

INFORMATION TO USERS

This material was produced from a microfilm copy of the original document. While the most advanced technological means to photograph and reproduce this document have been used, the quality is heavily dependent upon the quality of the original submitted.

The following explanation of techniques is provided to help you understand markings or patterns which may appear on this reproduction.

1. The sign or "target" for pages apparently lacking from the document photographed is "Missing Page(s)". If it was possible to obtain the missing page(s) or section, they are spliced into the film along with adjacent pages. This may have necessitated cutting thru an image and duplicating adjacent pages to insure you complete continuity.
2. When an image on the film is obliterated with a large round black mark, it is an indication that the photographer suspected that the copy may have moved during exposure and thus cause a blurred image. You will find a good image of the page in the adjacent frame.
3. When a map, drawing or chart, etc., was part of the material being photographed the photographer followed a definite method in "sectioning" the material. It is customary to begin photoing at the upper left hand corner of a large sheet and to continue photoing from left to right in equal sections with a small overlap. If necessary, sectioning is continued again — beginning below the first row and continuing on until complete.
4. The majority of users indicate that the textual content is of greatest value, however, a somewhat higher quality reproduction could be made from "photographs" if essential to the understanding of the dissertation. Silver prints of "photographs" may be ordered at additional charge by writing the Order Department, giving the catalog number, title, author and specific pages you wish reproduced.
5. PLEASE NOTE: Some pages may have indistinct print. Filmed as received.

Xerox University Microfilms

300 North Zeeb Road
Ann Arbor, Michigan 48106

74-20,660

OVADIA, Neil, 1944-
PLACEMEN'S PROGRESS: THE GOVERNORS OF
PROVINCIAL NEW YORK, 1717-1753.

The City University of New York, Ph.D., 1974
History, modern

University Microfilms, A XEROX Company, Ann Arbor, Michigan



COPYRIGHT BY

NEIL OVADIA

1974

PLACEMEN'S PROGRESS: THE GOVERNORS OF PROVINCIAL
NEW YORK, 1717-1753

Neil Ovadia

A dissertation submitted to the Graduate Faculty in
History in partial fulfillment of the requirements
for the degree of Doctor of Philosophy, The City
University of New York.

1974

This manuscript has been read and accepted for the Graduate Faculty in History in satisfaction of the dissertation requirement for the degree of Doctor of Philosophy.

5/2/74
date

Robert A. Carl
Chairman of Examining Committee

May 3, 1974
date

R. C. White
Acting Executive Officer

Stuart S. Brall
Louis L. Tucker
Supervisory Committee

The City University of New York

TABLE OF CONTENTS

INTRODUCTION 1

CHAPTER ONE: GOVERNMENT AT HOME AND ABROAD 9

CHAPTER TWO: THE ENGLISH GOVERNMENT AND THE
COLONIES: AUTHORITY AND
INDIFFERENCE. 32

CHAPTER THREE: THE BOARD OF TRADE AND THE
COLONIES: LIMITED AUTHORITY AND
LIMITED INTEREST. 82

CHAPTER FOUR: AN ENGLISH POLITICIAN IN THE
NEW WORLD 126

CHAPTER FIVE: BURNET AND MONTGOMERIE: A STUDY
IN CONTRASTS. 154

CHAPTER SIX: COSBY AND CLARKE: TWO TYPES
OF MANAGEMENT 194

CHAPTER SEVEN: GEORGE CLINTON: OVERCONFIDENCE,
CHAOS, AND ACCOMMODATION. 237

CONCLUSION 281

APPENDIX 284

BIBLIOGRAPHY 285

INTRODUCTION

This study examines the relations among the British government, her provincial governors, and the American colonists in mid-eighteenth century New York. The subject is worthy of intensive study because it provides insight into the functioning of the British imperial system, the colonial political system, and their interactions.

Studies of the first British empire have emphasized the legislative and economic aspects of colonial administration.¹ While these approaches to the history of the Old Empire are undoubtedly significant, they do not describe its actual workings with complete fidelity. Legislation and economic theories describe a nation's conception of the operations of its government; but they do not necessarily depict how it performs. In mid-eighteenth century Britain there was a considerable gap between the theory and practice of government.

As this study will concentrate on examining the practice of politics in mid-eighteenth century New York, it will tend

¹George Louis Beer, The Old Colonial System 1660-1754 (2 vols., New York, 1913, reprinted 1933).

to ignore laws and economic theories because they had little effect on the actual behavior of the British government, the colonial governors, and the New Yorkers. This approach will result in a picture of imperial administration which differs somewhat from that found in traditional studies. The Acts of Trade and Navigation, the Secretary of State for the Southern Department, and the Board of Trade will be reduced to a subordinate role in the narrative because, despite the volume of space they occupy in the records of the period, they had little affect on the government of New York.

This emphasis on the practical aspects of colonial administration leads to a re-evaluation of the role of the men who governed Britain's North American colonies. Most historians have based their evaluations of the governors on the formal descriptions of their duties and responsibilities,² and as those formulations bore little resemblance to the actual functions of the office, the governors have been misunderstood by both students of the Old Empire, and by students of the individual colonies.

Historians of the Empire have apparently regarded the governors as primarily local, American officials, and therefore studies of English colonial administration in the eighteenth century have generally ignored the contribution

²Leonard Woods Labaree, Royal Government in America (New Haven, Conn., 1930, reprinted 1958).

the governors made to the development and maintenance of the Empire. The monumental Cambridge History of the British Empire³ glosses over the role of the governors; they are almost totally ignored in Edward Raymond Turner's studies of the Privy Council and the Cabinet (the bodies which nominally supervised the activities of the governors),⁴ and in The Secretaries of State, by Mark Thomson.⁵ Histories of British colonial administration have also slighted the governors. For example, the governors are treated only incidentally in George Louis Beer's exhaustive examination of colonial policy and practices in the century between 1660 and 1754, and in Arthur Basye's study of the Board of Trade.⁶ Even the recent intensive examinations of the role of patronage in the political system of mid-eighteenth century England have emphasized the machinations involved in

³The Old Empire: From the Beginnings to 1783, vol. I, The Cambridge History of the British Empire, J. Holland Rose, A.P. Newton, E.A. Benians, eds. (New York, 1929).

⁴Edward Raymond Turner, The Cabinet Council of England 1622-1784 (2 vols., Baltimore Md., 1930-2), The Privy Council of England, 1603-1784 (2 vols., Baltimore, Md., 1927-8).

⁵Mark A. Thomson, The Secretaries of State, 1681-1782 (Oxford, 1932).

⁶Arthur Basye, The Lords Commissioners of Trade and Plantations (New Haven, Conn., 1925).

obtaining and retaining office, and ignored the actual work of the colonial administrators.⁷

Although historians interested in the development of the American colonies have not, for their part, neglected the governors, they too have distorted the governors' role. They have been so intent on examining the relations between the governors and the Assemblies that they have neglected virtually all other aspects of the governors' activities. The "Whig" interpretation of the late nineteenth and early twentieth centuries which frequently presented the governors as indigent, incompetent, dependents of British magnates who were dispatched to America because no suitable positions were available for them in England and Ireland⁸ has generally been superseded with the more objective assessment of their abilities advocated by Leonard Woods Labaree. There is still, however, a strong tendency among students of the colonial period to regard the governors as passive figures whose role in the government was clearly subordinate to the

⁷James A. Henretta, "Salutary Neglect" Colonial Administration Under the Duke of Newcastle (Princeton, N.J., 1972), Stanley Nider Katz, Newcastle's New York (Cambridge, Mass., 1968).

⁸Edward Channing, A History of the United States, vol. II (New York, 1908, reprinted 1937), Herbert L. Osgood, The American Colonies in the Eighteenth Century (4 vols., New York, 1924-5, reprinted 1958) for example.

Assembly.⁹ This dismal view of the governors' role may be the product of lacunae in the evidence.

The most accurate record of political developments is often found in the private papers of the men who engaged in the decision making process. Unfortunately, neither the papers of the governors, nor the colonial politicians provide insight in these areas. The surviving records are meager, and contain few references to political developments. Nor are the newspapers of the period of much assistance to the historian. While both¹⁰ were deeply involved in the political struggles of the colony neither engaged in rational discussion of issues. The editors of both papers were content to hurl invective at their opponents.

The lack of direct evidence compels the historian to base his examination of the politics of mid-eighteenth century New York on inference. While this approach is clearly less precise than one based on direct evidence, it can be used to create a reliable understanding of the period. The recent interest in the political history of mid-eighteenth century New York has generated a number of studies

⁹Samuel Eliot Morison, Henry Steel Commager, William E. Leuchtenburg, The Growth of the American Republic, 6th ed. (2 vols., New York, 1969), Patricia U. Bonomi, A Factious People: Politics and Society in Colonial New York (New York, 1971).

¹⁰New York Gazette, New York Weekly Journal.

which, when combined with earlier works¹¹ enables the historian to make judgments of the political issues involved. The alternative to this approach is to simply ignore the period.

Neglecting the period would, however, be unwise. The years between 1717 and 1753 were the pinnacle of the imperial government in New York; the Royal government reached its highest degree of success. In 1717 Governor Hunter had reached an accommodation with the Assembly and the next thirty-seven years were marked by the evolution of that agreement. In that period the Governor and Assembly jockeyed for dominance in the colony. The contest ended in 1753 when James DeLancey became acting governor of New York and surrendered his remaining authority to the Assembly.

In those years the contest was close, and the governors faced a difficult situation. Their objective in accepting office was economic; they went to the New World to repair their fortunes. To do this, it was necessary for the Governor to perpetuate himself in office, and for him to retain the good will of the Assembly which voted his emoluments. The Governor had to serve two masters.

Their task, although Herculean, was not impossible

¹¹For example, Henretta, "Salutary Neglect", Katz, Newcastle's New York, Bonomi, Factionous People.

only because the British government was not (despite the language of legislation and Royal Decrees) very interested in colonial government. The colonial administrative structure, composed of the Crown, Privy Council, Secretary of State for the Southern Department, and the Board of Trade seemed impressive and efficient but it was only a small, very insignificant part of the British government. Consequently, the men in London charged with administering the colonies paid little attention to them. They intruded in provincial affairs only if there were complaints from British merchants, a breakdown in public order, or an obvious political breakdown in the colony. Thus, it was important for the Governor to satisfy London in these areas.

The New Yorkers were not so easily satisfied. The colonists thought of themselves as virtually self-governing, and demanded that the governor support locally beneficial programs regardless of British interests. As the colonial Assembly controlled his salary, the Governor had little choice in the matter; he was in New York for economic reasons, not to advance abstract principles of Empire.

This meant that to succeed, the Governor of New York had to be an exceptionally perceptive and adroit politician. He had to identify the issues which might offend either the English or the Americans, and then adopt policies which would please both. An examination of the methods utilized by the six men who ruled New York between 1717 and

1753 to resolve this paradox will reveal the attitudes of the British government towards New York, the limits the British placed on the governors' authority, the nature of the provincial political system, and the political acumen of the governors.

CHAPTER ONE

GOVERNMENT AT HOME AND ABROAD

For most of the colonial period the British government seems to have had absolutely no desire to control the internal administration of its North American colonies. This lack of concern for the colonies was not as peculiar as it might first appear to be since the British government was almost equally disinterested in maintaining anything like direct control over county affairs at home. Although the central government had been increasing its sphere of authority since the reign of Henry VIII, the British concept of "government" was apparently a narrow one, which did not extend to matters of local administration, in either the English counties or the colonies abroad.

From the late fifteenth to mid-nineteenth centuries¹ the duties of the central government at home had been (with one exception) limited to the preservation of the social order. The government had defended society against attacks

¹R.H. Gretton, The King's Government (London, 1913), pp. ix-xi.

from within by attempting to prevent riots and disorders, and had punished rioters and criminals. It had maintained armed forces to protect the nation from external threats.²

Although these functions had not been expanded for several centuries, it had of course become necessary, as English society and the world grew more complex, to expand the machinery of government to enable it to carry out its tasks. The creation of special committees and boards apparently had never brought the national government into direct contact with the people.³

It seems to have been the gentry, the respected, land-owning families of England, who linked the national government to the people of England. The gentry possessed the Parliamentary franchise, provided many of the members of the House of Commons, and, by virtue of a monopoly of the post of Justice of the Peace,⁴ dominated county government everywhere.

The English county government normally consisted of a

²Alan G.R. Smith, The Government of Elizabethian England (New York, 1967), p. 42.

³George Clark, The Later Stuarts, 1660-1714, second edition, volume 10 in The Oxford History of England, editor (Oxford, 1956), p. 13.

⁴Charles Austin Beard, The Office of Justice of the Peace in England in its Origin and Development (New York, 1904), p. 54 (hereafter cited as Justice of the Peace).

coroner, a high constable, justices of the peace, a sheriff, a lord lieutenant, and, in counties on the sea, a vice-admiral. These officials shared the responsibility for maintaining order, respect for the laws, and military security in the community. Since the system had evolved in response to specific necessities, the duties of each of the offices was never precisely defined and there were overlapping jurisdictions.⁵ The coroner and high constable were police officials, and others acted as liaison between the Crown and people.

A man of great standing and influence in the community, the Lord Lieutenant, was primarily a military official. He raised, trained, equipped, and led the county's militia, recruited men to serve in the King's army, and maintained the county's defenses.⁶ In addition he might be asked to perform additional, non-military chores for the central government.

The vice-admiral exercised the Crown's authority over maritime affairs. He was charged with suppressing piracy, salvaging wrecks, impressing seamen, enforcing embargoes, registering captures made at sea, and conducting a court

⁵J.B. Black, The Reign of Elizabeth, 1558-1603, second edition, volume 8 in The Oxford History of England, George Clark, editor (Oxford, 1959), p. 13.

⁶Black, Reign of Elizabeth, pp. 214-215.

which adjudicated maritime disputes.⁷

The "sherivality" which had once been onerous and expensive had, by the end of the seventeenth century, become a post with great prestige but few responsibilities. The sheriff's duties were limited to conducting Parliamentary elections and opening the county courts' sessions.⁸

The duties of all these officials, while important, were rather limited in scope. It would be possible for an English citizen to have only the most fleeting contact with them. Much, if not most, of the communication between the national government and the populace was through the justices of the peace, the most important local officials. The justices' primary duty was the preservation of public order. This responsibility was carried out at the Quarter Session, the short, two-to-four-day, court terms where a panel of justices dealt with the crime, and the quarrels of the community.⁹ Since the Quarter Sessions could impose capital punishment,¹⁰ it was important for the authority of the justices

⁷Black, Reign of Elizabeth, p. 215.

⁸Wallace Notestein, The English People on the Eve of Colonization, 1603-1630 (New York, 1954), pp. 203, 209 (hereafter cited as Eve of Colonization).

⁹Notestein, Eve of Colonization, pp. 213, 216-218.

¹⁰Black, Reign of Elizabeth, p. 213.

who constituted the Court to be recognized by the community. Respect for the justices was insured by selecting them from the wealthiest, most influential families of the area.¹¹

Had their duties been limited to sitting in the Quarter Sessions, the justices of the peace, too, would have had little influence on the operations of government. Conducting the Quarter Sessions was, however, only one of the justices' many duties. They were also responsible for supervision of the county's records,¹² road maintenance, binding apprentices, licensing taverns, administering the laws which controlled laborers' wages and the price of exported grain, and poor relief. In addition, the justices, who did not ordinarily exercise civil jurisdiction, might be called upon to assist the bishop in investigating the state of the local church.¹³ Men with such wide responsibilities were terribly important for the smooth operation of government; without their cooperation, no decision of the central government could be transmitted to the people of the country.¹⁴

¹¹Notestein, Eve of Colonization, p. 212.

¹²Beard, Justice of the Peace, p. 79.

¹³Black, Reign of Elizabeth, p. 213. This is only a partial list of the justices' duties. Eirenarcha (1581) requires over 600 pages to describe their duties fully.

¹⁴Smith, Government of Elizabethian England, p. 99.

Since the justices were socially secure and unpaid officials, the government in London had no way of coercing them to follow its instructions. They would implement policy only if it was acceptable to them.¹⁵ If not, the justices could distort and weaken,¹⁶ or simply ignore it. The failure of Queen Elizabeth I to destroy the Catholic Church in Lancashire,¹⁷ and the failure of King James II to secure legal toleration for Catholics, for example, were due to the opposition of the justices of the peace.

The county governments which rested on the shoulders of the justices of the peace were not the only local governments in England. In rural areas the parish clerk and parish council supervised local taxation, road maintenance, and poor relief. Many towns received royal charters which freed them, to some extent, from the authority of the county.¹⁸ The charters varied, but all established a self-perpetuating body of men called a corporation, which exercised the rights granted in the charter. As long as the

¹⁵Ibid.

¹⁶Roger Lockyer, Tudor and Stuart Britain, 1471-1714 (New York, 1964), p. 7.

¹⁷Smith, Government of Elizabethian England, p. 99.

¹⁸Kingsley B. Smellie, A History of Local Government (London, 1963), p. 9, Black, Reign of Elizabeth, pp. 263-7.

corporation did not violate the terms of its charter, it could act without fear of outside interference.¹⁹ One privilege held by all municipal corporations was the right to return a member to the House of Commons. Thus, whoever controlled the corporation controlled the election of a member of Parliament. During the sixteenth century many of these seats came under the control of the gentry.²⁰

Similarly, the authority of the colonial governments also rested on the delegation of specific powers, under specifically defined conditions. Charters gave the colonial governments, like their counterparts in England, control over local affairs, while reserving final control of their legal and economic systems to Britain.²¹ Even if the English government had wanted to control colonial local government, it would have been unable to do so. There were too few Royal officials in the colonies to monitor effectively the activities of any colonial government. England was apparently concerned with profiting from the colonies, not controlling

¹⁹Clark, Later Stuarts, p. 108.

²⁰David Ogg, England in the Reigns of James II and William III (Oxford, 1963), pp. 58-59 (hereafter cited as England).

²¹Charles M. Andrews, The Colonial Period of American History, volume IV (New Haven, Conn., 1964), pp. 3-4.

their internal affairs,²² and the principal Royal officials in the colonies were those concerned with protecting England's economic interests.²³ This made the task of colonial administration much simpler for England, but it also meant that the government in Westminster was dependent upon the voluntary cooperation of the colonial governments whenever it wished to implement its policies in the colonies. The English, moreover, were seldom inclined to interfere in the colonies' local affairs.²⁴

²²Andrews, Colonial Period of American History, IV, pp. 13-21, Leonard Woods Labaree, Royal Instructions to British Colonial Governors, 1670-1776 (New York, 1967), passim.

²³Royal officials included the Governor, the customs collector, the surveyor, and the surveyor of the woods. All were concerned with protecting the economic interest of the Crown.

²⁴Certainly in the case of New York it seems the Board of Trade went to great trouble to avoid intervening in local government. Robert Hunter struggled five years to keep the Assembly from asserting control over the colony's finances. Despite repeated appeals to London, nothing concrete was done to support Hunter. Under George Clinton conflict between the governor and the Assembly led to the virtual paralysis of government. After an eight month investigation the Board of Trade issued a voluminous report which concluded that after the tempers aroused by seven years of conflict had cooled, it might be wise to dispatch a new governor with instructions which might be somewhat more exact than Clinton's to re-establish cooperation between the governor and Assembly in New York. Neil Ovadia, "The Struggle for Financial Control, New York, 1674-1720" (Unpublished M.A. thesis, Queens College, 1968), pp. 56-59, E.B. O'Callaghan, ed., Documents Relative to the Colonial History of the State of New York, volume VI (Albany, N.Y., 1861), pp. 259-260, 586, 614-636 (hereafter cited as N.Y.C.D.).

Only once in the seventeenth and eighteenth centuries had there been an attempt to subordinate local governments in England, and in the colonies, to the national administration. The attempt was an important part of King James II's effort to secure legal toleration for Roman Catholics in England, an effort which culminated in James losing his throne.

James, who was fifty-four years old when he came to the throne in 1685, was so determined to regularize the position of his co-religionists²⁵ that he ignored, and then collided with, the strong anti-Catholicism of the Anglican gentry.²⁶ This was not opposition to Catholicism per se,²⁷ but the fear, present since the reign of Elizabeth, of the re-establishment of "Papal authority" in England.²⁸ The declaration of loyalty to the Anglican Church, which James made before his Privy Council only minutes after ascending the throne, and later issued as a proclamation,²⁹ was apparently intended to quiet those fears. The King's subsequent actions, however, seem to have exacerbated them.

²⁵John Carsell, The Descent on England (New York, 1969), p. 113.

²⁶Lockyer, Tudor and Stuart Britain, p. 355.

²⁷Stuart Prall, The Bloodless Revolution (Garden City, N.Y., 1972) p. 90.

²⁸Carswell, Descent on England, pp. 66-68.

²⁹Prall, Bloodless Revolution, pp. 89-90.

Despite the fact that the Jesuit fathers were regarded by the English as the vanguard of Papal attempts to reconquer England,³⁰ James brought a Jesuit, Edward Petre, into the Royal Court. Petre, the King's confessor,³¹ was even appointed Clerk of the Royal Closet.³²

Father Petre's presence at Westminster was not the only manifestation of James' disdain for his subjects' attitude towards Catholicism, and towards religious toleration. In June 1685, he began issuing dispensations from the Test Act,³³ which, since 1673, required every holder of civil or military office to take the Anglican Communion, an oath of loyalty to the Church of England, and to subscribe to a declaration denying the Roman Catholic doctrine of transubstantiation,³⁴ and commissioning Roman Catholics in the army.³⁵ James' policy was tested in the Courts, which affirmed his power to dispense the laws. Quite naturally

³⁰Ogg, England, pp. 165-166.

³¹Lockyer, Tudor and Stuart Britain, p. 359.

³²Ogg, England, p. 165.

³³Prall, Bloodless Revolution, p. 109.

³⁴Clark, Later Stuarts, p. 80.

³⁵Prall, Bloodless Revolution, p. 110.

the Protestant gentry regarded the Catholic led army of some 16,000 men, which James concentrated at Hounslow Heath just outside London during the summers of 1685 to 1688³⁶ as a threat to their liberties.³⁷

As threatening as the dispensing power was to Anglicans, it was only the first step toward James' goal of giving Roman Catholics complete equality in England. The King realized that the Church of England would oppose toleration and so, in July 1686, as head of the church, he created an Ecclesiastical Commission which was intended to force the church to accept toleration by silencing opponents of the King's policy,³⁸ and by placing Roman Catholics, who were sympathetic to toleration, into influential church offices. The commission was moderately successful in accomplishing these tasks, but its accomplishment was Pyrrhic. James' coercion of the church offended the Anglican community, and alienated it from its traditional loyalty to the Crown.³⁹ Thus the King's efforts at furthering toleration seriously undermined his throne.

³⁶Clark, Later Stuarts, p. 122.

³⁷Maurice Ashley, The Glorious Revolution of 1688 (New York, 1966), p. 120.

³⁸Lockyer, Tudor and Stuart Britain, p. 359.

³⁹Clark, Later Stuarts, pp. 124-125.

The final step in the King's program came on April 14, 1687, when he issued a Declaration of Indulgence which suspended the Test Acts, and permitted Catholics and Protestant dissenters to worship publically.⁴⁰ Since his power to suspend a law was not as clearly established as his dispensing power,⁴¹ James prudently expressed the belief that the Parliament which was not in session would approve the Declaration when it met. Since the House of Commons, as it was then constituted, would not have consented to the suspension of the Test Acts, and of the Penal law which forbade non-Anglican worship, James dissolved it in July 1687.⁴² The King then had to face the problem of securing the election of a House of Commons which would endorse toleration.

Finding support was difficult. Parliamentary elections were decided by the gentry, who by virtue of their influence in county and municipal government, controlled most of the seats,⁴³ and as early as June, 1685, the gentry, which had been the mainstay of the monarchy for two centuries,⁴⁴ demonstrated its opposition to King James by failing to take

⁴⁰Clark, Later Stuarts, p. 125.

⁴¹Clark, Later Stuarts, p. 80.

⁴²Clark, Later Stuarts, p. 125.

⁴³Prall, Bloodless Revolution, pp. 80-81, Ogg, England, pp. 58-59.

⁴⁴Lockyer, Tudor and Stuart Britain, pp. 6, 351.

strong action against King Charles II's illegitimate son, James Scott, the Duke of Monmouth, when he invaded England to seize the throne.⁴⁵ None of his policies had endeared James to the traditional ruling class.

The King did have a small foundation to build on. His policy of toleration had resulted in the appointment of some Catholics and dissenting justices of the peace,⁴⁶ and in the conversion of a few Anglican justices to the Roman faith. Attrition and conversion would not, however, change the loyalty of local government rapidly enough to meet James' electoral needs.⁴⁷ To speed the process, he began replacing Anglican officials with Catholics and non-conformists. Many of James' appointees did not have the position in the community which was traditionally associated with a Commission of the Peace. This seemed to the Anglican gentry to be an attempt to end its customary influence over local affairs, and confirmed its opposition.⁴⁸

James' policy of replacement had insured that the Anglican gentry, who dominated the ranks of the justices of

⁴⁵Lockyer, Tudor and Stuart Britain, pp. 356-358, Prall, Bloodless Revolution, p. 107.

⁴⁶Prall, Bloodless Revolution, p. 156.

⁴⁷Clark, Later Stuarts, p. 123.

⁴⁸Lockyer, Tudor and Stuart Britain, pp. 36-361.

the peace and the municipal corporations, would not support him. Since it was not possible to replace all 3,000 of England's justices of the peace,⁴⁹ James had to find some way to coerce those traditionally independent authorities into supporting his policy of toleration.⁵⁰

The King decided to use the personal prestige and position of the Lord Lieutenant to overawe the Anglican justices. James had the peers ask each justice to agree to vote for a parliamentary candidate committed to toleration, to support that policy if he was elected to the Commons, and to pledge himself to support the principle of toleration among Christians;⁵¹ James hoped that the justices would not be willing to oppose the Royal will when questioned by one of the most powerful men in the kingdom.⁵² Affirmative responses would have committed the most influential segment of the community to support, however reluctantly, the King's policy. The justices were, however, not so easily dominated; most of them refused to support toleration.⁵³ This left

⁴⁹Smellie, History of Local Government, p. 11.

⁵⁰Prall, Bloodless Revolution, pp. 81-82.

⁵¹Carswell, Descent on England, pp. 105-106.

⁵²Ashley, Glorious Revolution of 1688, p. 88.

⁵³Carswell, Descent on England, p. 111.

only the municipalities as possible sources of support for James' policy.⁵⁴

The man responsible for "convincing" the municipalities to select members of parliament in support of the King's policy was Robert Brent, a Catholic lawyer. Brent's agents reminded the post-masters and the revenue officers in the boroughs that they were obliged, as servants of the Crown, to support the King's policy, and to use their influence to secure the election of members of Commons who would do the same. To insure effective communication between the Crown and its local supporters, Brent appointed a correspondent in every parliamentary borough.⁵⁵ If it appeared that the political party Brent was building would be unable to control the election in a borough, then other methods for insuring the voters' "cooperation" could be applied.⁵⁶

James' system for bringing recalcitrant municipalities to heel was identical to the one his brother Charles had used earlier. The charter of a municipality was at once a source of strength and of weakness. As long as the provisions of the charter were scrupulously observed, the

⁵⁴Clark, Later Stuarts, p. 126.

⁵⁵Carswell, Descent on England, pp. 113-115.

⁵⁶Ibid.

corporation was inviolate, but even a trivial violation of its terms provided legitimate grounds for withdrawing the charter and the privileges it granted. When a municipality had refused to cooperate with King Charles II, he had used the inevitable minor breaches of the charter as justification for recalling it and issuing a new document which forced the corporation to recognize his authority.⁵⁷ James, like his brother, now used his authority over the municipal corporations to compel them to return Parliamentary candidates he approved of.⁵⁸ The King pressured the municipalities for support throughout the winter of 1688.⁵⁹

At the same time that he was attempting to make local government in England responsive to his will, James, who had a "passion for organization,"⁶⁰ inaugurated a restructuring of England's system of colonial administration. He intended to increase the effectiveness of the laws of trade and navigation by uniting several colonial governments, and by greatly reducing the colonists' authority over their own affairs.⁶¹

⁵⁷Clark, Later Stuarts, pp. 107-109.

⁵⁸Ogg, England, p. 61.

⁵⁹Prall, Bloodless Revolution, pp. 182-183.

⁶⁰Carswell, Descent on England, p. 113.

⁶¹Viola Florence Barnes, The Dominion of New England (New York, 1960), pp. 31-33.

The process of unification began in the colonies (as it had in the English municipalities) with the institution of proceedings against the charters of Massachusetts, Connecticut, and Rhode Island.⁶² As in England, the Crown claimed that the colonies had violated their charters,⁶³ and, as in England, the corporations could not resist the Crown.⁶⁴ On December 20, 1686, the colonies of Massachusetts, New Hampshire, Plymouth, Connecticut, and Rhode Island were joined to create a single administration for all the New England colonies. One judicial and military system for all of New England was much easier for the English government to control than several colonies, each with its own privileges.⁶⁵ The Crown's interest in uniformity in colonial administration was illustrated by the Instructions issued to Edmund Andros, the Governor of the Dominion of New England, which

⁶²Barnes, Dominion of New England, pp. 32-33. Massachusetts' charter was withdrawn on October 23, 1684, Rhode Island's was suspended on June 22, 1686, and Connecticut's was suspended on December 28, 1686. Charles M. Andrews, The Fathers of New England, volume 6 in The Chronicles of America Series, Allen Johnson, editor (New Haven, Conn., 1919), pp. 163, 180, Barnes, Dominion of New England, p. 37.

⁶³Herbert L. Osgood, The American Colonies in the Seventeenth Century, volume III (Gloucester, Mass., 1957), pp. 396-397.

⁶⁴Andrews, Colonial Period of American History, IV, p. 373.

⁶⁵Barnes, Dominion of New England, pp. 31-33.

were identical to those issued to the governor of the neighboring Royal province of New York. The most obvious manifestation of the King's interest in ruling effectively the new union was the presence of sixty British regulars, the first to serve in New England, who arrived with Andros.⁶⁶

The Dominion was, however, not complete. In August, 1688, New York and the Jerseys were added to it,⁶⁷ and a new charter was issued. That document made James' desire to control tightly local government absolutely clear. There was no Assembly in the Dominion to challenge the governor's authority; the governor and his Council were the legislators. To keep the governor, whom he appointed, and the Councilors, whom the governor appointed, from forgetting their obligations to the mother country, James mandated that all Dominion laws be reviewed in England. Similarly, the decisions of the Governor and his Council, who constituted the highest court (as well as furnishing the occupants of most of the colony's other offices) could be appealed to the Royal Courts in cases involving more than £300.⁶⁸

⁶⁶Osgood, American Colonies in the Seventeenth Century, III, pp. 393, 400.

