Clinton, *Clinton*, vol. 1, 517 (1 January 1777).

⁹⁹ For example: George Clinton to the Provincial Council on Pvt. Samuel Knap's court martial, *Clinton*, vol. 1, 584-85 (9 February 1777).

confirmed mutineers.¹⁰⁰ In April, with indiscipline among the militia on the rise, twenty citizen-soldiers charged with crimes against the state received a trial.¹⁰¹ Officers at Fort Montgomery examined evidence for four days, sending their findings to the Provincial Council when complete. Clinton added a recommendation of no mercy to the verdicts, writing that “to suffer these to pass with Impunity would be cruelty in the End.”¹⁰² The council, on 3 May 1777, the day after the trial ended, ordered twelve men to hang but acquitted or jailed the others.¹⁰³ No protest, internal or external to Clinton’s militia command, accompanied such draconian measures. After two years of military conflict, the toleration that New Yorkers had for those who opposed rebel governance did not extend to those who, through careful investigatory procedures, could be shown to have served or abetted the enemy.

While Clinton addressed the ill discipline of his troops, the Albany Committee worried about British preparations for that year’s campaign. On 2 May 1777, the committee ordered subordinate boards to inquire about residents currently out of their districts, reaffirmed the Manor of Rensselaerwyck’s authority to use militias to arrest and suppress suspected loyalists, targeted named antagonists (such as Jacob Van Aernam), and identified distinct populations (such as “disaffected Persons [who] skulk in and about Hellebergh”).¹⁰⁴ A couple of days later, it clarified its position on disaffection by resolving to disarm “Persons within this county notoriously Inimical to the Liberties of America, or who have not associated and refuse to

¹⁰⁰ Col. Jesse Woodhull to the Provincial Council, *Clinton*, vol. 1, 588-92 (11 February 1777); Col. Jesse Woodhull to the Provincial Council by way of George Clinton, *Clinton*, vol. 1, 598-600 (15 February 1777).

¹⁰¹ Crimes included, among others: fighting for the British; helping the British enlist New Yorkers; and aiding the British by offering services, food, or clothing. Proceedings and Recommendations of the Court Martial, *Clinton*, vol. 1, 764-83 (2 May 1777).

¹⁰² George Clinton to the Provincial Council, *Clinton*, vol. 1, 783-84 (2 May 1777).

¹⁰³ Declaration of the Provincial Council, *Clinton*, vol. 1, 789-92 (3 May 1777).

¹⁰⁴ Albany, vol. 1, 741 (2 May 1777).

associate.”¹⁰⁵ Enforcing this decision, the committee directed its Cambridge District to secure Peter Miller’s firearms after he had taken an oath “to join the Kings Troops when called upon by any of his Officers, and to kill his best Friends if they were in opposition to him.”¹⁰⁶ Unlike the example being set by the committee for detecting and defeating conspiracies, the Albany board considered information from only one individual – John Younglove – before deciding to take action.¹⁰⁷ With the future unknown, members of the Albany Committee continued consolidating their political power in the first months of 1777.

The state government understood that not all areas of unoccupied New York were led by rebels as socially ingrained in their communities as were the members of the Albany Committee. In constant communication with Clinton, state leaders also recognized that the general could not be expected to render decisions on all infractions committed during the previous campaign’s fight for survival. Factoring in these realities, the Provincial Council established additional committees for detecting and defeating conspiracies in the spring of 1777. Based on the original formation but commissioned to detect adversaries in specified areas of the state, the new committees were essentially a formalized version of the seven men whom the Provincial Council had dispatched to resolve internal disputes in Dutchess County in January 1777. These committees, which dealt with civilians, were more lenient than courts martial, perhaps because, at a minimum, at least two individuals had to be convinced of the accused’s guilt in order to convict. For example, Ebert Benson, Jacobus Swartout, and Melancton Smith refused to punish a Mr. Doremus for attempting to sell horses to the British because the only evidence against him,

¹⁰⁵ Ibid., 403 (10 May 1777).

¹⁰⁶ Ibid., 413 (23 May 1777).

¹⁰⁷ Ibid.

even though it came from Clinton, was speculative.¹⁰⁸ As the committee system prepared for the year's campaigning season, it expanded its punishment of individuals who did not agree with rebel political positions. A focus on individual behavior that had begun unintentionally with the Association-signing effort had, after independence and two years of warfare, impressed the importance of legitimate judicial procedure on an increasingly large percentage of the New York populous.

The increasing focus on individuals occurred not just because of mobilization and threats posed by enemy military action but also because of the rebel government's appropriation of traditional aspects of local governance. After moving to Kingston in early 1777, the state government effectively assumed the responsibilities of the town's faithful, if politically weak, town committee, directing its night watch and using local manpower to guard state prisoners.¹⁰⁹ In May, it fielded a request from the Newburgh Committee (Orange County) to have Egbert Dumond, Ulster County's sheriff, arrest Elnathan Foster, "a person notoriously disaffected to the liberties of America."¹¹⁰ A committee for detecting and defeating conspiracies composed of leading Dutchess County rebels was taking similar action in the first half of 1777. After experimenting with special committees formed to address specific problems, continued unrest in the county convinced the Provincial Council that it needed to take extraordinary action east of the Hudson River. From February to September, the state government vested inquisitorial powers in Egbert Benson, Peter Cantine, Jr., Melancton Smith, and Jacobus Swartwout:

¹⁰⁸ Commissioners to George Clinton, *Clinton*, vol. 1, 636 (28 February 1777).

¹⁰⁹ Albany, vol. 2, 424 (25 April 1777).

¹¹⁰ Journals, vol. 2, 444 (29 May 1777).

councilors from the county who held impeccable rebel credentials.¹¹¹ Although not trained in the law as were John Jay and John Sloss Hobart, these rebels had been credentialed by their leadership of fellow residents before and during the war. Their sense of justice, honed by two years of local decision making, served their state well, being directed at the same goal as other committee judges: securing the state's independence from imperial rule.

Judges on conspiracy committees had to cooperate closely with militia commanders and council members in order to find, arrest, try, and punish traitors. In a 4 May 1777 report to the convention, Clinton included a list “of the Traitors who were going to Join our Common Enemy in New York” as well as “a List of the Names of Persons who have knowingly aided & abetted them.”¹¹² Although the letter did not mention how this intelligence was obtained, it could only have been from a captured Tory or a committee for detecting and defeating conspiracies investigation. In all likelihood, Silas Gardner was the source. Captured (presumably by rangers) in Clinton's home county, he was brought before the Ulster Committee and interrogated. Believing that the military situation boded the imminent collapse of rebel government, the prisoner spoke freely and brashly, confessing “that he had been to New York” and “with the Enemy.”¹¹³ Gardner's contempt of rebel leadership loosened his tongue, and he tried to impress the Ulster committeemen with his knowledge of who in the community was anticipating British victory in 1777.¹¹⁴ Although the fate of the rebellion was still unclear after two years of reactions, expediencies, and ad hoc decisions, cooperation among the elements of rebel

¹¹¹ Egbert Benson, Jacobus Swartwout, and Peter Cantine, Jr. to John McKesson and Robert Benson, *Calendar*, vol. 2, 60 (31 March 1777); Egbert Benson and Peter Cantine, Jr., Discharge of Petrus Soefelt, *Calendar*, vol. 2, 174 (27 May 1777); Melancton Smith and Peter Cantine to Egbert Benson, *Calendar*, vol. 2, 258 (30 July 1777).

¹¹² George Clinton to the Provincial Council, *Clinton*, vol. 1, 796-98 (4 May 1777).

¹¹³ Robert Boyd, Jr. to George Clinton, *Clinton*, vol. 1, 745-47 (27 April 1777).

¹¹⁴ *Ibid.*

leadership in New York suggested that they all had come to the realization that government's particularized focus on individuals, in contradiction to the class-based treatment of people under the imperial order, was the best way to influence the populace.

While Clinton secured the southern Hudson Valley in the spring of 1777, committees in northern New York solidified their control over towns and counties, removing all means by which loyalists could affect the future of their communities. After "evil minded Persons" attempted to win the hearts and minds of the region by distributing flyers proclaiming support for Carleton's regiments in February 1777, residents who had not thrown their support to the British the previous year ignored the British commander's most-recent attempt to recruit indigenous military formations.¹¹⁵ With the marginalization of the Johnson party in Tyron County, those who opposed rebel policies could express themselves only by joining loyalist bands such as Butler's Rangers.

Cooperation by committees of safety, the Provincial Council, Clinton, and committees for detecting and defeating conspiracies had done more during the winter of 1776 / 1777 than keep the cause of independence alive in the Hudson Valley. Working together, these elements of the committee system had legitimized the authority that the state's rebel leadership had spent two years tentatively exercising. Key to this effort was the investigative work performed by the conspiracy committees.¹¹⁶ Free from the bias of local and county committees and not aligned with the agenda of the Provincial Council, these bodies brought proportion, legality, and due process to the rebel cause. Focusing on individuals, their judicial decisions defined who was and

¹¹⁵ Albany, vol. 1, 672 (3 February 1777). Despite questioning prisoners, the Albany Committee failed to find out who published the tracts. Ibid., 673 (4 February 1777).

¹¹⁶ According to John S. Pancake, provincial committees for detecting and defeating conspiracies heard over a thousand cases in their three years of existence. Pancake, 110. The majority of these cases probably occurred during the summer of 1777, when conspiracy committees were most active.

who was not an enemy of the state. In order for their form of particularized governmental attention to be formalized and institutionalized, however, the British army had to be defeated, meaning that, with New York remaining the center of operations in 1777, the committee system would again be fighting more than just the war at home. Through the militias they mobilized and the commanders they temporarily invested with judicial authority, these extralegal bodies would shape how the war was fought. By doing so, they linked their effectiveness to victory or defeat on the battlefield; especially in 1777, the military situation influenced politically-capricious individuals whose loyalties lay with whatever side seemed to be winning at the time. While some disaffected New Yorkers living in the Hudson Valley let events dictate their positions, others, looking to better themselves, gambled on the future. In either case, how they acted in their communities depended on who they thought was prevailing on the battlefield.

5. The 1777 Campaign and the Establishment of a New Government

June 1777 -- September 1779

During the first two years of war, social mobilization, the increasing agency of committees, and the fastidiousness with which conspiracy tribunals investigated individuals had changed the locus of governmental authority in New York. In the summer of 1777, the military situation altered this relationship again, although this time not by creating a need to organize communities, pressure loyalists, persuade the disaffected, address critical shortages, and judge the rebel credentials of individual residents. The political and military pressures weighing on rebel governance in 1777 induced it to foist a constitution on the people that reflected neither the increased localization of political power nor the widening of political society. Invasions into central New York from the north, west, and south restricted both debate over how centralized government should be and the number of residents who could vote for governor in August. Leaders of the non-occupied and not-threatened parts of the state, elevated to importance by committee or militia service, continued to influence their communities after the campaign was over, despite the constitution's effective curtailment of committee governance. Meanwhile, the weakening of the committee system eliminated what little social and political cohesion remained on the periphery of rebel controlled areas of the state. By late 1779, when major combat operations had all but ended, New Yorkers belonged to a society that was dynamic and participatory in its interior – Albany and the central Hudson Valley – and unstable and reactionary on its exterior – Tryon and Westchester Counties.

Three Prongs into Central New York

New York remained the war's main operational theater in the summer of 1777 due to two people: Lord George Germain, secretary of state for Britain's colonies, and Lt. Gen. John Burgoyne, Carleton's field commander and subordinate in Canada. Wintering in England from December 1776 to May 1777, Burgoyne persuaded Germain to approve an offensive thought to be able to separate rebellious New England from the less-seditious populations to its south. The plan included three attacks launched from different starting points but converging on the same location. Howe would advance north up the Hudson River, destroying rebel positions in the Highlands, while Burgoyne would head south from Montreal, lay siege to Fort Ticonderoga, and meet Howe in Albany. With these two armies controlling the Lake Champlain–Lake George–Hudson River corridor, the Royal Navy would be able to interdict rebel traffic between New England and the central states. Meanwhile, a small force under Col. Barrimore St. Leger would travel east down the Mohawk River Valley from Lake Ontario, destroying rebel support in western New York before joining Howe and Burgoyne in Albany.

The committee system helped defeat Burgoyne's attack from the north and convince St. Leger and Clinton to turn around their forces. It was not the sole reason why the rebels were able to prolong the conflict or, given the size of the British invading forces, could it have been. Still, committees were just as important to the defeat of the British in 1777 as they had been in 1776. In the 1777 campaign, local boards mobilized militia formations, strengthened defensive fortifications, and worked to isolate the enemy's advancing columns. That their efforts occurred at the same time that the Provincial Council was planning their eventual obsolescence did not negate their effectiveness or impinge upon the future political careers of their members.

Committeemen had always seen the boards on which they sat as transitional – an expedient bridge connecting the repression of the past to the enlightenment of the future. They were transitional organizations whose mandate was based as much on the extraordinariness of the situation as on the absence of a recognized and permanent government. With the enemy poised to invade from the north, west, and south, New York was very much *in extremis* in early 1777.

In northern New York, committees helped defeat Burgoyne by influencing the loyalties of residents in Charlotte County, physically obstructing the progress of his army, and dispatching militias to participate in the battles of Saratoga. Contending for the support of those in the path of the advancing British army was not easy. Throughout the war, people's sympathies were greatly affected by the military situation; residents tended to favor whatever side seemed to be winning at the time. Thus, when continental forces retreated from Fort Ticonderoga in July 1777, northern commanders found it difficult to mobilize their militias.¹ The opposite was true for Burgoyne. Loyalists who had fled to Canada in order to escape the reach of the committee system volunteered to join the expedition, many serving as members of Lt. Col. John Peters's Queen's Loyal Rangers.² The British commander used these expatriated New Yorkers at the Battle of Bennington, Burgoyne's failed attempt to destroy rebel stores along his southward

¹ Nicholas Herkimer to Philip Schuyler, New York State Library/Manuscripts and Special Collections/13303 (15 July 1777).

² Peters began the campaign with 15 commissioned officers, 4 staff officers, 21 sergeants, and 262 soldiers. While moving south, he was joined by companies commanded by Captains Hogel, Covill, Dalmitier, and Pennock, adding 190 men his total strength. By 2 October, after fighting at Bennington and Freeman's Farm, 15 commissioned officers, 3 staff officers, 12 sergeants, and 154 soldiers remained in his command. Monthly Return of the Queens Loyal Rangers, New York State Library (1 August and 2 October 1777). In their note to Thomas Jones's *History of New York during the Revolutionary War*, vol. 1, Edward Floyd DeLancey and his fellow editors claim that the 298 men lost by Peters were all killed or captured. Thomas Jones, *History of New York during the Revolutionary War; And of the Leading Events in Other Colonies at that Period*, vol. 1, ed., Edward Floyd DeLancey, et al. (New York: New York Historical Society, 1879; reprint, Memphis: General Books, 2010), 436 (n60).

march to Albany. The British commander employed the unit again at Freeman's Farm and Bemis Heights, the two battles which convinced him to surrender to Gates at Saratoga.³

In order to prevent Charlotte County residents from joining Peters's unit, Abraham Ten Broeck, brigadier general of the Albany militia, sent a detachment of soldiers north in the spring of 1777 to help Col. Seth Warner's Green Mountain Boys apprehend John Morrell, a Tory who was recruiting New Yorkers for the British.⁴ Although the combined effort failed to capture the loyalist, it did scare him off, limiting the support that Burgoyne received from county residents a couple of months later.⁵ When news reached Ten Broeck that the British were at Fort Ticonderoga, he mobilized his militia and attached it to the rebels' northern army, deciding, against the pleas of the Schenectady Committee, that Burgoyne represented a greater threat than did St. Leger.⁶ Schuyler supported Ten Broeck's deployments, especially after he learned on 10 July 1777 that Burgoyne was promising New York communities that he would treat them as friends. Soon after receiving this news, the continental officer wrote a harsh, nearly-illegible proclamation, warning residents of the enemy's "most wanton bestiality" and reminding them

³ John Peters's Memorial to Lord Sidney Pimlico, New York State Library/Manuscripts and Special Collections/John Peters Loyalist Claim Papers/SC3569 (6 September 1785); William Tryon to the Lords of Commissions, New York State Library/Manuscripts and Special Collections/John Peters Loyalist Claim Papers/SC3569 (8 October 1785); Lt. Gen. J. Burgoyne to Hertsford Stuart, New York State Library/Manuscripts and Special Collections/John Peters Loyalist Claim Papers/SC3569 (7 November 1785). Before Burgoyne surrendered, he allowed Peters's men "to Escape through the Woods to Canada." Orders from Burgoyne to Peters, "No. 11" of John Peters's Memorial to Lord Sidney Pimlico, New York State Library/Manuscripts and Special Collections/John Peters Loyalist Claim Papers/SC3569 (6 September 1785).

⁴ Willis T. Hanson, Jr., *A History of Schenectady During the Revolution, to which is Appended a Contribution to the Individual Records of the Inhabitants of the Schenectady District During that Period* (privately printed, 1916; reprint, Schenectady, NY: Acme Press, 1974), 69-70.

⁵ *Ibid.*, 70.

⁶ *Ibid.*, 71-72. It is likely that Ten Broeck had better intelligence on Burgoyne's force than he did on St. Leger's and decided to concentrate against the known threat. Perhaps he also deduced that the large artillery train in the northern army meant that St. Leger, moving through the woods of undeveloped Iroquois country, would have too few cannon to take Albany by himself. As with towns in Charlotte County, Schenectady could be recovered after Burgoyne was defeated.

that the same ploy had been used in New Jersey during the prior year's campaign.⁷ With his home county focused on Burgoyne, Schuyler believed that the British general would fail to make it to Albany. Coming to the opposite conclusion, the Continental Congress removed the New Yorker from command.⁸

Although Burgoyne's rapid movement up Lake Champlain to Fort Ticonderoga had given the Charlotte and Albany militias little chance to confront the enemy north of Lake George, nine-hundred soldiers still made it to Maj. Gen. Arthur St. Clair at Ticonderoga in early July, strengthening his continental force but straining his supplies.⁹ Among these newly-arrived reinforcements were soldiers of Col. John Williams's Charlotte County regiment who, on orders from St. Clair, moved into present-day Vermont and joined Col. Seth Warner's brigade.¹⁰

British Army movements during the summer of 1777 imperiled Albany County almost as much as they did Charlotte County. Preparing to receive two of Britain's three advances into central New York, the Albany Committee lowered its standard for disloyalty. According to its 16 July 1777 resolution,

every Person in this County who has not publickly exerted himself in aiding the defense of this much injured Country, and purchasing any more Provisions than he or they were formerly used to do for their Families, shall [be] . . . sent to the Fleet Prison, and all such provision so found as aforesaid be seized & appropriated to public use.¹¹

⁷ Declaration by Schuyler, New York State Library/Manuscripts and Special Collections/7626 (13 July 1777).

⁸ Schuyler to Col. Richard Varick, New York State Library/Manuscripts and Special Collections/50 (15 July 1777).

⁹ Luzader, 55.

¹⁰ Petition of Samuel Tyrel of Charlotte County, submitted to USGenWeb Archives by Thomas L. Dunne [<http://files.usgwarchives.et/ny/washington/military/revwar/pensions/t000001.txt>]. It is not clear from surviving records what Col. Williams's regiment was doing during the Battle of Hubbardton on 7 July 1777.

¹¹ Albany, vol. 1, 812 (16 July 1777).

On 7 August 1777, the committee ordered militiamen in the Manor of Rensselaer to “apprehend and destroy all such Persons who shall be found in Arms against the State.”¹²

Militia from Albany County aided continental troops in all sorts of ways. The county’s eastern regiments helped move the Fort George garrison, including its supplies, south to Fort Edward on the Hudson River and later helped obstruct the British army’s advance along the same road over which their wagons had just been traveling.¹³ One of these units was Col. William Bradford Whiting’s 17th (District of King’s) Regiment which returned home after completing its task only to mobilize again and accompany Gates’s army at Bemis Heights.¹⁴ In addition to helping move men and material, the Tenth (Manor of Livingston) Regiment fought Tories near the town of Taghkanic, capturing prisoners and bringing them to Kingston for the Albany Committee.¹⁵ An element of the regiment under the command of Lt. Col. Henry Van Rensselaer marched north to Fort Anne and took part in the 8 July 1777 battle there.¹⁶ Manor of Livingston residents also provided the transport and beasts of burden used by the Continental Army in its retreat from the upper Hudson River.¹⁷ Such assistance required the matching of

¹² *Ibid.*, 822 (7 August 1777).

¹³ Pension of John Gott of Albany County, submitted to USGenWeb Archives by Donald E Lampson [<http://files.usgwarchives.net/ny/columbia/military/revwar/pensions/gott-john.txt>]; Pension of Philip Ringsdorff of Albany County, submitted to USGenWeb Archives by Donald E. Lampson [<http://files.usgwarchives.net/ny/columbia/military/revwar/pensions/ringsdorff-philip.txt>].

¹⁴ Pension of John Castle of Albany County, submitted to USGenWeb Archives by Donald E. Lampson [<http://files.usgwarchives.net/ny/columbia/military/revwar/pensions/castle-john.txt>]; Pension of Ebenezer Cady of Albany County, filed by his wife Chloe, submitted to the USGenWeb Archives by Donald E. Lampson [<http://files.usgwarchives.net/ny/columbia/military/revwar/pensions/cady-ebenezer.txt>].

¹⁵ Pension of Henry Dick of Albany County, submitted to USGenWeb Archives by Donald E. Lampson [<http://files.usgwarchives.net/ny/columbia/military/revwar/pensions/dick-henry.txt>].

¹⁶ Pension of Michael Ploss of Albany County, submitted to USGenWeb Archives by Donald E. Lampson [<http://files.usgwarchives.net/ny/ulster/military/revwar/pensions/ploss-michael.txt>].

¹⁷ Pension of Andrew A. Race, submitted to USGenWeb Archives by Donald E. Lampson [<http://files.usgwarchives.net/ny/columbia/military/revwar/pensions/race-andrew.txt>].

teamsters, horses, and wagons, a pooling community resources for which the committee system was ideally suited. Later in the campaign, these wagons and teams brought food to encamped soldiers.¹⁸ Even segments of the population usually exempt from military service faced Burgoyne in 1777. William Elliot, who served the rebellion as an artificer, promised in 1775 to work for the duration of the war.¹⁹ When his hometown of Ancram in the Manor of Livingston was threatened by Burgoyne in 1777, however, he joined the regiment commanded by the furnace's owner, Robert Livingston, until the British surrendered at Saratoga.²⁰

Burgoyne's distress at Saratoga – a consequence of his decision to forgo a line of communication northward – served as a magnet for rebel militias in the region. Stopped at Freeman's Farm in September, he wasted a month before attempting to outflank the superior rebel positions at Bemis Heights on 7 October, by which time committees had dispatched armed New Yorkers to and around the battlefield, eliminating whatever chance the British commander had of extracting his army from its precarious position. Even Ulster and Dutchess Counties sent soldiers to Saratoga, combined under the command of Col. Morris Graham and fighting in support of John Glover's brigade of Massachusetts continentals.²¹ Any attempt by the British to retreat to Canada would have met militiamen from Albany County who, after transporting

¹⁸ Ibid.

¹⁹ Pension of William Elliot of Albany County, submitted to USGenWeb Archives by Donald E. Lampson [<http://files.usgwarchives.net/ny/columbia/military/revwar/pensions/elliott-william.txt>].

²⁰ Ibid.

²¹ Petition of Samuel Tryrel of Charlotte County, submitted to USGenWeb Archives by Thomas L. Dunne [<http://files.usgwarchives.net/ny/washington/military/revwar/pensions/t000001.txt>].

continental soldiers out of Fort Edward, stayed in the dilapidated bastion to help trap the king's troops.²²

Tyron County never sent militiamen to Saratoga. It had its own attack to defeat and, with the exception of Peter Gansevoort's Third New York Regiment at Fort Stanwix and a thousand-man relief column led by Arnold, little continental support with which to do so. Nicholas Herkimer, brigadier general of the county militia, knew that many western New Yorkers fought under the loyalist Joseph Brant.²³ To give weary residents a respite from the internecine conflict, the rebel commander met his counterpart in July 1777, proposing a negotiated peace among all whites and Indians living in the area.²⁴ All parties agreed upon a cessation of violence action, easing the paralysis which comes to communities faced with a persistent threat, if only for awhile.

During this temporary peace, Herkimer worried about the safety of Fort Stanwix and his ability to supply and reinforce it. Fort Stanwix was critical to the defense of the county, being located on commanding ground adjacent to the most-direct approach from the west into German Flats and Stone Arabia. One of the fort's advantages – its distance from settlements – was also a disadvantage, however. Supporting, provisioning, and communicating with the garrison depended upon an easy traverse of the connecting road, a path which Herkimer tried to have his

²² Pension of Benjamin Race of Albany County, submitted to USGenWeb Archives by Donald E. Lampson [<http://files.usgwarchives.net/ny/columbia/military/revwar/pensions/race-benjamin.txt>].

²³ Brant was a Mohawk chief whose sister had married Sir William Johnson. He spoke English and had visited England. The white residents he commanded were retainers of the Johnsons and probably numbered between 100 and 150. After the 1777 campaign, they joined the rangers led by John and Walter Butler.

²⁴ Schuyler to the Tryon Committee, New York State Library/Manuscripts and Special Collections/7627 (4 July 1777).

soldiers fix in the summer of 1777.²⁵ To the militia general's dismay, his organization of a work party was "countermanded entirely by an order of the Committee Chairman, Lt. Col. William Seeber and a few members of the Committee" who, by July, were more worried about the safety of residents than improving roads.²⁶

When news reached Herkimer in August that St. Leger's force – a composite of British soldiers, German mercenaries, Tryon County loyalists, Canadian militia, and Indian allies – had besieged Fort Stanwix, he rushed his soldiers west to relieve the surrounded continental soldiers.²⁷ With Oneida Indians unable to provide security along the road, Herkimer led his men into an ambush by Tryon County loyalists and Indians allied to Britain at Oriskany. Although the militia commander lost the battle (and his life), his efforts were not in vain. Advance scouts had informed Gansevoort of Herkimer's intentions; after St. Leger detached Indians and Tories from his investing force, the continental commander dispatched a party from Stanwix which, under the leadership of Lt. Col. Marinus Willet, razed the weakly-defended British and Indian camps.

More help was on its way. Although still focused on Burgoyne's rapidly approaching army, Schuyler sent one thousand men – one seventh of his total strength – westward under Arnold. Knowing that Indians comprised roughly half of St. Leger's two-thousand man force, the Connecticut general infiltrated a purportedly insane relative of the northern department

²⁵ Nicholas Herkimer to Philip Schuyler, New York State Library/Manuscripts and Special Collections/13303 (15 July 1777).

²⁶ The security of provisions located on bateau in German Flats, the closest town to Fort Stanwix along the Mohawk River, also concerned the Tryon County general. *Ibid.* Fort Stanwix was over fifty miles from German Flats.

²⁷ St. Leger's command included 100 soldiers from the 34th Regiment, 100 soldiers from the 8th Regiment, 80 soldiers from the Hesse-Hanau Regiment, 30 artillerymen, 350 Tories, and approximately 100 Canadian woodsmen. Pancake, 140. Approximately one-thousand Indians accompanied this force.

commander into enemy lines to announce that thousands of continentals were on their way.²⁸ The stratagem worked: Indians abandoned the British colonel to race home.²⁹ Left with a reduced force, the knowledge that Arnold's relief column was approaching, four light cannon that could do little damage to Stanwix's walls, and four small mortars that could not range the fort, St. Leger turned his soldiers around and headed back toward Oswego.

Local governance and continental forces were less successful in the lower Hudson Valley. Both the committee system and George Clinton had spent the previous year strengthening Forts Montgomery and Clinton at the confluence of Popolopen Creek and the west bank of the Hudson while devoting less energy to improving Forts Constitution and Independence on the opposite side of the river. Despite challenges and setbacks, Thomas Smith, a former member of the New York (County) Committee now living in Haverstraw, predicted that Howe did not have enough troops to take Fort Montgomery, writing that "it is not the Design of the Enemy to attempt to pass the Forts, and I am inclined to think they will not attempt Peek's Kill with the troops they have."³⁰ He then emphasized the need to protect people from the British army in order to win their support, stating that

The people from Tappan and Clarks Town have applied to General M'Dougal for Troops to protect them from the Enemy in the English neighbourhood and Hackensack, but have received for answer that he could give them no assistance; this I fear will Induce many of them to make the best Terms they Can to protect their Persons and Property. It is a maxim

²⁸ Hon Yost Schuyler, the agent of Arnold's ploy, had been captured attending a meeting of Tory leader Walter Butler and his supporters. Tried in a court martial in which Marinus Willet, who had escaped Fort Stanwix to request help from Schuyler, served as judge advocate, the prisoner made the rather sane choice of misinforming the British in lieu of death by hanging. Larry Lowenthal, *Marinus Willet: Defender of the Northern Frontier*, New Yorkers and the Revolution (Fleischmanns, NY: Purple Mountain Press, 2000), 35.

²⁹ It is possible that the Iroquois who supported St. Leger were tiring with the investment of Fort Stanwix and used Schuyler's *alarums* as an excuse to quit the fight. Ibid. More likely, however, they feared that advancing rebels would burn their villages and camps.

³⁰ Thomas Smith to George Clinton, *Clinton*, vol. 1, 743 (27 April 1777).

founded in wisdom and Justice, that the state that Exacts allegiance must give Protection, and when the later is withheld, the Former cannot be Exacted.³¹

This assessment clearly and cogently stressed the need to win the war at home. Howe, who understood the necessity of protecting loyalists, could have written the same passage. What Howe also knew, however, was that while British troops could intimidate a population – especially when continental troops were elsewhere – they still had to survive logistically, requiring them either to stay close to a port, take from rebels (thus ruining efforts to win converts), or pay farmers willing to receive English coin (few of whom lived among the populations which the army needed to pressure).³² Even for a campaign designed to culminate in two articulated forces facing each other across the field of battle, winning the support of populace was the key to victory.³³

If Howe had attacked north in the summer of 1777, he would have faced a substantial force of New York troops under George Clinton. The militia general had stationed almost six-hundred soldiers, nearly all of the manpower available from Orange and Ulster Counties, under his personal command at Fort Montgomery.³⁴ Unfortunately for the rebels, the Dutchess County

³¹ Ibid.

³² The British government had to supply its troops in New York with food as well as military articles. In 1776 alone, 912 tons of beef, 3,500 tons of pork, 4,900 tons of bread, 800 tons of oatmeal and rice, and 390 tons of butter entered the port of New York. Pancake, 24.

³³ The traditional account of the Saratoga campaign has news of the murder and scalping of Jane McCrae, the fiancée of a loyalist officer, arousing mass indignation among the New York population. If natives loosed by Burgoyne would kill the future wife of one of his subordinates, the thinking went, how would they treat the rebel-friendly population? John Luzader has convincingly rebutted this interpretation, arguing that the incident was too unknown at the time to have had any effect on the battles of Saratoga. Even if the incident had received publicity, there would not have been enough time for militias not already mobilized by the committee system to reach the battlefield. Luzader, 86-92.

³⁴ Return of Troops Stationed at Fort Montgomery Under the Command of Brigadier General George Clinton, *Clinton*, vol. 1, 807 (8 May 1777).

troops on the east bank of the river had failed to report to their posts by 22 April.³⁵ By early May, less than 230 militiamen from Dutchess and Westchester Counties manned Forts Constitution and Independence.³⁶ These soldiers, although few in number, represented all that the county committees could mobilize.³⁷ Despite the imbalance, Clinton's disposition of forces made geographical sense, with troops protecting the fort closest to where they lived. This allocation constituted a deterrent for any British move northward, especially after several hundred continental soldiers of the Second New York Regiment, under the command of Brig. Gen. James Clinton, George Clinton's brother, arrived to man Fort Clinton across Popolopen Creek from Fort Montgomery.

Instead of attacking northward, Howe launched a campaign into eastern Pennsylvania to take Philadelphia, the seat of the Continental Congress and the most populous city in British America. Still, about four thousand of the king's troops and almost as many armed loyalists remained in New York County under Howe's second-in-command, Sir Henry Clinton. When 1,700 additional redcoats arrived from England on 24 September, the general led 3,000 men up the Hudson River. By employing deception and a brilliant flanking maneuver, his army forced rebels to evacuate Forts Montgomery and Clinton and scared Dutchess County militiamen off of Constitution Island (Martlaer's Rock). Destroying defensive works there, the British commander continued sailing up the Hudson, sending troops as far north as Kingston, the seat of New York's

³⁵ George Clinton to the Provincial Council, *Clinton*, vol. 1, 726-27 (22 April 1777).

³⁶ Lt. Col. Loring had 21 sergeants and 167 rank and file "present fit for duty" at Fort Constitution. Lt. Col. Hopkins had 6 sergeants and 35 rank and file "present fit for duty" at Fort Independence. Return of Troops Stationed at Forts Constitution & Independence under the Command of Brigadier General George Clinton, *Clinton*, vol. 1, 817 (13 May 1777).

³⁷ Those in Dutchess County most willing to serve the rebel cause had already joined the Third Regiment of the New York Line, which Marinus Willet had formed over the winter on behalf of Col. Peter Gansevoort. These troops assembled at Fort Constitution in March and guarded that bastion until they moved northwest to Fort Stanwix. Willet kept his men active while they were east of the Hudson, training them and leading them in an assault on British soldiers who were burning a house near Peekskill. Lowenthal, 21-22.

government, before learning of Burgoyne's surrender. He then burned the town and sailed back south to protect the New York City. Although they did not perform well against British troops led by a general of Sir Henry Clinton's tactical skill, Hudson Valley militias were able, by posing a threat to the rear of any column that might march northward, to keep him on Manhattan until early October, after it was too late to help a stalled Burgoyne.

The Hudson Valley would play an even more significant role in shaping New York's first system of government. Simultaneous with the fighting in the summer of 1777, the Provincial Council – in effect a state assembly ever since the Continental Congress had declared the continent independent from Britain – formed a subcommittee to structure a new political apparatus for the state. The resulting constitution established a method for exercising authority that discounted two years of social mobilization and individual empowerment but did not outlaw committee formation or alter residents' comfort with committee governance. Despite not affecting the language of New York's first constitution, the 1777 campaign did, by advantaging George Clinton's candidacy for governor, influence how political authority would be exercised in the state.

The 1777 Constitution

During the first two years of the war, the absence of a legal code against which an individual's conduct could be measured impeded judicial proceedings in New York. When a sentinel accidentally wounded Mr. Hubbard Latham in May 1776, for example, the unfortunate bystander could not sue his assailant because New York's courts of judicature, the jurisdiction which had resolved civil issues during the colonial era, still “derived [their authority] from the

Crown of Great Britain.”³⁸ According to the Provincial Council, the soldier could “be tried by a Court-Martial only,” a method of obtaining redress which did not recognize Latham’s right to seek compensation for his injury.³⁹ New York also lacked criminal courts. Offenses against the rebel cause were judged by committees of safety or committees for detecting and defeating conspiracies while violations of militia duty were the province of military commanders. Crimes could not be committed against the state, however, until state law existed to define what was and what was not illegal. The difference between the two standards was one of permanence. During war, most crimes could be legitimately interpreted as obstructing the military effort and, therefore, fell within the purview of temporary committee governance. Once the war was won, however, the justification for judging actions pernicious to good governance would no longer exist. Although the Provincial Council had recognized that it needed a basis of legality on which it could justify its right to affect the lives of New Yorkers, it could not address this deficiency in the first years of the war due to disagreements over how thoroughly the rebellion militated against the legal authority of the British Empire.

The establishment of jurisdictional legality was even more of an iterative process than the quest for legitimacy had been. With the departure of uncompromising loyalists from rebel-controlled central New York, committee members could make decisions with the confidence that they would be generally accepted by the population they represented. In order for a new legal order to be effective, however, it needed to be based not only the consent of the people but also on fundamental truths or beliefs that would ensure the legitimacy of laws for future generations of New Yorkers.

³⁸ Proceedings of the Provincial Council, Force, ser. 4, vol. 6, 1349-50 (31 May 1776).

³⁹ Ibid.

Initially, members of the Provincial Council searched outside the colony for a legal foundation. Unlike political leaders from Virginia, who had started framing a new form of government after the conflict began, rebels in New York, more concerned about loyalists and the disaffected than were their compatriots in the Old Dominion, refrained from seeking an irrevocable split from Britain until after the Continental Congress had declared independence.⁴⁰ Even with a newly-stated objective for the conflict, however, the Provincial Council did not inform county committees that it was considering a new government until 12 November 1776, in the midst of the war's lowest ebb to date.⁴¹

Delay in New York's constitution-making reflected not just the time that it took leaders of a deference-ordered society to accept mentally the extent of political change that they could or needed to effect, but also the simple reality that forming a new government was difficult to accomplish when on the run from the British army.⁴² The Provincial Council's flight up the Hudson Valley likely restrained final language of the document. The farther north councilmen fled, the more despair they felt, the more centralized they wanted political power to be, and the less open they were to institutionalizing the inclusiveness and localism that had defined the

⁴⁰ Virginians adopted a bill of rights on 12 June 1776 and a constitution on 29 June 1776. Although the first substantive clause of the New York constitution declares that "no authority shall, on any pretense whatever, be exercised over the people or members of this state, but such as shall be derived from and granted by them," the preamble included, among other authorizing documents, the entire Declaration of Independence: a clear indication that the impetus for reordering politics in the state was externally, not internally, derived. "The First Constitution of New York" in Charles Z. Lincoln, ed., *The Constitutional History of New York from the Beginning of the Colonial Period to the Year 1905*, vol. 1: 1609-1822 (Rochester, NY: The Lawyers Co-Operative, 1905), 166.

⁴¹ In Committee of Safety, for the State of New-York, *Clinton*, vol. 1, 422 (12 November 1776). Instead of issuing a call for new elections, the Provincial Council published its resolve "that notice be given to the county Committees of each respective county in this State, (not in the possession of the enemy) that the convention ARE NOW PROCEEDING ON THE BUSINESS OF FRAMING A SYSTEM OF GOVERNMENT, and that it is necessary, that the Members give their attendance without delay." In Committee of Safety, for the State of New-York, broadside printed by Samuel Loudon, Evan's Digital Archive, Early American Imprints, ser. 1, no. 43103 (12 November 1776).