⁶⁷Osgood, American Colonies in the Seventeenth Century, III, p. 400.

⁶⁸Barnes, Dominion of New England, pp. 41, 72.

The Dominion of New England simply established the effective national control of local government in the new world that James was endeavoring to create in England. Since James was admittedly Catholic, advised by a Jesuit, and pressing a policy of toleration, many Anglican members of the English gentry concluded the King was attempting to destroy their religion, re-establish the Church of Rome, seize their property, abrogate their traditional liberties, and rob them of their place in society.⁶⁹ This, of course, he denied.

To save themselves from what they considered a growing despotism on the French model,⁷⁰ seven Englishmen invited William of Orange to invade England. William was not asked to attack King James, but to protect the English people from the King's army while his opponents prepared a revolt.⁷¹

Apparently a large portion of the English people shared the "Immortal Seven's" belief that James was building a tyranny. Although their statement that "nineteen parts of twenty of the people...are desirous of a change..."⁷² cannot be confirmed, disloyalty to King James II was widespread.

⁶⁹Ashley, Glorious Revolution of 1688, pp. 122,201.

⁷⁰Carswell, Descent on England, pp. 67-68.

⁷¹Ashley, Glorious Revolution of 1688, pp. 201-202.

⁷²Ashley, Glorious Revolution of 1688, p. 201

A list now at the Hague lists eighty-five of one hundred sixty-one English peers as being definitely opposed to James, and thirty-five others as probably opposing him. The loyalty of the Royal Navy, which James had commanded in battle,⁷³ also crumbled. The captains of some of the ships which had been ordered to keep William from landing, held a Council of War and formally agreed to join the Prince of Orange's fleet, not to oppose it. Even the army, which had been considered the backbone of James' despotism, turned against him. On November 20, 1688, only two weeks after William landed, the leading officers of the King's army joined him.⁷⁴ Among the deserters was James' second in command, John Churchill. Churchill had served the King since the beginning of the reign, and his wife Sarah was one of Queen Mary of Modena's ladies-in-waiting.⁷⁵ The gentry had made its attitude toward James clear as early as 1685, when the Duke of Monmouth had attempted to seize the throne.

The almost universal welcome which William received in England, made the failure of James' policies of toleration and centralization absolutely clear. As national control of

⁷³Michael Lewis, The History of the British Navy (Fair Lawn, N.J., 1959), p. 93.

⁷⁴Ashley, Glorious Revolution of 1688, pp. 120, 158, 167.

⁷⁵Prall, Bloodless Revolution, pp. 229-230..

local government had been closely associated with the hated policy of toleration, it had become an anathema to the gentry. Fortunately, William had neither the need nor the desire to control the local governments. He had invaded England to insure that she would remain steadfastly anti-French.⁷⁶ As the gentry strongly supported this policy,⁷⁷ William was sure of the voluntary support of Parliament, and so could and did recognize the right of the gentry to control local governments and their parliamentary seats.⁷⁸

News of the Glorious Revolution did not reach Boston until April 4, 1689, two months after the Revolutionary Settlement had been completed in England. Governor Andros responded to the news, not by proclaiming William and Mary, but by jailing John Winslow who had carried the report from Nevis. This convinced the people of Boston, who had never been sympathetic to the Dominion, that the governor intended to surrender them to the French; this brought the city to the edge of rebellion. A tenuous peace was preserved until April 17, when a militia company from Maine, which had mutinied against its Catholic officers, arrived in Boston.

⁷⁶Prall, Bloodless Revolution, p. 211.

⁷⁷Carswell, Descent on England, p. 68.

⁷⁸Prall, Bloodless Revolution, pp. 319-320.

Their arrival set off the revolt which had been smoldering. The Maine insurgents were soon joined by the Boston and Charlestown militias. Andros responded by prudently withdrawing to the fort with his small force of regulars. The next day he foolishly left the safety of the fort to meet the rebel leaders at the town-house. They arrested him and obtained the surrender of Andros' troops by the simple expedient of informing them that the Governor had ordered them to capitulate. On April 20, a Council of Safety was formed to govern Boston, and a little more than a month later, on May 22, a colony wide convention decided to resume government under the old charter. News of the rebellion spread rapidly, and by July 2, 1689 all of the constituent parts of the Dominion had broken away and formally proclaimed William and Mary.⁷⁹

The people of America, like the people of England, had taken advantage of the first opportunity to recapture the control of their local governments which James had taken from them. As in England, William was willing to allow to local governments in America freedom from national control. He had come to the throne as an opponent of James' despotism, and therefore could not have justified continuing one of James' most repugnant policies, in the face of popular opposition. The new King had no inclination to defend

⁷⁹Barnes, Dominion of New England, pp. 239-250, N.Y.C.D., III, pp. 596-597.

James' colonial policy. He was concerned with European, not American affairs, and viewed the colonies only as sources of wealth which would make England better able to oppose France. The decentralized, almost nebulous system, which James had replaced with the Dominion, was admirably suited to William's ends, so he returned to it.⁸⁰

Although William did make some minor changes in the organs of colonial administration, neither he nor his successors, until the 1760's, made any fundamental changes in the colonial system. The English were concerned only with regulating colonial trade, not the internal government of the colonies. This gave the colonies seventy years of virtually complete internal autonomy to develop their own political institutions. New Yorkers took full advantage of that freedom.

⁸⁰George Herbert Guttridge, The Colonial Policy of William III in America and the West Indies (Hamden, Conn., 1966), pp. 41, 42, 99.

CHAPTER TWO

THE ENGLISH GOVERNMENT AND THE COLONIES: AUTHORITY AND INDIFFERENCE

The failure of the English government to concern itself with governing its American possessions,¹ and to develop a coherent policy for controlling them² was apparently inherent in the English political system. In the second quarter of the eighteenth century England was going through profound economic, social, and political changes, and many Englishmen, especially among the gentry found security³ by closing their minds to as many alterations as possible.⁴ Sir Robert Walpole, who dominated England's government from 1722 to

¹Stanley Nider Katz, Newcastle's New York (Cambridge, Mass., 1968), p. 10.

²John Harold Plumb, Sir Robert Walpole (2 vols., Boston, 1956, 1961), II, 77.

³Plumb, Walpole, I, 35-6.

⁴James A. Henretta, "Salutary Neglect" Colonial Administration Under the Duke of Newcastle (Princeton, N.J., 1972), pp. 312-20.

1742,⁵ understood, and to some extent shared, the fears of the gentry, the backbone of his Parliamentary support⁶ and essential to the survival of his administration. To retain such support Walpole adopted policies of peace and low taxes⁷ which were directly responsive to the gentry's needs and concerns.⁸ Walpole saw no reason to concern himself, or his government, with matters which were unimportant to his supporters--if he almost completely ignored the colonies they were, after all, far outside the ordinary interests of the English gentry.

Unconcern with the colonies was rife; virtually all civilian officials neglected North America.⁹ The papers of men who wielded influence and power in Parliament, the ministry, the Court, and the judiciary, during the period from 1717 to 1753, all clearly indicate that the men in London legally responsible for governing America regarded it as nothing more than a source of advantage for English merchants and politicians.

⁵Plumb, Walpole, II, 245.

⁶Plumb, Walpole, I, 42, Michael Kammen, Empire and Interest (Philadelphia, 1970), p. 43.

⁷Plumb, Walpole, II, 202.

⁸Plumb, Walpole, I, 3.

⁹Henretta, Salutary Neglect, p. vii.

For example, Spencer Compton, Earl of Wilmington served as Speaker of the House of Commons from 1715 to 1727, and Lord President of the [Privy] Council from 1730 to 1742.¹⁰ Although he headed the bodies which legislated for, and heard appeals from, the colonies, none of his letters mention America or the individual American colonies. Only the presence of some appeals from America in his correspondence indicate that Compton was in any way aware of the existence of Britain's over-seas possessions.¹¹

Nor were individual Members of Parliament more interested in the colonies than their one-time Speaker. Edward Knatchbull was one of the few truly independent members of the Commons. Occupant of a family seat for the County of Kent,¹² his rather detailed diary of the proceedings of the House of Commons from 1722 to 1730 mentions America only twice! On February 21, 1724, Knatchbull noted that some investors in the ill-fated Bahama Island Company had

¹⁰"Compton, Spencer," Dictionary of National Biography, IV, 906-7.

¹¹Great Britain Historical Manuscripts Commission, Eleventh Report, Appendix, Part IV, The Manuscripts of the Marquess Townshend, pp. 127-144, 201-45, 258-9 (includes Wilmington manuscripts) (hereafter Townshend, MSS.).

¹²Plumb, Walpole, II, 143-4, William Cobbett, Parliamentary History of England from the Norman Conquest, VIII (New York, 1966, reprint of London, 1810 edition), p. 7.

unsuccessfully petitioned for assistance in recovering their investments.¹³ More than five years later, on March 6 and March 13, 1729, Knatchbull found another piece of American business worthy of mention. He reported that merchants trading with America had presented petitions complaining of Spanish attacks on their ships;¹⁴ he did not, however, see fit to record the House's action on their complaints. As these were not the only discussions of colonial affairs in Commons between 1722 and 1730¹⁵ it seems significant that the only colonial matters Knatchbull recorded affected British merchants as much as, if not more than, colonies. It is likely, therefore, that Knatchbull's concern was for English merchants, merchants who happened to trade with the colonies, and not with the colonies themselves.

Unlike Knatchbull's diary, which rarely mentions the colonies, the diary of John Perceval, first earl of Egmont, which covers the years 1730 to 1747, betrays its author's disinterest in colonial affairs with frequent references to

¹³Edward Knatchbull, The Parliamentary Diary of Sir Edward Knatchbull, 1722-1730 (London, 1963), pp. 27-8.

¹⁴Knatchbull, Parliamentary Diary, pp. 89, 91-2.

¹⁵See Leo Francis Stock, Proceedings and Debates of the British Parliaments Respecting North America (5 vols., Washington, D.C., 1924-41), IV (hereafter Stock, Proceedings).

one of the colonies. Egmont, an Irish peer, and member of the English House of Commons, considered himself a leader of the House, and of its "Irish Interest;"¹⁶ he was also an active member of the Georgia Board of Trustees.¹⁷ His diary contains many references to Georgia,¹⁸ and South Carolina, its nearest neighbor.¹⁹ There is, however, only one entry which demonstrates any interest in the other colonies. It records a discussion between Sir Robert Walpole, and General James Oglethorpe, the chairman of the Georgia Trustees, in which Oglethorpe emphasized the importance of a strong colonial defense establishment to the continued security of Georgia.²⁰ There is only one mention of the colonies which is not directly linked to the development of Georgia.

Egmont discussed the unwillingness of the West Indian colonies to provide adequate salaries for their governors with Queen Caroline on July 28, 1732, but apparently the

¹⁶Plumb, Walpole, II, 144-5.

¹⁷"Perceval, John," DNB, XV, 813-5.

¹⁸Great Britain Historical Manuscripts Commission, Sixteenth Report, Diary of Viscount Perceval afterwards First Earl of Egmont, R.A. Roberts, editor (3 vols., London, 1920-1933), III, 428-36 (hereafter Egmont, Diary).

¹⁹Egmont, Diary, III, 394-5.

²⁰Egmont, Diary, II, 339-41, Feb. 5, 1736/7.

subject was not of much interest to Her Majesty, for after opining that the matter could be resolved only by an act of Parliament she turned the conversation to Egmont's real interest, Georgia.²¹ Despite, or perhaps because of, its recurrent references to Georgia, Egmont's Diary reflects no interest in the development of the British empire as a whole, and leaves the impression that Egmont looked upon North America only as an adjunct to Georgia.

The Earls of Marchmont, of the Scotch nobility, were no more interested in America than was Egmont, an Irish peer. They were the descendants of Patrick Hume, a Scot so passionately devoted to the maintenance of a Protestant monarchy in Great Britain that he had joined James Scott, the Duke of Monmouth, Charles II's illegitimate but Protestant son, in a plot to insure the Protestant succession.²² Exposure of the Rye House plot had forced Hume to flee to Holland where he became an advisor of William of Orange. He returned to Britain with William's invading army, and was rewarded for his loyalty with the Earldom of Marchmont in the Scotch peerage.²³ His son, Alexander Campbell, the second earl of

²¹Egmont, Diary, I, 288.

²²George Clark, The Later Stuarts 1660-1714, 2nd edition, volume X, The Oxford History of England, George Clark, editor (Oxford, 1961), pp. 104-5.

²³"Hume, Patrick," DNB, X, 233.

Marchmont, was also active in politics. Selected as one of the sixteen Scotch peers to sit in the House of Lords at Westminster,²⁴ he was a strong advocate of the Union of England and Scotland, and of the Hanoverian succession.²⁵ Yet despite his great interest in British unity, Marchmont was almost totally unconcerned with the colonies which comprised much of Britain's empire. The only reference to them in his letters is a note, dated December 9, 1739, from John Dalrymple, second earl of Stair, which mentions the possibility of English and American troops joining in an assault on Havana in case of war with Spain.²⁶

Alexander's son, Hugh Campbell, was active in politics until his father's death (when his inability to secure election as one of the Scottish Representative Peers ended his career) and while in the Commons, Campbell was an active opponent of Walpole.²⁷ Apparently, however, he did not quarrel with Walpole's neglect of the colonies for his papers never mention America!

²⁴Clark, Later Stuarts, p. 289.

²⁵"Campbell, Alexander," DNB, III, 760.

²⁶Marchmont, A Selection from the Papers of the Earls of Marchmont, George H. Rose, editor (3 vols., London, 1831), II, 170-1.

²⁷"Campbell, Hugh," DNB, III, 60.

Walpole's own lack of concern with the colonies is reflected in the papers of his youngest son, Horace, fourth earl of Oxford, the noted letter writer and wit.²⁸ Horace Walpole's voluminous correspondence²⁹ contains detailed descriptions of all aspects of life which were of interest to his compeers: English politics, European affairs, The War of the Austrian Succession, Court gossip, the continual search of English politicians for preferment, the rising of 1745 in Scotland, and the opera; but although America is occasionally mentioned in Horace's extensive correspondence, the sparsity and brevity of the references reflects the unimportance of America in his thinking.

Horace apparently shared his father's lack of concern with America for on October 22, 1742 (O.S.) he dismissed Admiral Edward Vernon's success in the West Indies as "...most agreeable...."³⁰ Two months later, however, he made a comment which reflected the British disdain for the colonies, noting on December 16 that Charles Rose, son of a Customs Commissioner, had been given a lieutenancy, which

²⁸"Walpole, Horace," DNB, XX, 627-33.

²⁹Horace Walpole, The Letters of Horace Walpole, Mrs. Paget Toynbee, editor (16 vols., Oxford, 1903-1905).

³⁰Walpole, Letters, I, 112-3.

saved him from the "dishonor" of refusing a post in the West Indies.³¹ Mr. Rose's willingness to risk dishonor and unemployment in that honor conscious and preferment hungry age rather than go to the West Indies also reflects how little he, too, thought of America.

The ministry's willingness, despite the continued demand for positions, to find a post which would permit Rose to avoid the unpleasant consequences of refusal, indicates that his attitude toward America was considered "reasonable" by those in power.

On June 30, 1742 Horace Walpole repeated a joke about a Methodist Minister and an Indian convert,³² which was at the expense of the Methodist (a sect not then terribly popular in England).³³ After a six year hiatus, Walpole found another American subject "worthy" of his attention. He mentioned that Admiral Vernon had given him some confidential information about the effect West Indian conditions would have on the negotiations at Aix-La-Chapelle.³⁴

³¹Walpole, Letters, I, 142-3.

³²Walpole, Letters, I, 245.

³³"Methodism," Encyclopaedia Britannica, 1973 edition, XV, 302.

³⁴Walpole, Letters, II, 319, July 14, 1748.

Walpole's passing references to America suggest that the colonies were, to him, of little importance. His only extended comment on American affairs indicates that his disdain for the colonies was liberally mixed with scorn for their institutions. On February 25, 1750 he described the activities of the House of Commons:

We have been sitting this fortnight on the African Company: we, the British Senate, temple of liberty, and bulwark of Protestant Christianity, have this fortnight been pondering methods to make more effectual that horrid traffic of selling negroes. It has appeared to us that six-and-forty-thousand of these wretches are sold every year to our plantations alone! -- it chills one's blood. I would not have to say that I voted in it for the continent of America..."³⁵

Walpole's revulsion with the Americans apparently was, however, of no more consequence than his other feelings toward the colonies, for, despite the horrified tone of the above letter, Walpole ignored the slave trade in his subsequent correspondence. Two weeks later he matter-of-factly reported Rear Admiral Charles Knowles' opinion that the recent London earthquake was more severe than the West Indian upheavals.³⁶

³⁵Walpole, Letters, II, 432-3.

³⁶Walpole, Letters, II, 434, March 11, 1750.

The Journal of George Bubb Doddington (first baron Melcombe) confirms that English politicians were almost totally unconcerned with the colonies. Doddington aspired to join the small group which dominated the English government, and apparently he devoted much of his energy to reaching that goal. He had all the qualifications for high office: a seat in Parliament, wealth, experience in foreign and financial affairs, and powerful friends,³⁷ but, despite a lifetime of efforts which "raised toadyism to almost sublime proportions"³⁸ he never obtained the august posts he so badly desired.³⁹

The Journal contains a fairly large number of references to America; some reflect his overwhelming concern with obtaining office, and others the lack of a more interesting subject for the daily entry in the Journal; none, however, betray any real interest in America.

When Doddington was out of office he was interested in finding ways to embarrass the government. Consequently he

³⁷George Bubb Doddington, The Political Journal of George Bubb Doddington, John Carswell and Lewis Arnold Dralle, editors (Oxford, 1965), p. ix.

³⁸Basil Williams, The Whig Supremacy, 1714-1760, 2nd edition, revised by C.H. Stuart, vol. XI, The Oxford History of England, George Clark, editor (Oxford, 1962), p. 10.

³⁹Doddington, Journal, pp. xi, xvi-xviii, xxiii.

paid considerable attention to the ministry's project to increase the number of English settlers in Nova Scotia which had been acquired from France in 1713),⁴⁰ which Doddington believed was open to criticism. On February 5, 1750 he wrote that only his inability to substantiate his charges kept him from raising the Nova Scotia question.⁴¹ He did not, however, abandon the Nova Scotia settlement as a source of political advantage⁴² and on February 13, 1753, just three years after he began to consider the political uses of Nova Scotia, Doddington noted in his Journal that his ally, John Russell, fourth duke of Bedford, had "ably" presented the motion requiring the government to present the records of Nova Scotia to the House of Lords.⁴³

Surely Doddington was not interested in the welfare of the people of Nova Scotia. His only goal was to improve his political position, and he was as willing to use the administration of Dunkirk to reach that end as he was the administration of Nova Scotia.⁴⁴ His sanguine attitude toward the

⁴⁰Williams, Whig Supremacy, p. 311.

⁴¹Doddington, Journal, p. 45.

⁴²Doddington, Journal, pp. 52, 77, Feb. 9, 1750, July 2, 1750.

⁴³Doddington, Journal, p. 205.

⁴⁴Doddington, Journal, p. 45.

colonies was reflected by the complete indifference with which he reported the decision of the Trustees for Georgia to surrender their charter to the Crown,⁴⁵ and of the House of Commons to delay consideration for a year of hearings on the Sugar Colonies.⁴⁶

Thus the papers of Compton, Knatchbull, Perceval, both Campbells, Walpole, and Doddington, men whose service in Parliament spanned the period from 1720 to 1750, men of different political persuasions, all unmistakably demonstrate the English legislator's almost complete unconcern for the American colonies. All these men, despite the differences, agreed that the colonies were worthy of note only when they could be of "advantage" to residents of the British Isles. Apathy toward the colonies was not merely limited to members of Parliament. At least two of the Secretaries of State, the officials charged with administering the colonies,⁴⁷ demonstrated almost complete indifference toward the territories which they were theoretically supervising.

For example, the papers of Charles Townshend, second viscount Townshend, who served as Secretary of State for the

⁴⁵Doddington, Journal, p. 141, Dec. 19, 1751.

⁴⁶Doddington, Journal, p. 114, April 22, 1751.

⁴⁷Williams, Whig Supremacy, p. 471.

Northern department from 1714 to 1716, and from 1721 to 1730⁴⁸ contain only passing references to the colonies,⁴⁹ and summaries of reports on colonial affairs received by the Board of Trade and the Privy Council.⁵⁰ Although the Northern Secretary was not normally responsible for colonial affairs, Townshend's complete lack of interest in the colonies indicates that the colonies were not judged worthy of even passing attention from high British officials.

John Russell, the fourth duke of Bedford's lack of concern for the colonies was even more remarkable than Townshend's. His papers indicate that he almost completely ignored the colonies during his service as First Lord of the Admiralty in the War of the Austrian Succession, a conflict which involved the Royal Navy in America. This apathy was also apparent during his service as Secretary of State for the Southern Department, the official directly responsible for colonial administration.⁵¹

⁴⁸Williams, Whig Supremacy, p. 471.

⁴⁹Townshend, MSS, pp. 356, 372.

⁵⁰Townshend, MSS, pp. 254-306.

⁵¹"Russell, John," DNB, XVII, 447-52, Bedford served in the admiralty from 1744 to 1748, and as Secretary of State for the Southern Department from February, 1748 to June, 1751.

Only twice did Bedford officially recognize the existence of America in his four years at the Admiralty. On June 26, 1745, he used the success of the expedition against Louisbourg to justify recommending Sir Peter Warren, who had commanded it, for promotion to flag rank.⁵² Nine months later, Bedford and the other admiralty commissioners sent Thomas Pelham-Holles, first duke of Newcastle, their evaluation of a plan to invade Canada.⁵³ These memoranda were, of course, not the only mention of the colonies in Bedford's papers during his tenure as First Lord. On November 6, 1747, Governor George Clinton of New York had written to him to complain that the province's Chief Justice James Delancey was obstructing New York's war effort; he asked Bedford to secure Delancey's removal from office.⁵⁴ Yet the Duke apparently did not feel that Clinton's complaint was important, for he did not respond to it.

Bedford's failure to answer Clinton's letter indicates that he had little inclination to concern himself with colonial affairs, and a memoir he wrote after becoming Southern

⁵²Bedford, Correspondence of John, Fourth Duke of Bedford, Lord John Russell, editor (3 vols., London, 1842-1846), I, 28-30 (hereafter Bedford, Correspondence).

⁵³Bedford, Correspondence, I, 65-9, March 20, 1746.

⁵⁴Bedford, Correspondence, I, 285-6.

Secretary provides definite evidence of his contempt. In September, 1748 Bedford sent the Duke of Newcastle a long, detailed analysis of the Treaty of Aix-La-Chapelle, in which he carefully examined its effect on European affairs. He never even mentioned America in his analysis,⁵⁵ a clear indication of how little value was placed on the Crown's American possessions.

In 1751 Bedford, who had now left office, commented that the Spanish efforts to curb the illegal trade between British and Spanish subjects in America might be a cause of war between Britain and Spain. He seems to have felt, however, that responsibility for the conflict would lay with the Americans, who might not be willing to permit the complete suppression of the illegal trade. Elimination of the illegal trade would end Spain's justification for maintaining the Costa Guarda fleet, the direct cause of the tensions between the two nations.⁵⁶

If Bedford, an official whose responsibilities were so closely related to the colonies could ignore them almost completely, it is not difficult to imagine how little weight colonial affairs carried with those Englishmen who were not forced by their official responsibilities to deal with them.

⁵⁵Bedford, Correspondence, I, 529-38, Sept. 28, 1748.

⁵⁶Bedford, Correspondence, II, 71-2, Feb. 7/17, 1750/1.

British lack of interest in her colonies was also reflected by the almost complete unavailability of information about them. The autobiography of Richard Cumberland, the noted dramatist, records how little an educated, intelligent, and interested Englishman could learn about the colonies. Cumberland's father had recruited two companies for a regiment being raised by George Montagu Dunk, second earl of Halifax, and had supported the earl in the election of 1748. To repay the Cumberland's for their loyalty, Halifax who was President of the Board of Trade, appointed Richard his private and confidential secretary in 1748.⁵⁷ To prepare himself for his duties, Cumberland (a Cambridge graduate) set out to learn as much as possible about colonial government. He found that books about the colonies were "most discouragingly meagre and most oppressively tedious in communicating nothing." The paucity of the material did not discourage young Cumberland, who "got a summary but sufficient insight into the constitutions of the respective provinces, for what was worth knowing was soon learnt...."

Perhaps it was fortunate that Cumberland was not forced to devote himself too strenuously to preparing for his post as even his slight effort was wasted. His duties consisted

⁵⁷"Cumberland, Richard," DNB, V, 291.

only of copying an occasional letter for the earl,⁵⁸ who despite his reputation as an activist leader of the Board of Trade,⁵⁹ found little for his secretary to do.

Nor was the Royal Court interested. John Hervey, Baron Hervey of Ickworth was a supporter of Robert Walpole. He regularly visited with Queen Caroline to insure that her considerable influence over the King would benefit the ministry and its friends.⁶⁰ Retaining the Queen's good will required Hervey's almost continual presence at St. James Palace, which in turn led him to become familiar with all the Court's concerns.⁶¹ His papers indicate that the colonies were important to the Court only as sources of place and profit.

The small island colonies of St. Kitts and Nevis were useful to the Crown principally because sale of their Crown lands provided the £80,000 marriage portion which King

⁵⁸Richard Cumberland, Memoirs of Richard Cumberland (2 vols., London, 1807), I, 137-8.

⁵⁹Oliver Morton Dickerson, American Colonial Government 1696-1765 (New York, 1962, reprint of 1912 edition), p. 49.

⁶⁰"Hervey, John," DNB, IX, 735-9.

⁶¹John Hervey, Some Materials toward the memoirs of the reign of King George II by John, Lord Hervey, Romney Sedgwick, editor, (3 vols., London, 1931), I, 1 (hereafter Hervey, Memoirs.)

George gave his eldest daughter Anne.⁶² Even the island colonies were not useful or interesting to Courtiers. The Privy Council's discussion of "...the Indies, Plantations, ships, troops etc..." made it difficult for Hervey, who was "...half dead to-day with a headache, the consequence of dancing, supping, and sitting up late last night at the Duke of Newcastle's" to concentrate on the letter he was writing.⁶³ If the matter before the Council had been more important, Hervey might have put off his correspondence.

What little interest Hervey had in the colonies was in colonial offices. On November 25, 1736, he wrote his friend and political ally, Henry Fox, first baron Holland, that he had been told there would be no changes in the personnel of the colonial governments,⁶⁴ and a year later he notified his friend of the good fortune of Francis Seymour Conway, first marquess of Hertford, who secured the government of Minorca, and William Anne Keppel, second earl of Albermarle, who was appointed governor of Jamaica.⁶⁵

⁶²Hervey, Memoirs, I, 194.

⁶³John Hervey, Lord Hervey and His Friends, 1726-1738, Earl of Ilchester, editor (London, 1950), pp. 113-4, November 25, 1731.

⁶⁴Hervey, Hervey and Friends, p. 256.

⁶⁵Hervey, Hervey and Friends, p. 273, Sept. 24, 1737.

A dowry, a hangover, and two appointments, certainly do not indicate an overwhelming interest in colonial affairs. As Hervey was a courtier in the traditional sense, a man whose position depended directly on the good will of the Queen, it is probable that neither the Queen, nor the King (whom she influenced greatly) were much concerned with "their" colonies. The Royal couple's attitude reflected the apathy toward America which was rampant throughout the government.

Even the law courts paid little attention to the colonies. The memoirs of Philip Yorke, first earl of Hardwicke, Solicitor General from 1720 to 1724, Attorney General from 1724 to 1733, Chief Justice of King's Bench from 1733 to 1737, Lord Chancellor from 1737 to 1764 and an active member of both Houses of Parliament⁶⁶ mentions the colonies only twice. Yorke's first, and only professional contact with the colonies occurred in 1725, when as Attorney General, he argued that the American colonies were not "conquered countries," but "colonies of English subjects" who retained their rights as Englishmen.⁶⁷ The colonies came to Yorke's

⁶⁶"Yorke, Philip," DNB, XXI, 1261-6.

⁶⁷Philip C. Yorke, The Life and Correspondence of Philip Yorke, Earl of Hardwicke, Lord High Chancellor of Great Britain (3 vols., Cambridge, 1913), I, 89-91 (hereafter Yorke, Life).

attention, for the second and final time, twenty-five years later when he dissuaded his ally Henry Pelham from proposing a Parliamentary tax on the American colonies.⁶⁸

As Yorke was preeminent in his profession, his memoirs are also a detailed examination of his mid-eighteenth century England's judicial and political history. The lack of references to the colonies indicates that America was of very little or no interest to the English government. This conclusion is supported by the papers of Philip Dormer Stanhope, fourth earl of Chesterfield, and Robert Hampden, first Viscount Hampden, and fourth baron Trevor.⁶⁹ Although both men had active and successful careers,⁷⁰ neither saw fit to mention America in their correspondence, clearly indicating how little the colonies affected the British political process.

The willingness to ignore the colonies, manifested in the papers of British politicians of all persuasions, was

⁶⁸Yorke, Life, II, 8.

⁶⁹Chesterfield, The Letters of Philip Dormer Stanhope, fourth Earl of Chesterfield, Bonamy Dobree, editor (6 vols., London, 1932), Great Britain Historical Manuscripts Commission, Fourteenth Report, Appendix, Part IX, Trevor Manuscripts (London, 1895).

⁷⁰"Stanhope, Philip Dormer," DNB, XVIII, 911-24, "Hampden, Robert," DNB, XIX, 1153-4.

a product of mid-eighteenth century England's "political philosophy." From the Tudor period to the death of Queen Anne the English political community devoted its attention to significant issues, the break with Rome, the religious settlement, Elizabeth's successor, the limits of Royal authority, the Civil War, the Restoration, the Glorious Revolution, and the problem of who would follow Anne, the last Protestant Stuart, on the throne of England. The accession of King George I insured a Protestant monarchy, and for the first time in almost two centuries English politicians found themselves without basic philosophic differences. Consequently the political community which for so long had concerned itself with the nation's fate, occupied itself by turning to self-aggrandizement. By the mid-eighteenth century, virtually every one in England viewed politics solely as a system for advancing private interests; the concern for the nation's well-being which had so long been paramount in England had disappeared from the political consciousness.⁷¹

The dominant place of self-interest in English politics is well illustrated by the behavior of the voters of the borough of Tewkesbury in the election of 1753. The

⁷¹Lewis B. Namier, The Structure of Politics at the Accession of George III (London, 1968), pp. 16-7.

community's roads were in execrable condition and the voters decided to secure their repair by agreeing to support only candidates who would pledge £1,500 each for road improvements. The incumbants, Lord William Hall Gage, and his son, Thomas, refused to accede to Tewkesbury voters' demands and were defeated by John Martin and Nicholson Calvert who were more generous than the Gages.⁷²

The behavior of the Tewkesbury electors might have been extreme, but it was not at all unusual for many members to "buy" their seats in the Commons.⁷³ No more than 80 of the 558 members of the House of Commons were "independent country gentlemen," serving in the House without thought of personal gain or advancement, every other member was in the House to gain status, and to open the way to profitable offices. As the "independents" (who were in any case a small minority) were much less regular in their attendance than those who hoped to profit from service in Parliament, there was nothing to restrain the avarice of the other members, and the House of Commons became a body dedicated to advancing private, not public, interests.⁷⁴

As the government of Great Britain was drawn from the Houses of Parliament, it too was comprised of men who placed

⁷²Namier, Structure, p. 131.