⁴² Hulsebosch, 172.

rebellion for the last two years. Because of a the pessimism of the time, the constitution reflected a narrow view of who should exercise political power in the state and from whom that power emanated.

Drafted by John Jay, James Duane, and other legally-trained councilmen, the constitution followed the form of colonial governance. It created a powerful executive who served three-year terms and, in addition to command of the state's militia and navy, exercised influence over appointments and the legislative agenda.⁴³ Although the plan also created a powerful assembly and replaced the colonial council with a senate, it restricted electors of the upper house to citizens who had property of at least one-hundred pounds and assigned powers of appointment and revision to select bodies which were not directly answerable to the people of the state. Furthermore, by omitting any mention of local forums in which residents could debate policy, the constitution made county justices of the peace, not committees of safety, the link between state ambitions and communal realities. Since the council of appointment had the power to select judges, it is clear that the framers wanted a political environment in which state politics was more important than local politics and the number of people with substantial political power was kept small.⁴⁴

⁴³ Forrest McDonald remarks that, in general, America's first state constitutions reflected a fear of centralized executive power. New York was an exception, with a governor who was not elected annually and who – through an awkward formation called the Council of Revision – possessed limited veto powers. *Novus Ordo Seclorum: The Intellectual Origins of the Constitution* (Lawrence: University Press of Kansas, 1985), 85-86.

⁴⁴ After enacting the constitution and before holding elections for governor, lieutenant governor, senators, and assemblymen, the Provincial Council appointed individuals to serve as chief justice, puisne justices, attorney general, and judges and sheriffs for most of the counties. Ordinance printed in *The New-York Gazette; and the Weekly Mercury*, NewsBank, Archive of America, America's Historical Newspapers, Early American Newspapers (ser. 1, 1680-1876), American Antiquarian Society (14 July 1777). The paper, printed in occupied Manhattan, also included an ordinance "for organizing their [the rebels'] pretended new Form of Government . . . to Satisfy the Curiosity of many of our Readers," attesting to the Tories' belief that the constitution would radically change the social order. Ibid.

The Provincial Council voted the constitution into existence on 20 April 1777. Without a referendum or special election, the likelihood that the state's new political system would catalyze significant social change decreased. Still, nothing in the constitution prevented socially transformative laws from being passed or republican principles from replacing class deference in informing how people related to each other. Government could still better the lives of individuals under the 1777 constitution but only if legislators passed laws which defined the currently ambiguous social order.

The authoritarianism of New York's first state constitution has traditionally been imputed to John Jay, one of America's most conservative founding fathers. I agree with Walter Stahr that, although thirteen other Provincial Council delegates helped author the document, they all shared Jay's understanding of the type of government needed by the new state.⁴⁵ Jay *thought* that he was writing a much-changed government into existence. His view on who could properly exercise political authority had not yet become as inclusive as it would later in his life, perhaps because he had not yet absorbed his experiences as a committee for detecting and defeating conspiracies judge or realized that, no matter what the franchise was, one had to address the issues of the average New Yorker in order to become governor.

Chilton Williamson presents another reason for the conservatism of New York's constitution in his *American Suffrage from Property to Democracy, 1760-1860*. According to him, the authors of the document thought that, "without residence and property tests, Tories, Hessians, and other undesirables would have made more difficult the election of safe and sound Whigs."⁴⁶ Although these gentlemen were either far enough removed from local politics or too

⁴⁵ Walter Stahr, *John Jay: Founding Father* (New York: Hambleton and London, 2005), 74, 76.

⁴⁶ Chilton Williamson, *American Suffrage from Property to Democracy, 1760-1860* (Princeton: Princeton University Press, 1960), 198.

comfortable with the colonial paradigm of political voice to widen the franchise in 1777, they did not all necessarily believe that rebels were an exclusive population.⁴⁷

McDonald and Williamson are only partly right. Understandings of political authority had not changed as rapidly as had New Yorkers' acceptance of a localized and representative government because exercising local rule was easier than incorporating it into a constitution. The mobilization of populations by committees of safety had precedent in Anglo-American politics. Basing a legal system on the permanent excitation of a political society did not. The constitution was written to sustain a focus on political rights without sacrificing the principle of popular sovereignty. Its authors envisioned a future in which populous occupied New York would rejoin politically powerful rebel New York. By establishing sectional balance in the senate and assuring that at least the first three-year governorship would be filled by a committed rebel, they made it unlikely that re-assimilation would change the political nature of the state.

Despite creating strong executive and judicial offices, Jay did not forget that it was New Yorkers' desire for a political order based on the consent of the governed that had allowed him to craft the type of government that he wanted for the state. In the penultimate paragraph of his address opening the Supreme Court of the state, he switched from a tone of patriotic exclamation to one of cautious warning, charging New Yorkers "to observe that all offences committed . . . against the peace of this State, from treason to trespass, are proper objects of your attention and inquiry."⁴⁸ What Jay did not yet realize was that the committee system's success in enlisting

⁴⁷ Jay, for example, questioned the right of men to own other men and would reverse his support of slavery by the end of the war. Although he never freed his slaves, he did support manumission policies.

⁴⁸ John Jay, "The Charge of Chief Justice Jay," folio printed by John Holt, Evan's Digital Archive, Early American Imprints, ser. 1, no. 15376 (9 September 1777).

popular support had made centralized government, especially one which portended a curtailment of individual rights, anathema to those in the state.

If two years fighting a war against imperialism had made New Yorkers suspicious of centralized political power, then why did they accept Jay's conservative government? The foremost reason was that the Provincial Council did not include committees in the ratifying process. Believing that their elected status gave them the purview both to compose and enact a constitution, councilmen presented the document to committees as a *fait accompli*. Local and county committeemen accepted the new plan of government partly because it confirmed the state's independence from Great Britain and partly because they had always considered their authority as being based on the exigencies of war and, therefore, temporary. Whereas the Provincial Council was, in effect, the colonial assembly without the DeLancey faction, committees of safety had not been permanent governmental structures in colonial times. They justified their existence on the need for social organization in times of crisis; the war with Britain would eventually end. Despite their occasional resistance to resolution directing them what to do, boards identified New York as their dominant political identity.⁴⁹ With the 1777 campaigning season already underway, local leaders had more pressing issues on which to focus. By summer, when the state held its first gubernatorial election, British forces occupied New

⁴⁹ Residents considered themselves to be citizens of New York, not of their county (or, after 1776, their country). See James H. Kettner, *The Development of American Citizenship, 1608-1870*, Omohundro Institute of Early American History and Culture (Chapel Hill: University of North Carolina Press, 1978), especially chapter five, "Naturalization and the Colonies." Daniel L. Hulsebosch sees a provincial identity emerging in New York during the middle of the eighteenth century due to a local constitution, or a "shared political vocabulary and grammar." Hulsebosch, 75. It is important, I believe, to differentiate between identity and sovereignty. While some New Yorkers probably thought of themselves as residents of the state, others were likely to call a certain city (such as Albany) or county (such as Orange) home. With the possible exception of a few officers of the Continental Line, however, all New Yorkers considered the state political scene as the arena in which new-found rights would be exercised and experienced.

York's northern, western, and southern regions. With the number of voters thus geographically restricted, the election was decided by only three-thousand residents.

The election did not have the result that many of New York's rebel leaders wanted. On 2 June 1777, a day before the Orange, Ulster, and Dutchess Committees were to meet in a joint session, John Jay, Christopher De Witt, Zephaniah Platt, Matthew Cantine, and Christopher Tappen wrote to the Provincial Council, nominating Schuyler as governor and Clinton as lieutenant governor.⁵⁰ Voters had a different opinion of who should run the state. Instead of Schuyler, they cast the majority of their ballots for George Clinton, the militia general and Ulster County native of middling antecedents. Schuyler came in second, reversing Jay's intentions. Clinton won because the locus of his support – Ulster and Orange Counties – was not occupied and, therefore, voters there formed a disproportionate share of the electorate.⁵¹ Presented with a conservative government, Hudson Valley voters responded by choosing someone who represented their own region and outlook to head it. Despite the promise of a socially inclusive future hidden in New York's new constitution and suggested by Clinton's election, the war prevented either from affecting the state immediately. Clinton still commanded in the lower Hudson Valley and, to him, the field was his primary place of duty for the rest of the summer.⁵²

Clinton's rise from local to state importance occurred along with the increasing effectiveness of local boards and the men who served on them. He was a product of their legitimacy, gaining an increasing ambit of authority from them and relying on them to mobilize

⁵⁰ John Jay, et al., State of the Committee of Safety, *Clinton*, vol. 1, 855-56 (2 June 1777).

⁵¹ Stahr, 81.

⁵² The Provincial Council passed a state constitution in April. Clinton was elected governor in June, took the oath of office in July, delayed starting his term until August, and suspended his office in early October so that he could command Fort Montgomery when Sir Henry Clinton attacked it on his way to meet Burgoyne. For an official announcement of Clinton's assumption of the governorship, see the proclamation printed by John Holt, Evan's Digital Archive, Early American Imprints, ser.1, no. 43317 (30 July 1777).

the manpower that he needed to confront spies, counterfeiters, Tory messengers, armed loyalists, and imperial soldiers. He had performed well in command: although outgeneraled by Sir Henry Clinton in October 1777, he kept soldiers in the ranks, responded quickly to British threats in the Hudson Valley, and had provided valuable help to Washington by moving his troops into northern New Jersey in late 1776. More importantly, he developed personal relationships with committee chairs; members of the Provincial Council; and continental commanders such as Isaac Putnam, Alexander McDougall, and George Washington. Unlike his older brother James, an experienced officer who capably served the rebellion as a regimental commander in the New York Line, George Clinton gained his stature and experience working with committees at the local level, activity that made him a politically-sensitive leader whose long governorship would define the first quarter-century of New York's statehood.⁵³

Clinton's leadership would transform New York more than would Jay's system of government. The 1777 constitution merely established offices from which to exercise power; it neither imbued New Yorkers with a new identity nor separated the state from Britain. The election of Clinton to a position designed for Schuyler, on the other hand, made New York a political entity in which one did not have to be a wealthy landholder or powerful merchant in order to have a voice. In addition, the Declaration of Independence, by rejecting monarchical rule on behalf of the entire continent, had already freed New Yorkers from George III's sovereignty, converting them from subjects of a king into citizens of a state. Defining what that citizenship meant – who was empowered with what rights and expected to perform what duties – did not derive from Jay's political understanding but, instead, emerged from countless decisions made first by local leaders sitting on committees of safety and then, starting in late 1776, by judges

⁵³ Like his brother George, James Clinton would participate in the 1788 ratifying convention in Poughkeepsie as an Antifederalist.

serving on committees for detecting and defeating conspiracies. With a strong governor, a constitution ambiguous about extralegal organizations, and the main theater of the war no longer in the state, committees of safety met less frequently – sometimes to the detriment of their communities. In their stead, conspiracy commissions and newly-appointed justices of the peace promoted an inclusive definition of what it meant to be a New Yorker, continuing the social change begun by the committee system.

Constitutional Governance in a Time of War

The constitution had little immediate effect on how the state was governed. After passage, the Provincial Council met as a state assembly, its resolves possessing enhanced legal standing but covering the same issues and affecting the lives of individual New Yorkers to the same degree as before. Because assemblymen understood that winning the support of the disaffected solidified their rule, they continued to pressure the uncommitted members of political society whenever the military situation allowed them to do so. On 10 May 1777, a month after the constitution was voted into effect but before military campaigning had begun, the legislature pardoned any Tory who renounced his prior ways and pledged allegiance to the new government.⁵⁴ Although Clinton, as governor, would be responsible for executing this policy, the empowerment it gave him differed little from the executive authority that he had wielded on behalf of the committee system during the winter of 1776.

At the local level, however, constitutional change was significant. Because Jay's legal framework made county judges the link between local governance and state policy, committees

⁵⁴ Journals, vol. 2, 446-47, 449 (10 May 1777). Some of the most drastic changes in policy were enacted in anticipation of tough times, before the pressures, stresses, and hardships of military action were experienced.

of safety met less regularly and asserted power less aggressively. Even their responsibility for investigating Tory plots became redundant when the assembly established commissions for detecting and defeating conspiracies – county versions of the state committee for detecting and defeating conspiracies.⁵⁵ These tribunals helped establish order in society. That they were appointed, unrepresentative, small, and not mentioned in the constitution did not concern the new government. With Burgoyne’s army defeated, Clinton passive on Manhattan, and Howe wintering in another state, the need for inclusive governance seemed less important. By the end of 1777, the committee system had already registered all of New York’s available military manpower. As early as February of that year, Clinton had reminded the convention that, if state leaders wanted to call out militiamen, all they needed to do was direct muster colonels to activate their units.⁵⁶

Although correct, this perception was myopic. After committees had formed units early in the war – a task eased by their lists of who was and who was not friendly to the rebellion – the rosters they kept changed little throughout the conflict.⁵⁷ Even after local boards had registered the rebel-friendly population, formed militias, and raised men for the New York Line, however, they still kept the societies that they had mobilized for war. Neither judges nor regimental officers interacted with local populations as frequently or as directly as had committeemen, a

⁵⁵ New York (State) Assembly, *Journal of the Votes and Proceedings of the Third Assembly, 9 August 1779 – 25 October 1779*, 29, 36-37, Evan’s Digital Archive, Early American Imprints, ser. 1, no. 16409 (18 September 1779, 28 September, 1779).

⁵⁶ George Clinton to the Provincial Council, Clinton, vol. 1, 592-94 (13 February 1777); Pension of Wynsen Bruisee of Albany County, submitted to USGenWeb Archives by Donald E. Lampson [<http://files.usgwarchives.net/ny/columbia/revwar/pensions/bruisse-wynsen.txt>].

⁵⁷ Some militiamen were in “almost continuous service under the same officers” for the duration of the war. Pension of Henry Dick of Albany County, submitted to USGenWeb Archives by Donald E. Lampson [<http://files.usgwarchives.net/ny/columbia/military/revwar/pensions/dick-henry.txt>].

lack of local involvement from which residents on the periphery of rebel control would soon suffer.

In Tryon County, where committees stopped meeting, countering the activities of Joseph Brant and the Butler clan exceeded the organizational capabilities of appointed judges. When county justices received word that Indians were preparing to attack Stone Arabia in the summer of 1778, all they could do was have Col. Jacob Klock, commander of the Second (Palatine District) Regiment of the Tryon County militia, request help from Abraham Ten Broeck, general of the Albany County militia.⁵⁸ Although the justices' acquisition of this intelligence was helpful, it did not, in itself, prepare the populace for what was to come. With a jurisdiction more limited than that of committees, county justices could not ready a battered people to face additional enemy raids. Given the magnitude and persistence of the threat, justices of the peace were an insufficient substitute for active committee governance.

Although disaster was averted at Stone Arabia, the people of Tryon County – now almost all rebel-friendly – would pay the price for their inability to mobilize when raiders burned German Flats on 13 September 1778 and massacred settlers at Cherry Valley on 11 November 1778. The loss of respected rebel leaders such as Nicholas Herkimer in 1777 had eroded the will to continue organized resistance and resulted in suffering for county residents.⁵⁹ The complacency and apathy which invited these attacks constituted a victory for the Tories.

To protect vulnerable towns in the county, columns of regular forces led by John Sullivan and James Clinton campaigned in western New York in 1779, destroying Indian towns and

⁵⁸ Col. Jacob Klock To Gen. [Abraham] Ten Broeck, in George Clinton, *Public Papers of George Clinton, First Governor of New York, 1777-1795 – 1801-1804*, vol. 2 (Albany: State of New York, 1900), 414-15 (6 June 1778).

⁵⁹ According to Larry Lowenthal in *Marinus Willet*, British and loyalist troops raided Tryon County settlements in order to force farmers from their fields, depopulating “the frontier so it could no longer support the rebel war effort or provide a defense in depth for the heart of the state.” Lowenthal, 55.

pushing loyalist troops out of the region. This exercise of military competency damaged the Iroquois Confederacy and weakened Tory sentiment in the region.⁶⁰ Without a committee to keep the resident population mobilized against its enemies, however, Sullivan's and Clinton's achievements were transitory.⁶¹ The assembly had to come to Tryon County's aid later in the year, when a militarily-important civic improvement – connecting western towns with a road – could not be accomplished locally.⁶² After Oriskany, shortages in leadership, manpower, and morale crippled the county government and left its population despondent.⁶³ Without a functioning committee, the state had to support the county's rebel-friendly population militarily and politically.

Two years of war had left Westchester County in a similar state of disarray. After the 1777 campaign, the need to protect homes, families, and property limited the number of men

⁶⁰ Several men in John Johnson's loyalist corps deserted to the rebels during the first months of the campaign. Col. James Gordon to Henry Glen, New York State Library/Manuscripts and Special Collections/SC9691/Item 342 (20 July 1779).

⁶¹ In *A Well-Executed Failure*, Joseph R. Fischer argues that the Sullivan-Clinton Expedition was a tactical and operational success but a strategic failure. Troops from two different theaters of the war marched hundreds of miles, were kept supplied by their officers, won the one battle (Newtown) that they fought against the Tories and Iroquois, caused great harm to the loyalists of western New York, and inflicted irrevocable damage to Indian farms and tribal unity. These successes, however, did nothing to help win the war and, therefore, had no strategic value. I disagree. The Sullivan-Clinton campaign was exactly the type of operation that Washington wanted to fight in 1779. It engaged one-third of his army, gave him politically-defensible achievements, and did so without risking the survival of the rebel movement or his ability to threaten British forces in New York City. It had strategic value in that it maintained Congress's confidence in Washington during a year in which his attempts to coordinate with the French failed. See Joseph R. Fischer, *A Well-Executed Failure: The Sullivan Campaign against the Iroquois, July-September, 1779* (Columbia: University of South Carolina Press, 1997).

⁶² Jelles Fonda and others, New York State Library/Manuscripts and Special Collections/SC9691/Item 259 (17 December 1779).

⁶³ For example, Lt. Col. William Seeber, who had quarreled with Nicholas Herkimer about the priorities of the Tryon County militia before Oriskany, fought and died in that conflict, as did his relatives Col. Saffreness Seeber, Pvt. Henry Seeber, and Rudolph Seeber. Two other Seebers – Capt. Jacob Seeber and Lt. William Seeber (Lt. Col. William Seeber's son?) were wounded. John Seeber was the only namesake to fight at Oriskany and live. "Appendix to Hon. Ellis Roberts' Address, given at Oriskany, New York, August 6, 1877," Allen C. Beach, ed., *The Centennial Celebrations of the State of New York*, New York Historical Society (Albany: Weed, Parsons & Co., 1879), 146; Jephtha Root Simms, *The Frontiersmen of New York, Showing Customs of the Indians, Vicissitudes of the Pioneer White Settlers, and Border Strife in Two Wars, with a Great Variety of Romantic and Thrilling Stories Never Before Published*, vol. 2 (Albany: Geo. C. Riggs, 1883), 96.

from the rebel controlled portion of Westchester County who could serve the rebellion. Farms south of White Plains had become so denuded of animals and crops that Alexander McDougall, the continental commander who had been responsible for the area since March 1777, authorized rebels of proven loyalty to provision family members who had not abandoned their homes and escape the opposing armies.⁶⁴ In addition, he ordered that “well-affected subjects” receive payments of “one fourth of the value of any horse, ox, cow, heifer, sheep, hog, calf or lamb” taken by the enemy.⁶⁵ In lieu of committees, which no longer met in the county, justices of the peace would determine and disburse payments.⁶⁶

Some county residents already had their life wrecked by the war. In 1779, after learning that his father had died as a British prisoner of war, John Cronk, a fourteen or fifteen-year old boy, joined Pierre Van Cortland’s regiment of northern Westchester County militia.⁶⁷ Probably due to his age, Cronk spent his two activations pasturing sheep, grazing cattle, and watching horses in the Rumbolt Precinct of Dutchess County: valuable service given that Tories raided the area for livestock which they could sell to the British.⁶⁸

For communities in Ulster County, the centralization of power at the state level gave local leaders an excuse to turn their attention away from the rebel agenda and toward personal

⁶⁴ Broadside printed by Samuel Loudon with orders from McDougall dated 22 December 1778, 24 December 1778, and 7 January 1779, Evan’s Digital Archive, Early American Imprints, ser. 1, no. 16645.

⁶⁵ According to McDougall, humanitarian concerns impelled his policies. Ibid. Since farms in the county were no longer productive by the winter of 1778/1779, the general’s stated purpose was probably true.

⁶⁶ Ibid.

⁶⁷ Petition of John Cronk of Westchester County, submitted to USGenWeb Archives by Donald E. Lampson [<http://files.usgwarchives.net/ny/westchester/military/revwar/pensions/jcronk.txt>].

⁶⁸ The War Department’s pension office rejected Cronk’s application for a pension because “boys of that age [fourteen or fifteen] were not admissible in the ranks agreeably to the regulations of the service.” Ibid. That officials from the War Department thought the request fraudulent in 1833 did not necessarily mean that Cronk was trying to cheat the government. In 1779, Pierre Van Cortland’s desire to strengthen his command probably outweighed any fidelity he had to age limits established by the Continental Congress or state legislature.

domestic concerns. On 6 December 1777, Levi Pawling, later the ranking judge of the county, wrote to Judge Dirck Wynkoop, a stalwart rebel, requesting his presence at a price-fixing meeting.⁶⁹ As Pawling felt that he had to remind his neighbor that “the law Requires your attendance as well as mine,” these associations, in contrast to the committees which preceded them, do not seem to have been regularly or well attended.⁷⁰ Perhaps local leaders did not feel invested in the new state government because they believed that it undermined their attempts to influence the war effort. In a 2 December 1777 letter, Daniel Graham, the Ulster County committee chairman, related to the state assembly that it was “very disagreeable for many of the present members to serve in [on] committees when at the same time the people tell them they have no right to act in that station on the footing they now stand.”⁷¹ This discontent, coming from committee members whose properties were vulnerable to loyalist attacks and Indian raids, represented more than a disagreement over where political authority lay. More fundamentally, it reflected the fear that a centralized defensive mechanism would not be able to prevent the population from suffering another local catastrophe. When those responsible for organizing military manpower do not know the people they are mobilizing, they are slow, cautious, and afraid of exceeding the limits of their narrowly-construed authority. The efficiently gained from pooling resources, although welcomed by Ulster County’s war-weary population in late 1777, came with a contingent loss of governmental legitimacy.

Ulster County’s commission for detecting and defeating conspiracies functioned more assertively than its committee of safety, although without the influence over residents that the

⁶⁹ The purpose for the meeting was not clear in the letter, although Stefan Bielinski, in a finding aid to the New York State Library’s Revolutionary War manuscripts, asserted that it was for price fixing. Levi Pawling to Judge Dirck Wynkoop, New York State Library/Manuscripts and Special Collections/4255 (6 December 1777).

⁷⁰ Ibid.

⁷¹ Journals, vol. 1, 1,096 (10 December 1777).

previous body had possessed. If a June 1779 “Calendar of Commitments of Prisoners” is indicative, then judges devoted more effort to regulating social activities than to arresting Tories or pressuring the disaffected. Of the fifteen sentences on the incomplete record, only six are for crimes against the rebel cause: three for “disaffection,” one for “going to the enemy,” one for “aiding the enemy,” and one for “having joined the Indians.”⁷² With the majority charged with a civil offense, this list suggests that a lack of Tories forced commissions for detecting and defeating conspiracies to change their focus. After establishing a social order based on political beliefs, they exerted their energies on maintaining that order for a people who accepted their right to do so.

Unlike Ulster County, home to the state government for the rest of the war, disaffection and loyalism continued to pervade Dutchess County after the rebel successes of 1777. Whereas residents of other counties had either accepted the new order, fought against it, or moved to British-controlled New York County, people living between the Hudson River and New York’s border with Massachusetts remained ambiguous about the rebellion. Never suffering an invasion by British forces, Dutchess County experienced violence only when the Provincial Council sent militias from other counties into its territory, such as in June 1776 and January 1777, or when Melancton Smith’s rangers accosted individuals whose activities the rebel government had determined to be detrimental to the independence movement. Perhaps because of this policing, five men from Dutchess County decided to become loyalists in the summer of 1779.⁷³ A contributing factor to these decisions might have been the decreasing influence of the county

⁷² At least eleven other residents of Ulster County were indicted but not (yet) committed to jail. Calendar of Commitments of Prisoners for Crimes of the Commissioners in Ulster County, New York Historical Society/Paltsits Collection—Ulster County, NY, 1643-1829/Box 1/Folder 9/#81 (22 June 1779).

⁷³ Dr. Theodore Van Wyck to Henry Livingston, New York State Library/Manuscripts and Special Collections/2182 (19 July 1779).

committee. Without a political body making life difficult for those who did not ardently support the rebellion, men in the country adopted the political stance that best matched their proclivities and circumstances. That these Tories did not make their political feelings known until two years after the constitution's enactment illustrate the rebels' continued need for political mobilization.

Because Clinton centralized power in the war's later years, communities without active committees of safety petitioned state officials for help in solving their problems, effectively reducing their jurisdictional prerogatives. As late as 1782, "electors" from Ulster County complained to the state legislature about the embargo on wheat, flour, and meal that it had effectively placed on them by fixing prices and failing to stop other New Yorkers from trading with the British.⁷⁴ These petitioners opined that, "Had Substantial Taxes on Real and personal Property" been laid at the beginning of the conflict and adjusted to keep "pace with our Emissions of Paper Currency," then counterproductive price controls would not have been necessary.⁷⁵ By stating this opinion in 1782, Ulster County electors were blaming New York's past governments without accepting any themselves. It is likely that the same Ulster County residents who objected in 1782 would not have been willing to pay significant taxes in 1775. With the committee system on shaky footing early in the war, asking for steep financial sacrifices would have been politically impossible.

Local populations did not resort to petitioning in areas of New York where committees continued to meet. Since committees of safety in Orange and Ulster Counties had proven effective at mobilizing and regulating their societies in the first two years of the war, they tentatively continued to respond to developments after the constitution was enacted. Thus, J. R.

⁷⁴ Trade with the British devalued continental currency. Petition of Ulster County Electors to the New York Legislature, New York State Library/Manuscripts and Special Collections/4239 (n. d. 1782).

⁷⁵ Ibid.

D'Witt, Philip Swartwoud, and Benjamin Depuy, leading rebels from Goshen Precinct (Orange County) and Mamacotting Precinct (Ulster County), gathered on 17 April 1778 to hear testimony relating to a possible attack by Tories and Indians into Pennsylvania's Wyoming Valley.⁷⁶

Informing Clinton of the intelligence they had gained, the three men added that they had interviewed men "under Character of Committee 'tho we are not certain wether the power and use of Committee be not expired now the Magistracy has taken place."⁷⁷

The powerful Albany Committee was even more confident in its right to keep meeting. After Burgoyne's surrender ended the threat of occupation, the board persisted in its efforts to eradicate loyalism and disaffection. In March 1778, it showed leniency toward an imprisoned loyalist, commuting his sentence after he agreed to enlist in the Continental Army.⁷⁸ Late in the conflict, while investigating citizens who had been disloyal to the rebel cause during the 1777 campaign, committeemen unearthed a message between John McDonald, a Tory who had commanded "a party of men in the Service of the king of Great Britain," and Duncan McDougall, a Schenectady resident and former member of the Tryon Committee, stating that the men of Schoharie were under arms and ready to march to Stillwater, a move which would leave the town vulnerable to attack and plunder.⁷⁹ The plan had been checked when Tories "were

⁷⁶ J. R. D'Witt, Philip Swartwoud, and Benjamin Depuy to Clinton in George Clinton, *Public Papers of George Clinton, First Governor of New York, 1777-1795 – 1801-1804*, vol. 3 (Albany: James B. Lyon, 1900), 192-94.

⁷⁷ Ibid. The committee's continuing influence after 1777 affected Sir Henry Clinton's operational calculus, compelling him to withdraw troops from Stony Point in the fall of 1779 after he realized that he would not be able to supply the outpost overland when the Hudson River froze in the winter. Robert K. Wright, Jr., "Stony Point, New York," in Harold Selesky, ed., *Encyclopedia of the American Revolution*, 2d ed., vol. 2, Library of Military History (New York: Charles Scribner's Sons, 2006), 1119.

⁷⁸ Albany, vol. 1, 954 (30 March 1778).

⁷⁹ Examination of William Harper by the Albany County Grand Jury, New York State Library/Manuscripts and Special Collections/Jacob Abbott Collection/SC9691/Item 363 (25 October 1782). McDougall had represented Kingsland and German Flats in the Tryon County Committee. Committee of Tryon County, New-York, Force, ser. 4, vol. 2, 878 (2 June 1775). It is unclear why McDougall changed sides. Since *volte faces* were not common in

defeated by some of the Troops of the United States of America and the militia of the Country.”⁸⁰ In this case, the Albany Committee’s effort to uncover treachery in 1778 did as much to further the cause of rebellion than had its defensive preparations in 1777.

The Albany Committee, the most politically-capable of the county boards, directed its militias to perform a wide range of duties in the years immediately following the enactment of a permanent state government. From 1776 to (at least) 1779, it dispatched mounted patrols through the county east of the Hudson River – today’s Columbia County – looking for robbers as well as Tories. About thirty men, headquartered at Pine Plains, took turns riding along roads and paths as far north as Kinderhook and as far south as Livingston Manor.⁸¹ These riders likely came from the Tenth (Manor of Livingston) Regiment which guarded “against Tories which infested the County” from 1777 through 1779.⁸² Companies from this unit, commanded by Peter R. Livingston, rotated in and out of the Corps of Guards, an organization formed and directed by the county committee.⁸³ Meanwhile, the board sent working parties to Orange County to help construct and defend the fortress being built at West Point, opposite the ruins of Fort

polarized Tryon County, it might have been due to a tragedy suffered earlier in the war which he blamed on the rebellion. In a footnote to the Tryon Committee minutes, editor Samuel Ludlow Frey writes: “of this member of the committee no information is obtainable.” Tryon, 119.

⁸⁰ The Schoharie Committee examined McDougall but it is unclear what it decided to do with him. Examination of William Harper by the Albany County Grand Jury, New York State Library/Manuscripts and Special Collections/Jacob Abbott Collection/SC9691/Item 363 (25 October 1782).

⁸¹ Pension of Jonathan W. Race of Albany County, submitted to USGenWeb Archives by Donald E. Lampson [<http://files.usgwarchives.net/ny/columbia/military/revwar/pensions/race-jonathanw.txt>]; Pension of Nicholas Stickles of Albany County, submitted to USGenWeb Archives by Beverly Schonewolf [<http://files.usgwarchives.net/ny/columbia/military/revwar/pensions/stickles-nicholas.txt>].

⁸² Pension of Adam Clum of Albany County, submitted to USGenWeb Archives by Donald E. Lampson [<http://files.usgwarchives.net/ny/columbia/military/revwar/pensions/clum-adam.txt>].

⁸³ Ibid.

Constitution on Martlaer's Rock.⁸⁴ At the same time, it ordered militiamen to participate in campaigns against Tories in Tryon County, likely dispatching the unit which killed loyalist leader Walter Butler in 1781.⁸⁵

The Albany Committee continued to meet throughout the first half of 1778, most likely disbanding thereafter during a lull in the fighting on the northern frontier.⁸⁶ As late as the first of April, it was still issuing edicts, directing its militiamen to disarm all “who have been with the Enemy, and not taken the Oath of Allegiance to this state, or other ways evinced their Sincerity to the Cause of America.”⁸⁷ In June of that year, requests to activate ranger units were sent directly to the governor.⁸⁸ In one petition, Abraham J. Delamatter lamented the poor state of readiness in Albany County, writing that “authoritey Seems at an and [end]; field officirs Seems wont Justisess [seem without justice] . . . Committies are at an and [end]; what will become of us Is unknown.”⁸⁹ Government may not have been as inefficient as Delamatter claimed; despite his

⁸⁴ Pension of William Scott of Albany County, submitted to USGenWeb Archives by Donald E. Lampson [<http://files.usgwarchives.net/ny/columbia/military/revwar/pensions/scott-william.txt>]; Pension of Nicholas Stickles of Albany County, submitted to USGenWeb Archives by Beverly Schonewolf [<http://files.usgwarchives.net/ny/columbia/military/revwar/pensions/stickles-nicholas.txt>]; Pension of Capt. Leonard Ten Broeck, submitted to USGenWeb Archives by Donald E. Lampson [<http://files.usgwarchives.net/ny/columbia/military/revwar/pensions/tenbroeck-leonard.txt>].

⁸⁵ Pension of Jacob Becker of Albany County, submitted to USGenWeb Archives by Donald E. Lampson [<http://files.usgwarchives.net/ny/columbia/military/revwar/pensions/becker-jacob.txt>]. Although the documentary record does not state what organization mobilized the militia which fought at Jerseyfield, the battle in which Walter Butler was killed, it was likely the Albany Committee. The Tryon Committee was defunct in 1781 and Col. Marnius Willett, the continental officer who Governor Clinton had placed in charge of the county's defense after the Clinton and Sullivan expedition, was from Long Island and, therefore, would not have had the communal influence necessary to rally manpower.

⁸⁶ The last entry in the *Minutes of the Albany Committee of Correspondence* is dated 10 June 1778. Since the penultimate entry is dated 16 April 1778, however, it stands to reason that leaders of the county continued to meet *in extremis* throughout the rest of the summer. Albany, vol. 1, 962-63.

⁸⁷ Albany, vol. 1, 956 (1 April 1778).

⁸⁸ Peter R. Livingston to Clinton, *Clinton*, vol. 3, 452-53 (12 June 1778); Peter R. Livingston to Clinton, *Clinton*, vol. 3, 453-54 (13 June 1778); Abraham J. Delamatter to Clinton, *Clinton*, vol. 3, 455-56 (14 June 1778).

⁸⁹ *Ibid.*

hyperbole, former committee members filled the county posts created by the 1777 constitution. For example, in a letter to the state legislature, Matthew Visscher, a former member of the county committee, reported the activities of ranger units that he had sent out on patrols as an alderman in Albany.⁹⁰ Police work was still necessary in Albany in 1778, if only to visit Tories who had returned from Canada to live under the new government. This continuing need to activate militiamen and dispatch rangers remained just within the capabilities of state leaders. With the diminished role of local committees, those living in the interstices between rebel and Tory controlled areas of the state – residents of Albany County after the first half of 1778 – did not have a way of reacting quickly to crises.

There were two exceptions to this rule. The Charlotte Committee, like the Tryon Committee, stopped meeting soon after representatives in Fishkill had enacted a constitution. Whereas British incursions had extinguished rebel governments in both frontier polities – in Tryon County by raids and massacres, in Charlotte County by invasion – civil order in the western district, despite support from regular troops and oversight from Albany County, did not return until after the war while Charlotte County residents managed to fend for themselves after Saratoga. Six months after Burgoyne had marched an army through the county and a year after the Provincial Council had voted a new government into effect, little political organization existed, legal or otherwise, to coordinate the efforts of the region's sparsely-populated towns. Additionally, when the state's new Council of Appointment selected justices and a sheriff for the county, disagreements over who outranked whom prevented courts from convening and justice from being administered.⁹¹ Not being able to hold court, John Williams, one of the appointees

⁹⁰ Matthew Visscher to the Albany County members of the New York legislature, New York State Library/Manuscripts and Special Collections/6752 (20 June 1778).

⁹¹ Ebenezer Clark to Clinton, *Clinton*, vol. 3, 217-18 (25 April 1778).

involved in the dispute, continued to serve as colonel of the Charlotte County militia, distributing orders, inspecting men, providing the governor with intelligence, sending out patrols, and pledging to “go out with the people” should the enemy appear.⁹² Keeping his promise, the militia colonel led his militia in skirmishes against armed loyalists and Indians in 1779 and 1780, loosing two or three men to wounds but increasing rebel control over the area.⁹³ Although unable to perform his civil duties, Williams remained effective in his military ones.

The second exception was Westchester County. Washington’s decision to station continental troops in the Hudson Highlands kept the northern part of the county, which, like Charlotte County, was close to the enemy and without a committee of safety after 1777, relatively secure during the war’s later years. This military presence saved the rebel cause from an embarrassing reversal when Arnold tried to sell West Point to the British. In order to arrest loyalist marauders in and around Westchester County, the state permitted militia volunteers to exchange the physical danger of accosting armed travelers for the right to keep valuables carried by those whom they apprehended.⁹⁴ In September 1780, three of these opportunists – John Paulding, Isaac Van Wart, and David Williams – captured John André, a British major who served as Arnold’s contact, unraveling the American general’s treachery.⁹⁵ Paulding, Van Wart,

⁹² John Williams to Clinton, *Clinton*, vol. 3, 429-32 (8 June 1778).

⁹³ Pension of Ephraim Thomas of Charlotte County, submitted to USGenWeb Archives by Donna Bray [<http://files.uswarchives.net/ny/washington/military/revwar/pensions/ethomas.txt>]. Williams was expelled from the Senate early in 1779 because he had falsified payrolls in order to receive more money from the state. Edward Floyd DeLancey in note to Jones, vol. 2, 529.

⁹⁴ Hufeland, 348-51.

⁹⁵ According to Otto Hufeland in *Westchester County during the American Revolution*, if Arnold had succeeded in surrendering West Point to the British, the union of states would have fractured, negating the advantages of French assistance and making it impossible for the United States to achieve its independence. *Ibid.*, 344, 362. In *The Traitor and the Spy*, James Thomas Flexner intimates that the loss of West Point would have given the French a reason to withdraw their support for the rebels, “destroy[ing] what was left of the American will to resist.” Flexner, 334. Such speculations overestimated the fragility of the rebellion. What motivated rebels to

and Williams were less heroes of the rebellion than individuals interested in their own advancement.⁹⁶ That they realized a way to better their position in society by supporting independence both attested to what had happened in the past – the committee system’s ability to win the populace – and portended what was to occur in the future: a reordering of New York’s post-war society.