⁷³Namier, Structure, chapter 2.

⁷⁴Namier, Structure, pp. 12-7, 63.

their own interests before the nation's. It is, therefore, not surprising that they neglected Britain's colonies which were far away, and could provide little profit for the English politicians. The government dealt with colonial affairs only when they were inescapable, resolved them as rapidly and as quietly as possible, and returned to its primary duty of ruling England.⁷⁵ No one had the time or inclination to develop a coherent colonial policy.⁷⁶

The member of the English government most directly concerned with the colonies was the Secretary of State for the Southern Department. Originally the monarch's private secretary, the Secretary of State had charge of the signet seal which authenticated government correspondence.⁷⁷ The Secretary's duties included transmitting the monarch's instructions to the various departments of government. The accession of Queen Anne, and the first two Georges, rulers who had no inclination to actively control their governments resulted in the Secretaries "inheriting" the Crown's authority to determine governmental policy in all but financial

⁷⁵Leonard Woods Labaree, Royal Government in America (New York, 1958, reprint of 1930 edition), p. 3.

⁷⁶Katz, Newcastle's New York, pp. 10-11.

⁷⁷Mark A. Thomson, The Secretaries of State, 1681-1782 (Oxford, 1932), p. 1.

and military affairs.⁷⁸ Simultaneously they obtained control of the Board of Trade. The Board, which had been created to advise King William III,⁷⁹ began to advise the Secretary, who, like the King, could delegate as much, or as little authority to the Board as he wished.⁸⁰

In 1702 Daniel Finch, second earl of Nottingham, Queen Anne's Secretary of State for the Southern Department, began to retrieve the authority over colonial patronage which King William had delegated to the Board.⁸¹ Two of King George I's Southern Secretaries, James Stanhope, and Thomas Pelham-Holles (first duke of Newcastle), continued to retrieve the Crown's authority in colonial affairs until, ultimately, the Board had none.⁸² The Duke of Newcastle officially confirmed the Board's decline, when, in 1738, he instructed it to refer

⁷⁸"Secretary of State," Chamber's Encyclopaedia, new revised edition (Oxford, 1967), XII, 399.

⁷⁹Derek Jarrett, Britain, 1688-1815 (New York, 1965), p. 28.

⁸⁰Thomson, Secretaries of State, pp. 45-47.

⁸¹Henretta, "Salutary Neglect", pp. 24-5.

⁸²Dickerson, American Colonial Government, pp. 107-8, Edward Raymond Turner, The Privy Council of England, 1603-1784 (2 vols., Baltimore, 1927-1928), II, 358.

all important matters to his office, and to act only on matters referred to it by the Secretary of State or the Privy Council.⁸³ The elimination of the Board of Trade's authority in colonial affairs meant that the colonies would receive little attention from the British government. The Secretaries of State for the Southern Department, who had assumed the Board's duties, were too involved in British and European affairs to have the time or the inclination to interfere in the colonial governments.⁸⁴

The Duke of Newcastle's pre-eminence firmly established political expediency, not ability as the basis of the distribution of offices in Britain and the colonies.⁸⁵ Colonial posts worth as much as £8,000 per annum⁸⁶ were awarded

⁸³Dickerson, American Colonial Government, pp. 36-7, 47.

⁸⁴Williams, Whig Supremacy, pp. 311-2, Henretta, "Salutary Neglect", p. 32, Thomson, Secretaries of State, p. 49.

⁸⁵Henretta, "Salutary Neglect", p. 165, Plumb, Walpole, II, 92.

⁸⁶Plumb, Walpole, II, 98, Great Britain, Public Record Office, Calendar of State Papers, Colonial Series, America and West Indies, W. N. Sainsbury and others, editors (42 vols., London, 1860-1963), XL, xv-xviii (hereafter CSP) contains a list of the colonial offices controlled by the Secretary of State.

to English politicians whose support was useful to Newcastle;⁸⁷ and colonial revenues, which might have been used to strengthen the colonial governments, were diverted to England where they would be politically beneficial to the ministry.⁸⁸ In short Newcastle made the colonial governments a mere adjunct of the British political patronage system,⁸⁹ and virtually no one in England questioned his approach. Even the internal politics of the colonies (when they were noticed at all) were treated as extensions of British politics.⁹⁰ In 1733, William Cosby, the Governor of New York, wrote Newcastle to suggest that opponents of the ministry were attempting to embarrass it by stirring up trouble in New England.⁹¹

The use of American offices to support English politicians naturally meant that Americans could not hope for positions in their governments,⁹² and so the governors were

⁸⁷Henretta, "Salutary Neglect", pp. 52-3, CSP, XL, xv.

⁸⁸Henretta, "Salutary Neglect", p. 18.

⁸⁹Henretta, "Salutary Neglect", p. 130.

⁹⁰CSP, XL, xv.

⁹¹CSP, XL, 25.

⁹²Henretta, "Salutary Neglect", p. 134.

deprived of an inducement useful in obtaining the cooperation of colonial leaders. It also meant that colonial offices were often filled by deputies who abused their powers and thereby created resentment of British authority in the colonies.⁹³ The British government, however, cared so little about the colonies that it never considered the possible ramifications of its exploitive policy in the colonies.⁹⁴

The English politician best known for his willingness to subordinate the colonies to the exigencies of English politics was Thomas Pelham-Holles, first duke of Newcastle. For a while after he was named Secretary of State for the Southern Department, on April 6, 1724, Newcastle devoted considerable attention to colonial administration.⁹⁵ He soon realized, however, that pursuing a coherent colonial policy would make the realization of his basic goal, complete dominance of the British political system more difficult, so he adopted an exploitive attitude toward the colonies.⁹⁶

⁹³Henretta, "Salutary Neglect", pp. 237, 242-45, 254.

⁹⁴Katz, Newcastle's New York, p. 12, Henretta, "Salutary Neglect", pp. 134-5, 281.

⁹⁵Henretta, "Salutary Neglect", pp. 73-4.

⁹⁶Henretta, "Salutary Neglect", pp. 47, 93, 259.

Newcastle was so unconcerned with colonial government that he had no qualms about subordinating the basic principles of colonial administration to political considerations. When William Burnet was appointed governor of Massachusetts Bay in 1728, his instructions required him to obtain a permanent revenue from the colony's General Assembly. The colonists were unwilling to create a perpetual revenue, and a dispute developed. Burnet informed Newcastle of the situation and of his determination to secure obedience to his instructions. Newcastle responded in a "private letter" dated June 26, 1729, urging Burnet to ignore his instructions and accept a revenue grant which would expire when he left office. The Southern Secretary favored this "compromise" because, despite its adverse effects on the governor's authority, it would resolve the dispute and spare him the politically inexpedient necessity of asking Parliament to intervene in the situation in Massachusetts.⁹⁷

Newcastle's treatment of Lewis Morris, of New York, who traveled to London in 1734 to lodge complaints against Governor William Cosby of that Province was also motivated by the exigencies of English politics. The dispute had its origins on July 1, 1731 when Rip Van Dam, the senior member of the colony's council assumed control of the government

⁹⁷Labaree, Royal Government, pp. 361-3.

after the death of Governor John Montgomerie⁹⁸ (as required by the late governor's instructions)⁹⁹ and collected all of the governor's salary and perquisites. When Cosby arrived in New York as its new governor, he produced his instructions and claimed half of all of Van Dam's profits. Van Dam refused, and a bitter quarrel developed in which Lewis Morris, Sr., who had been the colony's chief justice since 1715,¹⁰⁰ supported Van Dam.¹⁰¹

Cosby responded by removing Morris from office in May, 1733,¹⁰² When correspondence with London failed to secure reinstatement, Morris decided personally to press his suit in the capital. The Privy Council, after hearing Morris,

⁹⁸Herbert L. Osgood, The American Colonies in the Eighteenth Century (4 vols., Gloucester, Mass., 1958, reprint of 1924-1925 edition), II, 443, (hereafter Osgood, Eighteenth).

⁹⁹Leonard Woods Labaree, Royal Instruction to British Colonial Governors, 1670-1776 (2 vols., New York, 1967, reprint of 1935 edition), I, 78-9.

¹⁰⁰New York State, Secretary of State, Documents Relative to the Colonial History of the State of New York, Edmund B. O'Callaghan, and Berthold Fernow editors (15 vols., Albany, N.Y., 1861-1887), V, 419 (hereafter NYCD).

¹⁰¹For detailed treatment of the dispute see, Katz, Newcastle's New York, pp. 61-132.

¹⁰²Cosby's letter informing Newcastle of Morris' removal is dated May 3, 1733, NYCD, V, 942-50.

ruled in November 1735, that Cosby had acted improperly; but it did not restore the former chief justice to office.¹⁰³ Morris' triumph was consequently empty; yet the responsibility had been Newcastle's. The Duke had used his enormous influence to protect Cosby¹⁰⁴ simply because George Montagu-Dunk, second earl of Halifax, an important member of Newcastle's interest,¹⁰⁵ was Cosby's brother-in-law.¹⁰⁶ Morris, unwilling to accept defeat, still hoped to secure reinstatement by bringing his case to the King. Newcastle, whose duties as Secretary of State included accepting petitions to the Crown, refused those of Morris.¹⁰⁷ No other official would bring Morris' address to the King,¹⁰⁸ and the case was effectively closed and Cosby was protected from embarrassment, and Newcastle's alliance with Halifax was further secured.

The next governor to serve in New York, Admiral George Clinton, also became embroiled in a somewhat similar dispute,

¹⁰³Osgood, Eighteenth, II, 464-5.

¹⁰⁴Katz, Newcastle's New York, p. 125.

¹⁰⁵Namier, Structure of Politics, pp. 41-2, 227-8.

¹⁰⁶Katz, Newcastle's New York, p. 61.

¹⁰⁷Katz, Newcastle's New York, p. 113.

¹⁰⁸Katz, Newcastle's New York, p. 124.

and Newcastle again intervened to protect his English interests.

When Clinton arrived in New York on September 20, 1743,¹⁰⁹ he promptly formed an alliance with James Delancey (Lewis Morris' successor as chief justice). Apparently Delancey felt that he, not the governor, should dominate the colony's politics, and when Clinton, in February 1746, induced the Assembly to pass a bill (intended to prevent desertions from the regiments on the frontier) of which Delancey disapproved, the chief justice had the Council reject the bill. This was the immediate cause of a quarrel which once again paralyzed the colony's government.¹¹⁰ Newcastle supported Clinton in his dispute with Delancey because the governor's nephew, Henry Clinton, ninth earl of Lincoln, controlled a number of parliamentary seats which were important to Newcastle, and the earl would have been offended, perhaps to the point of finding new political allies, had Newcastle not supported the governor.¹¹¹ Although the War of the Austrian Succession prevented Newcastle from supporting Clinton as vigorously as he had Cosby,¹¹² the Board of Trade's report on the dispute did

¹⁰⁹NYCD, VI, 247.

¹¹⁰Katz, Newcastle's New York, pp. 165-70.

¹¹¹Henretta, "Salutary Neglect", pp. 216-7.

¹¹²Katz, Newcastle's New York, p. 198.

not propose any action against Clinton¹¹³ so the Duke's ties to Lincoln were safe.

Considering the relative unimportance of the North American colonies to the British Empire, it is, perhaps, understandable that the Secretaries of State who were deeply involved in the myriad problems of governing Britain and managing her foreign affairs could devote little attention to the problems of colonial government. Certainly the neglect of colonial government was no greater than the neglect of British local government, and the exploitation of American patronage no worse than the exploitation of Britain's.

The failure of the Privy Council, which should have been deeply involved in the management of the colonies, to deal with the problems of colonial administration cannot, however, be excused in this way.

Originally the "private council" which assisted the sovereign in making policy and administering justice, the Privy Council, had, by 1712, grown too large to be an effective policy making body. The responsibility for shaping policy had been transferred to a smaller "cabinet council," and the whole Privy Council restricted to the role of the

¹¹³NYCD, VI, 614-36.

Kingdom's highest ecclesiastical court.¹¹⁴ The establishment of the Committee for hearing appeals from the plantations in December, 1696¹¹⁵ extended the Council's authority to the colonies.

Since a court should not act without knowledge of the circumstances which shape the events it judges, and as the Privy Councillors (like almost everyone else in England) had no experience in colonial affairs, they turned to the Board of Trade for information about colonial conditions. The Board's role was, however, purely advisory; and the committee on appeals and the whole Privy Council was never legally bound by its advice.¹¹⁶

The Privy Council's authority over colonial affairs was further extended in 1709 when the Committee for hearing appeals from the plantations was authorized to hear complaints, as well as formal appeals from the colonies,¹¹⁷ and again in 1714, when the Privy Council was authorized to

¹¹⁴"Privy Council," and "Privy Council, Judicial Committee of," Encyclopaedia Britannica, 1973, XVIII, 567.

¹¹⁵Great Britain, Public Record Office, Acts of the Privy Council-Colonial Series, W.L. Grant and James Munro, editors (6 vols., Hereford and London, 1908-1912), II, vi-viii, xiii-xiv (hereafter APC).

¹¹⁶Dickerson, American Colonial Government, pp. 92-3, APC, II, xi.

¹¹⁷APC, II, xi.

establish its own committee on colonial affairs. This freed the Council from dependence on the Board of Trade and contributed to the Board's decline. The Privy Council's committee on colonial affairs became more powerful as the Board of Trade's influence was reduced by the Secretaries of State; by 1729 the "Lords of the Committee of Council" were supervising the Board.¹¹⁸ In 1738, in accordance with Newcastle's instructions, the Board began referring all petitions to the Council for action,¹¹⁹ and in the 1740's, Lords of the Committee completely engrossed the Board of Trade's responsibilities as the Council's advisor on colonial affairs.¹²⁰ The Board merely continued to transmit specific information and advice to the whole Council¹²¹ through the Lords of the Committee.¹²²

The decline of the Board of Trade greatly increased the Privy Council's role in colonial administration, and the Council was diligent in attempting to meet its new

¹¹⁸Turner, Privy Council, II, 359.

¹¹⁹Turner, Privy Council, II, 365, Dickerson, American Colonial Government, pp. 26-7, 27n., 47.

¹²⁰Turner, Privy Council, II, 359.

¹²¹Dickerson, American Colonial Government, p. 104.

¹²²Turner, Privy Council, II, 359.

responsibilities.¹²³ Yet it never became an effective instrument of colonial administration. The Councillors, despite their diligence in processing colonial business, were apparently not interested enough to attempt to create a coherent colonial policy.¹²⁴ The Council was consequently willing to accept whatever solutions the Board of Trade proposed for problems involving the colonies.¹²⁵ Unfortunately, the Board could not propose imaginative solutions. It had been created to fulfil (and had been specifically restricted by Newcastle) to an information-gathering role, and so when asked for advice it would report what had been done in the past, not attempting fresh analysis. Thus, the Privy Council tended to perpetuate the existing system of ad hoc involvement in the colonies simply because, like so much of English society, its members simply had little real interest in America.

The interest of Parliament, "the principal organ of the nation's will,"¹²⁶ like that of other agencies of the British

¹²³APC, III, vi-vii.

¹²⁴APC, IV, viii.

¹²⁵APC, III, 187 records the only instance in which the Council did not accept the Board's recommendation on colonial policy. The Council disagreed with the basic premise of the Board's report and returned it for redrafting.

¹²⁶Williams, Whig Supremacy, p. 22.

government, was also self serving. The members of the House of Commons had gone to Westminster to improve their fortunes,¹²⁷ and they regarded the colonies only as a possible additional source of profit. As profits could best be obtained with consent of the House, and as a number of members were more likely to be able to influence the House than could a single individual, Parliamentarians formed associations based on family, geographic, or economic ties to pursue their "interest."¹²⁸ Most of the members of the House were tied to one or more interests.¹²⁹ Decisions were shaped by negotiations among the various groups which could, when they united, force policies on the government.¹³⁰

Consequently, most legislation which passed the House was intended to benefit one or more of these interest groups. Even statutes which dealt with seemingly national concerns, such as customs duties, or trade regulations, were often

¹²⁷Namier, Structure of Politics, p. 4, see above.

¹²⁸Michael Kammen, Empire and Interest (Philadelphia, 1970), pp. 8-11, George Louis Beer, The Commercial Policy of England Toward the American Colonies, vol. III, Columbia College Studies in History, Economics and Public Laws (New York, 1948, reprint of 1893 edition), p. 32.

¹²⁹Kammen, Empire and Interest, pp. 13-4.

¹³⁰Kammen, Empire and Interest, pp. 63-4.

drafted and advanced by interests which were totally unconcerned with the welfare of the nation. Only the rule which prevented members from proposing the expenditure of public monies kept the Commons from becoming an overt servant of private interests.¹³¹

Even colonists attempted to influence Parliament. By the 1670's, New Englanders considered themselves as independent "interest." By 1680, the proprietors of Pennsylvania and Maryland were defending their interests in London, and by 1690, New York had agents in London to protect its interests.¹³² Although the colonies' interests were clearly a factor in British politics by 1716, their distance from the center of power, their lack of parliamentary representation, and their rivalries, kept them from exerting much influence.¹³³

The colonies' inability to sway the House meant, therefore, that Parliament's interest in the colonies was restricted to enacting legislation aiding British interest groups, merchants, manufacturers, or planters, which hoped to profit thereby. The practice of passing legislation which served the needs of disparate groups of Englishmen

¹³¹Richard Pares, King George III and the Politicians (Oxford, 1963), pp. 3, 3-4n.

¹³²Kammen, Empire and Interest, pp. 37-40.

¹³³Kammen, Empire and Interest, pp. 55-8.

probably strengthened the British economy, but it also resulted in the development of a "colonial system" which had neither order nor direction.¹³⁴ This was, however, unimportant to the English government as the agencies which had authority over the colonies had no interest in colonial administration, and the Board of Trade, which was interested in colonial administration, had little influence.¹³⁵

Parliament's exploitive attitude had had a long history. During the Portectorate, merchants had convinced the nation that trade was essential to England's prosperity,¹³⁶ and so Parliament had come to regard colonial legislation primarily as a method for protecting the interests of British merchants.¹³⁷ It was completely willing to act when merchants asked for protection, or for advantages in the colonial market.¹³⁸

¹³⁴Henretta, "Salutary Neglect", pp. 105, 105-6 n.

¹³⁵Stock, Proceedings, III, xx.

¹³⁶Godfrey Davies, The Early Stuarts, 1603-1660, 2nd edition, vol IX, The Oxford History of England, George Clark, editor, (Oxford, 1959), p. 336.

¹³⁷Stock, Proceedings, III, iii, the Acts of Trade and Navigation were also intended to improve England's ability to wage war, and to raise some revenue, Davies, Early Stuarts, pp. 316-7, Beer, Commercial Policy, pp. 15-18.

¹³⁸Stock, Proceedings, III, xiii.

The objective of England's first navigation act, passed during the Commonwealth, was to protect the English carrying trade from Dutch competition, by requiring that all African, Asian, or American goods shipped to England travel in ships owned by English subjects, and manned by crews at least half English. European goods could be imported to England only in English ships, or in ships of the nation which produced the goods.¹³⁹

After the Restoration, the Stuart monarch continued the protective policies of Cromwell's government.¹⁴⁰ The first Stuart Navigation Act even strengthened the older statute, by requiring that the crews of English ships be at least three-quarters English, and that foreign goods be shipped to England directly from the place where they were produced, or from the usual shipping point. Those English merchants who dealt in colonial sugar, tobacco, cotton-wool, indigo, fustic, and dye woods, were protected from foreign competition which would drive costs up and profits down, by the "enumeration" of those products. The requirement that enumerated goods be shipped only to England or English colonies, prevented foreigners from purchasing them in the colonies and thereby reserved the market for English merchants.

¹³⁹Davies, Early Stuarts, pp. 220-1, the act was passed in October, 1651.

¹⁴⁰Beer, Commercial Policy, p. 36.

To insure compliance with the act, bonds were required of all shippers.¹⁴¹ Bonding did not, however, effectively prevent the sale of enumerated commodities to foreigners, and in 1672 the act was strengthened by the imposition of duties on enumerated goods shipped in intercolonial trade, and the specific prohibition of the re-export to Europe of enumerated goods which had been shipped between colonies. Even these more stringent rules were not successful in protecting the English merchants' monopoly of colonial goods and, in 1695, another law, requiring colonists to post a bond which would insure that goods being reshipped from a colony would, in fact, reach England was passed. The colonial market for English merchants was protected in 1663 by a law which required all goods destined for the colonies to be shipped from English parts in English vessels.¹⁴²

The Restoration Parliament also endeavored to protect English farmers from competition, by placing prohibitively high duties on rye, barley, peas, beans, oats, and wheat shipped into England. Six years later, in 1666, imported beef, salt pork, and bacon were barred from the English market; and in 1679 butter was added to the list of products

¹⁴¹Beer, Commercial Policy, pp. 36-8, the act was passed in 1660.

¹⁴²Beer, Commercial Policy, pp. 37-40.

which could not be imported.¹⁴³

These acts were not by any means the end of England's efforts to capitalize on the American colonies. As the colonies developed, they began to produce goods which found markets in Europe, which were useful to England, and which competed with the products of English industry. Parliament responded to these developments by enacting legislation which secured the advantages of the new trades for English merchants, and prevented the colonists from competing with English industries.

In 1698 Parliament protected the woolen industry, one of England's oldest and most important, from colonial competition by forbidding colonists to ship woolens in the inter-colonial trade. This prevented the development of a colonial wool manufacturing industry by eliminating most of its potential market, and made England the colonies' only source of manufactured woolens. (Home weaving, which did not compete with English industry, was not affected by prohibition.)¹⁴⁴

Parliament's willingness to aid English merchants at the expense of colonial traders was further demonstrated by the enumeration of rice. By the beginning of the eighteenth century, American rice had found a profitable market in

¹⁴³Beer, Commercial Policy, pp. 73-4.

¹⁴⁴Beer, Commercial Policy, p. 77.

Europe. On February 21, 1705,¹⁴⁵ the House of Commons, which apparently believed that English merchants deserved the profits of the rice trade more than colonials, destroyed the colonial rice trade by requiring colonists to ship all their rice to England. This rather arbitrary action apparently succeeded in securing the rice trade for English merchants, for, between 1712 and 1717 England imported an average of 28,073 cwt. of rice a year, and re-exported 22,936 cwt. In 1729 the colonists were permitted to resume selling rice directly to Portugal, a market British merchants had not successfully penetrated.¹⁴⁶

British sugar policy was equally insensitive to colonial interests. Molasses and the sugar produced from it were valuable commodities in the eighteenth century and so in February, 1705¹⁴⁷ Parliament placed molasses on the enumerated list. In 1717 France, which resented British dominance of the world sugar market, began encouraging her West Indian possessions to produce sugar. The program was so successful that by 1730 French sugar was replacing British in England's continental colonies. Naturally this

¹⁴⁵Stock, Proceedings, III, 96.

¹⁴⁶Beer, Commercial Policy, pp. 45, 52-3, CSP, XXXII, 490.

¹⁴⁷Stock, Proceedings, III, 96.

disturbed the West Indian planters who were being deprived of an important market. They met the challenge of French competition by utilizing their interest in the Parliament to secure passage of the Molasses Act of 1733 which protected their North American market by placing prohibitively high duties on foreign molasses, sugar and rum. The planters' effort was not altogether successful as the Molasses act was never strictly enforced,¹⁴⁸ perhaps because execution of the law would have raised the price of American rum thereby adversely affecting the British merchants involved in the triangular trades with America.

Only in the production of naval stores and copper was British policy toward the colonies influenced by public, as well as private, interests. In 1702 England was drawn into the War of the Spanish Succession, and, although the war was primarily continental, the Royal Navy played an important role.¹⁴⁹ The activity of the Royal Navy created a demand for more naval stores than England could produce, and she was forced to meet the deficit with purchases from the Baltic. Dependence on foreign sources for supplies essential to the fleet, the backbone of England's power, was undesirable because it placed England at the mercy of her

¹⁴⁸Beer, Commercial Policy, pp. 52, 63-4.

¹⁴⁹Michael Lewis, The History of the British Navy (Fair Lawn, N. J., 1959), pp. 107-111.

suppliers, and, because it resulted in a trade deficit with the Baltic of about £777,000. To avoid these unpleasant consequences, the English government began encouraging the colonies to produce the required naval stores. In 1705 the Parliament passed legislation which placed naval stores on the enumerated list, and established bounties to encourage the colonists to produce them. The bounties were set at £6 per ton on hemp, £4 per ton on tar and pitch, £3 per ton on rosin and turpentine, and £1 per ton on masts.

This policy met some initial difficulties. At first the colonists could not (despite the assistance of skilled workers whose passage to America was financed by Parliament) produce stores which met the requirements of the Royal Navy. The Parliament did not wish to spend public money for sub-standard goods and responded, in 1719, by forbidding the payment of bounties for products which did not meet the Navy's specifications. By 1728, however, the initial problems were solved, and the quality and quantity of the goods produced had increased so much that it was possible to lower the bounties to £2 4s. per ton for tar not of the highest quality, £1 8s. per ton for turpentine, and £1 per ton for pitch.¹⁵⁰

As the Navy was the keystone of imperial defense in the eighteenth century, attempts to increase the production of

¹⁵⁰Beer, Commercial Policy, pp. 55, 91-100.

naval stores (including copper which was enumerated in 1722),¹⁵¹ certainly served the national interest as well as the interests of the English merchants who profited from the new industries. Even Americans benefited from the new naval stores industry, although the Parliament had apparently not been concerned with them when it adopted the policy.¹⁵²

In 1722 the Parliament acted to assist British merchants in their search for profits from colonial products by placing beaver, and other furs, which found a ready market in Europe on the enumerated list¹⁵³ thereby assuring English merchants of their share of the trade's profits. Nine years later the

¹⁵¹Beer, Commercial Policy, pp. 56-7, the rumored large copper deposits which led to the enumeration of copper, never materialized.

¹⁵²The preamble of the Naval Stores Act makes the subordinate place of Americans clear:

"...whereas Her Majesty's colonies and Plantations in America were first settled, and are still maintained and protected, at a great expense of the Treasure of this Kingdom, with a design to render them as useful as may be to England, and the Labour and Industry of the people there, profitable to themselves...."

The Board of Trade had hoped that the production of naval stores would provide the New Englanders with a product they could market in England in lieu of foodstuffs, and woollens which were barred by English law. Events did not develop as the Board had hoped, the Carolinas became the center of the American pitch and tar industry. Joseph J. Malone, Pine Trees and Politics (Seattle, Washington, 1964), pp. 26-28, 36-38.

¹⁵³Beer, Commercial Policy, p. 60.

Company of Feltmakers petitioned the Houses to assist its members by eliminating the colonial competition which was reducing the demand for British hats in foreign markets, and in Britain itself. The Parliament responded in 1732 with the Hat Act which forbade the colonies to export hats.¹⁵⁴

The Parliament was so anxious to encourage English trade that it was even willing to disburse public money on projects which would benefit only a few merchants. Indigo was an important dye in the eighteenth century, and, as England did not produce any, it was necessary to import it from France. In the 1740's an experiment in indigo production was started in South Carolina. The merchants who traded with the colony realized that the experiment's success would provide them with a valuable new commodity. They therefore asked Parliament to establish a bounty on indigo which would make producing it more profitable. The Parliament agreed and established a bounty of 6 d. per pound which enabled American indigo, which was imported and marketed by English merchants, to dominate the English market and compete with the French dyestuff in the rest of Europe.¹⁵⁵

England's third largest industry, ironmaking, also looked to the colonies as a source of profit. The

¹⁵⁴Beer, Commercial Policy, pp. 81-3.

¹⁵⁵Beer, Commercial Policy, pp. 103-4.

ironmakers, however, faced a dilemma. They wanted to encourage colonial production of pig and bar iron (which could not be economically produced in England because of shortages of ore and fuel), but did not want the colonists to begin competing with them in the remunerative production of finished goods.¹⁵⁶ In 1750 the Parliament solved this problem by eliminating duties on pig and bar iron imported from the colonies, while forbidding the colonists to build the rolling and slitting mills, forges, and steel making furnaces required to convert the raw iron into finished products which would compete with English goods.¹⁵⁷

The Parliament also felt that the colonies should be encouraged to produce goods which were in short supply whereby the colonies would free England from dependence on foreign sources, lower the price English manufacturers would have to pay for raw materials, and provide England with additional exports. Thus in 1750 Parliament responded to a shortage of Spanish and Italian silk by passing a resolution intended to encourage American silk production by admitting colonial silk to England without duty.

Parliament was never willing to subordinate English profits to the well being of the colonies. In 1750, New Yorkers, who produced salt meat and salt fish which were

¹⁵⁶Stock, Proceedings, III, 396.

¹⁵⁷Beer, Commercial Policy, pp. 83-90.

exported from the colony, asked the Parliament for permission to purchase their salt from Southern Europe. This, they explained, would enable them to purchase better salt than British manufacturers could provide at lower cost, thereby improving their competitive position. The Parliament consulted the English salt manufacturers who would be affected by the change, and were told that English salt was "perfectly adequate" for the Americans' needs, and that permitting them to purchase salt abroad would violate the principles of the Navigation Acts. The proposal was thereupon dropped.¹⁵⁸

Thus, the Parliament, more than any other agency of the British government, used its power over the colonies not to benefit them, or to create a balanced colonial system, but to force the colonies to advance the economic interests of Englishmen no matter what the effect. Colonial resentment of Parliamentary interference in their affairs naturally followed.¹⁵⁹

The Parliament's desire to exploit the colonies had, however, little practical effect. Although the Houses could legislate for the colonies, they could not enforce their decisions, and the agencies charged with implementing them simply did not bother to do so. The Secretaries of State

¹⁵⁸Stock, Proceedings, V, xvi-xvii, CSP, XXVI, 519-20.

¹⁵⁹CSP, XXIX, xxiv.

and the Privy Council apparently never even attempted to rigorously enforce the Acts of Trade and Navigation, and so, despite Parliament's efforts at regulation, the colonial economy was as free of British control as were all other aspects of colonial life.¹⁶⁰

¹⁶⁰Williams, Whig Supremacy, p. 317.