Supporting New York’s continued fight against imperialism were continental army commands like McDougall’s, which had employed André’s captors, and state-appointed commissions for detecting and defeating conspiracies. Although these officials could not mobilize communities easily, they nonetheless addressed the threats which the state continued to face.⁹⁷ More importantly, by investigating and damning people for disaffection, conspiracy commissions focused on individuals as opposed to groups or classes. Although legislated into existence by the new state government, these new organizations rode the legitimacy secured for them by local pre-constitution committees of safety.

While rebel governance, in the guise of committee organization, had helped defeat Germain’s strategy, Jay’s 1777 constitution gave permanence to a post-imperial political order. Although not reflecting the broadening of political society which had occurred during the first two years of war, the document gave a legal basis to laws which altered the way New Yorkers lived and related to each other. The forces of localism and hierarchy, which had defined the

persevere in their fight against imperialism – hatred of monarchy, fear of the British army, and desire for political freedom – was not contingent upon occupying West Point, controlling the Hudson River, or receiving French aid.

⁹⁶ Arnold’s captors had trouble deciding whether to rob André, extort money from the British by allowing him to contact Sir Henry Clinton, or surrender him to rebel authorities. *Ibid.*, 357-60.

⁹⁷ According to Victor Hugo Paltsits, the Albany commission for detecting and defeating conspiracies heard cases dealing with counterfeiters, deserters, murders, passes, prisoners, protection, rangers, relations with other boards and committees, robberies, plunder, Toryism, disaffection, and treason. *Minutes of the Commissioners For Detecting and Defeating Conspiracies in the State of New York, Albany County Sessions, 1778-1781*, ed. Victory Hugo Paltsits, vol. 1 (1778-1779), with a new introduction and preface by George Allan Billias, *The American Revolution Series* (Baton: Gregg Press, 1972; reprint of 1910 ed.), 35.

colony's development before the final French and Indian War, achieved balance after 1777 in the leadership, ideals, and person of Gov. George Clinton. State committees for detecting and defeating conspiracies and local commissions for detecting and defeating conspiracies oversaw this social reordering by judging individuals against a paradigmatic ideal of what it meant to be a citizen of a state in rebellion against its previously constituted sovereign authority. No longer did New Yorkers define themselves by reference to whom they deferred but by their patriotic ardor and rebel credentials. Diverse political leaders, the expansion of the suffrage, inclusive citizenship, and the redistribution of loyalist lands would be the consequences of this individualistic focus.

6. Legislating Social Change, October 1779 – July 1788

The percentage of New York's population receiving the benefits of state citizenship increased during the 1780s due not only to laws passed in the later years of the war but also to the way in which residents of the southern counties reacted to those laws once freed from the influence of the British army. With the completion of Sullivan and Clinton's expedition and Sir Henry Clinton's army passive in southern New York, the assembly initiated three bills meant to reward those who had suffered for the cause: the 1779 Confiscation Act, which authorized the sale of Tory land; the 1782 Citation Act, which delayed the repayment of debts owed to Loyalists; and the 1783 Trespass Act, which enabled rebels to recover property seized by Loyalists in occupied New York.¹ Although the constitution had been written to prevent drastic alterations of the social order, these laws passed because those they disadvantaged were not present to defend themselves. Opposition to socially-altering policies emerged soon after British forces evacuated New York in November 1783, as agitated property owners entered the political arena to debate land ownership, the economic health of the state, and legal probity. By 1788, a resident's position on these issues, greatly influenced by his wartime experiences, centered on one overarching question: should New York ratify the federal constitution composed in Philadelphia the previous summer. In answering this question, Federalists and Antifederalists forged a compromise at the Poughkeepsie Convention which allowed New Yorkers to enjoy both the benefits of centralized government and the free exercise of individual rights.

¹ These acts not only reordered society but also established the legal professions – lawyers, judges, and courts – as the arena in which the social issues of the day were discussed. According to Christopher L. Tomlins, “between the Revolution and the beginning of the nineteenth century, law became the paradigmatic discourse explaining life in America, the principal source of life’s ‘facts.’” Christopher L. Tomlins, *Law, Labor, and Ideology in the Early American Republic* (New York: Cambridge University Press, 1993), 21.

Transformative Legislation

The 1779 Confiscation Act, the most transformative wartime legislation passed by the state government, authorized an extension of state power that would have been unthinkable before Lexington and Concord. A willingness to appropriate what belonged to others did not manifest in lawmakers overnight. Instead, rebel leaders overcame their reluctance in stages. As in other measures, the Albany Committee acted first. By 28 November 1776, it had decided to inventory personal items abandoned by loyalists and “secure the same till the farther order[s] and directions therein from the Convention of this State shall be known.”² Sanctioning this temporary appropriation, the council advised the Kingston (Ulster County) Committee three months later to inventory “all personal property in the town . . . belonging to any person or persons gone over to the enemy” but not to dispose of it until told to do so.³ Three weeks later, when the New-Hempstead (Orange County) District Committee started evicting Loyalist families, John Coe, a former county judge, ordered the perishable foodstuffs that they had left behind to be seized.⁴ As the war continued, county committees became practiced in appropriating personal property – livestock, tools, furniture – from Tories, selling it to rebels,

² Albany, vol. 1, 627-28 (28 November 1776). On the day previous, the board had asked the council how it should handle the wives of loyalists who were preventing rebels from taking their husbands’ property. Ibid., 626 (27 November 1776).

³ Journals, vol. 1, 821 (1 March 1777).

⁴ Coe immediately informed the Provincial Council of his actions (he had been a member of that body in 1775), asking it to empower him officially to do the job. John Coe to New-York Committee of Safety, Force, ser. 5, vol. 3, 1248 (16 December 1776). Coe would continue to serve the cause of independence, representing his community in the assembly from 1778 to 1780. He would die in May 1782, aged sixty-two, shortly before the conflict ended. Edward F. DeLancey, Charles Isham, and Daniel Parish, Jr., eds., *Abstracts of Will on File in the Surrogates’ Office, City of New York, vol. 9, January 7, 1777 – February 7, 1783, with Letters of Administration, January 17, 1779 – February 18, 1783* (New York: New York Historical Society Publication Fund 32, 1901), 292.

and sending the proceeds to the state government.⁵ By the end of the conflict, those who managed the rebellion had lost whatever qualms they had previously held about taking what belonged to others.

The reduction in the respect for private property derived, in part, from the scare that the 1777 campaign had given New York rebels. On 6 March 1777, the Provincial Council appointed commissioners to sequester vacated Tory land. Even though this authorization did not invalidate titles, it was so antithetical to rebel thought that the Albany Committee delayed assuming control of unoccupied homes and farmland until 15 May 1777, after a constitution existed.⁶ Within only a few years, however, rebels had become so willing to arrogate property belonging to others that petitioners in Ulster County wondered why it was taking the state government so long to sell the sequestered estates.⁷

What had caused such a drastic shift in outlook to occur? At bottom, five years of independence had changed New Yorkers' understanding of government. Imperial rule had been based on ownership. Those who held title to a part of the province decided how the lives of those living within the territorial ambit of their control would be ordered; only the upper ranks of society had the standing to advocate change to the governor or his council. If they were unhappy, less-established residents could only complain, resist, or rebel. When Lexington and Concord showed New Yorkers how the ministry had decided to respond to problems in the colonies, extralegal committees of correspondence converted themselves into committees of

⁵ The sale of seized items, presumably done by committees at below-market prices, put £260,595 in state coffers by the end of the war (£32,082 from Ulster County, £27,815 from Tyron County, £43,880 from Westchester County, £18,494 from Albany County, £360 from Charlotte County, £38,193 from Orange County, and £99,771 from Dutchess County). Flick, *Loyalism*, 142.

⁶ Even then, debate ensued over whose property was to be taken and what was to be done with it: committee minutes did not clarify to whom loyalist property would go. Albany, vol. 1, 755 (15 May 1777).

⁷ Address to the Legislature from Electors of Ulster, n.d. 1782, New York State Library/Manuscripts and Special Collections/4239.

public safety. Although neither the authority they held nor the form in which they exercised that authority was unprecedented, their *raison d'être* – to prosecute a war against imperialism – was. After the formation of a new political system, the establishment of commissions for detecting and defeating conspiracies, and the expulsion of Tories, New Yorkers came to see government not as a cabal of those who owned the state but as a vehicle used by popularly-elected officials to guard and protect individual freedoms. Accordingly, residents increasingly burdened by the war, such as the petitioners from Ulster County, no longer felt that the state should protect landlords who had “turned their backs on their country.”⁸ Informing legislators of “the Dangerous Consequences naturally resulting from a long Continuance of Some Persons in so important an office,” these politically-active yeomen from the west bank of the Hudson implied that they would vote only for representatives who would quickly process the 1779 Confiscation Act.⁹

Notwithstanding the impetus provided by Ulster electors, redistributing property was necessarily a slow process. In New York, military conflict had not only changed how people perceived government, it had also established the belief that all citizens, including those who held land which they no longer worked, were to be treated fairly under the law. In order for property transfers to have any permanence, new owners had to be sure that their titles would not be contested; the only way to instill this confidence was to act within the context of a law that precisely identified who was to lose their land.

Unfortunately for those seeking to transform New York rapidly, the Confiscation Act identified only fifty-nine landholders.¹⁰ Although representing a small fraction of those who

⁸ Ibid.

⁹ Ibid.

¹⁰ Land redistribution did not affect rebel landholders such as Schuyler, of course. In at least one instance, the conflict actually helped him secure a more desirable tenant. When John Freeman, who worked Farm #3, Great Lott 16, of the rebel general's Saratoga Patent, fought with the British in 1777, the continental general invalidated

opposed independence, the proscribed Tories – confirmed enemies of the rebellion such as Frederick Philipse, Beverley Robinson, Sir John Johnson, William Tryon, Oliver De Lancey, and Philip Skeene – held estates with enough acreage to benefit almost a thousand tenants and soldiers of the New York Line.¹¹ Loyalists who owned the other 1,311 Tory estates seized by commissioners of sequestration during the war, although not named in the law, did not escape the activism of the new state government: their property, once confiscated and processed, went to rebels with money and a speculative spirit.¹² When combined with the personal property that local committees had taken from Tories and the redistribution of the large estates listed in the Confiscation Act, the transfer of small plots drastically changed who owned property in the state.¹³

Determining who had been authorized land by prior legislation and who was eligible to purchase forfeited acreage was a complex endeavor complicated by the selling, trading, and buying of land bounties in the last years of the war. To manage the process, the legislature

his lease and rented the former battlefield to the more tractable William Mead in 1779. “Chain of Title for Farm #3, Great Lott 16 of the Saratoga Patent,” submitted to USGenWeb Archives Project by Leslie B. Poter, 2001 [<http://files.usgwarchives.net/ny/albany/deeds/freeman-john.txt>].

¹¹ Flick, *Loyalism*, p. 146-47. Approximately 275 tenants and veterans would receive plots from James DeLancey’s estate and almost 250 would own Roger Morris’s former territory, for example. *Ibid.*, 160. A total of 996 land bounties were honored. James A. Roberts, comp., *New York in the Revolution as a Colony and State*, 2d ed. (Albany: n.p., 1898); bound with Frederick G. Mather, comp., *New York in the Revolution as Colony and State*, vol. 2, containing supplement to vol. 1 (Albany: n.p., 1901); reprinted two volumes in one (Baltimore: Genealogical Publishing Company, 1996), vol. 2, 199-207.

¹² *Ibid.*, 253-58.

¹³ In his study of land transfer in southern New York, Harry B. Yoshpe argued that, although property ownership both changed and expanded due to the Confiscation Act, few of the new proprietors were poor or propertyless. In an area of the state where much of the rebel population had lost fortunes due to British occupation, only wealthy supporters of independence could pay the “fair” price offered for plots or compete for land titles that went to auction. Tenant farmers in parts of Queens and Westchester Counties fared better, oftentimes being able to pool family resources and take advantage of their right of first purchase. Likewise, soldiers who kept the grant of land they had received for joining the New York Line were rewarded for their foresight. Yoshpe supports his thesis with convincing evidence, although, as his insight on the resilience of tenant farmers suggests, it cannot be extrapolated to cover the Hudson or Mohawk Valleys. Harry B. Yoshpe, *The Disposition of Loyalist Estates in the Southern District of the State of New York*, Studies in History, Economics and Public Law, ed. by the faculty of Political Science of Columbia University, no. 458 (New York: Columbia University Press, 1939).

appointed commissioners of forfeiture – executors charged with accepting payments from tenants for five-hundred acre increments of the land they currently tilled, honoring land bounties no matter how many times they had changed hands, and signing agreements or holding auctions to dispatch the remaining property.¹⁴ In making decisions about who deserved what, commissioners of forfeiture acted in ways that resembled how conspiracy commissioners had previously acted. Perhaps because the council of appointment recognized the similarity, it, with one exception, chose only individuals who had served on a committee during the war to be commissioners.¹⁵

Judges also slowed the pace of transfers. Because the Confiscation Act listed only fifty-nine Tory landholders, the Supreme Court of Judicature mandated that commissioners give loyalist owners not named in the legislation the opportunity to reclaim their sequestered property. Sheriffs enforced this order by publishing the names of those whose property was being offered at auction. In Albany and Tryon Counties, Sheriff John Ten Broeck gave seven loyalist owners the chance to file claims before commissioners sold their land.¹⁶ Several months later, working

¹⁴ Soldiers who had enlisted in the New York Line after 11 March 1780 received land bounties. Field-grade officers received four rights; captains and surgeons received three rights; lieutenants, ensigns, and surgeon mates received two rights; and all others received one right. A “right” equated to five-hundred acres. Roberts, *New York in the Revolution as Colony and State*, vol. 1, 12, 14.

¹⁵ Henry Oothoudt and Jeremy Van Rensselaer, broadside, “By the Commissioners of Forfeitures . . .” Evan’s Digital Archive, Early American Imprints, ser. 1, no. 44935 (27 July 1786). In addition to Oothoudt, a representative from Albany County in the Provincial Council, and Van Rensselaer, a member of the Albany County Committee, Jacob G. Klock and Christopher Yates served as commissioners for the western district (Albany and Tryon Counties). Klock represented the Palatine District in the Tyron County Committee and Yates represented the same county in the Provincial Council. The other commissioners – David Hopkins and Alexander Webster for the eastern district (Charlotte, Cumberland, and Gloucester Counties); Samuel Dodge, Daniel Graham, and John Hathorn for the middle district (Dutchess, Orange, and Ulster Counties); and Isaac Stoutenburgh and Philip Van Cortlandt for the southern district (Kings, New York, Queens, Richmond, Suffolk, and Westchester Counties) – had all served on at least one committee during the war except for Graham, a captain in the Kingston (Ulster County) militia.

¹⁶ Announcements in *The New-York Gazetteer or Northern Intelligencer* (Albany), submitted by John Ten Broeck, sheriff of Albany County, NewsBank, Archive of America, America’s Historical Newspapers, Early American Newspapers (ser. 1, 1680-1876), American Antiquarian Society (2, December 1782, 9 December 1782, 16 December 1782, and 6 January 1783).

through Sheriff Abraham Van Horn, the Supreme Court of Judicature announced fifty-six residents of Tryon County whose holdings were “to be forfeited to the people of this [New York] state” if they did not soon appear before the judges.¹⁷ In Charlotte County, Sheriff Joshua Conkey similarly notified eight residents.¹⁸ In Orange County, Sheriff William W. Thompson informed one resident that he had one last chance to fight for his land while, in Dutchess County, Sheriff Lewis Duboys broadcast the names of thirty-four residents whose property was in jeopardy.¹⁹

Legal challenges slowed redistribution in other ways. Unlike the relatively few trials that commissions for detecting and defeating conspiracies had prosecuted, forfeiture commissioners dealt with many cases and numerous individuals. Moreover, they were subject to legal oversight, a restraint which had not encumbered conspiracy commissioners.²⁰ In at least one case, a court of common pleas was still adjudicating who owned one property as late as 1794.²¹

¹⁷ Announcements in *The New-York Gazetteer or Northern Intelligencer* (Albany), submitted by Abraham Van Horn, sheriff of Tyron County, NewsBank, Archive of America, America’s Historical Newspapers, Early American Newspapers (ser. 1, 1680-1876), American Antiquarian Society (13 January 1783, 27 January 1783, 10 February 1783, 17 February 1783).

¹⁸ Announcements in *The New-York Gazetteer or Northern Intelligencer* (Albany), submitted by Joshua Conkey, sheriff of Charlotte County, NewsBank, Archive of America, America’s Historical Newspapers, Early American Newspapers (ser. 1, 1680-1876), American Antiquarian Society (17 February 1783, 24 February 1783).

¹⁹ Announcements in *The New-York Gazetteer or Northern Intelligencer* (Albany), submitted by William W. Thompson, sheriff of Charlotte County, NewsBank, Archive of America, America’s Historical Newspapers, Early American Newspapers (ser. 1, 1680-1876), American Antiquarian Society (4 August 1783); Announcements in *The New-York Gazetteer or Northern Intelligencer* (Albany), submitted by Lewis Duboys, sheriff of Dutchess County, NewsBank, Archive of America, America’s Historical Newspapers, Early American Newspapers (ser. 1, 1680-1876), American Antiquarian Society (11 August 1783, 13 August 1783).

²⁰ Yoshpe devotes more than half of *The Disposition of Loyalist Estates in the Southern District of the State of New York* to legal claims against decisions made by commissioners of forfeiture. The legislature made the job of these officials difficult by constantly changing its policy on what to do with tenants who could not come up with enough money to buy the fields that they had tilled. Yoshpe, 79, 94, 100, 115. An even more significant delay, according to Yoshpe, was paying loyalist widows, something that the assembly had not wanted to do but judges decided was the state’s legal obligation. *Ibid.*, 108.

²¹ New York Historical Society/Ulster County Records/Box1/Folder 9/Indenture, dated 8 March 1794, processed through the county court of common pleas.

Claims submitted by loyalists who had recanted their allegiance to Britain may also have slowed redistribution.²² Still, in southern New York, where the majority of transfers occurred, almost all of the land expropriated from Tories had been sold by the time the state's surveyor general assumed responsibility for unclaimed territory in 1788.²³ Justice might not have been immediate; nevertheless, those faithful to the rebellion did profit from their beliefs.

According to Harry B. Yoshpe in *The Disposition of Loyalist Estates in the Southern District of the State of New York*, the social transformation intended by the Confiscation Act occurred, but only after speculators had bought, divided, and resold the newly-available land.²⁴ Although Yoshpe does not state why farmers could afford to pay speculators but not the government, two reasons were likely the answer. First, the new owners would have sold plots smaller than the five-hundred acre increments that they had obtained from the state. Second, New York's economy recovered soon after the war, which would have made cash and loans more readily available. Land ownership expanded in two steps because the war for independence, although very much a contest for the support of the populous, was not a class conflict. During the war, propertied New Yorkers occupied the ranks of both rebels and loyalists; after the war, they could be found in both the Federalists and the Antifederalists.

Established rebels used the time between the passage of the Confiscation Act and the end of the conflict to position themselves where they could profit from changes in ownership.

²² Even some loyalists who had taken arms against rebel citizens of the state decided to live under the new government. Not surprisingly, these individuals had trouble integrating into the new society. Replying to a 1784 letter from Col. John Butler, Jelles Fonda confirmed what the former Tory leader had suspected: capable men who had served under his command could not find employment in Tryon County. Wanting the labor, Fonda expressed the hope that Col. Yates, "one of our Members of the legislature," would soon pass a law recognizing the rights of reconciled Tories. Jelles Fonda to Col. John Butler, New York State Library/Manuscripts and Special Collections/Jacob Abbot Collection/SC9691/Item 265 (22 March 1784).

²³ Yoshpe, 27.

²⁴ *Ibid.*, 117.

Christopher P. Yates, who had served the rebel cause not only as chairman of the Tryon Committee and a representative in the Provincial Council but also as an officer in the New York Line, wrote to John Taylor of Albany on 31 August 1779, offering – for a small commission – to help speculators from eastern states who wished to buy land in western New York.²⁵ According to Yates, his long residence “in these Parts” and employment as county clerk, a position which gave him “every Opportunity to become acquainted with the Quality of the greatest part of the fortified lands,” qualified him for the job.²⁶ Well-known rebels also used the last years of the war to gain familiarity with soon-to-be available land. From 18 July to 5 August 1783, George Washington and George Clinton, two former surveyors, traveled the New York frontier together, identifying territory in which to invest. While profiting from the buying and selling land was not new, the Confiscation Act provided this opportunity to all members of the state’s expanded political society.

Despite its delayed effect, the 1779 Confiscation Act fundamentally altered social order in New York. The permanence of this change depended on how residents who had lived under British rule for seven years would react to a political system in which a constitution, not a king, was the ultimate source of political authority. To prevent inhabitants in New York’s southern counties from rioting after the British departed, the Assembly, on the day after it passed the Confiscation Act, directed Clinton to assume temporary control of the region. As Evacuation Day – 25 November 1783 – approached, refugees from the city petitioned the governor for redress if their homes had been destroyed or damaged during the occupation requested his

²⁵ Christopher P. Yates to John Tayle[o]r,” New York State Library/Manuscripts and Special Collections/13640 (31 August 1779).

²⁶ Ibid.

support if they planned to take legal action against loyalists.²⁷ To process these claims quickly, the assembly passed laws limiting the rights of those who had acquired property during the occupation. In 1782, it delayed the repayment of debts rebels owed to loyalists by passing the Citation Act and, in March of the following year, it allowed rebels to recover property seized by loyalists by enacting the Trespass Act.²⁸ Finally, on 21 November 1783, four days before the British left Manhattan, the legislature decided to print broadsides of its 1779 law establishing a temporary government for the formerly-occupied counties.²⁹ By attempting to limit hostility and confusion, New Yorkers with six years of experience in Jay's constitutional system hoped that newly-freed residents would learn to accept a post-imperial political order.

The Return of Contention to New York Politics

Campaigns for political office and decisions made by elected officials are windows through which historians examine, weigh, and understand the issues of the day. The seven Assembly elections held during the years that New Yorkers were beset by British arms were not spirited affairs since reactions to the violence of the first two years of the war had forged a general agreement on the need for independence from Britain. When James Gordon, lieutenant colonel of Albany County's Half-Moon and Ballston Militia Regiment, discussed his candidacy for the third session of the assembly, he did not attack a rival candidate or question any of the

²⁷ For example, see Broadside, "To His Excellency George Clinton . . .," printed by Samuel Loudon in Fishkill, Evan's Digital Archive, Early American Imprints, ser.1, no. 18210 (1 September 1783).

²⁸ According to the Trespass Act, rebels could not only recover property which they had abandoned in their flight from the British but also be paid rent from those who had occupied their houses or worked their farms.

²⁹ "By the Council appointed by the Act of the Legislature, entitled, 'An Act to provide for the temporary Government of the Southern Parts of this State . . .,'" Evan's Digital Archive, Early American Imprints, ser. 1, no. 44421 (21 November 1783).

government's policies for fighting the war.³⁰ Like others seeking office during the war, he sold himself to the electorate by advertising his energy, patriotism, and legislative experience, not by launching *ad hominem* attacks against opponents.³¹

By September 1779, when Gordon took his seat in the Assembly, the internal deliberations of the state government had lost some of their vehemence. Reflecting a growing consensus on the direction of post-war political goals, New Yorkers who served in the assembly, senate, or council of revision agreed on the need to pass laws which adjusted property ownership and altered financial obligations. The Confiscation Act, for example, although renamed, postponed, and amended, was never debated by the assembly or the senate as a committee of the whole.³² Earlier versions of the bill had been contested vigorously in 1777 and 1778, as Edward Floyd De Lancy illustrated in his edited version of Thomas Jones's *History of New York during the Revolutionary War*. After a series of resolutions announcing the existence of the 1779 bill,

³⁰ Instead, Gordon measured his chance of success by identifying voting blocks among the "patroon" and "country" interests and pondered whether calling for a general meeting of the voting public would help or hinder him. James Gordon to Henry Glen, New York State Library/Manuscripts and Special Collections/Jacob Abbott Collection/SC9691/Item 342 (20 July 1779). Gordon's strategy was successful: voters elected him to the assembly for its fall session. 1779 Journal of the Assembly, vol. 3 (18 August 1779).

³¹ For example, a broadside announcing Isaac Roosevelt's qualities for office reminded its readers that "it is at all times of great importance to the security of the people, that the general voice of the Citizens should designate the persons who are to be intrusted with the management of their concerns, and with the guardianship of their lives, privileges and properties of the community, or, in other words, that the people should be represented in the Legislature." Isaac Roosevelt, "At a Meeting of a Number of Inhabitants at Cape's Tavern, on Friday Evening the Twenty-third Instant," Evan's Digital Archive, Early American Imprints, ser. 1, no. 44571 (n.d. 1784).

³² 1779 Journal of the Assembly, 29 (17 September 1779), 30 (18 September 1779), 57 (8 October 1779), 70 (18 October 1779); 1779 Senate Journal, 22 (22 September 1779), 24 (23 September 1779), 25 (24 September 1779), 29 (30 September 1779), 36 (7 October 1779), 46 (13 October 1779). DeLancey expressed surprise at the abrupt reversal of opinion in 1779, especially since, with few exceptions, the legislators who met for that year's sessions were the same legislators who had met for the 1777 sessions. Jones, vol. 2, 524-40. DeLancey did not understand, however, that attitudes and mindsets had changed. The Confiscation Act was a radical piece of legislation which violated legal precedent. It required the struggles inherent with prosecuting a war for lawmakers to overcome their fidelity to the inviolability of property rights.

however, it became law on 22 October 1779 when the council of revision judged that it did not “appear improper.”³³

The polarization which had enabled this legislative reordering of society vanished with the reunion of southern and northern New York. People who had lived for more than seven years under martial law would not rebel against a system of government that had proved a functional alternative to monarchy. Instead, they would protect their wealth by embracing republicanism and the political process on which it was based.

Residents of southern New York, most of whom had displayed at least an outward respect for the crown, had suffered from the British occupation. In his *History of New York during the Revolutionary War*, Thomas Jones, a Tory who had resided in Queens County until attainted by the rebel government in 1779, related numerous instances in which those who allied themselves with Generals Howe and Clinton – quartermasters, barrack-masters, commissaries, and individuals such as Philip John Livingston – profited from the oppression of other New Yorkers who had decided not to oppose the king. By claiming that all New Yorkers who lived or owned land in rebel-controlled territory were disloyal subjects, courts of police, tribunals established to hear criminal and civil cases in British New York, took the property and wealth of loyalists who might have done more to contest rebel control of upriver governments if the British had not treated them so poorly.³⁴

Perhaps influenced by the promise of greater individual liberties, New York City’s wartime population welcomed the return of rebel governance with celebrations, not riots. When this euphoria passed, however, Manhattan’s conservative merchants quickly found their political

³³ 1779 Journal of the Assembly, 80 (22 October 1779).

³⁴ See Jones, vol. 2, especially chapters 3, 5, 6, and 7.

voice. On 29 December 1783, after only a month of temporary government, city leaders held assembly and senate elections. Broadside printed to win votes in these contests demonstrated clearly that contention had returned to New York politics. Juvenis, writing “to the Mechanicks and Free Electors of the City of New-York,” enumerated national issues which the republic faced and warned that choosing candidates who did not know how to address them would injure the prosperity of the state.³⁵ Meant by the authors to convey the importance of electing those best positioned to protect property and prevent onerous taxes, this broadside targeted laborers and artisans, a population about whose interest the merchant class had been little concerned before the war. Unfamiliarity with the electorate did not prevent Juvenis from declaring that “the prosperity of the Mechanic depends on that of the Merchant.”³⁶ In another broadside printed the same day, Cincinnatus employed a different tactic to promote mercantile interests. Stating that the wealth that had come to America’s enemy in the recently-ended conflict was derived from trade, he suggested that New York, governed correctly, could duplicate Britain’s economic success.³⁷

Opposing this position, “A Friend to Mechanicks” wrote that the city’s middle class was the key beneficiary of rebellion. Warning his readers against being made puppets by those who controlled capital, the author reminded them that

³⁵ Juvenis, “To the Mechanicks and Free Electors of the City and County of New-York,” Evan’s Digital Archive, Early American Imprints, ser. 1, no. 44467 (22 December 1783).

³⁶ *Ibid.*

³⁷ In his broadside, Cincinnatus asks rhetorically, on “what [does] the city of New-York . . . [have] to rely,--not only for her own *existence*, but for that of an *adjacent* county? In one word, it is COMMERCE;---a wide, extended and universal Commerce with all the nations---Merchants and Traders of the world.” Cincinnatus, “To the Electors of this City at large,” Evan’s Digital Archive, Early American Imprints, ser. 1, no. 44466 (23 December 1783).

The very rich and very poor, in all communities, are few, compared to the *middle order*; in this class I place you. *You are the people*, the riches,---the pride, of a county. Your consequence is great;---act up to it.³⁸

Along with similar pronouncements by those allied to the governor, A Friend to the Mechanics inton's election as governor in 1777, this broadside envisioned a society in which legislation similar to the Confiscation, Citation, and Trespass Acts would preserve the gains won by military conflict.

Although opposed to each other ideologically, the political interpretations adumbrated by Juvenis and Cincinnatus on one side and A Friend to Mechanics on the other suggest that the leveling which had occurred since the constitution's enactment would remain part of New York's social structure. These partisan pamphleteers did not advocate a return to an hierarchical class system. Instead, supporters of both localism and commercial opportunity campaigned to win the votes of the newly-enfranchised middle class. Leaders of both positions argued not just about who should rule New York – the basis of colonial conflicts between Dutch and Anglican, Leislerian and Anti-Leislerian, DeLancey and Livingston – but over how best to advance the prosperity, freedom, and rights of those living in the state.

After 25 November 1783, the central issue dividing political New York was Congress's plan to impose a duty on imports coming into the republic. Supported by Clinton for nationalist reasons in 1781, this five-percent impost would provide the confederation with revenue that could not be adjusted by state legislatures. Although accepting that New York would pay a larger share of the tax than other states – a consequence of the state's excellent harbor – Clinton would not countenance the levy being collected by anyone but a New Yorker. Accordingly, when presented with a petition to amend the Articles of Confederation in 1783, he used his

³⁸ A Friend to Mechanics, "To the Worthy and Industrious Mechanics of this State," Evan's Digital Archive, Early American Imprints, ser. 1, no. 44469 (n. d. 1783).

influence to reject the proposal. Writing as “A rough hewer,” “Sidney,” “Rough hewer,” and “Rough hewer, jr.,” Clinton-ally Abraham Yates made the governor’s case to New York’s newspaper-reading public.³⁹ According to *A Rough Hewer*, a sovereign power which surrendered the right to tax its people subjected itself to tyrannical governance.⁴⁰ Because amendments needed the support of every state in the confederation, Clinton’s opposition defeated the proposal.⁴¹

Clinton had less success imposing his will on his own state. The Trespass Act, which allowed rebel owners to recover property abandoned during their flight from the British, lasted for little more than a year. Although passed by the legislature in March 1783, the law was interpreted and applied by James Duane, the City of New York’s newly-elected mayor. In June 1784, Duane invalidated the legislation by deciding against the plaintiff in *Rutgers v. Waddington*, a case argued before him in the Mayor’s Court. Defending a woman who had run a brew house after its owner had fled the city in 1776, Alexander Hamilton persuaded Duane that the clause in the act preventing defendants from “plead[ing] justification [by] any military order

³⁹ Linda Grant De Pauw, *The Eleventh Pillar: New York State and the Federal Constitution*, published for the American Historical Association (Ithaca, New York: Cornell University Press, 1966), 35-36.

⁴⁰ Antifederalists reprinted Yates’s articles when the impost reemerged as an issue in Congress. *A Rough Hewer*, “Advocates for a Congressional Revenue in the State of New-York,” in *Political Papers, addressed to the Advocates for a Congressional Revenue of the State of New-York*, Evan’s Digital Archive, Early American Imprints, ser. 1, no. 20168, 8 (n. d. 1786).

⁴¹ New York was the lone nay vote in Congress. When asked by Connecticut Congressman Stephen Mix Mitchell to reconsider the impost, Clinton refused to call a special session of the legislature. John P. Kaminski, *George Clinton: Yeoman Politician of the New Republic*, New York State Commission on the Bicentennial of the United States Constitution and the Center for the Study of the American Constitution (Madison, WI: Madison House, 1993), 93-94.

or command whatsoever for such occupancy” did not apply to William Howe who, as commander-in-chief of British forces in America, had held civil authority in occupied towns.⁴²

Duane’s interpretation of the Trespass Act incensed Clinton supporters. In “To the People of the State of New York,” Melancton Smith and eight others criticized Duane for exercising an authority that he did not possess.⁴³ According to the authors, the mayor’s decision subjected all laws passed by legislators to the approval of a judicial body, a precedent that, in their view, was unconstitutional.⁴⁴ Hamilton believed that he had argued the more constitutionally-sound position, however. Government’s *raison d’etre*, according to him, was to protect a citizen’s right to property; authority, whether in the form of civil legislation or in the guise of martial law, existed to secure that right.

Supporters and opponents of the Trespass Act disagreed with each other vigorously and vehemently. Unlike debates which had preceded the rebellion, however, the opposing sides argued over how, not if, to incorporate individual rights into the political system. By 1784, the idea that government needed to mirror an hierarchical ordering of social class, so central to the maintenance of order in colonial New York, had been replaced with a debate over whether centralized or decentralized government best advanced the future of the individual. Those participating in the dialectic had their political outlooks forged by service on committees of safety, in militia units formed by the committee system, or as members of conspiracy commissions. Common experiences connected members of the emergent Federalist and

⁴² Melancton Smith, et al., “An Address from the Committee Appointed at Mrs. Vandewater’s on the 13th Day of September, 1784, to the People of the State of New York,” printed by Shepard Kollock, Evan’s Digital Archive, Early American Imprints, ser. 1, no. 18320, 3 (13 September 1784).

⁴³ *Ibid.*, 6

⁴⁴ *Ibid.*, 10.

Antifederalist parties; what they disagreed on were not ultimate goals but the role of government at the local, state, and continental levels.

Rutgers v. Waddington introduced the two individuals who would best articulate opposing views of how early national New York should be governed. Arguing for the plaintiff, Alexander Hamilton espoused the Federalist ideology to which established leaders such as his father-in-law, Philip Schuyler, and James Duane ascribed. Likewise, Melancton Smith, the lead author of the address lambasting the mayor's decision, voiced the sentiments held by Hudson Valley Antifederalists such as Peter T. Curtenius, the former Dutch Reformed minister and commissary general of the northern department, and Abraham Yates, the Albany County lawmaker. Both Hamilton and Smith were self-made men who had risen to positions of importance by displaying their aptitude to leaders of the rebel cause. For the next four years, these New Yorkers defended conflicting interpretations of the ideal political social order during Shays's Rebellion and, famously, the debate over a new federal constitution.

Representatives met in Philadelphia during the summer of 1787 to solve problems different from those which New Yorkers were suffering. While the rest of the continent was struggling to return to prosperity, Clinton had pulled New York out of its post-war depression by imposing what he would not let the confederal government enact: a levy on imported goods. This duty aggravated politicians from other states, especially New Jersey and Connecticut, whose residents paid the tax but did not benefit from the expenditure of the revenue in their states. Because of this enmity, New York's congressional representatives failed to win support on any of the issues – Vermont, forcing British soldiers out of Fort Oswego, the state's jurisdiction over Iroquois territory – that mattered most to Hudson and Mohawk Valley residents,

but not to citizens of other states or people with commercial employment in New York City).⁴⁵

As a movement for a revised federal government began to grow, those who had participated in or had been led by the committee system during the war feared that a consolidated government would sacrifice local interests for national ones.

By devoting his 18 October 1784 legislative address to issues which threatened New York's sovereignty, Clinton elevated the interests of his upstate constituents above those of the republic.⁴⁶ This internal focus had two results. First, it further separated him from New York City's mercantilist faction. Second, by refusing to honor the 1783 Treaty of Paris, it solidified rebel control of loyalist property. Upset at Congress's failure to support him on issues regarding New York's right to exist as an independent political entity, the governor made the advancement of those who had elected him to office the sole object of his political energies.⁴⁷

State laws and local courts helped Clinton achieve his goal. As committees for detecting and defeating conspiracies had during the war, courts of common pleas – civil tribunals in which the state was often a litigant – determined who received the benefits of New York citizenship after the conflict ended. As Clinton-supporter Isaac Roosevelt reminded readers in a 1784 broadside on behalf of “a number of inhabitants at Cape's Tavern,” the legislature had established who could vote for state officials in an act passed on 27 March 1778.⁴⁸ According to this law, “all those who since the ninth day of July, 1776, *before any public body*, (including the committees of conspiracy) have *avowed* allegiance to the British government” were excluded

⁴⁵ Kaminski, 63.

⁴⁶ George Clinton, “The Speech of His Excellency the Governor, Delivered this Morning to the Legislature, in the City-Hall,” Evan's Digital Archive, Early American Imprints, ser. 1, no. 44573 (18 October 1784).

⁴⁷ Ibid.

⁴⁸ Isaac Roosevelt, “At a Meeting of a Number of Inhabitants at Cape's Tavern, on Friday Evening the Twenty-third Instant,” Evan's Digital Archive, Early American Imprints, ser. 1, no. 44571 (n.d. 1784).

from the privilege.⁴⁹ To prevent hearsay from determining one's political position, courts of common pleas judged questionable cases.⁵⁰ Together, laws and courts enfranchised the governor's base of political support: Antifederalists in the Hudson and Mohawk Valleys.

After their experience with commissions for detecting and defeating conspiracies, New Yorkers accepted county and state courts in their public lives. Massachusetts's claim to Iroquois territory made both Antifederalists and Federalists in New York fear a national court system, however. When the Bay State asked Congress to appoint a confederal court to adjudicate its 1629 and the Duke of York's 1664 charters, Clinton opposed arbitration, fearing that agreeing to a settlement would legitimate a neighboring state's spurious claim.⁵¹ Fortunately for New York, Daniel Shays and other farmers in western Massachusetts rebelled against the Boston government in late 1786.⁵² Worried that these instigators would flee west, James Bowdoin, the governor of Massachusetts, "demanded" that Clinton help capture them.⁵³ Making the most out of an opportunity, the governor responded by not only asking his sheriffs, justices, and citizens to

⁴⁹ Ibid.