CHAPTER THREE

THE BOARD OF TRADE AND THE COLONIES: LIMITED AUTHORITY AND LIMITED INTEREST

There was, however, one agency of the British government, the Lords Commissioners for Trade and Plantation, known more familiarly as the Board of Trade,¹ which was more directly concerned with the affairs of Britain's overseas possessions. Its concern was, however, not nearly as overwhelming as Oliver Morton Dickerson suggests in his highly influential study of American Colonial Government 1696-1765 which was published in 1912. Far from being the powerful, influential, ever vigilant supervisor of all aspects of colonial government, the Board was a rather insignificant agency which seems to have been the product of a struggle between the Crown and Parliament for influence over trade, rather than the result of an effort to increase the efficiency of Britain's colonial administration.

Competition between the monarch and the legislature for control of England's trade policy first emerged when the

¹Great Britain, Public Record Office, Acts of the Privy Council, edited by W.L. Grant and James Munro (6 vols., Hereford and London, 1908-1912), II, v (hereafter APC).

disruption of the ordinary business of government by the Revolution of 1688, and the onset of the War of the League of Augsburg in early 1689,² kept the Privy Council from exercising its traditional jurisdiction over England's commerce. As the European war disrupted trade and disastrously depressed the English economy,³ the mercantile interest began to agitate for the creation of an agency which would concern itself exclusively with protecting and furthering England's commerce. The House of Commons, traditionally responsive to merchants' desires and wishing to absorb the Crown's authority over trade, had accepted the merchants' petition and, in November 1695, established an internal committee on trade. The Lords in their turn felt, however, that such a trade committee, completely dominated by the Commons, was inappropriate, and suggested the establishment of an "independent" council to supervise commerce. The Commons accepted the peers' advice and legislation to create the council on trade was introduced. Such Parliamentary energy seems to have disturbed King William III, who ended the Houses' efforts to dominate trade policy when he created, by Privy Council order, on May 15, 1696, a Commission of Trade and Plantations, thus meeting the merchants'

²David Ogg, England in the Reigns of James II and William III (Oxford, 1963), p. 348.

³Ogg, England in the Reigns of James II and William III, p. 305.

demands for closer government supervision of trade.⁴

Despite its title, the opening of new markets and the developing of new industries was not the Board's only responsibility. It was also instructed in the Commission to find the most effective methods of creating gainful employment for the poor whose support was a burden on the public. It could not, however, act to solve the problems it investigated. It was an investigative agency which could only suggest action to the King or the Privy Council "from time to time...as the nature of the Business shall require."

The members of the Board which William had created were to insure "...that the Trade of Our Kingdom of England, upon which the strength and riches thereof do in a great measure depend, should be all proper means be promoted and advanced;" Specifically, they were to

examine into and take an account of the state and condition of the general Trade of England, and also of the several particular Trades in all Foreign parts, and how the same respectively are advanced or decayed, and the causes or occasions thereof; and to enquire into and examine what Trades are or may prove hurtfull, or are or may prove beneficial to our Kingdom of England, and by what ways and means the profitable and advantageous Trades may be more improved and extended and such as are hurtfull and prejudicial

⁴APC, II, v, Edward Raymond Turner, The Privy Council of England, 1603-1784 (2 vols., Baltimore, 1928-1929), II, 339-41 (hereafter Privy), Oliver Morton Dickerson, American Colonial Government 1696-1765 (New York, 1962, reprint of 1912 edition), pp. 21-2.

rectified or discouraged; and to enquire into the several obstructions of Trade and the means of removing the same: And to consider by what means the severall useful and profitable manufactures already settled in Our said Kingdom may be further improved, and how and in what manner new and profitable Manufactures may be introduced....

As Englishmen generally regarded the colonies primarily as an adjunct to trade, it was not surprising that the Board of Trade was also instructed to

take into your care all Records, Grants and Papers remaining in the Plantation Office or thereunto belonging.

And likewise to inform you selves of the present condition of Our respective Plantations, as well with regard to the Administration of the Government and Justice in these places, as in relation to the Commerce thereof; And also to inquire into the limits of Soyle and Product of Our severall plantations and how the same may be improved, and of the best means for easing and securing Our Colonies there, and how the same may be rendered most usefull and beneficiall to our said Kingdom of England."

The commercial basis of England's interest in the colonies was manifestly clear, as in the requirement that the members of the Board

inform yourselves what Navall Stores may be furnished from Our Plantations, and in what Quantities, and by what methods Our Royall purpose of having our Kingdom supplied with Navall Stores from thence may be made practicable and promoted; And also to inquire into and inform your selves of the best and most proper methods of settling and improving Our Plantations, such other Staples and other Manufactures as Our subjects of England are now obliged to fetch and supply themselves withall from other Princes and States; And also what Staples and Manufactures may be best encouraged there, which are or may prove prejudiciall to England, by furnishing themselves or other countries with what has been usually supplied from such Trades, and whatsoever else may turne to the hurt of Our Kingdom of England.

The Board's interest in the colonies was, as had been mentioned, not completely commercial. It was also to determine whether any changes were necessary in the governors' instructions, to report significant colonial developments to the Crown, to recommend suitable candidates for vacant colonial offices, to evaluate colonial legislation and to advise the Crown as to its suitability for Royal approbation, to hear complaints from the colonies, and to audit the colonies' accounts.

The Board could collect all such varied information under oath, but once having accumulated it, all it could then do was "report all your doings...in writing...to Us, or to Our Privy Council, as the nature of the thing shall require."⁵ Clearly the Board was not intended for a major role in Britain's colonial administrative structure. Supervision of colonial governments was the least of its duties⁶ and it was given no authority over the colonies. It could investigate and advise, nothing more.

The limited role of the Board was reflected in its working membership, which was composed of men who exerted

⁵New York State, Secretary of State, Documents Relative to the Colonial History of the State of New York, E.B. O'Callaghan and Berthold Fernow editors, (15 vols., Albany, 1861-1887), IV, 145-8 (hereafter NYCD).

⁶Colonial administration occupies less than one paragraph of the Board of Trade's commission.

relatively little influence on the decisions of the government. Although the Chancellor of England, the President of the Privy Council, the first Commissioner of the Treasury, the first Commissioner of the Admiralty, both Secretaries of State, and the Chancellor of the Exchequer were named as members of the Board by its original commission, at the same time it excused them from attending its meetings.⁷ Had the Board been conceived as a significant part of the English bureaucracy, its prestige would not have been diminished from the first by excusing from its meetings seven of the most powerful and influential men in England.

As the Board had no authority of its own, it could influence policy only by presenting suggestions to the Crown, or the Privy Council.⁸ The Board's role in colonial administration was, necessarily, to a large extent, shaped by the attitudes of the agencies which exercised authority in colonial matters.

However, the Board was allowed something of a direct role in the supervision of colonial affairs until 1714, when the Privy Council was permitted to form its own committee on "colonial affairs." This committee soon engrossed most of

⁷NYCD, IV, 148.

⁸Leonard Woods Labaree, Royal Government in America (New York, 1958, reprint of 1930 edition), pp. 29 (hereafter Royal Government), Mark A. Thomson, The Secretaries of State, 1681-1782 (Oxford, 1932), pp. 41-4.

the Board's authority and, by 1729, was directly supervising the Board's activities. By 1740, the committee had superseded the Board in the conduct of colonial affairs.⁹ The Board still remained active but instead of making decisions or recommendations, it was thereafter reduced to supplying information to those who actually exercised power.¹⁰ The Board's increasing subordination was reflected in its admissions in its letters to the colonial governors that it was ignorant of its own government's decisions in colonial affairs.¹¹

The declining position of the Board of Trade in the administrative hierarchy was also apparent in its relations with the "cabinet," which was then emerging as an important part of the government. Although its importance in the formation of colonial policy had been generally recognized in the early years of the eighteenth century (it was, for example, summoned to Whitehall to confer with the Queen and Privy Council committee which was then emerging as the

⁹Turner, Privy, II, 359.

¹⁰Great Britain, Public Record Office, Calendar of State Papers, Colonial Series, America and West Indies, W.N. Sainsbury and others, editors (42 vols., London, 1860-1963), XXXVI, x (hereafter CSP).

¹¹CSP, XXXIX, xxvi.

"cabinet" in July, 1702),¹² the development of the cabinet system of government in the first decade of the century had resulted in a rapid decline in the Board's petition. The "cabinet" simply usurped much of its influence over colonial affairs. Instead of meeting with the Board, the "cabinet," in 1713, instructed it to meet with the merchants who wished to comment on the commercial treaty then being negotiated with Spain, and to report the results of that meeting to the appropriate members of the cabinet.¹³

By the beginning of King George I's reign in 1714, it was customary for the "cabinet" to act on information supplied by the Board without asking its advice.¹⁴ In 1730, the "cabinet" instructed the Board to hasten the evacuation of Santa Lucia, which was threatened by a slave uprising in Jamaica. Nine years later, in July 1739, the "cabinet" decided to dispatch additional military supplies to the West Indies without communicating with the Board.¹⁵ Perhaps the most telling indication of the Board's inferior position was the "cabinet's" unwillingness, in December 1739, to even

¹²Edward Raymond Turner, The Cabinet Council of England, 1622-1784 (2 vols., Baltimore, Md., 1930-1932), I, 183, (hereafter Cabinet).

¹³Turner, Cabinet, I, 453.

¹⁴Turner, Cabinet, II, 156-7, 169, 195.

¹⁵Turner, Cabinet, II, 176.

accept advice from Colonel Martin Bladen, the senior member of the Board of Trade, and the person who "...was supposed to have the most generall knowledg of all the plantations..." Members of the "cabinet," who possessed and claimed no expertise in colonial matters were sharply critical at that time of Bladen's estimate of the number of fighting men Britain could raise in her colonies.¹⁶ Had the Board retained any influence in the British government, members of the "cabinet" would have been quite willing to accept Bladen's expert advice without debate, no matter how unpleasant it might have been.

The Board of Trade was similarly subordinate to the Secretary of State for the Southern Department. The Secretaries of State had inherited much of the Crown's authority during the reigns of Queen Anne and King George I,¹⁷ and the Board became, in many ways, part of the Southern Secretary's Department. Until the reign of George I, it had been customary for the Southern Secretary, who had always retained complete legal authority over colonial affairs to allow the Board of Trade to have a almost complete autonomy in the conduct of colonial business.¹⁸

¹⁶Turner, Cabinet, II, 294.

¹⁷See chapter two.

¹⁸Dickerson, American Colonial Government, pp. 107-8.

James Stanhope, first earl of Stanhope, one of King George I's Secretary of State for the Southern Department, abandoned his predecessors' passivity and began expropriating the Board's authority in colonial administration. He began making colonial appointments without consulting the Board of Trade, and his successors continued the erosion of the Board's authority, until in the 1730's the Board was left virtually without power¹⁹ or influence.²⁰ By then the Board was required to refer all matters to the Southern Secretary's office²¹ or to the Privy Council for decision.²² Unfortunately, as has been discussed in Chapter Two, neither regarded the colonies as worthy of attention.

The Board of Trade had always had even less influence on the Houses of Parliament than it had on the "cabinet," Privy Council, or the Secretaries of State; for although it regularly sent committees of Parliament information, they generally failed to utilize the information supplied by the Board as the foundation for colonial legislation.²³

¹⁹Dickerson, American Colonial Government, pp. 111-4.

²⁰Turner, Privy, II, 358.

²¹Dickerson, American Colonial Government, pp.36-7, 47.

²²Turner, Privy, II, 365.

²³Leo Francis Stock, Proceedings and Debates of the British Parliaments Respecting North America (5 vols., Washington, D.C., 1924-1941), III, xx.

Parliamentary interest in the colonies was in any case so rare that Benjamin Keene, secretary to the Duke of Newcastle, commented on the extraordinary nature of the House of Commons' interest in the colonies during the debate over the Molasses Act which had begun in 1731.²⁴

The Board's lack of power, and its inability to exert real influence on the formation of policy,²⁵ made it unattractive to those ambitious politicians who hoped to play a major role in the development of Britain's policies. Consequently, when the Board's decline became apparent after 1714, it necessarily became a resting place for "deserving," if somewhat mediocre, friends of the government.²⁶ The salary of £1,000 per year²⁷ was sufficiently attractive to make a place on the Board much sought after,²⁸ but the Board's lack of influence encouraged its members to be lax in their duties. From 1741 to 1743, only four of the eight working

²⁴CSP, XXXVIII, xviii-xix.

²⁵James A. Henretta, "Salutary Neglect" Colonial Administration Under the Duke of Newcastle (Princeton, N.J., 1972), p. 27 (hereafter "Salutary Neglect").

²⁶Turner, Privy, II, 345.

²⁷Turner, Privy, II, 343-4.

²⁸Stanley Nider Katz, Newcastle's New York (Cambridge, Mass., 1968), p. 17.

members of the Board of Trade--the Board's president Sir John Monson, Colonel Martin Bladen, Richard Plumer, and James Brudenell--attended more than half of the Board's meetings, and one of the Board's members, Sir Archer Croft, missed all one hundred thirty-eight meetings in 1742.²⁹

This apparent unconcern with exercising what little influence they possessed may indicate that the Board accepted its restricted role in the management of the colonies³⁰ passively.

Perhaps the Board's members were unconcerned with their lack of influence on colonial administration because they were occupied with other matters. All members of the Board at any time were also members of the House of Commons, and as the House was the font of preferment and profit in eighteenth-century England, it was natural for the members to be more involved in Parliamentary affairs than they were in the work of the Board.³¹ Nor is it surprising that the members of the Board of Trade were, like virtually all other politically active Englishmen, more interested in the pursuit of patronage than in the formation and implementation of policy.³²

²⁹Dickerson, American Colonial Government, pp. 34-5.

³⁰Basil Williams, The Whig Supremacy, 1714-1760, 2nd edition, revised by C.H. Stuart, vol. XI The Oxford History of England, Sir George Clark, editor, p. 311.

³¹Katz, Newcastle's New York, p. 19.

³²Henretta, "Salutary Neglect", p. 163.

The lack of concern with colonial business prevalent among persons charged with supervising the colonies³³ had by the 1730's resulted in the displacement of the formal colonial bureaucracy³⁴ with an informal structure, which accurately reflected the personal patronage concerns of those who were involved in colonial administration. Instead of depending on the Board of Trade to represent their interests in England, many occupants of colonial offices, or merchants involved in colonial trade, or colonists with political aspirations, would make contact with a Londoner who himself had contacts on the higher levels of government. These allies could present points-of-view to the men who had the power to shape colonial policy.³⁵ This informal system enabled all the members of the Board of Trade who had access to the ministry and to the Privy Council, to affect the government's policies -- if their "friends" in the government were more powerful than those of the others involved in the dispute.³⁶

The greatly reduced role of the Board made its continued smooth operation less important to the government, and

³³Henretta, "Salutary Neglect", pp. 266-7.

³⁴Henretta, "Salutary Neglect", p. 145.

³⁵Henretta, "Salutary Neglect", pp. 142-3.

³⁶Henretta, "Salutary Neglect", pp. 154-5.

consequently when Allured Popple resigned in 1737, to become governor of Bermuda, the position of Secretary of the Board of Trade was given to Thomas Hill, a minor poet who had good political connections³⁷ but no experience in colonial affairs nor any administrative ability at all. Hill's misadministration further reduced the Board's effectiveness. It was not until 1748 when John Pownall replaced Hill, that the Board began to operate efficiently again.³⁸ Pownall's efficient administration, combined with the ambitions of George Montagu Dunk, second earl of Halifax, who was named president of the Board in 1748, restored the Board to a position of some influence. The informal, "interest dominated" system of colonial administration, which had developed in the 1730's, was now superseded by a system which tried to evaluate the "effectiveness" of colonial officials.³⁹

Halifax was able to gratify his ambition and enhance his status in the government by restoring a measure of independence to the Board of Trade, only because his own personal political influence freed him from any fear of the Duke of Newcastle who was one of the most influential men

³⁷Henretta, "Salutary Neglect", p. 189.

³⁸Henretta, "Salutary Neglect", p. 263.

³⁹Henretta, "Salutary Neglect", pp. 282-5, 293-7.

in England. As powerful as Newcastle was, he could not remain in power without Halifax's support, and Halifax made the Board of Trade's independence the price of that support.⁴⁰ Indeed, Newcastle was so concerned with retaining Halifax's loyalty that he supported Halifax's quest for a seat in the "cabinet" to tie him more closely to the administration.⁴¹ The King, however, refused to seat Halifax in 1750, on the grounds that the Board of Trade was a subordinate agency, and that the Board's president would be obliged to follow the Secretary of State's instructions even though he were a member of the "cabinet."⁴² In 1751, Halifax again attempted to secure a place in the "cabinet," and this time the King refused his request on the grounds that the "cabinet" was already too large.⁴³ It was not until 1757 that Halifax finally obtained the "cabinet" seat he so badly wanted, and had so long pursued. He was seated, however, as the Earl of Halifax, not as the President of the Board of Trade,⁴⁴ a clear indication of the Board's low position in England's administrative hierarchy.

⁴⁰Dickerson, American Colonial Government, p. 40.

⁴¹Henretta, "Salutary Neglect", pp. 308-310.

⁴²Turner, Cabinet, II, 29.

⁴³Turner, Cabinet, II, 25.

⁴⁴Turner, Cabinet, II, 32-3.

Although the Board of Trade was devoid of authority and had little influence over the government's policies for most of the first half of the eighteenth century, it was, however, not moribund. Although the Board did not exercise the influence over colonial policy or administration which some have credited it with, it worked hard as a "civil service" for the Secretaries of State, for the Privy Council committee on colonial affairs, and on occasion, for the Houses of Parliament.⁴⁵ It investigated, collected information, and suggested actions to the Secretary of State for the Southern Department, as well as for the Privy Council committee on colonial affairs⁴⁶ which virtually always accepted its advice.⁴⁷

Since the Board of Trade was primarily an intelligence gathering agency, its files were constantly used by other agencies of the British government which wanted information on the state of England's commerce and colonies.⁴⁸ To keep

⁴⁵CSP, XXXIV, xi, XL, vii-viii.

⁴⁶Dickerson, American Colonial Government, p. 104.

⁴⁷Charles M. Andrews, "The Government of the Empire, 1660-1763," The Old Empire: From the Beginnings to 1783, vol. I, The Cambridge History of the British Empire, J. Holland, A.P. Newton, and E.A. Benians, editors, (New York, 1929), pp. 412-3, APC, III, 45, 54-5, Dickerson, American Colonial Government, pp. 81, 101.

⁴⁸CSP, XL, VI.

abreast of the continual requests for data, the Board's staff actively collected statistics on the colonies, the state of their trade, and matters related to trade. To insure the reliability of its sources, the Board sent the colonial governors detailed instructions on the methods to be used in compiling all statistics it requested.⁴⁹

The Board's diligence in accumulating and dispersing information was apparently appreciated by the other agencies of the English government. They requested so much information that the Board's Secretary was occasionally compelled to apologize for the Board's inability to transmit data rapidly.⁵⁰

The Board's industriousness was fully tested by the Parliamentary activity which culminated in passage of the Molasses Act of 1733. The question of regulating the sugar trade first came to the Board's attention on April 5, 1731 when the House of Commons asked the Board for copies of the Barbadoes Sugar Duty Act of 1715, the Royal confirmation of that Act, and the nineteenth article of Barbadoes Governor

⁴⁹CSP, XXXV, xxi-xxii.

⁵⁰CSP, XXXVII, xxvii. The information the Board so industriously collected and distributed was largely statistical. It kept careful records of the population, trade, and internal resources of the colonies. The information was obtained from the governors who were required to submit regular reports on these matters. It also served as a central archive for colonial legislation. Most of the requests for information came from those who were concerned with the colonial economy.

Henry Worsley's "instructions." The Lords also requested, on the same day, copies of Cadwallader Colden's memorial on the navigation of Canadian rivers, an extract from a 1717 report on the sugar trade between New England and foreign colonies, the 1694 Massachusetts act for controlling Indians, and the 1715 Barbadoes sugar act that the Commons had requested. Despite delays which were inevitably attendant upon hand copying, the Board was able to deliver this wide assortment of information within two weeks.⁵¹

Supplying the information requested by the Houses was, however, only the beginning of the Board's labors. In May, 1731, the sugar interest induced the Commons to request the Privy Council to order the Board of Trade to investigate the trade between England's continental colonies and foreign sugar-producing islands. At the initial hearing, the continental colonies' agents objected to the West Indian request for the termination of their trade with foreign sugar colonies. To resolve the conflict between the two groups of colonies, the Board organized hearings which would permit both sides to fully present their positions.⁵² The Board's investigations was so thorough that it was dilatory in presenting

⁵¹CSP, XXXVIII, 84, 100.

⁵²Great Britain, Trade and Plantations Commissioners, Journal of the Commissioners for Trade and Plantations, 1704-1782 (14 vols., London, 1920-1938) [1728/9-1734], pp. 176-7, 253-4, 257-9 (hereafter Journal), CSP, XXXVIII, xiv-xvi.

its report to the Commons, which requested it for the second time on January 28, 1731/2.⁵³ On February 4, Newcastle urged the Board to hasten the completion of its report.⁵⁴ The Board objected to the emphasis on speed; it felt that it could conduct an objective investigation only by the time-consuming process of supplying all interested parties with copies of all relevant material, and of allowing them an opportunity to reply.⁵⁵ However, the Board must have decided to comply with the Commons' and Newcastle's pleas for speed, for on February 15 the complete report was delivered to the Commons.⁵⁶

Since the Board of Trade had been created primarily to protect and encourage English trade,⁵⁷ it is not surprising that the information it supplied to other agencies reflected

⁵³CSP, XXXIX, 32-3.

⁵⁴CSP, XXXIX, 37-8.

⁵⁵CSP, XXXIX, 45-7.

⁵⁶CSP, XXXIX, 52-62.

⁵⁷George Louis Beer, The Commercial Policy of England Toward the American Colonies, vol. III Columbia College Studies in History Economics and Public Law (New York, 1948, reprint of 1893 edition), pp. 124-5 (hereafter Commercial Policy).

the interests and concerns of British merchants.⁵⁸ In 1734, for example, the House of Lords asked the Privy Council to instruct the Board to report on a petition from a group of London merchants, objecting to the duties several colonies had laid on British goods. The Board's report was painstakingly complete: it examined the history and operations of Anglo-American trade since 1686, and pointed out the many loopholes which existed in the system, and explained how it had attempted to protect British merchants.⁵⁹ In fact the report lacks only a discussion of the American point-of-view, a matter which apparently could be neglected because it was of no importance in the formation of policy.

All of the Board's proceedings reflect the importance of trade and the relative unimportance of the colonies. Considerable attention was devoted to projects which would benefit Britain's economy,⁶⁰ but little time to the administration of the colonies. Again and again, the Board of

⁵⁸Michael Kammen, Empire and Interest (Philadelphia, 1970), p. 53. The importance of commercial concerns is reflected by the Board of Trade's Journal. Although there are more entries dealing with the colonies than with trade the Journal indicates that the Board dispatched colonial business rapidly while it often devoted several sessions to considering trade matters. The difference is reflected in the length of entries in the Journal. Colonial business was usually reported in less than half a page, and often in only a few lines. Trade matters usually filled most of a page, and often several pages.

⁵⁹CSP, XLI, 11-25.

⁶⁰See, for example, Journal [1718-1722], pp. 16-18, 19-23, CSP, XXXVI, xxiv-xxv.

Trade's Journal used the phrase, "...was agreed to and ordered to be transcribed..." to describe its pro forma handling of colonial business. This was an extremely efficient manner of dispatching business, but efficiency was possible only because no one, on or off the Board, apparently felt that colonial affairs were worth the effort involved in a more detailed examination.

Consequently, the Board's only concern with colonial legislation, which it was required to review, was to determine whether a colonial law encroached upon the Crown's prerogatives, whether it conformed to English law and judicial practice, whether it contained technical defects which would cause confusion in enforcement, and if it would adversely affect British trade.⁶¹ The Board seems to have been completely unconcerned with the intrinsic merits of the colonial legislation thus reviewed.

The Board's treatment of the laws passed in the colony of New York for example, reflect the limits of its interest in colonial legislation. Between January 1717 and December 1753, New York passed 623 laws of which the Board disallowed only 19;⁶² and, although the Board considered representation

⁶¹CSP, XXXI, 146, 156-9, Dickerson, American Colonial Government, pp. 228, 231-61.

⁶²New York State, Commissioners of Statutory Revision, The Colonial Laws of New York from 1664 to the Revolution (5 vols., Albany, 1894), I, II, III (hereafter cited as NYCL).

from Governors, Assembly agents, and partisans of colonial interests, its reasons for all the disallowances reflect the concerns and convenience of Englishmen, not of New Yorkers.

The earliest act disallowed was An Act to lay a duty of two pounds on every hundred pounds value prime cost of all European goods imported into this colony, passed on November 19, 1720.⁶³ On April 30, 1724, the Board of Trade, having received complaints against the act from merchants trading with New York, advised the King (despite Governor William Burnet's contention that the duty had been in force since 1691, often at higher rates) that "...the said act is not fitt for your Majesty's Royall approbation..." The Board's report suggested that British merchants be protected from colonial taxation by the dispatch of an additional instruction, forbidding colonial governors to approve laws which placed duties on European goods imported in British ships.⁶⁴ The Board's recommendation was followed, somewhat belatedly, in 1732 when the governors were "...expressly forbid [sic] to pass any law by which the trade or navigation of this kingdom may be any ways affected, hereby declaring it to be our royal intention that no duties shall be laid in the province...under your government upon British

⁶³NYCL, ch. 397.

⁶⁴NYCD, V, 706.

shipping or upon the product or manufactures of Great Britain upon any pretense whatsoever."⁶⁵

The same New York Assembly which passed the two per-cent duty, which was disallowed in 1724 also pursued, under the guidance of Governor Burnet, a policy intended to destroy the French trade with the Indians.⁶⁶ The New York Assemblies' efforts to implement Burnet's policy culminated in 1729 with the simultaneous disallowance of ten acts.

Burnet's motives were simple and patriotic. The colonists of New York and the colonists of Canada had long been competing for dominance in the Indian fur trade. French domination had been based on purchasing English cloth from New Yorkers, at lower cost than it could be obtained from France, and using it in their trade. Since the Indians intended to support whoever provided them with the cheapest manufactured goods, the Canadian preponderance in the Indian trade created a threat to New York's security. To remove that danger, Burnet secured in 1720, passage of An Act for the encouragement of the Indian trade and rendering it more beneficial to the inhabitants of this province and for

⁶⁵Leonard Woods Labaree, Royal Instructions to British Colonial Governors, 1670-1776. (2 vols., New York, 1967, reprint of 1935 edition), pp. 146-7 (hereafter cited as Instructions).

⁶⁶NYCL, v. 576-81.

prohibiting the selling of Indian goods to the French.⁶⁷

The act was evaded; so in 1722 Burnet sponsored An Act for the further and more effectual prohibiting of selling Indian goods to the French which tightened enforcement by requiring suspects to swear, under oath, that they had not traded with the French. Refusal to take the oath was tantamount, under the provisions of the law, to admitting guilt. The acts were so successful in restricting the French trade⁶⁸ that in 1724 they were extended by An act for continuing the acts for prohibiting the selling of Indian goods to the French with some alterations.⁶⁹

Burnet's enthusiasm for the trade laws was, however, not universal. Richard West, the Board of Trade's legal advisor, agreed that the objectives of the 1722 law were laudable but he felt that the enforcement procedure it established was so defective that it made the act unsuitable for royal approbation.⁷⁰ A group of London merchants were also displeased. Unaware that the New York government had

⁶⁷NYCL, ch. 392, passed Nov. 19, 1720.

⁶⁸NYCL, ch. 425, passed July 7, 1722, Herbert L. Osgood, The American Colonies in the Eighteenth Century (4 vols., Gloucester, Mass., 1958, reprint of 1924-1925 edition), II, 419-20, NYCD, V, 586-7, 682, 684-5.

⁶⁹NYCL, ch. 449, passed July 24, 1724.

⁷⁰CSP, XXXIII, 366-7, Nov. 26, 1723.

already acted on April 30, 1724, they presented a petition to the Privy Council asking that the governor of New York be instructed to permit renewal of the Indian Trade Act of 1720, because, they argued, it brought "...great discouragement on British Trade" without affecting French commerce.⁷¹ The petition was referred to the Board of Trade on July 7;⁷² it suggested that a decision on the petition be delayed until information on the actual effects of the act could be obtained.⁷³ The Privy Council accepted the Board's suggestion,⁷⁴ and the Board embarked on a series of ten hearings, which occupied almost a year, on the acts' effects.⁷⁵

Critics of the law argued that it hurt English commerce by reducing New York's beaver trade, raising the prices New Yorkers paid for fur, and depriving New York's cloth merchants of the Canadian market, without harming the French who could obtain the goods they had purchased from New York elsewhere. The law's opponents also contended that commerce between private individuals had no effect on their respective

⁷¹APC, III, 68.

⁷²Journal [1722/3-1728], p. 104.

⁷³NYCD, V, 707-9, July 14, 1724.

⁷⁴APC, III, 68, July 23, 1724.

⁷⁵The hearings extended from July 22, 1724 to June 16, 1725, Journal [1722/3-1728], pp. 108, 113, 162-78, 182-3.

nations, and that New York's attempt to obtain fur by direct trade with the Indians had created competition, which had raised the price.

The act's supporters, including the former governor of New York, Robert Hunter, argued that the profits of the direct fur trade were greater than those which could be obtained when the pelts were purchased from French intermediaries; that the French could not obtain furs from the Indians without cloth supplied by English merchants; that the price of pelts had not increased; that eliminating French traders would strengthen New York by attracting other Indians to the English interest; and that ending the trade would speed the economic collapse of the French colonies.⁷⁶

After hearing all the evidence and examining the statistics of New York's trade, the Board of Trade concluded that the Indian Trade Acts had not reduced the total volume of the colony's trade, and that the reduction in fur exports from New York which had taken place would soon be eliminated with all of the profits of the trade remaining in English hands. The Board could not, however, endorse the Indian Trade Acts. It felt that the act's enforcement procedures (especially the requirement for the establishment of innocence by oath, the assumption that refusal to take the oath was an admission of guilt, and that authority might be

⁷⁶NYCD, v, 745-7.

given to men of low rank, even common soldiers, to impose high (£100 penalties) made it objectionable. The Board therefore suggested that the governor of New York should be encouraged to secure repeal of the objectionable sections of the law, and to secure passage of a new act which achieved the same goals through a more equitable enforcement procedure.⁷⁷

On November 10, 1725 the New Yorkers, apparently ignorant of the Board's opinion, passed An act to revive and continue the severall acts therein mentioned relating to the prohibiting of selling Indian goods to the French and for promoting the trade with remote nations of Indians during the time therein mentioned and for the recovery of such penalties as are now directed by the said acts.⁷⁸ This act adopted a system of differentiated taxation to regulate the trade; the duties of goods sold to the French were to be twice those on goods used in direct trade with the Indians. Burnet hoped this would control the trade more effectively than the blanket prohibition of the earlier laws had done.⁷⁹ The system of abjurement by oath was, however, retained.

⁷⁷NYCD, V, 760-3, June 26, 1725.

⁷⁸NYCL, ch. 465.

⁷⁹NYCD, V, 775.

On June 17, 1726 An act to lay different duties on the goods therein mentioned and for regulating the Indian trade in the City and County of Albany for the term of two years and moderating and ascertaining the fines inaur'd by former acts if paid within the time limited in this act was passed.⁸⁰ Governor Burnet informed the Board that this act was free of the defects which had marred the earlier legislation.⁸¹ It retained, however, the objectionable system assuming that a suspect who was unwilling to protest his innocence under oath was guilty.

The intent of the Juen, 1726 law was clarified on November 11, 1726 by An act for explaining and enforcing an act entitled an act to lay different duties on the goods therein mentioned and for regulating the Indian trade in the City and County of Albany for the term of two years and for moderating and ascertaining the fines incurred by former acts if paid within the time limited in this act.⁸² An act for regulating and securing the Indians' trade to the westward of Albany and for defraying the charge thereof⁸³ which

⁸⁰NYCL, ch. 469.

⁸¹NYCD, V, 778.

⁸²NYCL, ch. 497.

⁸³NYCL, ch. 499.

was intended to prevent the French from isolating the Indians who lived in the western part of the colony from trade with English colonists⁸⁴ by building an English trading post at Oswego, New York⁸⁵ was passed at the same time.

Apparently maintaining the trading post at Oswego was expensive, for the colony was obliged to enact on November 25, 1727, An act for defraying the cost and contingent charges of the trading house erected at Oswego and the maintaining of it during the time herein mentioned for applying several fonds and borrowing a certain sum out of the excise for that purpose, for the effectual recovery of former fines and forfeitures and for continuing the different duties on Indian goods during the time herein mentioned and for making good the money so to be borrowed out of the excise.⁸⁶ The trading post's financial difficulties were, however, not over, for on September 20, 1728, An act for confirming the act therein mentioned with some alterations and additions, for paying provisions and other stores and services already furnished and done for the use of the trading house at Oswego and for subsisting it during the time therein mentioned for borrowing money for those purposes and providing fonds for the repayment thereof was passed.⁸⁷

⁸⁴NYCD, V, 803-4.

⁸⁵NYCD, V, 818-9.

⁸⁶NYCL, ch. 500.

⁸⁷NYCL, ch. 542.

The colony's efforts at securing the Indian trade had, however, not gone unnoticed in London. On February 1, 1729, a group of merchants complained to the Privy Council that New York's Indian trade acts had prejudiced trade between the colony and England, a violation of the governor's instructions. The Privy Council referred the petition to the Board of Trade on November 12, 1729 with instructions to report on the merchants' objections and on any similar charges.⁸⁸

The Board of Trade received the Privy Council's request on November 13 and immediately asked the Customs Commissioners to transmit detailed information on New York's trade. The information arrived five days later and the Board immediately determined the fate of the New York statutes.⁸⁹ It accepted the merchants' claims that the New York acts reduced trade by raising the price of beaver from 3 s to 5 s 3 d per pound, making English beaver more expensive than French or Dutch beaver which, in turn, enabled French hatters to undersell English hat makers thereby depriving England of the Spanish and Italian hat trade. The Board agreed that the New York laws had reduced the volume of beaver exported by two-thirds, and deprived English woolen manufacturers of

⁸⁸APC, III, 209-14.

⁸⁹Journal [1728/9-1734], pp. 72-3.

their Canadian customers. It also recognized that the procedure of enforcing the acts by oaths was unfair because it placed suspects in the position of either accusing themselves or committing perjury, often before low ranking soldiers.

The Board therefore concluded that as the fur trade "...appears to be so much affected by the said acts, and that the clauses relating to the execution thereof are grievous and oppressive..." the King should be advised to disallow them.⁹⁰ The Board's report, which was drafted on November 18, and approved officially on the next day⁹¹ was accepted by the Privy Council on December 3, 1729,⁹² and the series of ten laws, some of which had previously been approved by the Board of Trade, were disallowed by King George II December 11, 1729.⁹³

The Indian trade acts were disallowed because they adversely affected the interests of British merchants. The Board did not, however, limit its intervention in New York's legislative affairs to matters of trade. It also intruded

⁹⁰APC, III, 209-14.

⁹¹Journal [1728/9-1734], p. 73.

⁹²APC, III, 209.

⁹³APC, III, 214.

to protect the Crown's prerogatives. On November 25, 1727, New York enacted An act for preventing prosecutions by informations which forbade the provincial Attorney General to bring suspects to trial without first obtaining an indictment from a grand jury.⁹⁴ The law came to the Board of Trade's notice in late May, 1728 and was transmitted to Francis Fane, the Board's counsel, for evaluation. On June 5, 1728 Fane reported that the act was "...a very violent and extraordinary attaque upon the prerogatives of the Crown, for the right of the Attorney General to file information is delegated to him from the King, and has ever been thought a most essential and necessary power with regard to the security of the publick tranquility...."⁹⁵ The Board then sent the act to the Attorney General and the Solicitor General, both agreed with Fane's evaluation.⁹⁶ Having determined that the New York law impinged upon the Crown's prerogative, the Board sent a representation to the Privy Council requesting repeal,⁹⁷ and on November 6, 1728 the order for disallowance was signed by the king.⁹⁸

⁹⁴NYCL, ch. 502.

⁹⁵CSP, XXXVI, 112-3.

⁹⁶CSP, XXXVI, 156, 175.

⁹⁷Journal [1722/3-1728], p. 429.

⁹⁸Journal [1722/3-1728], p. 433.

The fall 1737 session of the New York Assembly passed and Lieutenant Governor George Clarke signed An act for the frequent election of representatives to serve in General Assembly and for the frequent calling and meeting of the General Assembly so elected. The act, which required the Assembly to meet annually, limited the Assembly to a three year term, and required election to be held within six months of dissolution,⁹⁹ engendered a strong reaction in London. The Board of Trade concluded it "...takes away the undoubted Right that the Crown has always exercised of calling and continuing the Assembly of that Province at such times and as long as it has been thought necessary for the Publick Service," and on September 4, 1738¹⁰⁰ the Privy Council disallowed the law.

In the 1740's the government of New York attempted to settle the confusion which surrounded the collection of quit-rents by legislation. An act for regulating the payment of His Majesty's quit-rents and for the partition of lands in order thereto was passed on May 22, 1742¹⁰¹ and was modified on September 21, 1744 by An act to amend part of an act intituled an act for regulating the payment of his

⁹⁹NYCL, ch. 650.

¹⁰⁰APC, III, 617.

¹⁰¹NYCL, ch. 728.

Majesty's quitrents and for partition of lands.¹⁰²

Lieutenant Governor Clarke supported the laws which allowed the government to collect proportionate shares of the quit-rents from each of joint tenants of a large grant because it would simplify the collection of the quit-rents, and would encourage settlement of the frontier by freeing the pioneers from the fear of being sued for huge arrears of quit-rents.¹⁰³ After careful consideration of the acts,¹⁰⁴ the Board of Trade concluded that allowing the quit-rents to be paid within six months of the due date was inconvenient for the Crown's officers, and that the fee established for issuing a receipt for quit-rents was so low that no one would be willing to accept the post of deputy collector. As the laws forgave quit-rents when there was no collector, the Board determined they were prejudicial to the Crown's interests and suggested they be vetoed. The Privy Council accepted the Board's report on May 23, 1745.¹⁰⁵

¹⁰²NYCL, ch. 733.

¹⁰³NYCD, VI, 215.

¹⁰⁴The Board of Trade held seven meetings on these laws. Journal [1741/2-1749], pp. 148-163, Feb. 1, 1744/5, March 5, 6, 22, April 9, 25, 26, 1745.

¹⁰⁵APC, IV, 4-5.

The Board of Trade was also concerned with insuring that the legal systems of the Province of New York remained consistent with Britain's. Consequently it was careful to ascertain that New York's laws conformed to British statute, and that the legal procedures necessary to enforce colonial laws would not be burdensome or overly complicated.

Thus when, in 1718, New York passed An act for reviving an act of General Assembly entitled an act for the easier partition of lands in joint tenancy or in common and making the same more useful and effectual for the purposes therein mentioned¹⁰⁶ the Board found it was defective because it failed to distinguish among the various types of tenancy. That omission meant that a tenant who had only a term interest in the lands might, under the terms of the law, participate in a division of the lands and emerge as the absolute owner of a portion of the grant thereby depriving the other share holders of land which would have become theirs. The Board therefore, on July 19, 1719, recommended disallowance.¹⁰⁷

The New Yorkers did not, however, abandon their desire for an act which would permit the division of land grants held in common, and, on November 11, 1726, Governor Burnet approved An act for the easier partition of lands held in

¹⁰⁶NYCL, ch. 362, passed Oct. 16, 1718.

¹⁰⁷NYCD, V, 529-30.

common and promoting the settling and improvement thereof and for confirming former divisions of settled townships of this colony.¹⁰⁸ This act had no more success in London than its predecessor. The Board of Trade objected to it on several grounds. It felt there was no need for a public law to accomplish the divisions which could have been conveniently arranged by private agreements or private acts, that the act did not provide sufficient protection for the interests of minors and incompetents whose property might be affected by the divisions, that the act did not specifically reserve the Crown's rights on the lands involved, and most significantly that the act would defraud the Crown of vast tracts of land by legitimizing exorbitant grants, grants which even failed to reserve adequate quit-rents. Consequently, it advised disallowance¹⁰⁹ and the Privy Council transmitted its recommendation to the King on January 18, 1728.¹¹⁰

An act to prevent the taking or levying on specialties more than the principle, interest and cost of suit and other purposes therein mentioned which was enacted on October 29, 1730 was also unacceptable to the Board of Trade because

¹⁰⁸NYCL, ch. 490.

¹⁰⁹NYCD, V, 843-4.

¹¹⁰APC, III, 180-2.

of technical deficiencies. The law forbade the plaintiffs who collected more than their just debt.¹¹¹ Governor John Montgomerie's letter to the Board of Trade explained that the law had been passed to protect defendants from exploitation by plaintiffs, and to spare them bother and expense of recovering the excessive damages in chancery.¹¹² Mr. Fane, the Board's counsel, did not agree with Governor Montgomerie; he felt that the act was completely unnecessary. He argued that there were remedies available to defendants in the ordinary course of the law, and that the act would encourage defendants to over pay the plaintiff only to sue for the surplus under the advantageous terms of the law.¹¹³ The Board of Trade and the Privy Council agreed with Mr. Fane and suggested the King disallow the law because its remedies were inappropriate to the problem it was intended to resolve.¹¹⁴

The Board's concern with guaranteeing that colonial statutes conformed to English law decided the fate of An act to empower the vestry of the Parish of Jamaica in Queens County to dispose of sixty pounds now in the hands of the

¹¹¹NYCL, ch. 559.

¹¹²NYCD, V, 905.

¹¹³CSP, XXXVIII, 104-5.

¹¹⁴CSP, XXXVIII, 114-5.

church wardens of the said parish for the use and benefit of that parish which was passed on November 1, 1733.¹¹⁵

The Bishop of London, who had been given jurisdiction over the churches in the American colonies in 1728¹¹⁶ complained to the Board of Trade that the act, which gave the vestry control over funds intended for a minister's salary encouraged them not to appoint a new minister to their church.¹¹⁷ The Board then sent the act to its counsel, Mr. Fane, who reported on March 5, 1734, that he saw no legal reason to object to the act.¹¹⁸ His Lordship was, however, not willing to abandon the issue and, on June 5, he informed the Board that the New York law violated a statute of 28 Henry VIII which required the profits of a vacant benefice to be reserved for the next incumbent.¹¹⁹ The Board consequently advised disallowance, and on July 23, 1734 the Privy Council accepted the Board's advice that the law be repealed because there was no pressing reason to accept its deviation from English law.¹²⁰

¹¹⁵NYCL, ch. 602.

¹¹⁶NYCD, V, 849-54.

¹¹⁷CSP, XLI, 35-6.

¹¹⁸CSP, XLI, 40, 46.

¹¹⁹CSP, XLI, 393.

¹²⁰APC, III, 415-6.

The Board of Trade's deliberations on New York statutes which it permitted to remain in force reflected the same concern for English economic interests, the prerogatives of the Crown, and the preeminence of the English legal system which shaped its decisions on disallowance.

In 1726 New York passed a revenue act which imposed a duty of 5 ounces of plate or 50 s paper currency on each slave over four years of age imported into the colony directly from Africa, and placed a 5 per cent duty on all European goods imported from the West Indies.¹²¹ A group of Bristol merchants found these provisions objectionable and complained to the Privy Council which forwarded their petition to the Board of Trade for consideration¹²² on November 1, 1734.¹²³ The Board examined the merchants' complaints on July 24, 1735¹²⁴ and concluded that the duties were "...greatly prejudicial to the Trade and Navigation of this Kingdom, and are likewise expressly contrary to His Majesty's Instructions to the Govr. of New York, ... we should for these reasons propose to your Lordships that

¹²¹NYCL, ch. 467.

¹²²Journal [1734/5-1741], p. 6.

¹²³NYCD, VII, 32-4.

¹²⁴Journal [1734/5-1741], p. 44.

the Act in question might be laid before His Majesty for Disallowance." The Board, however, refrained from doing so because disallowance of the revenue act would cause confusion in the colony and disrupt the orderly functioning of its government. Instead, it recommended that an instruction ordering the governor to secure repeal of the duties be dispatched to New York.¹²⁵ The instruction was sent on August 6, 1735 but the colonists ignored it. The offending act expired on September 1, 1737,¹²⁶ it was, however, not renewed.

Since the Board was an agency of the Crown, it was naturally concerned with protecting the Crown's interests. As the Crown's lands were its greatest resource in the colony, the Board of Trade was especially careful when it considered land grants. On April 7, 1731 Anthony Rutgers, a member of the New York Assembly, applied for a grant of a piece of land in New York City called the Swamp, which he proposed to drain. The Board met on Rutgers' request in May and was informed that the Swamp had been excluded from all grants because it had been intended as the site of a dock. The plan to construct a dock had not proved feasible, however, and draining the Swamp, the Board was told, would serve the public interest. This convinced the Board that

¹²⁵NYCD, VII, 32-4.

¹²⁶NYCL, II, 768, Labaree, Instructions, pp. 152-3.

Rutgers' project would not harm the Crown and, on June 2, 1731, it approved the grant.¹²⁷ The Order in Council conveying the land to Rutgers was signed by King George II on August 12, 1731.¹²⁸

The same care was applied to the application of a Mr. Stock for land in New York. The Board of Trade considered his application at seven meetings before it decided to approve the grant on October 28, 1737.¹²⁹ When Lauchlin Campbell applied for land in New York the Board found his petition defective and returned it to him.¹³⁰

The Board was equally punctilious in insuring that private acts passed in New York did not confuse the legal system. In 1724 the Board of Trade's counsel, Richard West, reported that he had no objection to a New York Act which enabled Gilbert Livingston to sell certain lands. He did note, however, that the colonists tended to make their private acts too general and suggested an instruction requiring careful drafting of all private acts be sent to

¹²⁷Journal [1728/9-1734], pp. 191, 200-1, 203, 208, 234.

¹²⁸CSP, XXXVIII, 223.

¹²⁹Journal [1734/5-1741], pp. 87, 88, 91, 136, 137, the first meeting was held on Feb. 3, 1736/7.

¹³⁰Journal [1734/5-1741], p. 330.

The commission of the Board of Trade required it to investigate complaints about colonial maladministration or misadministration, and it fulfilled these obligations. It heard Lewis Morris Jr.'s complaint that his suspension from the New York Council by Governor Montgomerie was wrong;¹³³ Lewis Morris Sr.'s, Rip Van Dam's and James Alexander's complaint that Governor William Cosby had removed them from office improperly;¹³⁴ and Daniel Horsmanden's complaint that his removal from the Council in 1747 was unjustified.¹³⁵ After being deluged with letters from Governor George Clinton from 1745 to 1751,¹³⁶ the Board finally investigated the causes of the political turmoil which gripped the province of New York. The Board's investigations were, however, all pointless. None of the officials who protested their removal were restored to office, and the report on the "state of the province" made no recommendations at all for

¹³³Journal [1728/9-1734], 77, 81-3.

¹³⁴Journal [1734/5-1741], pp. 74-7, 111.

¹³⁵Journal [1741/2-1749], p. 263.

¹³⁶Journal [1749/50-1753], pp. 66, 74-5, 79, 90, 97, 117-8, 121, 139, 156, 158, 167, 169, 180-1, 220, 222-3, 257-8, 262-3, 285-6, 325, 381-3, 417-8, 449-50, 452-3. As the Journal gives only the subjects of most letters each page contains several communications.

changing those conditions that Cosby had found so objectionable.¹³⁷

Even the Instructions which the Board of Trade dispatched with each new governor of New York reflected its lack of concern with the day to day problems of colonial administration. In the period from 1717 to 1753, 169 articles of "instruction" were issued to each new governor of New York. Of those, 126 dealt with the administration of the colony's government, methods of operation, salary, administration of justice, militia, reports, and the style of legislation; 25 dealt with trade, but only 18 gave the governor specific instructions as to what actions he should take as the colony's chief executive.¹³⁸ Thus, as the governors received virtually no guidance from London, they necessarily had to find their own way in the colonial political system.

Thus, even the Board of Trade, the agency of the British government which is generally credited with acting as the keystone of Britain's system of colonial administration,¹³⁹ manifested only limited interest. In accordance with its

¹³⁷NYCD, VI, 614-36.

¹³⁸See Appendix I.

¹³⁹See Dickerson, American Colonial Government, Charles M. Andrews, The Colonial Period of American History, vol. IV (New Haven, 1964 reprint of 1938 edition), chapter IX takes a much less sanguine view of the Board.

original commission, it always treated the colonies primarily as a source of wealth for the mother country and, consequently, devoted most of its efforts to insuring that the colonies would continue to contribute to Britain's prosperity. If it fulfilled its obligation to review colonial legislation, to protect the interests of the Crown, and to hear complaints from the colonies, it never went beyond the letter of these requirements to examine the internal developments in the colonies; it did not exert a direct influence on the internal affairs of the colonies. Thus, the governors' success or failure in any particular colony was completely and necessarily their own.

CHAPTER FOUR

AN ENGLISH POLITICIAN IN THE NEW WORLD

A British governor of the province of New York usually first set foot on the colony's soil at the "white Hall" located near the foot of Manhattan Island, and his entrance would be observed by the members of the Council, the Aldermen and Assistants of the Corporation of the City of New York, and the "principal gentlemen" of the town who had assembled to welcome their new executive.

This imposing multitude would then form itself into a procession to escort the governor designate to nearby Fort George. There he prepared to formally take charge of the colony's government by reading his commission, and would become acquainted with the leading colonists at a series of banquets which would be held in his honor.¹ These festivities were punctuated with expressions of esteem for the King and his representative in the colony; although a part

¹Wayne Andrews, "The Tragic End of Sir Danvers Osborne, Bart.," New-York Historical Society Quarterly, XXXV (October, 1951), 405-6, Leonard Woods Labaree, Royal Government in America (New York, 1958), p. 85 (hereafter Royal Government).

of the ritual of arrival,² they were apparently quite encouraging to the new governor whose first letters to the Board of Trade usually reflected the optimism generated by the apparent good will of the colonists.³

Unfortunately the promise of complete harmony which surrounded the governor's arrival rarely endured. "The honeymoon was soon over." He soon learned that some of the colonists would not willingly cooperate with the administration, and that he had to find some way to impose his will on them. The governor's strongest weapon for meeting opposition was apparently the Commission, which ostensibly granted him vast powers (powers unhampered by the Bill of Rights, the Triennial Act, the Septennial Act, the Act of Settlement, or the traditions which limited the Crown's authority in England) over his subjects.⁴ However, the Commission was, unluckily for the governor, a much weaker instrument than it seemed to be; its power had been

²Labaree, Royal Government, pp. 88-90.

³New York State, Secretary of State, Documents Relative to the Colonial History of the State of New York, E.B. O'Callaghan and Berthold Fernow, editors (15 vols., Albany, 1861-1887), V, 572-3, 855-6, 936-7, VI, 248 (hereafter NYCD).

⁴Bernard Bailyn, The Origins of American Politics (New York, 1968), pp. 66, 69, Evarts Boutell Greene, The Provincial Governor of the English Colonies of North America (New York, 1966), p. 92 (hereafter Provincial Governor).

diluted by conscious and unconscious decisions of the British government, and by precedents established in the colony. The broad language of the Commission, which had convinced historians that the governor dominated the provincial political system, has merely served to obscure the essential weakness of the governor's position.

Under the terms of his Commission, a governor of New York could, on his own authority, do many things: administer oaths to the colony's officials, suspend members of the Council, veto proposed laws, adjourn, prorogue, and dismiss the Assembly, act as the province's Chancellor, appoint judges and other judicial officials, pardon persons convicted of all crimes except willful murder and treason, fill ecclesiastical vacancies, call up and command the militia, execute captured enemies, rebels, and pirates, enforce martial law in periods of invasion, appoint naval officers in war time, authorize them to enforce martial law, and punish "disorders and misdemeanors" committed ashore by officers and men of the Royal Navy in accordance with local law.⁵ A separate Vice-Admiralty Commission also entitled the governor to appoint the judges and officers of a Vice-Admiralty Court which had jurisdiction over a wide variety of nautical matters including contracts between ship owners and merchants, ship charters, contracts which were outside the competence

⁵NYCD, V, 92-8.

of ordinary courts, felonies committed within the colony's waters, treasure troves, anchorages, and the Royal fish. As Vice-Admiral, the governor was also charged with enforcing all of England's maritime statutes, and supervising the colony's rivers and ports.⁶

Although this list of powers is long, it is not, on closer survey, terribly impressive; none would be likely to have much effect on the everyday lives of most New Yorkers. The governor did possess the power to make decisions which would touch the lives of his subjects more directly, but he could not exercise it independently. The Commission required him to obtain the "advice and consent" of the Council before he could call General Assemblies, establish courts, build and arm fortifications, issue warrants for the expenditure of public funds, grant lands, or "Order and Appoint Fairs, Marts and Markets,...[and] Ports, Harbours, Bays, Havens, and other places, for convenience and Security of Shipping...." He could enact laws only with the consent of a majority of the Council and of the Assembly, and his decisions were, moreover, subject to review by the Board of Trade and by the Privy Council in London. The colony's "chief executive" was also required to obtain confirmation from London whenever he nominated Councillors, appointed

⁶Labaree, Royal Government, pp. 26-7.

acting Councillors, or pardoned traitors and willfull murderers.⁷

Another, albeit minor, restriction of the "unlimited" powers in the governor's Commission, was the 1700 Act to Punish Governors of Plantations in this Kingdom for Crimes by them Committed in the Plantations. This law, intended to keep colonial officials "...from oppressing His Majestyes Subjects within their respective governments...",⁸ apparently was generally ignored, for it was used as the basis of only one prosecution (in 1711 against Governor Walter Douglas of the Leeward Islands).⁹ Nonetheless it did remain in force and did, at least to some extent, threaten an overzealous governor with retribution, and thereby perhaps contributed to his passivity.

Such restrictions placed on the governor's authority by his Commission and the Act to Punish Governors... were, however, insignificant when compared to the restraints imposed by his "Instructions."

For example, the governor's authority to suspend Councillors was limited by the Instruction's mandate that

⁷NYCD, V, 92-8.

⁸Leo Francis Stock, Proceedings and Debates of the British Parliaments Respecting North America (5 vols., Washington, D.C., 1924-1941), II, 339.

⁹Labaree, Royal Government, pp. 123-4.

he have good cause for the removal, and that he transmit the record of the Council's deposition hearing and the evidence against the suspended Councillor to the Board of Trade for review.¹⁰ The governor's authority over the judiciary was similarly limited by his Instructions which ordered him to obtain the Council's approval of the men he named to the colony's bench, and Royal confirmation of his permanent judicial appointments.¹¹ The requirement that judges be removed only for "good and sufficient cause" further restricted the governor's authority.¹² The governor's pardoning power was restricted by the Instruction which required him to obtain specific approval from the Commissioners of the Treasury and the Board of Trade before he could remit fines or forfeitures of more than £10.¹³ His authority over church appointments was circumscribed by the requirement that he award benefices only to men licensed by an English bishop.¹⁴ His powers as commander

¹⁰Leonard Woods Labaree, Royal Instructions to British Colonial Governors 1670-1776 (2 vols., New York, 1967), pp. 60-3 (hereafter Instructions).

¹¹Labaree, Instructions, p. 781.

¹²Labaree, Instructions, p. 369.

¹³Labaree, Instructions, pp. 330-1.

¹⁴Labaree, Instructions, pp. 484-5.

in chief were limited by the Instruction which required him to avoid excesses in the training program he imposed on the militia,¹⁵ and by the necessity for obtaining the Council's approval for a declaration of martial law.¹⁶ The Instructions even restricted the governor's freedom to shape military policy; he was required by the Board of Trade to obtain funds to build a fort in the Onondaga Country, and to repair forts at Albany and Schenectady which it believed were important for the colony's defences.¹⁷ The Instructions also limited, to some extent, the governor's Vice-Admiralty jurisdiction by mandating the appointment of a receiver-general to take charge of the admiralty dues collected in New York.¹⁸

The Instructions did not permit the governor and his Council to erect or to dissolve a Court without specific instructions from London.¹⁹ Their authority to grant land was restricted, too. Consultation with the collector of customs, the provincial secretary, or the surveyor-general,

¹⁵Labaree, Instructions, p. 393.

¹⁶Labaree, Instructions, p. 397.

¹⁷Labaree, Instructions, p. 412.

¹⁸Labaree, Instructions, pp. 457-8.

¹⁹Labaree, Instructions, p. 295.

to insure that all grants had a similar proportion of good and bad lands, and that all grantees had access to water transport, was necessary before a grant could be made.²⁰

Even those powers which the governor shared with the government in London were curtailed by his Instructions. His limited power to nominate Councillors was reduced by the requirement that he maintain, in the capitol, a list of men he considered qualified for a seat on his council.²¹ Such a list of potential nominees would allow the Board of Trade to suggest new Councillors to the Privy Council and King without specific consultation with the governor, and thereby reduced the governor's ability to control the future composition of his administration.

The most detailed restrictions in the Instructions were, however, reserved for the governor's legislative and financial powers. His authority to "make constitute and Ordain laws, Statues, and Ordinances," (which under the Commission was shared with the Council and Assembly) was furthered limited when he was ordered not to consent to private acts affecting private property until the person who petitioned for the law presented proof to the Council that he had announced his intention to seek the legislation in the

²⁰Labaree, Instructions, pp. 531-2.

²¹Labaree, Instructions. p. 50.

church of the parish where the property was located for at least three successive Sundays before the act was passed. The governor was required to enclose proof of compliance with each act sent to London for approval. These rather stringent requirements were not, however, the only limitations on his freedom to approve private acts. After 1723, governors of New York could sign only private acts which would not take effect until approved by the Crown.²²

These restrictions were not, by any means, the only restraints on the governor's legislative authority. He was required to withhold his approval from any bill of "unusual and extraordinary nature and importance wherein our prerogative or the property of our subjects may be prejudiced or the trade or shipping of this kingdom any ways affected" which had not been previously approved by London unless it contained a suspending clause.²³ In addition, the Instruction barred the governor from approving any acts which placed higher duties on ships and goods owned by non-residents than on those owned by New Yorkers.²⁴

The governor's ability to control the financial, as well as the legislative life of New York was further diminished

²²Labaree, Instructions, pp. 140-1.

²³Labaree, Instructions, pp. 144-5.

²⁴Labaree, Instructions, pp. 146-7.

by the Instructions which ordered him to disapprove all acts for the emission of "bills of credit" which did not contain a suspending clause,²⁵ and all laws which reduced the Crown's revenues.²⁶ The Crown further curtailed the governor's ability to conduct the colony's financial affairs by issuing Instructions which required him to insure that all colonial taxes were levied in the King's name,²⁷ and to veto any act which challenged the right of the Commissioners of the Treasury, the High Treasurer of England, and the Auditor General of Plantations to audit New York's accounts. The requirement that the governor forward duplicates of his accounts to London for semi-annual audit²⁸ indicates the extent of London's concern with the colony's finances.

Yet the Instructions which defined and curtailed his specific powers were not the most significant restriction placed on the governor of New York's ability to control "his" government. The most profound restriction simply warned:

...if anything shall happen which may be of advantage and security to our said province which is not herein or by our commission

²⁵Labaree, Instructions, pp. 218-9.

²⁶Labaree, Instructions, pp. 171-2.

²⁷Labaree, Instructions, p. 170.

²⁸Labaree, Instructions, pp. 174-5.

provided for, we do hereby allow unto you, with the advice and consent of our said council, to take order for the present therein, giving unto us by one of our principal secretaries of state and to our aforesaid Commissioners for Trade and Plantations speedy notice thereof, that so you may receive our ratification if we shall approve the same; provided always that you do not by color of any power or authority hereby given you commence or declare war without our knowledge and particular commands therein, except it be against Indians upon emergencies, wherein the consent of our council shall be had, and speedy notice given thereof to us as aforesaid.²⁹

This left the governor no freedom of action at all. He was to adhere to his detailed instructions, and if they proved incomplete, he was to turn for advice to his Council, a body which was rather independent of his interests. Even after receiving the Council's advice, he would not be free to act. He had to concern himself with presenting his actions in a light which would be acceptable to London. Either of these limitations would have made it extremely difficult for a governor to lead effectively the colony in a crisis; combined, they made it practically impossible. The British government seemed more interested in consultation and justification than in action.

Perhaps the British government felt that the governors could best be managed by keeping them as powerless as

²⁹Labaree, Instructions, pp. 82-4.

possible.³⁰ Its policy toward Council appointments seemed intended to reduce the governor's already limited influence over that body. The governor could, it was true, nominate Councillors; but so could many other persons -- merchants, army officers, the Bishop of London, colonists who happened to be in London, or anyone else who professed an interest in colonial affairs. The Board of Trade listened attentively to the arguments presented for and against nominees by such individuals, and was sometimes willing to accept their advice over the governor's.³¹ The governor's distance from London placed him at a disadvantage in his efforts to influence the selection of the members of the very body which had a voice in many of his decisions.

Thus, the attitude of the British government toward its colonial administrators was ambivalent. On one hand, it attempted to control the governors by keeping them as powerless as possible, but on the other, it was so disinterested in colonial affairs that it virtually ignored the colonies and permitted the governor and the colonists to evolve their own political relationships. In practice, the desire for control was clearly subordinate to disinterest,

³⁰The English government had, since the Tudor period, been concerned with controlling the "overmighty" subject.