⁵⁰ According to Roosevelt, the 1778 law did not specify how one's eligibility to vote would be determined, leaving "no other method, under the act, than trial in a court of law." Ibid.

⁵¹ George Clinton, "The Speech of His Excellency the Governor, Delivered this Morning to the Legislature, in the City-Hall," Evan's Digital Edition, Early American Imprints, ser. 1, no. 44573 (18 October 1784).

⁵² Shays's Rebellion was an attempt by farmers in western Massachusetts to oppose the state government's attempt to reimburse those who held promissory notes issued during the war (mostly eastern merchants) with money gained by taxing those who possessed land, owned livestock, and had many sons (mostly western farmers). Upset at the unequal burden that they had to carry, leaders of certain towns west of Boston utilized familial and communal ties to force the closure of county courts and attempt a seizure of the federal arsenal at Springfield. See Leonard L. Richards, *Shays's Rebellion: The American Revolution's Final Battle* (Philadelphia: University of Pennsylvania Press, 2002). Despite sharing a similar divide between its littoral and inland populations, New York did not experience a similar uprising in 1786 because its debt was rapidly decreasing, the court system established by its 1777 constitution was more localized than that established by Massachusetts's 1780 constitution, and, most importantly, its government had just given inland farmers land once owned by Tories. If its Vermont counties are excluded, New York was, for the first time in a century and a half, more unified than its eastern neighbor.

⁵³ George Clinton, "Postscript to the Albany Gazette: A Proclamation," Evan's Digital Edition, Early American Imprints, ser. 1, no. 49615 (8 March 1787).

search for the men but also gaining the legislature's approval to pay the reward that Bowdoin was offering for their apprehension.⁵⁴ By demonstrating respect for order and a willingness to help, Clinton made it difficult for Bowdoin to claim that his state could administer land west of the Hudson River better than New York could. On 16 December 1786, negotiators from the two states resolved the issue in New York's favor with the Treaty of Hartford.⁵⁵

Clinton's political power throughout the 1780s came from the constituency which had first elected him to office in 1777: landowners in the Hudson and Mohawk River Valleys. Although the freeing of southern New York had introduced mercantilist-based opposition to his policies, the 1779 Confiscation Act had created a class of newly-propertied residents, most of whom supported Clinton's policies. Individuals on both sides of the political divide cultivated mechanics, former soldiers, and new property holders in an attempt to win office, converting elections into mandates on the type of government which New Yorkers wanted to follow. The political mobilization from which Clinton had benefited throughout his career would be on display during the election of delegates to the Poughkeepsie Convention in 1788. How those delegates would respond to the federal constitution signed by thirty-seven delegates in Philadelphia the previous summer would determine whether the social changes of the revolutionary period would continue into the final decade of the eighteenth century.

⁵⁴ Ibid. Clinton's motivations for supporting the Massachusetts governor derived from either his desire to solidify his state's hold on western New York (former Tryon County) or his attempt to keep Vermont in New York.

⁵⁵ The Treaty of Hartford gave New York sovereignty over Iroquois land but allowed residents from Massachusetts to purchase territory and settle the area. In 1926, the Supreme Court of the United States clarified New York's jurisdiction over land bought by Massachusetts settlers. *Commonwealth of Massachusetts v. State of New York*, 271 U. S. 65 (S. Ct. 1926).

The 1788 Poughkeepsie Convention

The ratification debate mattered to New York's increasingly-large political society. Both Federalists, supporters of the proposed constitution, and Antifederalists, opponents of a new continental government, saw the question as a referendum on what eight years of military conflict had meant for the state. Antifederalists believed that local governance best secured individual rights and freedoms. Led by former committee members and militia officers, this faction feared the consolidation of political power at the federal level. It advocated powerful local courts presided over by judges who knew the people they tried. Federalists, on the other hand, believed that rights and freedoms could be protected from outside threats only by a government which could speak and act for the states as a whole. The dialectic between the two groups would, perhaps even more so than in other states, inform how people related to, interacted with, and accepted government over the next three-quarters of a century.

The last few months of 1787 primed New York's newspaper-reading public for the following year's debate over the proposed federal constitution.⁵⁶ Alexander Hamilton, the only New Yorker to attend meetings in Philadelphia after it became clear that the convention would be proposing a new system of government, attacked Gov. George Clinton in late September, assuming – correctly, as it turned out – that he would oppose a reordering of political power. “Cato” responded for the Antifederalists in October, warning New Yorkers not to surrender their political voice to those who would use it for their own ends.⁵⁷ Melancton Smith entered the

⁵⁶ “State of New York: In Assembly,” Evan’s Digital Archive, Early American Imprints, ser. 1, no. 45311 (31 January 1788).

⁵⁷ It is unclear who wrote the five Cato essays. In *The Eleventh Pillar*, De Pauw credits Abraham Yates, the Albany Antifederalist who had previously written as “Rough-Hewer” and other pseudonyms. De Pauw, 290-91. John Kaminski believes that De Pauw underestimated Clinton’s scholarly mind, claiming that the governor himself was responsible for the letters. Kaminski, 131-35, 309n -10n.

debate in November, arguing for a powerful Congress, increased representation, and protections for individual rights in his first Letter from the Federal Farmer.⁵⁸ Meanwhile, Hamilton, with the help of John Jay and the Virginian James Madison, attempted to persuade New York's voting public of the wisdom of federal government in their Publius essays, a series of eighty-five newspaper articles later consolidated and published as *The Federalist*.

Despite the noise generated by newspapers, nothing guaranteed that Clinton would ask the legislature to convene a ratifying convention. The governor did not feel compelled to do so because New York had not participated in the Philadelphia Convention (Hamilton, on his own, had no vote) and the Confederation Congress had no mechanism to force compliance.⁵⁹ Nor did ideology impel him. The past few years had taught him not to trust Congress and its machinations. Even as he advanced the interests of New Yorkers, however, he was not in the habit of ignoring guidance from the Confederation Congress. Along with his service as a militia general during the war, the governor had held a commission as a general of continental forces. Additionally, he knew Washington, president of the Philadelphia convention. In Clinton's understanding, while consolidated government should not impinge on state sovereignty, it could provide political direction. He therefore responded to the issue of a convention in a manner which reflected both his respect for Congress and his belief in the sovereignty of his state. Refusing to surrender his right to determine when the legislature met, the governor waited until 11 January 1788, after both houses had assembled quorums, before laying Congress's request before them. By the month's end, the legislature had resolved to convene the same number of

⁵⁸ Robert H. Webking, "Melancton Smith and the Letters from the Federal Farmer," *William and Mary Quarterly* 3, vol. 44, no. 3 (July 1987): 340, 357.

⁵⁹ Matthew Visscher, Anti-Federal Committee, "To the Independent Electors, of the City and County of Albany," Evan's Digital Archive, Early American Imprints, no. 45379 (15 March 1788). All states except for Rhode Island held a convention. North Carolina held a convention and rejected ratification. New Hampshire, which would become the ninth state to accept the constitution, held two.

individuals “as the number of members of Assembly from the respective cities and counties” in the Poughkeepsie courthouse.⁶⁰ These delegates would be elected “on the last Tuesday in April next” by “free male citizens of the age of twenty-one years, and upwards.”⁶¹

Politics extended the franchise in New York.⁶² In the colonial era, only those who owned a certain amount of property had been allowed to vote. The 1777 Constitution increased the pool of potential voters, granting franchise to tenants who farmed plots of a certain size.⁶³ The 1779 Confiscation Act (and subsequent re-division and parceling off of bounties), by making landholders out of more citizens, further expanded the electorate.⁶⁴ Finally, by eliminating the prerequisite of property ownership in the election of convention delegates, Antifederalists succeeded in gaining votes from a population which favored their policies: farmers suspicious of wealthy merchants.

Newspaper writers made ratification the dominant political discussion during the spring and summer of 1788.⁶⁵ Federalists and Antifederalists caucused in each county to propose

⁶⁰ “State of New York: In Assembly,” Evan’s Digital Archive, Early American Imprints, ser. 1, no. 45311 (31 January 1788).

⁶¹ Ibid.

⁶² New York would not adopt universal white male suffrage until 1821. Chilton Williamson, *American Suffrage from Property to Democracy, 1760-1860* (Princeton: Princeton University Press, 1960, 195-207).

⁶³ According to the 1777 constitution, “every male inhabitant of full age, who . . . [possessed] a freehold of the value of twenty pounds . . . or have rented a tenement therein of the yearly value of forty shillings” could vote for assembly members. Residents possessing freeholds of at least one hundred pounds could elect senators and the governor. Lincoln, vol. 1, 170-72, 175. Although these qualifications were inclusive for 1777, the standards for electing assemblymen accounted for only seventy-eight percent of the adult males in 1821, before the constitutional convention of that year, while the standards for electing senators constituted only thirty percent of the same population. Williamson, 197.

⁶⁴ Linda De Pauw claims that, because of the state’s already permissive voting standards, universal adult-male suffrage in the convention election increased the franchise by only four-thousand men. De Pauw, 141, 143, 146. Although valid, this number does not reflect the increase that came from the 1779 Confiscation Act, which had already made men of middling backgrounds property owners and, therefore, part of the electorate.

⁶⁵ At over seven months in length, the ratification process in New York was longer than that in any other state. De Pauw, x.

delegates to the convention, as well as candidates for the 1788 assembly sessions. Party leaders introduced their nominees in broadsides and newspaper articles and explained why readers should vote for them.⁶⁶ In one handbill, Antifederalists in Albany warned that “an entire new System of Government” would impair the “Liberties of the People.”⁶⁷ In their view, voters needed to elect representatives who would protect free expression and individual rights, what they saw as their rewards for winning the fight against imperialism. In contrast, Federalists from the same city hoped voters would recognize that “HARMONY and GOOD GOVERNMENT . . . [were] superior to a State of *Anarchy* and *Confusion*,” and elect the names which they had proposed in various formats.⁶⁸ To them, decentralized government would leave property insecure “and Liberty without a substantial Basis.”⁶⁹

In their publications, both Federalists and Antifederalists employed rhetoric which played on the fears of the populations from which they sought votes. In a clever ploy, Antifederalists addressed a handbill “to the independent electors of the City of New-York,” misleadingly listing its authors as John Jay, Alexander Hamilton, and “Many Federalists.”⁷⁰ The broadside pretended

⁶⁶ After listing candidates, authors of these articles and broadsides devoted the rest of the page to explaining their choices for delegates to the convention, not assemblymen. See Matthew Visscher, Anti-Federal Committee, “To the Independent Electors, of the City and County of Albany,” Evan’s Digital Archive, Early American Imprints, ser. 1, no. 45379 (15 March 1788) for the Antifederalists and Robert M^cClallen, chairman of the Federal Committee, “To the Independent Electors, of the City and County of Albany,” Evan’s Digital Archive, Early American Imprints, ser. 1, no. 45257 (16 March 1788) for the Federalists.

⁶⁷ Matthew Visscher, Anti-Federal Committee, “To the Independent Electors, of the City and County of Albany,” Evan’s Digital Archive, Early American Imprints, ser. 1, no. 45379 (15 March 1788).

⁶⁸ Robert M^cClallen, chairman of the Federal Committee, “To the Independent Electors, of the City and County of Albany,” Evan’s Digital Archive, Early American Imprints, ser. 1, no. 45257 (16 March 1788).

⁶⁹ “Friends and Countrymen,” Evan’s Digital Archive, Early American Imprints, ser. 1, no. 45313, 17 (n. d. 1788).

⁷⁰ Many Federalists, “To the Independent Electors of the City of New-York,” Evan’s Digital Archive, Early American Imprints, ser. 1, no. 21501 (n. d. 1788). The day after the printing of the “Many Federalists” broadside, One and All addressed a handbill “To the Citizens of New-York,” warning them that “the enemies of federalism” had authored the previous day’s announcement. According to One and All, “no *Federalist* had any hand in the

to assuage the fears of voters who were considering casting their ballots for a lawyer, informing them that the convention needed one or two members from that profession to ensure that it proposed amendments which limited the power of federal courts.⁷¹ Knowing that even a qualified endorsement of lawyers would be repugnant to readers who favored local government, the Antifederalist authors hoped to make their nominees look good by comparison. A handbill “To the Citizens of New-York,” printed the day after “To the Independent Electors of the City of New York” appeared on the streets, informed city residents of the Antifederalists’ trickery. This Federalist publication was disingenuous as well, incorrectly claiming that the previous day’s broadside had “raise[d] a cry against the LAWYERS” while “leaving out the JUDGES.”⁷² It went on to make the same argument that the Antifederalist publication did: that the proposed constitution’s judicial system violated New York’s sovereignty.

Members from both political parties railed against a federal court system because they feared that judges from other states, acting with federal authority, would invalidate the property transfers from which they had profited over the last decade. A court with jurisdiction over suits between Americans and residents of another country would allow loyalists in Canada to sue New Yorkers for their abandoned land and possessions. Unlike the judges who sat on commissions for detecting and defeating conspiracies, judges from other states, ignorant of local history and mitigating factors, might consider honoring the 1783 peace treaty with Britain as more important to the good of the republic than defending the possessions of individual New Yorkers. Although

paper, signed MANY FEDERALISTS; and that it is a mere contrivance to *divide and rule*.” One and All, “To the Citizens of New-York,” Evan’s Digital Archive, Early American Imprints, ser. 1, no. 21500 (29 April 1788).

⁷¹ Many Federalists, “To the Independent Electors of the City of New-York,” Evan’s Digital Archive, Early American Imprints, ser. 1, no. 21501 (n. d. 1788).

⁷² One and All, “To the Citizens of New-York,” Evan’s Digital Archive, Early American Imprints, ser. 1, no. 21500 (29 April 1788).

Federalists and Antifederalists had different ideas about how to protect the rights that military conflict had secured for the state, they sought the same thing: a permanent change to the social order.

Solidifying social change mattered to New Yorkers. New York's politically-interested residents participated in the delegate election because they did not want their wartime sufferings to be in vain.⁷³ Because of the increased franchise, twice as many Antifederalist delegates were elected as Federalist ones. Sectional imbalance prevented any county from sending a mixed delegation to Poughkeepsie: representatives from Kings, New York, Richmond, and Westchester Counties were all Federalists; those from other counties were all Antifederalists.

While campaign broadsides explained the views of Federalists and Antifederalists and voting results identified the interests which county residents thought important, the debate on the floor of the Poughkeepsie state house in the summer of 1788 furthered a detailed discourse on the advantages and risks of centralized government begun in the Publius essays and Letters from a Federal Farmer. Articulating competing ideas of how the state should relate to a federal government, Alexander Hamilton, Melancton Smith, and others explored the consequences of ratification, challenging and answering each other through argument and logic.⁷⁴ After electing Clinton as their chair and listening to a reading of the proposed constitution, the assembled delegates debated the proposed document article by article, section by section. Early in the convention, Smith pushed his plan to increase membership in the House of Representatives, believing that the more legislators it held, the more yeomen would fill its seats.⁷⁵ Making it clear

⁷³ The election was important enough that almost five-thousand merchants and artisans paraded through New York City in support of the Constitution. Tomlins, 89-90.

⁷⁴ Hamilton and Smith dominated the debate in the convention, combining for over half of the addresses made in the general committee. De Pauw, 198.

⁷⁵ Elliot, 242.

that he did not want to exclude those born to wealth or privilege, he nonetheless felt that men of middling circumstances would bring wisdom and thrift to government, traits which would compensate for the cost of their salaries.⁷⁶ Understandable from someone who earned his position in society by demonstrating a capacity for hard work and dependability, this observation upset Federalists in the courthouse. Alexander Hamilton responded by stating that economic frugality – and mastery – could be accomplished by men of any rank, a comment which fit his temperament as much as Smith’s outlook fit his. Two days later, R. R. Livingston, a member of one of New York’s most-established families currently serving as the ranking judicial official of the state, added that wealth did not equate to character or ability to represent others. According to him, “a poor man [would] contend for a constable’s staff with as much assiduity and eagerness as a man of rank . . . [would] aspire to a chief magistracy.”⁷⁷ In the new republic, aristocracy was a classification of talent and ability, a portion of society to which the entire gathering belonged.⁷⁸

After debating the articles and sections, Antifederalist delegates proposed an amendment limiting Congress’s power to tax citizens. Favoring the restriction, Smith argued that consolidated government “would not be disposed to make [the] nice distinctions with respect to jurisdiction” that states would.⁷⁹ Federalists, fearing that the popularity of this and similar alterations would condition, and therefore defeat, ratification, won the consensus of the delegation that amendments could not be voted on until after the document itself was considered.

⁷⁶ Ibid., 243-45.

⁷⁷ Ibid., 270.

⁷⁸ According to Livingston, “We are all equally aristocrats . . . Officers, emoluments, honors, are open to all.” Ibid., 270.

⁷⁹ Ibid., 355.

The proposal won the support of enough Antifederalists to pass because it ensured that their suggested improvements would be read by congressmen along with the result of the ratification vote.

For their part, Federalists agreed with Antifederalists on the danger of the judicial clauses in the proposed constitution and wanted amendments proposed to rectify what they saw as a weakness in the planned government. Having just fought a war to free themselves from an imperial power, members of both parties feared the assault on state sovereignty that Article Three foreshadowed. Committees and commissions for detecting and defeating conspiracies had exercised judicial power during military conflict because they were either local or appointed by state authorities. Judges on federal courts, on the other hand, could decide issues that New Yorkers had with residents in Massachusetts or New Hampshire without considering New York law. No delegate at Poughkeepsie, Federalist or Antifederalist, opposed Smith's amendment denying the Supreme Court original jurisdiction on any state matter and prohibiting it from hearing cases judged by New York courts unless a writ of error had been filed.⁸⁰

At issue were not only states' rights but, as Antifederalist Samuel Jones's proposal for a bill of rights indicated, individual rights as well.⁸¹ To delegates of both factions, the danger of a federal constitution was its distance from the people. By its authority to negate state law and curtail the freedoms of New York citizens, the document portended a level of intrusion that was anathema to life in a republican society.

Jones, an Antifederalist from Queens County, voted for ratification. Joining him on Friday, 25 July, were eighteen Federalists and eleven Antifederalists: thirty yea ballots. With

⁸⁰ Ibid., 381.

⁸¹ Ibid., 382.

twenty-seven delegates voting against ratification, the motion to accept the constitution unconditionally passed, making New York the eleventh state to join the new government. With opposition to consolidation so vehement in the state, why did twelve Antifederalists dishonor their electors? *Volte-faces* by two individuals changed the balance. Jones, happy with the convention's decision to recommend that the first national congress pass a bill of rights, not only changed his vote but influenced the other three Antifederalist delegates from Queens County to do the same.⁸² All four had been elected narrowly by voters from a part of the state that had been loyalist-leaning before it was occupied by the British.⁸³ By advocating a bill of rights, Jones assuaged the fears of Queens residents that a centralized government would become tyrannical. At the same time, by voting for ratification, he supported those whose futures would benefit from regulated and protected commerce.