³¹Labaree, Royal Government, pp. 137-9.

and so, the governor was left to carry on the administration of the colony as best he could.

Despite all the limitations placed on him, the governor was responsible for the administration of the colony. He was responsible for raising the money necessary for the operations of the colonial government, and for pursuing the various projects London had ordered him to undertake. As the Parliament at Westminster never appropriated money for the operation of the colonial government, the governor was obligated to convince the colonists to supply the requisite funds.³² This task was more difficult than it seemed; despite many superficial similarities, there were rather profound differences between the British and American views of New York's government.³³

There was essential disagreement over the status of the Assembly. The British government took the position that New York had been granted an Assembly only to encourage Englishmen to settle in the province,³⁴ and that like any other body created by the Crown, the Assembly's powers were completely dependent upon the prerogative.³⁵ The

³²Labaree, Royal Government, pp. 269-71.

³³Bailyn, Origins of American Politics, passim.

³⁴Charles M. Andrews, The Colonial Background of the American Revolution, revised edition (New Haven, 1931), p.35 (hereafter Colonial Background).

³⁵Andrews, Colonial Background, pp. 31-3, Mary Patterson Clarke, Parliamentary Privilege in the American Colonies (New York, 1971), p. 202.

colonists adamantly rejected this argument and insisted that their Assembly grew from the same right of Englishmen to representation in the government as the House of Commons, and that it could no more be suspended by the Crown than could the lower house at Westminster.³⁶

This disparity alone would have been sufficient to confuse the governor's relations with his "subjects." They were further complicated by the British government's ambivalent attitude. Although it insisted that the Assemblies had no "right" to exist, it sometimes seemed to recognize that "right."³⁷ The government's Instructions ordered the governor to deny the Assembly "any power or privilege whatsoever which is not allowed by us to the House of Commons,"³⁸ and it never took any active steps to deny the Assembly's claims to the authority and privileges of the Commons.³⁹ This apparent approval convinced the colonists of the justice of their position,⁴⁰ but left the governor in a

³⁶Jack P. Greene, The Quest for Power: The Lower Houses of Assembly in the Southern Royal Colonies 1689-1715 (Chapel Hill, N.C., 1963), pp. 14-5 (hereafter Quest for Power).

³⁷Greene, Quest for Power, pp. 14-5.

³⁸Labaree, Instructions, pp. 112-3.

³⁹Andrews, Colonial Background, p. 41.

⁴⁰Labaree, Royal Government, pp. 174-7.

quandry. He could neither confirm nor deny the Assembly's authority without violating the wishes of the government.

This paradoxical situation was resolved by the Assembly itself. It did not restrict itself to claiming the prerogatives of the House of Commons; it actively pursued them,⁴¹ and managed to establish itself as a legitimate and powerful element of New York's constitution primarily by obtaining control of the levying and distribution of public funds.⁴² The Assembly became essential to the continued smooth operation of the colony's government. The governor was forced to accept it as such.

For example, the Assembly began engrossing financial authority in New York (because it said it was responsible to the taxpayers)⁴³ very early in the colony's history. The commission of Governor Henry Sloughter, drawn in 1690, had authorized "the colony" to control the disposition of the colony's revenues. New Yorkers thereafter assumed they had been given complete control of their finances, and, despite all attempts to dissuade them, clung tenaciously to their

⁴¹Greene, Quest for Power, p. 11.

⁴²Greene, Quest for Power, pp. 7-8.

⁴³Herbert L. Osgood, The American Colonies in the Eighteenth Century (4 vols., Gloucester, Mass., 1958), II, 71, (hereafter Eighteenth).

interpretation of the commission.⁴⁴

The Assembly had first demonstrated its intent to dominate finances in 1691, when it refused to appropriate money for terms of more than two years,⁴⁵ appointed a committee to inspect the colony's financial records,⁴⁶ and began appropriating monies for specific uses.⁴⁷ The system of specific appropriations even extended to the salaries. Since money was voted to pay the incumbent of each public office, the Assembly could easily reduce or eliminate the salaries of individual officials. This quite naturally increased its influence over all provincial officers.⁴⁸ In 1695 the Assembly flatly claimed it was competent to judge the colony's needs, ignored the governor's request for funds, and appropriated only what money it believed necessary for the operation of the government.⁴⁹

⁴⁴Neil Ovadia, "The Struggle for Financial Control" (Unpublished M.A. thesis, Queens College, Flushing, N.Y., 1968), pp. 8-9.

⁴⁵Osgood, Eighteenth, I, 247.

⁴⁶Osgood, Eighteenth, I, 243.

⁴⁷Osgood, Eighteenth, I, 242.

⁴⁸Greene, Provincial Governor, pp. 116-7.

⁴⁹Osgood, Eighteenth, I, 255.

Nine years later, the Assembly increased its control over finances by specifying, in appropriation bills, the precise manner in which the money it granted was to be spent, and claimed, for the first time, that the Council could not amend revenue bills.⁵⁰ In 1706 the Assembly's influence again increased when, under pressure from the Board of Trade,⁵¹ Lord Cornbury allowed it to appoint a Treasurer to supervise the expenditure of appropriations. Cornbury even consented when the Assembly authorized various provincial officials to warrant the expenditure of public monies,⁵² thereby further limiting his own authority to control the colony's finances. The Assembly first demonstrated its willingness to withhold complete appropriations to force the governor to accept legislation it favored during the administration of Robert Hunter.⁵³

As the governor could not possibly hope for a successful administration and his own continued employment if the colony's government was forced into complete chaos because of a lack of funds, and as he was in New York primarily for

⁵⁰Osgood, Eighteenth, II, 70-1. Although several governors vigorously denied the Assembly's claim to exclusive control over appropriations, the lower House was immovable in its assertion.

⁵¹NYCD, IV, 1171-3.

⁵²Osgood, Eighteenth, II, 74.

⁵³Osgood, Eighteenth, II, 111-2.

the profits of office,⁵⁴ the Assembly's control of finances was probably its most effective means of influencing him. It was not, however, the only means.

One of the governor's most important, and inescapable responsibilities was defense. To protect the colony from Indian raids, and the possibility of invasion from Canada, it was necessary at all times to maintain a body of men under arms. The discipline and effectiveness of the colony's military formations could not be preserved without a code of martial law, and martial law could be established only by an act of the Assembly. (The New York Assembly, like the British House of Commons, refused to pass a perpetual mutiny act,⁵⁵ and so it could coerce the governor by threatening not to renew his authority to discipline the troops who defended the colony.) Since Britain was involved in hostilities which to some degree affected New York for much of the first half of the eighteenth century, the maintenance of an effective military force was of immediate importance to the governors of New York. The Assembly's influence increased proportionately.

Since the governor could not hope to rule New York without an Assembly -- despite the constitutional theories

⁵⁴Greene, Provincial Governor, 117.

⁵⁵Greene, Provincial Governor, pp. 99-101, David Ogg, England in the Reigns of James II and William III (Oxford, 1963), pp. 230-1.

espoused by Whitehall -- he had to find some means of obtaining its cooperation. He could not use the Provincial Council to counterbalance the Assembly, for the Councillors, like the Assemblymen, were colonials who shared the desire of the leaders of the Assembly to obtain political authority commensurate with their leading social and economic positions in the colony.⁵⁶ Consequently, Councillors often supported the Assembly rather than the governor when disputes arose.⁵⁷

Nor could the governor use his position as the King's representative in New York to overawe the Assembly. The colonists were fully aware that the governor, despite his Commission and imposing titles, was not the ultimate political authority. They knew that the governor, who was far removed from the center of authority and the influential friends who had helped him secure his post often had as little influence on the decisions the London government made affecting New York as the humblest colonists,⁵⁸ and that any decision the governor might make could be

⁵⁶Greene, Quest for Power, p. 8.

⁵⁷Greene, Quest for Power, p. 12.

⁵⁸Alison Gilbert Olson and Richard Maxwell Brown, editors, Anglo-American Political Relations, 1675-1775 (New Brunswick, N.J., 1970), p. 93.

challenged by a voyage to London, or through family or personal connections.⁵⁹ To maintain any sort of psychological advantage over the colonists, the governor had to be able to present concrete evidence that he was "in favor" in London,⁶⁰ so as to convince them that it would be impossible to obtain favorable governmental action without his cooperation.⁶¹ Yet this was almost impossible, since access to the British government was rather easy for almost anyone of influence. Being largely unconcerned with colonial matters,⁶² the government was unlikely to refuse a petition simply to protect the prestige of a governor some 3,000 miles away.

Lacking any more convenient means for obtaining the cooperation of the Assembly, it would have been natural for the governor to apply the techniques of political management, which he learned through his involvement in British

⁵⁹The best examples are Robert Livingston's, and Lewis Morris' trips to London, and James Delancey's use of Sir Peter Warren's influence.

⁶⁰Olson and Brown, Anglo-American Political Relations, p. 98.

⁶¹Labaree, Royal Government, p. 140.

⁶²James A. Henretta, "Salutary Neglect" Colonial Administration Under the Duke of Newcastle" (Princeton, N.J., 1972), p. 266-7 (hereafter Salutary Neglect).

politics and which had brought him his office.⁶³ In the period from 1716 to 1783, the domestic powers of the Crown and House of Commons were almost perfectly balanced,⁶⁴ and so a structure to prevent conflicts between the monarch and the Commons (which might have immobilized the government) was necessary.⁶⁵ The emergence of such a system was eased by the relative simplicity of interests. The Crown and its ministers were interested in obtaining the votes necessary for carrying the government's business in the Parliament; the members of the House of Commons were interested in profiting from their service at Westminster. The basis for agreement was obvious -- members would provide the votes the government so badly desired, and the government would provide the posts of profit and honor many members so badly desired.⁶⁶ Sir Robert Walpole made this rather crass system of barter into one of Britain's fundamental political principles,⁶⁷

⁶³Olson and Brown, Anglo-American Political Relations, pp. 5-6.

⁶⁴Betty Kemp, King and Commons 1660-1832 (London, 1957), pp. 2,5.

⁶⁵John Harold Plumb, The Origins of Political Stability: England 1675-1725 (Boston, 1967), passim (hereafter Origins of Political Stability).

⁶⁶Stanley Nider Katz, Newcastle's New York (Cambridge, Mass., 1968), p. 8.

⁶⁷Plumb, Origins of Political Stability, p. 179.

and his successors preserved it as the keystone of eighteenth century British politics.⁶⁸

The system worked "effectively" because the members of Parliament were free to accept employment from the Crown,⁶⁹ and because the government had a large number of posts available for distribution to its "friends" and their families.⁷⁰ Positions were available in the exchequer, the customs service, the excise service, the army, the navy, the Royal Court, the households of the King's children, the diplomatic service, the church, the judiciary, the governments of Ireland and Scotland, and, of course the colonies. The government could also reward its friends with lucrative government contracts.⁷¹

The governor of New York was not able to apply these principles to his own little government. From 1717 to 1753 no British government had a budget (exclusive of debt

⁶⁸Lewis B. Namier, The Structure of Politics at the Accession of George III, second edition (London, 1968), passim (hereafter Structure of Politics).

⁶⁹Kemp, King and Commons, pp. 5, 43.

⁷⁰Namier, Structure of Politics, pp. 121, 358, chapter 8, Plumb, Origins of Political Stability, p. 112.

⁷¹Plumb, Origins of Political Stability, pp. 108, 114, 118-9, 122-3.

service) of less than £2,445,000 a year;⁷² in the same period, New York's annual budget (exclusive of war-related expenses) was probably less than £5,000⁷³ and certainly less than £10,000.⁷⁴ New York simply did not possess the resources which were necessary to generate the patronage which was the sine qua non of the British system.

Lack of money was not the only obstacle a governor of New York had to face in attempting to adapt the British patronage system to his new home. He could not even control what little patronage the colony did have. Officials in London abrogated the governor's authority to make appointments to the more important, and profitable, colonial offices. Either they filled the posts directly by obtaining commissions for their nominees from the King, or indirectly, by ordering the governor to appoint their nominees.⁷⁵ In either case, the colonial governor was deprived of offices

⁷²Brian R. Mitchell and Phyllis Dean, Abstract of British Historical Statistics (Cambridge, 1962), pp. 389-90.

⁷³E. James Ferguson, "Currency Finance: An Interpretation," William and Mary Quarterly, 3rd series, X (April, 1953), 171.

⁷⁴Patricia U. Bonomi, A Factious People: Politics and Society in Colonial New York (New York, 1971), p. 80, Osgood, Eighteenth, II, 80.

⁷⁵Labaree, Royal Government, p. 102.

which could have been used as a reward for political loyalty in New York.⁷⁶ The appointment of colonial officials from London further reduced the governor's ability to rule by creating an element within his administration which was independent of his authority.⁷⁷

An additional hindrance was the growth of the custom which allowed Assemblymen to nominate county officers, even though they were appointed by the governor. This practice was so firmly established that the governor would unhesitatingly honor the nominations of an opponent, during the most acrimonious disputes.⁷⁸

Unlike the colonists who were free to engage in political controversy, the governor was barred from full-fledged participation in partisan politics,⁷⁹ and consequently was prevented from utilizing the prestige of his office to secure the election of an Assembly which would do his bidding.

⁷⁶Henretta, Salutary Neglect, pp. 242-5.

⁷⁷Labaree, Royal Government, pp. 104-6.

⁷⁸Nicholas Varga, "New York Government and Politics During the Mid-Eighteenth Century" (Unpublished Ph.D. dissertation, Fordham University, Bronx, New York, 1960), p. 274 (hereafter "New York Government").

⁷⁹Varga, "New York Government," p. 275.

Controlling an election was considerably more complicated in New York than it was in Britain. Virtually all New Yorkers possessed the forty shilling property qualification,⁸⁰ and New York had no rotten boroughs, so it was impossible to "influence" an election by bribing a few voters.⁸¹ Even if there had been votes for sale, the governor, with a small budget controlled by the Assembly, could not have bought them, and there were no colonists who could afford to support candidates with their private fortunes as did the Duke of Newcastle in Britain.⁸²

An additional complication was the lack of stable parties.⁸³ To secure a friendly Assembly, a governor could no simply support a "faction;" he had to locate the individual colonists who were willing to cooperate, and hope they would remain loyal for the Assembly's term. It was, in practice, impossible for him to create his own "faction" in the Assembly.⁸⁴

⁸⁰Bailyn, Origins of American Politics, p. 86.

⁸¹Bailyn, Origins of American Politics, p. 80, Milton M. Klein, "Democracy and Politics in Colonial New York," New York History, XL (July 1959), 221-246 (hereafter "Democracy and Politics").

⁸²Klein, "Democracy and Politics," p. 231.

⁸³Varga, "New York Government," p. vii.

⁸⁴Olson and Brown, Anglo-American Political Relations, p. 6.

As the governor could not dominate the Assembly, his only remaining option was to bargain with its leaders, the men of influence. Yet this was difficult. Because the British government had used the prerogative as its main argument for denying the Assembly's claims to political power, New Yorkers had come to regard the prerogative and the man who embodied it as an enemy of their liberties.⁸⁵ Their distrust of executive authority was strengthened by the British opposition tradition itself,⁸⁶ and so New Yorkers were less than enthusiastic about cooperating with the individual who represented, to them, forces of reaction and repression. Fortunately for the governor, New Yorkers did accept the idea that the function of politics was to create, protect and expand emoluments and profits for office-holders.⁸⁷ If the governor would assist them in pursuing those goals,⁸⁸ they were willing to subordinate

⁸⁵Labaree, Royal Government, p. 216.

⁸⁶Basilyn, Origins of American Politics, pp. 39-43, 53-7, for a more detailed treatment of the issue see Bernard Bailyn, Ideological Origins of the American Revolution (Cambridge, Mass., 1967), and Caroline Robbins, The Eighteenth Century Commonwealthman (Cambridge, Mass., 1961).

⁸⁷Lawrence H. Leder, Robert Livingston 1654-1728 and the Politics of Colonial New York (Chapel Hill, N.C., 1961), p. 174 (hereafter Robert Livingston).

⁸⁸Varga, "New York Government," pp. vi-vii.

their distrust to a desire for assistance.⁸⁹

If a basis for cooperation with the colonists could be established, the governor still had to determine who the leaders of the Assembly really were.⁹⁰ The inchoate nature of local politics meant that many individuals and factions competed for the governor's support,⁹¹ and while this gave him the option of choosing his allies from a number of competing groups, it also created difficulties. Each individual faction was rather small and generally no single political leader could dominate the Assembly. Consequently, building and maintaining an alliance large enough to control the Assembly was rather difficult. Politicians once wooed might leave the governor's alliance on little or no provocation.⁹² Only an astute governor could utilize the system effectively.

The first governor of New York to adapt himself fully to the colony's politics was Robert Hunter. He recognized the importance of the Assembly by approving a naturalization

⁸⁹Leder, Robert Livingston, ch. XIV-XV.

⁹⁰Katz, Newcastle's New York, p. 43.

⁹¹Leder, Robert Livingston, p. 77, Milton M. Klein, "Politics and Personalities in Colonial New York," New York History, XLVII (Jan. 1966), p. 7.

⁹²Katz, Newcastle's New York, p. 46.

bill (which although contrary to his Instructions was important to the Assemblymen), and he recognized Lewis Morris' and Robert Livingston's role as leaders of the Assembly by satisfying their ambitions. Morris was appointed Chief Justice, and Livingston Manor was made an Assembly district.⁹³ In return, the Assembly under the guidance of Morris and Livingston, voted a five year revenue for the government.⁹⁴ The agreement was durable, and Hunter's administration which had begun in discord ended in harmony.

Hunter was able to resolve the colony's political disputes only because the British officials charged with the supervision of colonial affairs were willing to permit deviations from the letter of British colony policy.⁹⁵ The success of other governors in taking advantage of similar opportunities determined to a large degree how peaceful and profitable their administration would be.

⁹³Leder, Robert Livingston, pp. 236-7, Varga, "New York Government," p. 31.

⁹⁴Leder, Robert Livingston, pp. 227, 235-6, 241.

⁹⁵Olson and Brown, Anglo-American Political Relations, p. 97.

CHAPTER FIVE

BURNET AND MONTGOMERIE: A STUDY IN CONTRASTS

After Governor Hunter surrendered to the Assembly's demands for effective control of New York's finances in 1715, his relations with the Assembly smoothed considerably. His supporters were not, however, in control of the Assembly, and on August 11, 1715, Hunter dissolved the House and called for new elections.¹ He was apparently encouraged to take this step by the success of Lewis Morris and Robert Livingston in forging a disparate group of Hudson landowners into a political coalition which was committed to supporting him.² The ensuing campaign was hard fought,³ but the Morris-Livingston league triumphed. It was to dominate the Assembly for almost

¹Patricia U. Bonomi, A Factious People (New York, 1971), p. 85, Appendix C [p. 302].

²Lawrence H. Leder, Robert Livingston 1654-1728 and the Politics of Colonial New York (Chapel Hill, N.C., 1961), p. 284 (hereafter Robert Livingston).

³Herbert L. Osgood, The American Colonies in the Eighteenth Century (4 vols., Cloucester, Mass., 1958, reprint of 1924-5 edition), II, 412 (hereafter Eighteenth).

ten years,⁴ until Governor Burnet's political ineptness destroyed the very fabric of the alliance that Morris, Livingston and Hunter had created.

The victory of the pro-Hunter group quieted New York's bitter political conflicts, and once it became clear that his allies were firmly in control of the Assembly, Hunter apparently decided that he could leave New York without too great a risk of a renewal of the political strife which had marked the early years of his administration.⁵ He left for England in July, 1719,⁶ and Peter Schuyler, the senior member of the Council, took charge of the government.⁷ Schuyler was associated with the group which had opposed Hunter,⁸ and encouraged by Adolph Philipse,⁹ he set about insuring that his allies would profit from his administration. As the acting governor of New York, Schuyler had the authority to appoint the mayors of the cities of Albany and New York, and when the

⁴Leder, Robert Livingston, p. 284.

⁵Bonomi, Factious People, p. 87.

⁶New York State, Secretary of State, Documents Relative to the Colonial History of the State of New York, E. B. O'Callaghan and Berthold Fernow, editors (15 vols., Albany, 1861-1887), V, 529 (hereafter NYCD).

⁷Leder, Robert Livingston, p. 249.

⁸Osgood, Eighteenth, II, 415-6.

⁹NYCD, V, 534.

one year terms of Hunter's appointees expired, he replaced them with his partisans. Replacing officials with his friends was, however, apparently not the only way in which he hoped to change the political balance in New York. It was widely rumored that Schuyler intended to dissolve the Assembly, and call for new elections which, he hoped, would result in his allies taking control from the Morris-Livingston association.¹⁰ Naturally, Morris, Livingston and their friends were disturbed at the possibility of being deprived of the political advantages they had worked so hard to obtain. They reported the ominous developments to Hunter. He described the developments in the colony to the Board of Trade, and it responded by forbidding Schuyler to make any changes in New York's government.¹¹

While in London, Hunter had arranged to exchange offices with comptroller of customs William Burnet,¹² who hoped to recover his lost fortune in New York.¹³ Hunter had briefed

¹⁰Osgood, Eighteenth, II, 415-6.

¹¹Bonomi, Factionous People, pp. 87-8, NYCD, V, 535.

¹²Leder, Robert Livingston, p. 250.

¹³William Smith Jr., The History of the Province of New York, Michael Kammen, ed. (2 vols., Cambridge Mass., 1972), I, 166 (hereafter History) Burnet, like many other Englishmen had been badly hurt financially by the collapse of the South Sea Bubble.

Burnet before the new governor left England,¹⁴ so when Burnet read his commission on September 8, 1720¹⁵ he was better acquainted with conditions in the colony than were most new administrators.

Since Burnet had learned about New York from Hunter, it was not at all surprising that he had adopted the ex-governor's political prejudices. He decided to be guided by the advice of Lewis Morris, Cadwallader Colden, James Alexander,¹⁶ and Robert Livingston¹⁷ who had all been close to Hunter.¹⁸ The decision was wise. Lewis Morris managed the pro-governor alliance in the Assembly and he had taken pains to maintain its coherence and loyalty during the "interregnum". He had advised Surveyor General Cadwallader Colden to delay all land grants to Assemblymen, thereby keeping the members dependent and amenable to discipline,¹⁹ and had cautioned Colden against

¹⁴ Bonomi, Factious People, p. 88.

¹⁵ NYCD, V, 572-3.

¹⁶ Smith, History, I, 166.

¹⁷ Bonomi, Factious People, p. 87.

¹⁸ NYCD, V, 576-80.

¹⁹ Beverly Mc Anear, "Politics in Provincial New York, 1689-1761" (2 vols., unpublished Ph. D. dissertation Stanford University, January, 1935), I, 314-5 (hereafter "Politics").

turning Assemblymen against the administration by disallowing grants they had already obtained.²⁰ Consequently, when Burnet arrived in New York his "friends" still controlled the Assembly.

Their position was, however, not as strong as it had been when Hunter left for England. Schuyler had controlled the executive for fourteen months, and consequently his associates had managed to improve their position at the expense of the Morris-Livingston group. Morris apparently felt his allies would be defeated if an election were held, and consequently advised Burnet to ignore the custom which required new Assembly elections at the start of an administration, and to continue the sitting Assembly which was dominated by men who were willing to cooperate with the governor. Burnet accepted the suggestion.²¹

The Assemblymen, who were spared the expenses of an election campaign and the risk of defeat,²² repaid the governor by being unusually amenable to his request.²³ The

²⁰ New York Historical Society, The Cadwallader Colden Papers, New York Historical Society Collections, 1917-1923, 1934-1935 (9 vols., New York, 1918-1923, 1937), I, 104-5 (cited as Colden Papers).

²¹ NYCD, V, 572-3.

²² Milton M. Klein, "Democracy and Politics in Colonial New York," New York History, XL, no. 3 (July, 1959), 228-31.

²³ Smith, History, I, 167.

Assembly extended the colony's revenue for five years,²⁴ raised Governor Burnet's salary to £ 1,560 (N.Y.), selected Burnet's ally Robert Livingston as Speaker,²⁵ voted new duties on imported goods to repay New York's debts,²⁶ and unhesitatingly followed suggestions for other legislation.²⁷ Its loyalty even extended to expelling one of its members for criticizing the Governor. (Samuel Mulford, a representative from Suffolk County, and a member of the opposition was so incensed by Governor Burnet's refusal to dissolve the Assembly that he refused to participate in its deliberations. The Assembly, which was dominated by members of the Morris-Livingston group which supported the governor, responded by expelling Mulford. This rather harsh reaction apparently cowed the opposition in the Assembly.²⁸)

Mulford's expulsion from the Assembly did not completely eliminate opposition to Burnet's policies. Several leaders

²⁴ NYCD, v, 601.

²⁵ Osgood, Eighteenth, II, 417-8.

²⁶ New York State, Commissioners of Statutory Revision, The Colonial Laws of New York from 1664 to the Revolution (5 vols., Albany, 1894), II, 32 (hereafter NYCL), New-York Historical Society, The Rutherford Collection, vol. I, p. 57.

²⁷ NYCD, v, 576-81.

²⁸ Bonomi, Factionous People, p. 89, Mulford was expelled on October 26, 1720.

of the opposition held seats on the Council and they utilized its sessions as a forum in which to express their opposition to Governor Burnet's tax on imports and his continuation of the Assembly.²⁹ The Governor responded to some of these attacks in a simple and effective way. On November 26, 1720, he asked the Board of Trade to remove Adolph Philipse, and Peter Schuyler, the two leaders of the opposition, from the Council. His request was supported by New York's agent in London, George Bampffield (who was the Board of Trade's Secretary, William Popple's cousin³⁰) and by Robert Livingston's son-in-law, Samuel Vetch, a London merchant. Bampffield and Vetch were apparently effective advocates for the Board acted on Burnet's request with unusual dispatch; the two offending Councillors were removed on February 10, 1720/1³¹ and replaced by Burnet's allies, Cadwallader Colden and James Alexander.³²

The Governor did not, however, take such Draconian action against George Clarke, the third opposition Councillor. Apparently Burnet felt that the Board would not be willing

²⁹Rutherford Collection, vol. I, p. 47.

³⁰Lawrence H. Leder, "Robert Livingston: A New View of New York Politics," New York History, XL, no. 4 (October, 1959), 364.

³¹Leder, Robert Livingston, p. 257.

³²Bonomi, Factious People, pp. 89-90.

to deprive Clarke (whose uncle, William Blathwayt,³³ had served as the Secretary to the Board of Trade until his death in 1717³⁴) of his seat, for he did not ask it to act against Clarke. Instead, he contented himself with removing Clarke from his post as Clerk of the Circuits.³⁵ Clarke thereupon abandoned his active opposition to the governor and so the administration's antagonists were effectively, albeit temporarily, silenced.³⁶

The addition of Lewis Morris Jr., Philip Livingston, and William Provoost (Alexander's son-in-law³⁷) to the Council insured that it was as firmly committed to Burnet's interest as the Assembly.³⁸ This placed the Governor and his allies in the enviable position of having virtually unchallenged control of the colony's government. Securing political supremacy was useful to Burnet because, unlike other governors of New York, he had a specific program. He hoped to encourage the colony's growth, and to expand its

³³"Clarke, George," D.A.B., IV, 151.

³⁴"Blathwayt, William," D.N.B., II, 668.

³⁵Rutherford Collection, vol. I, p. 47.

³⁶Bonomi, Factious People, p. 90.

³⁷Bonomi, Factious People, pp. 89-90.

³⁸Mc Anear, "Politics" I, 321.

influence over the Indian nations.³⁹

Control over the Indian nations not already committed to England could best be secured by encouraging them to become dependent upon New Yorkers for the European goods they desired. The English colonists were not the Indians' only source of manufactured products; the French colonists in Canada, who were as anxious as the Englishmen to secure the friendship of the Indians, were also more than willing to supply them with manufactured goods. Thus, eliminating French competition in the Indian trade was a necessary prerequisite to New Yorkers securing uncontested domination over the Indian nations in the north. Since New York merchants supplied the French with the goods they used in their trade with the Indians, eliminating competition would seem to have been simple. All the English had to do was to stop supplying trade-goods to the French. The Five Nations of the Iroquois Confederacy, which were allied with New Yorkers, had asked Governor Hunter to take this step,⁴⁰ but he had refused because he feared the political consequences of cutting off the trade with Canada. Merchants in Albany and New York City were deeply involved in the trade and they would have been adversely affected by its elimination. Rather than give the

³⁹Smith, History, I, 4.

⁴⁰Osgood, Eighteenth, II, 419-21.

merchants (who generally did not support him) further reason to oppose his administration, Hunter allowed the trade in Indian trade goods to continue.⁴¹

Lacking Hunter's political astuteness, Burnet decided to destroy the Canadian trade on Indian goods,⁴² but immediately encountered opposition. The Commissioners for Indian Affairs (Albany merchants responsible for supervising the Indian trade) objected to the Governor's proposal to close off the trade with Canada which they felt would do them irreparable damage. Since no legislation affecting Indian affairs could reasonably be submitted to the Assembly without the approval of the Commissioners,⁴³ it was necessary to overcome their unwillingness to sanction the governor's proposals. Burnet did so by replacing the recalcitrant Commissioners with men who would not oppose him.⁴⁴ The governor then presented his plan to the Assembly which loyally passed it on November 19, 1720.⁴⁵

⁴¹Bonomi, Factious People, pp. 87-8, Leder, Robert Livingston, p. 251.

⁴²Bonomi, Factious People, pp. 90-1.

⁴³NYCD, IV, 177-8.

⁴⁴Leder, Robert Livingston, p. 253-4.

⁴⁵NYCL, ch. 392.

Governor Burnet had managed to impose his will on the merchants but his triumph sowed the seeds which were to destroy the political calm that Hunter had so carefully nurtured. Callously disregarding the interests of the merchants of New York City and Albany, and circumventing the authority of the Indian Commissioners, he had given a rather large, influential section of the colony's political community reason to actively oppose him.⁴⁶ The opposition would eventually triumph.

The Indian Trade Laws were not, however, the only cause of the breakdown of the political alliance structure which Hunter had so laboriously created. Finances, which were the pervasive and often festering issue in New York, also contributed. Hunter had eliminated control of finances as an issue only by surrendering to the Assembly. In 1714 he recognized the right of the Assembly to appoint a Treasurer for the Colony. The colonial official usurped the duties and income of the Royal Auditor General, William Blathwayt, and his deputy in New York, George Clarke, but both men apparently accepted the change, and the accompanying loss of income, philosophically. When Blathwayt died in 1717, the post of Auditor General was given to Horatio Walpole. (Walpole, the Prime Minister's brother, was not so sanguine and he set about recovering the lost prerogatives of his position as Auditor General.)

⁴⁶Mc Anear, "Politics," I, 331-3.

In 1721, Walpole reminded Governor Burnet that the accounts of the colony had to be transmitted to him for audit, and ordered the colonial Treasurer to submit his accounts for audit by Royal officials. As might have been expected, Abraham De Peyster, the Treasurer who had been appointed by the Assembly, did not obey Walpole's order; instead, on June 15, 1721 he turned it over to the Assembly. Under the leadership of Lewis Morris Sr., who apparently was more concerned with the interests of his fellow colonists than of his patron, the Governor, the Assembly now drafted a memorial which explained that the New Yorkers had not submitted their records for audit because they were unable to afford the auditor general's five per cent fee. Although there is no indication that Walpole believed the colonists' cries of poverty, he did not permit himself to become involved in a debate with the Assembly. Instead, he secured an order from the British Treasury (headed by his brother) which instructed Governor Burnet to persuade the Assembly to recognize his right to audit the colony's records and to receive the lawful fee for his work.⁴⁷

Burnet was obviously in a difficult position. He could not support the Assembly's refusal to allow Walpole to audit the colony's books without making an extremely powerful enemy in London, and he could not support his authority to conduct

⁴⁷Leder, Robert Livingston, pp. 262-5.

the audit without alienating the Assembly by denying one of its most important privileges. His sense of duty as a Royal official, and Walpole's influence with those who had the power to terminate Burnet's career in New York (and his hopes of recouping his lost fortune), apparently combined to convince the Governor to support the Auditor General's claims. But a decision was not action. Burnet still faced the problem of convincing the Assembly to surrender some of its authority over finances by submitting to (and paying for) an audit of the colony's books.

His task was complicated by the voters of Westchester County. In a by-election they had returned Adolph Philipse (whom Burnet had removed from the Council) as one of their Assemblymen. His entry into the House on June 22, 1722⁴⁸ provided the opposition with a nucleus.⁴⁹ The strengthened opposition, anxious to embarrass the governor, now combined with members of the Governor's "alliance" to defeat a bill appropriating funds to pay Walpole for auditing the colony's accounts in the recent Assembly session.⁵⁰ However, the Governor's defeat was only temporary. Despite their

⁴⁸ Bonomi, Factious People, App. C [p. 303].

⁴⁹ Rutherford Collection, vol. I, p. 63.

⁵⁰ Osgood, Eighteenth, II, 424, NYCD, V, 682-3. Bonomi, Factious People, App. C [p. 302], Journal of the Votes and Proceedings of the General Assembly of the Colony of New York, 1691-1765 (2 vols., New York, 1764-6, reprinted 1904), I, 473, 478.

resistance to accepting Walpole's claims, Burnet's friends in the Assembly were still willing to listen, and the governor was eventually able to convince them of the futility of resisting the claims of the Auditor General. On June 21, 1723, the Assembly voted £ 1,600 to satisfy Walpole's claims for auditing the colony's accounts.⁵¹

Burnet had been faced with an extremely difficult position, and had handled it as well as possible. He had managed to avoid a complete break with his supporters in the Assembly, and had obtained the results demanded by the authorities in London. He had not, however, been victorious; he had defended the prerogative against the interests of the people of New York, and had convinced the Assembly to abandon its defense of one of its most treasured prerogatives. His actions demonstrated to New Yorkers that despite the tranquillity achieved by Hunter, the interests of the Governor and his subjects were not necessarily identical, and that opposition to the executive might serve the colonists' interests. They were encouraged to support candidates for office who opposed the Governor. The opposition grew rapidly in the next three years,⁵² and Burnet's position in the colony deteriorated quickly.

⁵¹Leder, Robert Livingston, pp. 275-6.

⁵²In 1725, Burnet explained that the Assembly had turned against him because he had supported Walpole's demands. Leder, Robert Livingston, p. 287.

The decline in Governor Burnet's influence was by no means due solely to popular reaction to his handling of the audit dispute. His clumsy handling of a revenue issue which developed contemporaneously with the dispute between the Auditor General and the Assembly, had a much more direct effect on the decline of his political fortunes. Although Burnet had "inherited" a revenue which would adequately support the government tax collections in New York were chronically deficient, and the colony was soon in debt. By 1722 the deficit had reached £ 1,700, and in May of that year, Governor Burnet announced that he favored a land tax which would discriminate against the owners of unoccupied tracts, as the means of eliminating the deficit. Burnet apparently advocated the tax because it would help solve two nagging problems simultaneously. It would eliminate the province's debt, and would help the colony to grow by encouraging owners to reduce their tax burden by finding tenants for their unoccupied lands. Although the existence of large tracts of unoccupied land was an endemic problem, and although the discriminatory tax was a reasonable method of encouraging landlords to find settlers for their lands, Burnet was rather unwise to suggest the tax. His support came from an alliance of Hudson River landowners. These men possessed large areas of empty land, and were adversely affected by the proposed tax. It was unreasonable for the Governor to expect his allies to vote against their own interests. Assembly Speaker Robert Livingston

(who was close to Burnet) attempted to dissuade him from presenting the tax to the Assembly. When he failed to do so, Livingston led the fight against it. As the Assembly was dominated by landowners who would have been hurt by the tax, Livingston's task was not difficult, and the tax was easily defeated. Governor Burnet's precipitate action in attempting to force the Assembly to accept his land tax proposal did not result in a complete breakdown of the Assembly association which supported him, but the Livingston-Morris group was weakened somewhat,⁵³ and the Governor's ability to influence the Assembly, which was essential to govern New York effectively, was consequently weakened also.

The debilitating effect of the Governor's actions was mirrored by the growth of the opposition faction's influence in the Assembly in 1723 and 1724.⁵⁴ In an effort to secure the good will of the Assemblymen who were not supporting him, Burnet had diverted some patronage to them, and supported legislation which they favored. His concessions were, however, insufficient to convince the opposition to ally itself with his supporters in the Assembly.⁵⁵ The concessions weakened Burnet's hold over his "friends". Every office he gave to a member of the opposition was taken from

⁵³Leder, Robert Livingston, p. 265-7.

⁵⁴Mc Anear, "Politics," I, 336.

⁵⁵Mc Anear, "Politics," I, 322-4.

one of his allies in the Assembly, and as New York politicians were hungry for office, and extremely sensitive to real or imagined slights, his attempt to woo the opposition could only have hurt his position.

The vulnerability of Governor Burnet's position, which had been unassailably strong in 1720, became apparent when one of the Albany Assemblymen died in 1724. Six candidates announced their intention to see the seat; four of them were strongly opposed to the Governor's policies. The preponderance of candidates opposed to the Governor simply reflected the attitude of the voters of Albany. Opinion was so strongly opposed to the Governor that the Speaker's eldest son, Philip Livingston, refused to run as an advocate of the administration's policies. He excused himself from the race by claiming that service in the Assembly (which met in New York City) would adversely affect his business, but he probably avoided making the race because he did not wish to be forced to endorse publically the Indian Trade Laws he privately opposed, and because he did not feel he could win the election.

This left Burnet's supporters with the problem of finding a candidate. Eventually, Robert Livingston Jr., the Speaker's youngest son, was convinced to represent the Governor's allies in the election. The governor did not, however, endorse him, but endorsed David Van Dyck, whose

⁵⁶Bonomi, Factionous People, p. 92.

candidacy was sponsored by Councillor Francis Harison. Predictably, Livingston and Van Dyck divided the voters who still supported the Governor's policies, and so the election went to Myndert Schuyler, an avowed, extreme opponent. Burnet had contributed to Schuyler's victory by encouraging his supporters to run two candidates. He could have increased their chance of success if he had convinced either Livingston or Van Dyck to withdraw, but apparently he made no attempt to do so. His apparently arbitrary decision to support Van Dyck was especially unwise. It alienated Philip Livingston who had been a loyal supporter of the administration in the opposition stronghold of Albany.⁵⁷

The growing strength of the opposition, which was reflected in the growing unwillingness of the Assembly to support the Governor, became apparent in the summer of 1725. When illness prevented Speaker Robert Livingston from reaching New York in time for the opening of the Assembly's session, Adolph Philipse, a leading opponent of the Governor was elected as speaker in his place.⁵⁸

Governor Burnet's position, and his ability to influence the Assembly, deteriorated further in the fall of 1725, when Stephen DeLancey was elected to the Assembly by the voters of New York City. DeLancey had rarely agreed with the

⁵⁷ Leder, Robert Livingston, pp. 276-9.

⁵⁸ Leder, Robert Livingston, pp. 282-3, Osgood, Eighteenth, II, 425.

Governor; he opposed Burnet's Indian Trade Policy, and the two men had come into conflict again early in 1725 when Burnet ruled that the Consistory of the French Church of New York City, which included DeLancey, could not remove Reverend Louis Rou from his post as minister of the church.⁵⁹ When DeLancey appeared before the Governor to take the oath of office on September 13, Burnet declined to administer it, and challenged DeLancey's citizenship.⁶⁰ The Governor's action, which apparently was an attempt to usurp the Assembly's right to determine the qualifications of its members, was incredible in light of the fact that DeLancey had first served in the New York Assembly in 1702.⁶¹ The Assembly was naturally, (and predictably) offended by the Governor's action. It immediately responded by unanimously passing a resolution condemning the Governor's action.⁶² Burnet's political advisors were appalled by his action, and urged him to make amends as rapidly as possible.⁶³ He accepted

⁵⁹ New York State, Secretary of State, The Documentary History of the State of New York, Edmund B. O'Callaghan, ed. (4 vols., Albany, N.Y., 1850-1), III, 284-6, Smith, History, I, 180, Mc Anear, "Politics," I, 324.

⁶⁰ Osgood, Eighteenth, II, 425-6, Leder, Robert Livingston, pp. 284-7.

⁶¹ Bonomi, Factious People, App. C [p. 299], NYCD, V, 769.

⁶² NYCD, V, 769, Osgood, Eighteenth, II, 425.

⁶³ Leder, Robert Livingston, pp. 284-7.

their advice and swore DeLancey in on September 25,⁶⁴ but the damage had been done. A number of Assemblymen who had previously been completely loyal to the governor were driven into opposition by his blatant disregard of the House's privileges,⁶⁵ and DeLancey, (who had merely been Burnet's opponent) was now transformed into an implacable and vengeful enemy.⁶⁶

The Assembly's negative reaction to Burnet's attempt to exclude DeLancey was immediately apparent. The Governor had requested the Assembly to extend the colony's revenue for five years in the August to November 1725 session. The angered Assembly demonstrated its increased distrust of the Governor by voting to extend it for only two years. Although Burnet was not pleased by the Assembly's action, he did accept it.⁶⁷ He was not, however, willing to passively surrender the influence he had exerted over the Assembly for so long. He attempted to restore his influence over the Assembly by threatening to strip Assemblymen who stopped supporting him of the "honors" he had given them. The Assemblymen resisted the Governor's attempt at coercion. For the first

⁶⁴Bonomi, Factionous People, App. C [p. 303].

⁶⁵NYCD, V, 769.

⁶⁶Mc Anear, "Politics," I, 180-1.

⁶⁷NYCD, V, 773, Leder, Robert Livingston, pp. 284-7.

time in his administration, Burnet was faced with an Assembly dominated by a group which opposed him.

When the House reassembled on August 6, 1726, the opposition was finally in a position to obstruct effectively the Governor's policies. In addition to refusing to grant the five year extension of the revenue (which Burnet had again requested), the Assembly added insult to injury by reducing the colony's budget.⁶⁸ Some of the reductions were apparently politically motivated. It seems likely that the Assembly's decision to reduce the salary of Chief Justice Lewis Morris, (who had also led Burnet's allies in the Assembly) from £300 to £250 per year, was politically motivated.

Despite its attack on Morris, the Assembly was not blindly opposed to the Governor. Although it refused to implement a land tax which Burnet had proposed,⁶⁹ its action should not be ascribed purely to political malice. An Assembly dominated by Burnet's supporters had defeated a similar proposal in 1722, and so it is reasonable to assume that the land tax was simply unacceptable to most members of the Assembly. The willingness of the House to cooperate with the Governor was clearly demonstrated by its decision to

⁶⁸NYCD, v, 775.

⁶⁹Leder, Robert Livingston, p. 289.

renew the Indian Trade Acts.⁷⁰ Although unpopular with many members of the dominant Philipse group, these were important to the Governor. Despite the Assembly's apparent willingness to "do business" with him, Burnet decided that he could not continue to deal with an Assembly dominated by his opponents, and, on August 10, 1726 he dissolved it.⁷¹

The Assembly election, the first in ten years, was a triumph for opponents of the Governor. Every newly-elected member was opposed to the Governor,⁷² and Adolph Philipse was again selected as Speaker. The differences between the Governor and the Majority of the Assembly had, however, little effect on the session which began on September 27, 1726. The Assembly concerned itself primarily with the construction of a trading post at Oswego. Because the Assemblymen and the Governor agreed that it was a necessary barrier to the French, they cooperated. Perhaps the second session of the Assembly would have been marred by conflicts between the Governor and the Assembly, but it never met. The death of King George I on August 21, 1727 dissolved the

⁷⁰NYCD, V, 775.

⁷¹Bonomi, Factionous People, App. C [p. 302], Mc Anear, "Politics," I, 340-1.

⁷²John F. Burns, Controversies Between Royal Governors and Their Assemblies in the Northern American Colonies (Boston, 1923), p. 315.

Assembly, and new elections were now necessary.⁷³

The membership of this new Assembly, although not identical to its predecessors, was also dominated by opponents of Governor Burnet, and Adolph Philipse was again selected as Speaker.⁷⁴ The session began peacefully, but before it ended the Governor and the Assembly were plunged into the most acrimonious political dispute of Burnet's administration.

The conflict centered around the Chancery Court, and Burnet's exercise of his authority as Chancellor;⁷⁵ it was all the more severe because Chancery jurisdiction had long been an area of contention between the Governor and the Assembly in New York. New Yorkers objected to the Chancery Court because it had been created by the Crown, not by their Assembly,⁷⁶ and because they feared the judicial authority which the governor derived from his commission as Chancellor. Specifically the New Yorkers feared the Chancellor's power

⁷³Osgood, Eighteenth, II, 426-8.

⁷⁴Bonomi, Factious People, App. C [pp. 303-4].

⁷⁵Mc Anear, "Politics," I, 367-8.

⁷⁶Lawrence, M. Friedman, A History of American Law (New York, 1973), p. 47.

to compel payment of quit-rents⁷⁷ which were chronically in arrears in the colony.

The colonists' objections to Chancery were not completely selfish. The Chancery Court was generally an inefficient means of dispensing justice because the governor, who sat as Chancellor, generally was not trained for the position, and consequently had little inclination to attempt to conduct a court. Even when the governor felt competent to sit as Chancellor, the Court could not function effectively. The Court could not function properly without subordinate officials to guide its operations.⁷⁸ Although there was provision in New York for the appointment of a Master of Rolls and Registrar in the Chancery Court, the office was vacant from 1687 to 1774.⁷⁹ Proceedings in Chancery were, consequently, bedeviled by long delays⁸⁰ which discouraged use of the Court.

⁷⁷ Stanley N. Katz, "The Politics of Law in Colonial America: Controversies over Chancery Courts and Equity Law in the Eighteenth Century," Perspectives in American History, V (1971), 272 (hereafter "Politics of Law").

⁷⁸ Katz, "Politics of Law," 264.

⁷⁹ Paul M. Hamlin, and Charles E. Baker, The Supreme Court of Judicature of the Province of New York, 1691-1704, volumes 78, 79 New-York Historical Society Collections (New York, 1952), I, 16 (hereafter Supreme Court).

⁸⁰ Friedman, History of American Law, p. 48.

The objections to Chancery jurisdiction in New York were, however, not completely, or even primarily practical. Chancery jurisdiction was closely associated with politics in New York, and so objections to the Court were often tied to the state of politics in the colony. Although Lieutenant Governor John Nanfan and Governor Cornbury had issued ordinances establishing a Court of Chancery for non-political reasons, the effective life of the Court was closely tied to political considerations. In 1711, David Provoost (a political ally of Governor Hunter) had been imprisoned. Although he was charged with debt, apparently the real reason why Provoost had been incarcerated had been to prevent him from attending the Assembly.⁸¹ As Hunter had few allies at that point in his administration, it was important for him to secure Provoost's freedom. He did so by having the Council confirm that his instructions authorized him to create a Chancery Court, to open the Court,⁸² and to exercise his authority as Chancellor (thus freeing his friend.)⁸³ Having weathered the storm of protest which accompanied the creation of the Court, Hunter had decided

⁸¹Mc Anear, "Politics," I, 303.

⁸²NYCD, V, 297-302.

⁸³Mc Anear, "Politics," I, 303, Katz, "Politics of Law," 273.

to continue it although he apparently was not an especially active Chancellor.⁸⁴

William Burnet, on the other hand, enjoyed sitting as Chancellor, and did so more than any other governor of New York. He apparently had carried out his duties rather well despite his lack of legal training and his injudicious habit of making quick decisions.⁸⁵ His fondness for exercising Chancery jurisdiction was one of the causes of the political difficulties which Burnet experienced in the last years of his administration. The jurisdiction of the Chancery Court included hearing cases relating to the collection of quit-rents,⁸⁶ and because Burnet frequently sat as Chancellor, he consequently often issued decrees compelling landowners to pay back taxes. Naturally, the Hudson River landowners (who were the backbone of the Governor's political strength) resented being compelled to pay their taxes, and their resentment was reflected in the decline of the Governor's influence in the Assembly.⁸⁷

⁸⁴Mc Anear, "Politics," I, 303.

⁸⁵Smith, History, I, 165-6.

⁸⁶Friedman, History of American Law, p. 47.

⁸⁷Solon Dyke Wilson, "Courts of Chancery in the American Colonies," Select Essays in Anglo-American Legal History, vol. II, (Boston, 1908), p. 793, Katz, "Politics of Law," 275.

Increased resentment was, however, not the only consequence of Burnet's penchant for acting as Chancellor. In 1725, Adolph Philipse, the Speaker of the Assembly had become involved in litigation involving recovery of quit-rents and a land grant in the Chancery Court.⁸⁸ Although the case had been argued earlier, Burnet did not complete his judgment in the case (which was against Philipse) until November 23, 1727. Having learned of the order on November 25, 1727, Philipse induced the Assembly, which was almost universally unsympathetic to Chancery, to pass a series of resolutions⁸⁹ attacking the Chancery Court. The Assembly's resolutions, which had been drafted by Colonel Isaac Hicks of Queens County,⁹⁰ claimed that some New Yorkers had been ruined by the Court, that other residents had fled the colony to escape being bankrupt, that the Chancery Court demanded excessive bail, and that the fees for litigation in the Court of Chancery (which had been set by Governor Burnet) were excessively high. The Assembly concluded that the Chancery Court had never been properly established in New York, and that its judgments were, therefore, illegal and of no force. The Assembly

⁸⁸ Siegfried B. Rolland, "Cadwallader Colden Colonial Politician and Imperial Statesman, 1718-1760" (Unpublished Ph. D dissertation, University of Wisconsin, 1952), p. 245 (hereafter "Cadwallader Colden").

⁸⁹ Rutherford Collection, vol. I, p. 61.

⁹⁰ Rolland, "Cadwallader Colden," p. 246.

resolution concluded by expressing the House's intention to consider establishing a proper Chancery Court in New York.⁹¹ This attack on the Chancery Court, and on his activities as Chancellor, so angered Governor Burnet that he immediately dissolved the Assembly.⁹²

The Council, dominated by members of the Morris-Livingston alliance which had been displaced in the Assembly, now leapt to the Governor's defense. It concluded that the Assembly's resolutions were an unwarranted attack upon the prerogative, which, if recognized, would only serve to deprive the people of the Equity Court (an institution which had long been considered a basic right of Englishmen).⁹³ It did not agree that the Chancery Court was imperfect, but suggested a reduction in the fees charged by the Court. Although considerably lower than those demanded by English Chancery Courts, they were simply too high for the resources of the people of New York.⁹⁴

⁹¹New York Gazette #113, Dec. 25, 1727 - Jan. 1, 1727/8.

⁹²Nicholas Varga, "New York Government and Politics During the Mid-Eighteenth Century" (New York, Unpublished Ph. D. dissertation, Fordham University, 1960), p. 34 (hereafter "New York Government"). The Assembly was dissolved on Nov. 25, 1727, Bonomi, Factious People, App. C [p. 304].

⁹³New York Gazette, #114, Jan. 1-8, 1727/8.

⁹⁴New York Gazette, #115, Jan. 8-15, 1727/8.

Burnet's anger was understandable, but his decision to dissolve the Assembly over the politically explosive Chancery issue was an error. The Assembly's criticisms of the Court apparently reflected the voters' sentiments. The election resulted in an Assembly more firmly dominated by the opponents of the governor than its predecessor. Even Lewis Morris Sr., the leader of Burnet's supporters in the Assembly, was defeated in his bid for re-election.⁹⁵

The new Assembly would have no conflicts with William Burnet. Its tranquillity was not due to a change of heart; it was the result of King George II's accession. The new King wanted to reward those who had supported him in his incessant quarrels with his father, and making room for his special friends necessitated displacing some incumbents. Burnet had the misfortune to hold an office coveted by one of the men the new King wanted to reward. John Montgomerie had served as groom of the Bedchamber to the King before he came to the throne, and as a mark of the King's "particular esteem" Montgomerie was permitted to choose the position he desired. He selected the government of New York as the most profitable, and least burdensome of the posts offered to him.⁹⁶ Burnet was now unceremoniously transferred to

⁹⁵Varga, "New York Government," p. 34.

⁹⁶Stanley N. Katz, "Newcastle's New York Governors," New-York Historical Society Quarterly, XL, no. 1 (Jan., 1967), 10-11.

Massachusetts Bay.⁹⁷

William Burnet had arrived in a colony which was politically tranquil, and, by his continuous unwillingness (or inability) to accept its political system, had managed to destroy the harmony which Hunter, Livingston, and Morris had worked so hard to establish. He had created a situation which pitted the executive against the lower House of the legislature, and thereby severely curtailed his ability to govern effectively. He could have avoided that unhappy state of affairs (which the Historian William Smith suggested was responsible for his removal⁹⁸) if he had only demonstrated more consideration for the sensibilities of New Yorkers. It was his repeated failure to recognize the necessity for paying at least some attention to the needs and desires of his allies which led to the collapse of his support in the Assembly. If he had recognized the need for at least occasionally propitiating the opinion of his "friends" in the Assembly, he probably could have preserved his influence and effectiveness in New York. While this would, in all likelihood, not have prevented his removal, it would have made the last years of his administration more peaceful than they were.

⁹⁷Smith, History, I, 186.

⁹⁸Smith, History, I, 186.

The new Governor, John Montgomerie, arrived in New York on April 15, 1728, and, unlike his predecessor apparently arrived uncommitted to any particular group. He began his administration by conferring with Burnet, the members of the Council, and the leading citizens of the colony.⁹⁹ It seems reasonable to assume that the group he met with included leaders of the group which had opposed Burnet in the Assembly, and also George Clarke, a Councillor who was to become his leading advisor.¹⁰⁰ As a result of the meeting, Montgomerie decided to dissolve the Assembly which had been elected under Burnet. He was apparently careful to avoid any action which might offend his subjects.¹⁰¹

This careful neutrality was to be the hallmark of Montgomerie's administration.¹⁰² His resolution of the Chancery Court dispute (which had erupted at the end of Burnet's term) illustrated this well. The lower House, which had opposed Burnet, was still energetically attacking the Court, and the upper House, which had supported him,

⁹⁹NYCD, V, 855-6.

¹⁰⁰Varga, "New York Government," p. 35.

¹⁰¹Smith, History, I, 188.

¹⁰²Colden Papers, I, 259-61, Mc Anear, "Politics," I, 370-3. The pro-Burnet group, which had long been accustomed to active support from the executive did not feel that Montgomerie was neutral. Letters by Colden and Alexander indicate they were convinced the governor was opposed to them. See Rutherford Collection, vol. I, pp. 71, 77, 93, 95, for examples.

was equally energetically defending it. Neither side appeared willing to allow the other the last word in the conflict, and the two Houses of the colonial legislature seemed to be on a collision course. Montgomerie successfully quenched the controversy by asking the Council to refrain from publishing resolutions on the dispute until the Assembly met. It would be, he told the Councillors, unfair for them to present their position while the Assembly, which was not in session, could not respond. The Councillors wished to retain the Governor's good will and they complied with his request.¹⁰³ The hiatus thereby engendered allowed tempers to cool, and Montgomerie's decision not to sit as Chancellor terminated the conflict.¹⁰⁴

The elimination of the dispute over the Chancery Court removed the single issue which the group that had supported Governor Burnet might have been able to use as an election issue. Consequently, the group led by Philipse and DeLancey dominated Montgomerie's first Assembly.¹⁰⁵ The Governor's scrupulous attention to colonial sensibilities at the start of his administration indicated that he would do all in his power to cooperate with the Assembly, and,

¹⁰³Rutherford Collection, vol. I, pp. 101-3.

¹⁰⁴Smith, History, I, 188.

¹⁰⁵Mc Anear, "Politics," I, 369.

indeed, his relations with the House were excellent.

Montgomerie was able to maintain good relations with the Assembly because he was willing to accept its evaluation of the needs of the colony, and to act accordingly, although he did not always agree with its judgment. His decision not to sit as Chancellor was not justified by reference to the Assembly's criticism of the legitimacy of the Court of Chancery, but by the claim that he lacked the legal expertise necessary for conducting the Court.¹⁰⁶ This display of modesty enabled the Governor to protect his prerogatives as Governor by avoiding the constitutional issues raised by the debate over the Chancery Court without angering the Assembly. As practical politicians (not theoreticians) the leaders of the Assembly¹⁰⁷ were pleased by the governor's decision, which seemed to recognize the justice of their arguments against the Equity Court. They showed their appreciation by granting Montgomerie the five year revenue they had stubbornly denied Burnet.¹⁰⁸

He applied the same principle to his functions as the intermediary between the Assembly and the British

¹⁰⁶Smith, History, I, 188.

¹⁰⁷Milton M. Klein, "New York in the American Colonies: A New Look," New York History, LIII, no. 2 (April, 1972), 132-156, Henry N. Mac Cracken, Prologue to Independence (N.Y., 1964), p. 26.

¹⁰⁸Osgood, Eighteenth, II, 249.

Government. Unlike other governors who included their personal evaluation of the "constitutionality" of some of the bills they transmitted to London for examination,¹⁰⁹ Montgomerie restricted himself to transmitting the act, with an explanation of the reasons for its passage. When the Assembly passed An Act to prevent the taking or levying on specialities more than the principle interest and cost of suit and other purposes therein mentioned in the fall of 1730, Montgomerie took no position on the law which barred plaintiffs and their attorneys from collecting more than the principal, legal interest, and costs from defendants or from bonds posted by defendants under penalty of double damages and triple costs.¹¹⁰ He simply informed the Board of Trade that:

This Act took its rise as I am informed, from some executions lately executed for the full penalty of the Bonds, without any regard to what is really due, in which case, I am told the Defendant has no other remedy but in Chancery, which being a tedious and expensive way to obtain redress, it was thought proper to pass this law, which will be a general benefit to all Defendants in the like cases and no injury to Creditors, since their whole principal, interest and costs is preserved to them,¹¹¹

and left the decision in the hands of the Board, thereby

¹⁰⁹ See, for example, NYCD, V, 416 [Hunter], 664 [Burnet].

¹¹⁰ NYCL, ch. 559.

¹¹¹ NYCD, V, 905.

freeing himself from any involvement in the Board's decision. Whatever happened in London, Montgomerie's relations with the Assembly would be unaffected. From the pragmatic viewpoint of the colonists, he had endorsed the law. Montgomerie's precautions were, however, unnecessary; he died on July 1, 1731, before word of the English government's decision to disallow the law had reached New York.¹¹²

The best example of Montgomerie's unwillingness to offend the Assembly was probably the dispute over the salary of Chief Justice Lewis Morris, which became serious in 1729. Morris's salary as Chief Justice had been raised from £ 250 to £ 300 per annum in 1715. When the "alliance" headed by Adolph Philipse and Stephen DeLancey had obtained control of the Assembly in 1726, it had attempted to "punish" Morris by reducing his salary as Chief Justice. The attempt was resisted by Governor Burnet, and was abandoned.¹¹³ In April, 1729,¹¹⁴ after Montgomerie became Governor, the Philipse-DeLancey group again attempted to reduce Morris's salary to £ 250.¹¹⁵ Montgomerie felt that accepting the Assembly's

¹¹²Disallowance was recommended on May 27, 1731, Great Britain, Public Record Office, Calendar of State Papers, Colonial Series, America and West Indies, W.N. Sainsbury, and others, editors (42 vols., London 1860-1963), XXXVIII, 104-5, 114-5.

¹¹³Bonomi, Factionous People, p. 95.

¹¹⁴NYCD, V, 877-82

¹¹⁵Osgood, Eighteenth, II, 429-31.

decision to reduce the Chief Justice's salary would be an excellent means of restoring the good relationship between the Assembly and governor.¹¹⁶ He apparently did not wish to recognize the Assembly's right to determine salaries; a step which might have grave political and constitutional implications on his own. Consequently, he asked the Council for its opinion on the question and in June it advised him to sign the warrants for the reduced salary.¹¹⁷ The Chief Justice's son, Lewis Morris Jr., who had been appointed to the Council by Burnet, objected to the reduction of his father's salary, and read a document which attacked the Governor and Councillors Abraham Van Horne, and Rip Van Dam in the Council meeting of June 13. The Council was so disturbed by the severity of the attack (and by the younger Morris's unwillingness to accept the Council's decision), that it asked Governor Montgomerie to suspend him¹¹⁸ despite the fact that he had apologized for his intemperate words.¹¹⁹ Lewis Morris Jr., was suspended from the Council on

¹¹⁶NYCD, V, 877-82.

¹¹⁷Colden Papers, I, 274-7, 280-6.

¹¹⁸NYCD, V, 877-82.

¹¹⁹Colden Papers, I, 280-6.

June 26, 1729,¹²⁰ and was replaced by Philip Van Cortlandt,¹²¹ a member of the Philipse-DeLancey group.¹²²

The appointment of Van Cortlandt to the Council indicated that the dispute with Morris had caused Montgomerie to abandon his careful neutrality and turn more actively to the Philipse-DeLancey group.¹²³ This change was, however, not the product of a desire to become more actively involved in politics; rather it was the result of Lewis Morris, Jr.'s intemperate words. He had bitterly attacked the members of his father's group who had not supported his effort in the Council to keep the salary of the Chief Justice at £300 per year. James Alexander, Cadwallader Colden,¹²⁴ Archibald Kennedy,¹²⁵ and Abraham Van Horne¹²⁶ were all so offended by the younger Morris's attacks that they withdrew from the

¹²⁰NYCD, V, 877-82, Smith, History, I, 193 erroneously reports Jan. 26, 1729 as the date of his suspension.