Melancton Smith, who had led the floor debate for the Antifederalists, likewise voted for ratification. Why an ardent believer in localism would mitigate the sovereignty of his state by placing it under a consolidated government is not difficult to divine: he voted for ratification because, while the Poughkeepsie Convention met, New Hampshire and Virginia had joined the new government. New Hampshire was both a neighbor and the ninth state to ratify the new government.⁸⁴ Its vote assured that a new government would meet next spring. Virginia's ratification influenced Smith even more. The former Poughkeepsie merchant realized that it was not in his state's best interest to be in a position where it might have to oppose the largest state in

⁸² De Pauw, 251-52.

⁸³ Tiedemann, 443.

⁸⁴ In a letter to Nathan Dane of Massachusetts, written on 28 June, Smith confessed that New Hampshire's ratification had weakened the position of his party. Robin Brooks, "Alexander Hamilton, Melancton Smith, and the Ratification of the Constitution in New York," *William and Mary Quarterly* 3, vol. 24, no. 3 (July 1967): 347.

the Confederation.⁸⁵ Time spent commanding rangers in the service of the Provincial Council had taught Smith that acting for the collective good not only gave you a public voice but also offered the best chance for individual advancement. His personal relationships likely turned two nea votes to yea ones; his political influence may have turned even more.⁸⁶

Ratification brought New York into the new federal government; it did not, however, change the way residents viewed property rights, citizenship, or judicial authority. Independence – accomplished locally by the establishment of a new government and continentally by defeating the British army – had already removed King George III as the matrix of their political authority. Although a strong federal constitution established a new foundation for unity among the states, it was not monarchical rule. Operating on the principle of *imperium in imperio*, the new federal government did not invade the lives of New Yorkers, limit their freedoms, reverse the leveling effect of the 1779 Confiscation Act, disadvantage farmers, or hurt merchants. It did not even slow the rate of change in the state; the reentry of a mercantile interest after the British evacuation had already checked the agrarian positions of the small farmer and former tenant.

People will create radical alterations of how they are ordered, such as the transfer of property and the leveling of classes, only if they can anticipate a future state of conformity and harmony. In New York, the newly-constituted government was able to increase property ownership, expand the franchise, and change the way people related to each other because the

⁸⁵ Two days before casting his vote, Smith “arose, and declared his determination to vote against a condition [to an acceptance of the Constitution]. He urged that however it might otherwise be presumed, he was confident in his principles and conduct. He was as thoroughly convinced then as he ever had been, that the Constitution was radically defective, amendments to it had always been the object of his pursuit, and until Virginia came in, he had reason to believe they might have been obtained previous to the operation of the *Government*.” Supplement Extraordinary to the *Independent Journal*, Evan’s Digital Archive, Early American Imprints, ser. 1, no. 21172 (28 July 1788).

⁸⁶ Robin Brooks believes that Smith influenced as many as ten of the fifty-six members of the convention who cast ballots, including Gilbert Livingston (Smith’s lawyer) and Zephaniah Platt (Smith partner in land-speculation). Brooks, 340, 342-43, 357.

committee system, in order to secure its legitimacy, had made participation in the rebellion politically important. Once those living in the newly-freed portions the state had assented to a widened definition of citizenship, further change would occur through only the political process. As shown by the ratification debate, this process entailed compromise and a sustained effort to convince New Yorkers. In the end, it secured federal protection for a new political system without sacrificing state sovereignty, local agency, or individual freedoms. Federalists won the ratification vote but the Antifederalist vision of a strong localized government would prevail in New York for more than half a century.

Conclusion

By 1788, New Yorkers believed that government existed to protect individual rights, not maintain an hierarchical social order or concentrate wealth. Local courts reflected this perception. When two farmers disputed the legality of Cornelius Schoonmaker's ownership of land in Ulster County in April 1791, for example, the former Antifederalist representative to the Poughkeepsie Convention sought redress in the county's legal system. Filing a complaint against Daniel Woodworth and Benjamin Credit for their "forcible entry and detainer" of property which he had purchased less than a year previously, Schoonmaker allowed a twenty-three man jury presided over by a county justice of the peace to judge whether his claim was more valid than a deed which had originally belonged to one of his political opponents in 1788: New York chancellor Robert R. Livingston.¹ Schoonmaker won his case, being allowed to repossess his estate with the help of the county sheriff, if needed.²

It was unlikely that Schoonmaker would have won his case if the war had not changed how judges interpreted the law in New York and how the jury-eligible segment of the population interpreted the facts presented to them. Before the rebellion, a conflict over who held title to two-hundred acres of land and its messuage would have been resolved by a representative of the king: either the governor; a provincial court composed of jurors chosen by the governor; or, if the purchase was from a patent issued by the governor, the grandee of the manor (Livingston for

¹ The chancellor was referred to incorrectly as "W" Livingston in the minutes of the proceedings, New York Historical Society/Ulster County Collection, 1666-1893/Series II: Ulster County (1650 - 1893)/Box 1/Folder 9/#75: Minutes of the Proceedings (5 March 1791); Ibid., #73: Notice to Daniel Woodworth and #74: Notice to Benjamin Credit (5 March 1791).

² Ibid., #78: Jurors' Findings; #79: Judge's Decision (5 March 1791). Proceedings of the Provincial Council, *Force*, ser. 4, vol. 5, 1485 (2 May 1776).

the suit in question). Instead, William Cross, an elected justice who had served as chairman of the Hanover Precinct Committee during the rebellion, directed the county sheriff to “determine . . . [if any] Felonies, Trespasses, and other misdemeanors” had been committed so that a jury could decide the case.³ What Schoonmaker and his Antifederalist friends feared would happen if New York ratified the Constitution – the emergence of a centralized judicial system capable of trampling individual rights – had not been realized. The legal system forged by rebels trying to justify their opposition to imperialism survived the consolidation of political power in the new federal government. Furthermore, as someone whose rights as a citizen had been violated, Schoonmaker could now seek redress in a civil court.⁴

As the decision over Schoonmaker’s property illustrates, more than New York’s political system had changed. Independence from Britain, an increase in land ownership, and the enlargement of the franchise had combined to imbue government with a new purpose. No longer was politics a competition among classes and interests for control of the state but, instead, an argument over how best to improve the lives of industrious residents such as Schoonmaker. In colonial times, hierarchical government had been necessary to unify the province; in order to be a constituted whole, those who owned the wealth and territory of the colony, such as the Livingstons, were subordinate to the governor but socially, politically, and legally superior to the propertyless. Although the ethnic complexity, religious pluralism, and geographic separation of residents had, at times, forced provincial leaders to accept diversity in order to promote unity, colonial governors always wanted to order the populace by making it as homogeneous as possible. After independence, New Yorkers came to see government as the protector of

³ Ibid., #78: Juror’s Findings (5 March 1791); Ibid., #79: Judge’s Decision (5 March 1791).

⁴ Ibid., #79: Judge’s Decision (5 March 1791).

individual rights and freedoms. People competed for offices because they thought that they knew what was best for the state and its many citizens.

Widespread possession of individual rights combined with opportunities for land ownership in Iroquois territory to imbue New Yorkers with the desire to better their individual and familial lives. Those with money invested in projects or speculated in expansion while those without means sought cheap land on which they could establish themselves.⁵ Sometimes friends formed associations to pool resources in the search for riches. On 7 April 1797, over thirty men from Ulster County – almost all of whom had participated in the war – joined together in a venture to acquire newly-available land.⁶ Participants ranged in social status from Dirck Wynkoop, a representative to and occasional chair of the Provincial Council during the war, to Jonathan Elmendorf, a major in the county’s northern militia regiment, to Cornelius Cole, a former private in the county’s middle regiment.⁷ Rebels channeled the energy which they had used to oppose Britain during the 1770s and 1780s into expansion and productivity in the last decade of the eighteenth century.⁸

This energy, although a product of the individualism which characterized post-war New York, was not a substitute for community focus or state identification.⁹ In Ulster County, some

⁵ Countryman sees the rise of a new political and social class in New York as being the most-radical result of the war. Countryman, 289-92.

⁶ New York Historical Society/Ulster County Collection, 1666-1893/Series II: Ulster County (1670-1893)/Box 1/Folder 9/Agreement on land partitions.

⁷ Ibid.; Clearwater, 145, 182.

⁸ David G. Hackett, *The Rude Hand of Innovation: Religion and Social Order in Albany, New York, 1652-1836*, Religion in America Series, ed. Harry S. Stout (New York: Oxford University Press, 1991), 110, 156.

⁹ Brendan McConville labels this energy “emotional” energy. He credits the search for a new epistemological understanding of sovereignty for imbuing early-National America with its vitality. McConville, 311. For New York, I see a wide-spread belief in the power and capabilities of the individual as the motive force behind early-nineteenth century expansion, invention, and empowerment.

of the same men who had sought to profit from westward expansion also invested in their local community. Led by Wynkoop, county residents of all faiths voluntarily donated money to rebuild the German Protestant Church, something the German Protestants could not accomplish by themselves due to their small number.¹⁰ Wynkoop, who had represented the county as an Antifederalist in the Poughkeepsie ratifying convention, was not himself a member of the parish, belonging instead to the Reformed Dutch Church in New Paltz.¹¹

A communal focus could coexist with an energetic advancement of the self in someone like Wynkoop because the focus on individual actions during the war had taught New Yorkers that bettering one's individual standing, if done within the bounds of accepted political behavior, bettered the standing of a community as a whole. In late eighteenth-century New York, individuals could practice their chosen profession, live where they wanted to live, own what they had the money to purchase, adhere to the political outlook which addressed their interests, and believe in whatever religion answered their questions about life and death. With the law protecting individuals and the courts maintaining a fluid social order, people could be neighborly while pursuing the lives that they wanted to live.

Individuals enjoyed political freedoms because a chain of causality had ruptured the foundation upon which social order had been based just a quarter of a century ago. After social factors had driven New Yorkers to oppose imperialism, events in New York City triggered the colony's participation in the war against Britain. In the first year of the conflict, the province's tendency for hierarchy and localism aided committee formation. The need for mobilization

¹⁰ New York Historical Society/Ulster County Records/Box 1/Folder 9/Petition, dated 22 October 1791.

¹¹ The Holland Society of New York, *Records of the Reformed Dutch Church of New Paltz, N.Y., Containing an Account of the Organization of the Church and the Registers of Consistories, Members, Marriages, and Baptisms*, Collections of the Holland Society of New York, vol. 3 (New York: Knickerbocker Press, 1896), 80.

legitimated this new form of government and involved it in the lives of individuals to a degree never before experienced. In the two years that followed, invasion and the decreasing likelihood of a reunion with Britain forced committees to become first regulatory and then judicial. In 1777, these same exigencies resulted in both the establishment of a strong governorship and George Clinton's election to that office. In the later years of the war, the precedent-conscious rebels who had framed the constitution and the socially-transformative rebels who had voted for Clinton, moved to action by the destruction and cost of the war, passed legislation which redistributed land and protected the rights of citizens. Convinced that wealthy loyalists had forfeited their right to maintain property, state leaders imbued residents with the possibilities inherent with a leveled social order.

Laws passed by the new government not only permitted individual New Yorkers to advance themselves but also benefited the population as a whole. The free white males who exercised their political freedom in the pursuit of markets, property, and happiness in the last decade of the eighteenth century fueled the state economy, creating wealth where before there had been none. Along with the idiom of slavery in accounts of contemporary events, this economic activity prompted those who had spent the war promoting and defending individual rights to question the appropriateness of involuntary servitude in New York.¹² Due to his judicial service as a commissioner for detecting and defeating conspiracies, John Jay, a slave owner, became sensitized to the injustice of forcing humans to work for no pay. In 1785, along with long-time anti-slavery advocate Alexander Hamilton and nine other state leaders, he formed the New York Manumission Society. Included in the group's initial membership were fellow

¹² David N. Gellman, *Emancipating New York: The Politics of Slavery and Freedom, 1777-1827*, Antislavery, Abolition, and the Atlantic World (Baton Rouge: Louisiana State University Press, 2006), 5-6, 78-79, 91, 94-95, 100. Hypocritically, Cornelius Schoonmaker, who had successfully defended his right to profit from the rebellion in court, owned twelve slaves and opposed manumission. *Ibid.*, 69.

Federalist James Duane and Antifederalists George Clinton and Melancton Smith. Although Jay never freed his slaves and Clinton would later retract his support for emancipation in order to defeat Jay's bid for the governorship in 1792, the agreement of different-thinking people on the need to treat black New Yorkers as human beings nonetheless illustrates that the fight to protect individual rights had altered how those whom the war had most affected understood justice.

As shown by their views on slavery, New Yorkers had changed greatly in the quarter-century since new political actors such as George Clinton and Melancton Smith joined established ones such as Philip Schuyler and John Jay in seeking independence from the British crown. Over the course of one lifetime, a people who defined themselves by their social class, religious affiliation, and community position had forged a society which awarded political participation and protected the rights of the individual. The social mobilization achieved by committees during the war had, by the turn of the century, transformed New York into an energetic, pluralistic, and republican society.

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Appendix: Paying for the War

Paying for the war was perhaps the most challenging duty undertaken by the committee system, requiring tough prioritizations and reviving persistent fears of losing legitimacy. Assembling for their first sessions, committeemen had to determine how to reimburse themselves. In a move meant to increase the number of citizens who could afford to serve in the Provincial Council, Tryon's committee voted to pay each member it sent to the convention a *per diem* allowance. To fund this cost, it established "the first raising [of] Taxes for our county's Expences," although it did not specify how revenue would be collected.¹ The Albany Committee, without any specie or hard currency in the summer of 1775, began purchasing items "on the credit of this colony."² On 12 July 1775, it sent Jeremiah Van Rensselaer to Lake George, Ticonderoga, and Crown Point "with the sum of £332 - - out of the Paper Emission of this Committee" to compensate county militias for their services.³ Likewise, the Provincial Council paid county colonels and mustermasters in script, currency which had an uncertain and fluctuating value.⁴ Promissory notes, whether issued by a county or the provincial government, delayed the need to reimburse soldiers immediately and vested everyone receiving "payments" with a stake in the rebellion's success.

The Provincial Council's Committee of Ways and Means, predicting a long conflict, decided on 2 September 1775 to raise money by issuing bills of credit worth \$112,500 (£4,500 in

¹ Tryon, 80 (26 October 1775). Established communities in the Hudson Valley, such as Dutchess County's Rumbout Precinct, had taxed residents before the war. See Sellingsloh.

² Albany, vol. 1, 51 (28 May 1775); *Ibid.*, 61 (2 June 1775).

³ *Ibid.*, 142 (12 July 1775).

⁴ Proceedings of the Provincial Council, Force, ser. 5, vol. 1, 1427-28 (22 July 1776).

New York currency), half by 1 March 1776 and half by 1 March 1777.⁵ Although the amount challenged the committee system, it was still not large enough to cover the cost of the war. The Provincial Council, which, in addition to issuing bills of credit, received money from duties it levied on commerce, bore the brunt of the war's cost, paying approximately £246,364 from 2 November 1775 to 17 September 1776.⁶ In comparison, the Continental Congress, which printed currency and accepted foreign loans, gave the provincial treasurer £154,548 from the start of the conflict to 30 April 1776.⁷ Despite these sizable figures, what county committees took from people, although undoubtedly less in total value, was often achieved by a direct tax on wealth and, therefore, more painful to the payee. A further claim on revenue came when district and precinct committees often submitted their expenses to the county committee for payment.⁸

Taxing New Yorkers involved committees in a perilous exertion of power. Simple revenue-raising ploys like the Albany Committee's decision to fine members for non-attendance did not produce much income.⁹ In a defeat of its hopes, the committee learned on 10 August 1776 that it could charge no more than 175,000 dollars to Congress.¹⁰ Less than committee members had hoped for, this figure provoked a debate over whether or not to fund the balance of

⁵ Report of the Committee of Ways and Means, Force, ser. 4, vol. 3, 575 (2 September 1775).

⁶ Account of monies paid to the treasurer, Force, ser. 5, vol. 2, 697-98 (18 September 1776).

⁷ Ibid.

⁸ This occurred in Albany, for example. Hanson, Jr., 20.

⁹ Albany, vol. 1, 18 (1 May 1775). Fining for non-attendance also helped maintain quorums.

¹⁰ Ibid., 185 (10 August 1776). The Continental Congress, with no income source of its own, used foreign loans to back expenditures.

the county's expenses by levying a new tax.¹¹ Perhaps due to concerns over legitimacy, the board decided not to burden residents.¹²

Taxes empowered local committees since only they could collect money. According to the Provincial Council's 2 September 1775 Report of the Committee of Ways and Means, "the said sums of Fifty-Six Thousand Two Hundred and Fifty Dollars . . . shall be raised, levied, and paid, by the Freeholders, Inhabitants, and residents, in the general and respective Cities and Counties Within this Colony . . ."¹³ The council further resolved that the county committees appoint assessors and collectors to receive payments – "by distress" if necessary.¹⁴ The Provincial Congress, in turn, would collect funds from counties without committees, although the report did not say how this was to be done. Even after New York became a state in 1777, counties still served as the state's financiers, taxing personal wealth and turning what was collected over to the assembly.¹⁵ Only at the communal level did leaders know how much people were worth in a wartime environment in which holdings were easily lost and quickly devalued. Collection in the late eighteenth century was a person-to-person affair that had to be conducted locally.

Committees could buttress local currencies by regulating financial transactions. In January 1777, for example, the Albany Committee resolved "that every person [who] . . . shall sell anything for a less Sum in Gold or Silver Money than in Continental or other Paper Money

¹¹ Ibid.

¹² This observation is based on negative evidence.

¹³ Report of the Committee of Ways and Means, Force, ser. 4, vol. 3, 575 (2 September 1775).

¹⁴ Ibid.

¹⁵ The act passed by the legislature on 2 May 1779, for example, expected counties to help it raise \$2,000,500. This tax was onerous, with King's District of Albany County exacting approximately twenty percent of what a resident's combined real and personal estates were worth. Tax List for King's District, Albany County, New York, 27 December 1779 [<http://files.usgarchives.net/ny/albany/taxlists/albanytax1779.txt>].

now passing Currently in this county shall be considered as a Depreciator of the Paper Currency and treated accordingly.”¹⁶ In March 1777, the Provincial Council enacted fifteen resolves that used the indebtedness of New Yorkers to bind their interests to the rebellion’s success. In the third resolve, it declared that all debts owed to New York’s former colonial government were payable to a newly-appointed treasurer. The fifth article absolved residents from paying debts to creditors who could not be reached (such as Tories who had fled). Instead, the province would collect these obligations. Citizens who could not immediately “reimburse” the council, according to the eighth resolve, would pay when they could – at one-half percent interest on the principal. The thirteenth resolve made it difficult for individuals to collect money owed them by the colony. The Provincial Council published this legislative legerdemain in a broadside printed by Samuel Loudon of Fishkill on 1 May 1777.¹⁷ Fortunately for the rebel government, New Yorkers bought into the charade.

¹⁶ *Ibid.*, 661 (21 January 1777).

¹⁷ In Committee of Safety for the State of New York, printed by Samuel Loudon in Fishkill, New York, Evans Digital Archive, Early American Imprints, ser. 1, no. 15476 (1 March 1777). The eighth resolve did not state when the interest would compound.