¹²¹Bonomi, Factionous People, pp. 314-5.

¹²²Mc Anear, "Politics," I, 377.

¹²³Mc Anear, "Politics," I, 377, Bonomi, Factionous People, p. 100.

¹²⁴Rutherford Collection, vol. I, p. 131.

¹²⁵"Kennedy, Archibald," D.A.B., X, 332, NYCD, V, 766-8.

¹²⁶Smith, History, I, 166.

elder Morris's alliance. It consequently became completely impotent,¹²⁷ leaving Montgomerie with no option but to turn to the Philipse-DeLancey group.

Montgomerie's efforts at retaining the good will and cooperation of the Assembly were however, by no means restricted to recognizing it as the leading element in the government of New York. He recognized that Assemblymen, like members of the House of Commons, in which he had served,¹²⁸ regarded politics primarily as a source of income, and that political loyalty was, consequently, directly related to the patronage distributed to supporters and their families. Although Montgomerie, like every other governor of New York, had relatively little patronage at his disposal, he utilized what little he possessed and secured the loyalty of the leaders of the Assembly. (When the death of James Barbarie created a vacancy in the Council in the spring of 1728, the Governor nominated Mr. James DeLancey whose "father is an Eminent Merchant, a member of the Assembly, [and] one of the richest men in the colony" to fill the vacancy.¹²⁹) In June 1731, Montgomerie expressed gratitude to Stephen DeLancey for his service to the administration

¹²⁷Mc Anear, "Politics," I, 375-6.

¹²⁸Smith, History, I, 187.

¹²⁹NYCD, V, 856-7.

in the Assembly by nominating James (who had been confirmed as a Councillor¹³⁰) as second judge of the colony's Supreme Court. At the same time he rewarded Adolph Philipse for his service in the Assembly by appointing his nephew Frederick Philipse as the third judge of the Court.¹³¹ It seems certain that the two leaders of the Assembly could have felt nothing but increased loyalty to Montgomerie for his appointments.

Colonel John Montgomerie died at four in the morning on July 1, 1731¹³² after about thirty nine months in the colony. He had come to a province "...tired by the mutual struggles of party rage," and, by the time of his death had "extinguished the flames of contention," and insured that New York's "public affairs flowed on in a peaceful, uninterrupted, stream."¹³³ He had accomplished all this not by overt political action, but by understanding, and adapting himself to the complex nature of New York politics. He gave the appearance of being lazy,¹³⁴ even unprincipled¹³⁵

¹³⁰Bonomi, Factious People, p. 314.

¹³¹Varga, "Government and Politics," pp. 36-7.

¹³²Colden Papers, II, 23.

¹³³Smith, History, I, 187.

¹³⁴Smith, History, I, 188.

¹³⁵Katz, "Newcastle's New York Governors," 22.

because he (or his principal advisor George Clarke) recognized that a governor of New York could not afford either activity or principle. Montgomerie apparently realized that he had little actual power, and could hope to guide events only by maintaining good relations with the Assembly leaders who possessed real power; that he had to avoid taking stands which might cost him their good will. He was successful in his efforts. He retained the confidence of the colony's political leaders, and his administration was one of the few in the century which was spared the racking conflicts between the Assembly and the governor which frequently threatened to paralyze the government of New York. Perhaps the colony would have been better off if all its governors had been cut from Montgomerie's quiet but effective mold.

CHAPTER SIX

COSBY AND CLARKE: TWO TYPES OF MANAGEMENT

After the death of John Montgomerie on the night of June 30, 1731 the government of New York devolved on Rip Van Dam, the senior member of the provincial Council.¹ A New York City merchant² who had served on the Council since 1702, Van Dam apparently regarded himself as a caretaker, for his thirteen month administration was not marked by the quarrels which almost inevitably developed when a governor attempted to dominate the Assembly.³ The tranquillity of the administration was the result of Van Dam's complete willingness to accept the decisions of the Assembly, to use his influence (such as it was) with the British government to promote

¹ New York State, Secretary of State, Documents Relative to the Colonial History of the State of New York, E.B. O'Callaghan and Berthold Fewnow, editors (15 vols., Albany, 1861-1887), V, 921 (hereafter NYCD).

² Dixon Ryan Fox, Caleb Heathcote Gentleman Colonist (New York, 1926), p. 134.

³ Herbert L. Osgood, The American Colonies in the Eighteenth Century (4 vols., Gloucester, Mass., 1958, reprint of 1924-5 edition), II, 443 (hereafter Eighteenth).

policies which met the needs of the colony,⁴ and of his unwillingness to offend colonial sensibilities. The last was best exemplified by his refusal to assume the Chancellorship, which effectively suspended the Court of Chancery (made it impossible for Royal officials to sue for quit-rents⁵) and undoubtedly gratified the people of New York who were adamantly opposed to equity jurisdiction.

The quiescence of the Van Dam administration was disturbed by only one trifling dispute, and it was not related to provincial politics. The Instructions of the late governor had authorized the acting governor to collect half of the salary and perquisites of the governor while the chief executive was out of the colony.⁶ Van Dam was certainly the acting governor. Should he collect all the remuneration of the governor, or restrict himself to half?⁷ He took the problem to the Council; it advised him to collect the whole salary and all the perquisites of his post, and he did so.⁸

⁴NYCD, V, 925-9, for example.

⁵NYCD, V, 930-1.

⁶Leonard Woods Labaree, Royal Instructions to British Colonial Governors 1670-1776 (2 vols., New York, 1967, reprint of 1935 edition), pp. 282-3.

⁷Joseph H. Smith and Leo Hershkowitz, "Courts of Equity in the Province of New York: The Cosby Controversy, 1732-1736," The American Journal of Legal History XVI, 1 (1972), 16-7 (hereafter "Courts of Equity").

⁸William Smith Jr., The History of the Province of New York, Michael Kammen, ed. (2 vols., Cambridge, Mass., 1972), II, 5 (hereafter History).

Such an idyll could not endure. The British government was continuously besieged by supplicants for office, and it would not allow even a relatively unimportant post such as the government of New York to remain vacant for long. On January 12, 1732, Colonel William Cosby was named Governor of New York.⁹ He assumed office in the Province in Early August.¹⁰

Cosby had been given the position for purely personal reasons. His wife was the Earl of Halifax's sister, and the Duke of Newcastle's cousin. Both men were not unnaturally interested in his career and used their influence to keep him employed, despite his apparent lack of ability and rumors that King George II disliked him intensely.¹¹ His appointment was noteworthy only because Newcastle had never before used "imperial" patronage for the benefit of his family.¹²

⁹NYCD, V, 930.

¹⁰Nicholas Varga, "New York Government and Politics During the Mid-Eighteenth Century" (New York, Unpublished Ph. D. dissertation, Fordham University, 1960), p. 38 (hereafter "New York Government").

¹¹Stanley N. Katz, "Newcastle's New York Governors," New-York Historical Society Quarterly, LI, 1 (January, 1967), 11.

¹²James A. Henretta, "Salutary Neglect" Colonial Administration Under the Duke of Newcastle (Princeton, New Jersey, 1972), p. 120 (hereafter "Salutary Neglect").

Although Cosby had never demonstrated any particular political ability, he nonetheless had to make important decisions soon after he arrived. Like virtually every other colonial governor, he possessed almost no information about the land and people he was charged with governing. If he were to govern effectively, he would have to select an advisor, some one familiar with the personalities and issues which were important in New York, some one to guide him while he was engaged in the difficult task of organizing his administration. His choice of George Clarke was wise.¹³ Clarke apparently advised Cosby to follow Montgomerie's example and to base his administration on cooperation with the leaders of the Assembly. He quickly established good relations with the leaders of the lower House, Adolph Philipse and Stephen DeLancey,¹⁴ which were to endure until death ended the administration.

The Governor's choice of advisor and allies was not universally applauded of course. Lewis Morris Sr., James Alexander, Cadwallader Colden and William Smith had hoped that they would fill the places in the administration now occupied by Clarke, Philipse, and DeLancey respectively.

¹³NYCD, V, 936-7.

¹⁴Patricia U. Bonomi, A Factious People: Politics and Society in Colonial New York (New York, 1971), p. 107 (hereafter Factious People).

Their hopes were born of a common connection with ex-governor Robert Hunter, and nurtured by a pressing need. They had supported Hunter when he was in New York, and apparently had expected Cosby to associate himself with supporters of the former governor. Their desires for office were also fueled by their need for a powerful friend to support their retaining title to "The Oblong," a tract of more than 60,000 acres located in the northeastern corner of modern Dutchess County, New York which had been ceded to New York by Connecticut at the end of a long border dispute.

The land was exceptionally valuable because it was near populated parts of the colony. Almost inevitably, a dispute developed. Francis Harison, a member of the Council, convinced the Duke of Chandos and other British investors to seek a Royal patent for the land at the very same time that the New Yorkers were attempting to obtain it by provincial deed. The English patent was issued in May, 1731, a month before Montgomerie was to give Morris, Alexander, Colden, and Smith title. The value of the land made litigation almost certain, and the likelihood of litigation made influence important. The New Yorkers had counted upon Cosby to support their case.¹⁵ When they learned that Cosby had accepted stock in the English Oblong company sponsored by

¹⁵Stanley N. Katz, Newcastle's New York (Cambridge, Mass., 1968), pp. 80-1.

Harison,¹⁶ their disappointment was turned to anger by what they viewed as a betrayal, and they began opposing the Governor in every way they could.

The intensity of their feelings was perhaps best illustrated by the behavior of Cadwallader Colden. Colden had arrived in New York in 1718, had been named Surveyor General because of Hunter's influence in London,¹⁷ and had become a member of the Council during Burnet's administration.¹⁸ He had built a reputation as a strong, almost unyielding supporter of the prerogative,¹⁹ but he nonetheless now opposed Cosby to protect his interests in the "Oblong." Colden supported his partners' attempts to embarrass the administration in the Council and the Assembly,²⁰ and he attempted to undermine the standing of the Governor in the capitol. He not only complained to Allured Popple, the Secretary of the Board of

¹⁶Bonomi, Factionous People, p. 109.

¹⁷Alice Mapelsden Keys, Cadwallader Colden, A Representative Eighteenth Century Official (New York, 1906), pp. 3,27.

¹⁸Bonomi, Factionous People, Appendix D, p. 314.

¹⁹Siegfried B. Rolland, "Cadwallader Colden Colonial Politician and Imperial Statesman, 1718-1760" (Unpublished Ph. D. dissertation, University of Wisconsin, 1952), pp. 50-5.

²⁰NYCD, VI, 26-7, New-York Historical Society, The Cadwallader Colden Papers, New-York Historical Society Collections, 1917-1923, 1934-1935 (9 vols., New York, 1918-1923, 1937), II, 80-2 (hereafter Colden Papers).

Trade, about Clinton's behavior, but even challenged the propriety of hearing the dispute over the Oblong in the Chancery Court in New York.²¹ If Colden, the arch-defender of the prerogative, was willing to attack a prerogative Court to protect his interests, then the other partners, who were much less firmly committed to supporting the authority of the Crown, must have been willing to go to almost any lengths to protect their investment. This vehemence may explain why the opposition to Cosby was so bitter after it became clear, in January 1732, that he would not support the claims of the New York patentees.²²

Morris, Alexander, Colden, and Smith soon had an opportunity to demonstrate their opposition to the Governor.

The Instructions which Cosby had brought to New York included an article which authorized him to collect half of the profits of the government from the date of his appointment,²³ and on November 14, 1732 he asked Van Dam, who as we have seen, had collected the governor's full salary and perquisites for his share.²⁴ At first, Van Dam flatly refused to consider the request. He then moderated his

²¹Colden Papers, II, 114-5, 128-31.

²²Bonomi, Factious People, pp. 109-11.

²³Smith, History, II, 5.

²⁴Osgood, Eighteenth, II, 446.

position and agreed to give Cosby half of the £1,975 he had collected after Cosby had been appointed, if the Governor would divide the £8,383 Van Dam claimed he had collected in the same period.²⁵ Naturally the Governor would not accept a "compromise" which would cost him over £3,000. He had to find some means of compelling Van Dam to surrender the funds.

The obvious solution, a lawsuit, was fraught with difficulties. Van Dam was well known and popular. If the Governor brought his claims before a jury, it was possible that the panel would rule for Van Dam. Cosby therefore could not use the civil courts to recover his claim. Nor could he avoid facing a jury by taking his case before an equity court. The only equity court in New York was the Court of Chancery, and it was obviously impossible for Cosby to bring his case to a court in which he was the judge. The Governor faced a paradox, but he resolved it imaginatively.

He constituted the Supreme Court as a Court of Exchequer which could hear the case without a jury. Moreover two of the judges of the "new" court, James DeLancey and Frederick Philipse, were related to supporters of the administration.²⁶

²⁵Smith and Hershkowitz, "Courts of Equity," p. 18
Smith, History reports the figures as £ 1,975 7 s 10 d,
and £ 6,407 18 s 10 d respectively.

²⁶Smith, History, II, 5-6.

The solution played into the hands of the opposition. The suit against Van Dam was not popular with New Yorkers and when the Governor created a special, and seemingly prejudiced court, the opposition was able to present Van Dam as an innocent victim of arbitrary and tyrannical government.²⁷

The success of Morris and his associates in convincing the populace that the Governor was wrong to press his case against Van Dam did not, however, deter Cosby, and the case came to trial in March, 1733. Van Dam's defense, which was conducted by James Alexander and William Smith Sr., who were partners in the "Oblong," rested on the contention that the court had no jurisdiction because it had been created improperly. The court, as might have been expected, ruled against the defense,²⁸ with Chief Justice Morris, who had prepared his opinion before hearing the argument, dissenting.²⁹ The case was not heard, however. Apparently, Cosby decided that the outcry being generated by the case³⁰ outweighed the £ 8,383 he hoped to recover. He instructed the Attorney General to drop the matter.³¹

²⁷Bonomi, Factionous People, pp. 110-11.

²⁸Smith and Hershkowitz, "Courts of Equity," pp. 21-7.

²⁹Bonomi, Factionous People, p. 110.

³⁰Smith, History, II, 6-7.

³¹Smith and Hershkowitz, "Courts of Equity," p. 31.

But the end of litigation was by no means the end of the dispute. In May, 1733 Cosby removed Morris from the bench on grounds that he had shown partiality, oppressed the people, delayed justice, and attacked the prerogative by opposing Cosby's decision to create an Exchequer Court.³² Lewis Morris Sr. thus became the second "martyr" to the Governor's tyranny.

Passive martyrdom was not, however, Morris's metier. He was not content with presenting himself as another innocent victim of despotism. The Chief Justiceship, the second most powerful office in the colony,³³ and the last vestige of his vanished political hegemony, was simply too important to be surrendered. He therefore responded to his removal by redoubling his efforts to drive Cosby from the colony, and to preserve his office and his remaining influence.³⁴ He soon had an opportunity to strike back.

In October, 1733 Morris presented himself as a candidate in the by-election held to fill a vacant Westchester County Assembly seat.³⁵ The only issue was Morris's charge

³²NYCD, V, 942-50.

³³Bonomi, Factious People, pp. 144-5.

³⁴Katz, Newcastle's New York, p. 73.

³⁵Bonomi, Factious People, p. 114.

of tyranny against the Governor. Despite the efforts of the Sheriff (a Cosby appointee) to influence the election by excluding Quaker voters who refused to qualify by oath,³⁶ Morris's "plight" had produced so much sympathy among the voters that he was elected by a margin of 231 to 151.³⁷ His election embarrassed Cosby, and gave him an excellent platform for further attacks on the administration.³⁸

The election had occurred at an opportune time. Morris and his friends had decided to found a newspaper to present their views to the people, and, hopefully, speed the day when popular opposition would force Governor Cosby either to leave New York or to turn to them for support. The first edition of "their" newspaper, the New-York Weekly Journal, was issued from the shop of John Peter Zenger, an obscure printer, on November 5, 1733, just in time to report Morris's triumphant arrival in New York City after his election.³⁹ The Journal was eminently successful in fanning the flames of opposition which had first been kindled by the

³⁶Smith, History, II, 7-8.

³⁷Bonomi, Factious People, p. 115.

³⁸Beverly McAnear, "Politics in Provincial New York, 1689-1761" (2 vols., Unpublished Ph. D. dissertation Stanford University, January, 1935), I, 410-2 (hereafter "Politics").

³⁹New-York Weekly Journal, Nov. 5, 1733.

Van Dam affair. By the middle of December, the wife of one of the leading Jewish merchants of the city (who was not tied to either faction) commented that the Governor was so disliked that it would be impossible for him to regain the affection of the populace.⁴⁰

Cosby, however, seemed completely undisturbed by his unpopularity; on occasion he even seemed to court it. A good example of his apparent disdain for public opinion had been his handling of the dispute involving the Albany "flatts". The Mohawk Indians had deeded a 1,200 acre tract of land to the city in 1730 to be held in trust for them. In the summer of 1734, the tribe complained that the city had violated the terms of its gift. Cosby responded summarily. He recovered the deed and burned it, angering the Albany merchants who were encouraged to join the opposition. Similarly, the Governor's decision late in the year to deprive an Assemblyman and his supporters of office, because the Assemblyman had criticized Cosby's favorite also encouraged the growth of the opposition.⁴¹

Such actions had served to heighten distrust of the administration in all parts of the colony and, in all

⁴⁰Abigail Franks, The Lee Max Friedman Collection of American Jewish Colonial Correspondence: Letters of the Franks Family (1733-1748), Leo Hershkowitz and Isidor S. Meyer, eds., Studies in American Jewish History, 5 (Waltham, Mass., 1968), pp. 17-8 (hereafter Letters).

⁴¹Bonomi, Factious People, pp. 121-3.

likelihood, contributed to the victory of Morris and his allies in the New York City elections of October, 1734. There had been no specific issue in the municipal election. The Morris group simply utilized the general distrust of the administration by charging the Governor and his cronies with dishonesty and corruption.⁴² The ploy was successful. The supporters of Morris swept all but one of the Governor's allies from office.⁴³ The campaign was also the immediate cause of one of the most publicized trials of the colonial period.

Since the New-York Weekly Journal had been founded to bedevil Governor Cosby, it had vigorously attacked the Governor and his friends from its very first edition. Naturally Cosby was disturbed, and in January, 1734 unsuccessfully attempted to secure an indictment against Zenger from the New York County Grand Jury. The election campaign later in the year encouraged the Journal to attack the Governor even more harshly, and those attacks led the Governor to return again to the Grand Jury in October. It again refused to act, so Cosby took his grievance to the Assembly. It too refused to act. The Governor then turned to the Council which did indict Zenger for publishing seditious

⁴²Mc Anear, "Politics," I, 423-5.

⁴³Bonomi, Factious People, p. 121.

libels in three editions of the Journal, and in two separately published ballads. Zenger was arrested on November 17, and languished in jail until the case came to trial in August, 1734.⁴⁴

The principals in the case (with the obvious exception of Zenger himself) were not interested in his fate, nor in "constitutional principals." They were practicing, pragmatic politicians with a direct, immediate interest. If Zenger were convicted, his newspaper would, perforce, cease publication, and the opposition would be deprived of its most effective propaganda organ; without a means of communicating with the people, Cosby's opponents would find their political effectiveness greatly reduced.⁴⁵ If, on the other hand, Zenger was acquitted, the "voice" of the opposition would be safe. Zenger was freed, and his acquittal was the issue which enabled the Morris group to carry the 1735 New York City election.⁴⁶

Success in municipal elections, however gratifying, did not affect the balance of power in the colony, or bring the opposition appreciably closer to its goal of forcing Cosby either to leave or to come to terms. Morris and his

⁴⁴ New-York Weekly Journal, November 25, 1734, Bonomi, Factious People, pp. 116-7.

⁴⁵ Katz, Newcastle's New York, p. 77.

⁴⁶ Varga, "New York Government," p. 43.

friends therefore decided to carry their fight against Cosby to London where it might be more successful.⁴⁷

Their first effort to undermine the standing of the administration failed. They had encouraged Rip Van Dam, when in December, he filed a complaint which charged the Governor with thirty-four separate counts of maladministration and misadministration,⁴⁸ but James Alexander was the only Councillor who supported the charges⁴⁹ and the Board of Trade took no action on Van Dam's complaints.

This failure, and the inability of Morris's "friends" in London to secure the removal of the Governor,⁵⁰ apparently convinced the New Yorkers that their only hope was in making a direct presentation of their grievances to the Privy Council. As Lewis Morris was the most directly aggrieved of the Oblong patentees, he was selected to go to London, and on Saturday, November 23, 1735 he left for England accompanied by his son, Robert Hunter Morris.⁵¹

⁴⁷Smith, History, II, 17.

⁴⁸NYCD, V, 979-85.

⁴⁹NYCD, VI, 6, Colden was not, at that time, actively participating in the business of the Council.

⁵⁰Katz, Newcastle's New York, pp. 96-8.

⁵¹New-York Weekly Journal, Nov. 25, 1735.

Although the ostensible goal of Morris's voyage was his reinstatement as Chief Justice of New York, it certainly was not the only (or perhaps even the primary) goal of the trip. Morris and his allies wanted the British government to instruct Cosby to call Assembly elections, to remove Francis Harison (the partner of the Governor in the English Oblong company), and Daniel Horsmanden from office, to appoint opposition leaders William Smith and Peter Schuyler to the Council, and to refrain from attempting to influence colonial politics. The New Yorkers hoped that the Board of Trade would reduce the authority of the Governor by ordering him to accept all colonial legislation regarding the establishment of courts, the procedures of the Assembly and Council, and to issue the cities of Albany and New York new charters to replace the extant system of appointment of municipal officials by the Governor with an elective system, and to refrain from sitting with the Council when it was acting in a legislative capacity. They even wanted the Privy Council to order Cosby to appear in court to answer the counter-suit Van Dam had initiated in their salary dispute.⁵²

The opposition realized that it could not hope to succeed if it could not demonstrate considerable popular support;⁵³ therefore it organized a petition drive and

⁵²New-York Historical Society, The Rutherford Collection, vol. II, p. 75.

⁵³Bonomi, Factious People, pp. 123-9.

secured the pledge of about 300 New Yorkers to support its demands.⁵⁴ Unfortunately for the New Yorkers a petition did not carry much weight in London. Colonial policy was formulated to meet the needs of the complex network of personal and political relationships which dominated the English political system, and influencing it required powerful friends. Morris's only connections in London were his sons-in-law. His eldest daughter, Mary, had married Vincent Pease, whose brother, Thomas, was connected to the ambitious, but ineffectual, George Bubb Doddington. (Thomas was, however, probably also a minor protege of Robert Walpole, and he may have been able to introduce Morris to some of the more powerful figures in the government.) Matthew Norris, the husband of Morris's second daughter, Eupemia, was somewhat better connected. His father, Sir John Norris, was Admiral of the White and the Commander in Chief of the Navy, and although Sir John had little real influence, having quarreled with Walpole, he enabled Morris to contact members of the aristocracy who would otherwise have been inaccessible.⁵⁵

Access was, however, not influence, and at the beginning of his stay in London, Morris was depressed by the lack of

⁵⁴Rutherford Collection, vol. II, p. 75.

⁵⁵Katz, Newcastle's New York, pp. 102-3.

concern shown for his mission. He wrote his friend and ally, James Alexander:

...We have a parliament and ministry, some of whom I am apt to believe, know there are plantations and governors -- but not quite so well as we do; like the frogs in the fable, the mad pranks of a plantation governor is sport to them, though death to us, and seem less concerned in our contests than we are at those between crows and kingbirds.⁵⁶

Eventually, access did lead to some influence. Morris became acquainted with Sir Charles Wager, a naval officer who had abandoned the sea for politics, and, for reasons which remain rather obscure, Wager supported Morris's complaint when it came before the Privy Council in November, 1735.⁵⁷

Despite his distance from London, Cosby, who (unlike some other governors) had the good fortune to be closely tied to men who were willing to support him, was in a much stronger position. He and his American allies were well represented by powerful men in the capitol. In addition to the Dukes of Newcastle and Halifax, there was another powerful figure supporting the administration. Stephen DeLancey's son, James, had married Anne Heathcote whose

⁵⁶ Lewis Morris, The Papers of Lewis Morris Governor of the Province of New Jersey from 1738 to 1746, New Jersey Historical Society Collections IV, 1852 (Newark, New Jersey, 1852), p. 23 (hereafter Morris Papers).

⁵⁷ Katz, Newcastle's New York, p. 113.

cousin, Sir John Heathcote, Baronet, was one of Walpole's managers for the County of Rutland, a figure of some importance in the ministry. Although Heathcote did not participate actively in the dispute, he apparently did watch developments, and presumably would have intervened if Newcastle and Halifax required assistance.⁵⁸

Intervention was unnecessary as Newcastle was able to protect the administration. The Duke began by attempting to convince Morris to abandon his complaint. On November 4, 1735, he offered Morris the government of New Jersey, which had recently been separated from New York, as compensation for the Chief Justiceship of New York. Morris refused this offer,⁵⁹ perhaps because he expected to triumph in the Privy Council, perhaps because he doubted Newcastle's willingness to keep the bargain, or perhaps because he felt that such a blatant surrender of principle would prejudice his political position at home.⁶⁰ The case then went before the Privy Council. On November 8, 1735, after considering Morris's complaints at two meetings,⁶¹ the Council

⁵⁸Katz, Newcastle's New York, pp. 111-3.

⁵⁹Bonomi, Factious People, pp. 131-2.

⁶⁰Katz, Newcastle's New York, pp. 129-31, Bonomi, Factious People, pp. 131-2.

⁶¹Katz, Newcastle's New York, pp. 110, 113-9.

ruled that Cosby had, indeed, dismissed Morris improperly,⁶² but it said nothing else; it did not even recommend reinstatement. Morris had won a moral victory, and the justice of his position had been officially recognized, but Newcastle and Cosby had won a practical victory. The position of the Governor was secured, and his power undiminished. The Privy Council had ignored all of the reforms which Morris had requested. Morris had seemingly gained nothing from his trip.

Wager was able to salvage something from the situation. Newcastle was interested in preserving the status quo in New York, and Morris had demonstrated an ability to make a nuisance of himself, so Morris still had a bargaining point. In January, 1736, Newcastle and Wager and Morris reopened negotiations, and in February, Newcastle again offered to secure the government of New Jersey for Morris if he would drop all his charges against Cosby. The New Yorker now accepted his offer, but Newcastle promptly forgot the matter, and made no effort to bring the nomination before the Board of Trade.⁶³

The apparent disinclination of the Duke to redeem his promise did not stymie Wager. He turned from Newcastle to Horace Walpole (also an important figure in the ministry)

⁶²NYCD, VI, 36-7.

⁶³Katz, Newcastle's New York, pp. 129-31.

to secure the New Jersey governorship for Morris. Walpole intervened because he hoped to reduce Newcastle's power by depriving him of some colonial patronage.⁶⁴ Walpole and Wager were able to bring the nomination before the Privy Council in March, 1738, and their combined influence was sufficient to secure the New Jersey government for Morris without Newcastle's consent.⁶⁵

So the Morris mission to London now had limited success. Morris had indeed been given a promotion, but he could not accept it without abandoning New York and the struggle against Cosby. Nor had the opposition's hopes that Morris's activities would encourage resistance to the Governor been realized. Although the New Yorkers who were involved in politics considered every development in the unfolding drama significant,⁶⁶ other people seem to have considered the whole matter somewhat tedious, and the opponents of the Governor self-centered. Abigail Franks commented that "...party rage has been Carryed on with Such Violence that for my part I hate to hear it mentioned[,] if the Governor had had his fault the other side have not bin without their failings."⁶⁷

⁶⁴Henretta, "Salutary Neglect," chapter 4, part 2.

⁶⁵Henretta, "Salutary Neglect," pp. 190-1.

⁶⁶Colden Papers, II, 119-20, Rutgers University Library, Morris (Robert) Papers, Box 3, Elizabeth Morris to Robert Hunter Morris, Oct. 25, 1735, for example.

⁶⁷Franks, Letters, pp. 40-1.

The opponents of the Governor had done their best; they had carried their case to London and won some concessions; but despite their best efforts, William Cosby was still governing New York, and still supporting the Oblong company sponsored by the Duke of Chandos. The reason for their failure was apparent. The colonists could effectively embarrass a governor only if they could disrupt the functioning of his government. This required control of the Assembly, where Cosby was always careful never to allow the opposition to develop influence. Despite his apparent unconcern with colonial opinion, he was always careful to maintain the most cordial relations with the leaders of the Assembly. He was also sagacious enough to avoid dissolving that body, thereby avoiding elections which might have cost his friends control of the House. He preserved his good relations with the members of the Assembly by rewarding their loyalty with the offices he had at his disposal.

Governor Cosby was equally punctilious in his dealings with the Council, appointing only his friends to that body, and rewarding their loyalty.⁶⁸ He never gave his opponents an opportunity to seize the power needed to make his administration uncomfortable.

Cosby may have realized the importance of the Assembly to his administration while he was still in England, for he joined the agents of the Assembly in lobbying against the

⁶⁸Katz, Newcastle's New York, pp. 79, 87-9.

Sugar Act,⁶⁹ thereby establishing a claim upon the good-will of the New York Assembly. He reinforced that good-will soon after arriving in the colony, by establishing cordial relations with DeLancey and Philipse, the leaders of the House. His efforts were rewarded amply. The Assembly was almost fulsome in its praise of the new Governor in its address of welcome,⁷⁰ and generous in its support. It gave him a five year revenue, a salary of £1,560, £400 for fuel and candles for the fort, £150 for the expenses attendant on his voyages to Albany, and a gift of £750 for his efforts in opposing the Sugar Act. When he complained that £750 was an insufficient reward for his services as lobbyist, the Assembly, guided by DeLancey and Philipse, obligingly raised the gratuity to £1,000.⁷¹ The Governor had certainly made good friends.

Their importance is well illustrated by the frustrating experiences of Lewis Morris and his son. Returned to the Assembly by the electors of Westchester, they had hoped to use their seats as a rallying point for opposition to the Governor. They introduced many bills intended to embarrass

⁶⁹Smith, History, II, 3.

⁷⁰Journal of the Votes and Proceedings of the General Assembly of the Colony of New York, 1691-1765 (2 vols., New York, 1904, reprint of 1764-1766 edition), I, 634-6, August 12, 1732 (hereafter Ass. Journal).

⁷¹Smith, History, II, 3,6.

the administration, but only one, an act condemning the Chancery Court (introduced by Lewis Morris Jr. in 1735, while his father was in London) had become law. The friends of the Governor loyally defeated all the other opposition bills.⁷²

Cosby, DeLancey, and Philipse did not, however, allow their control of the legislature to lull them into complacency or into neglecting the needs of the colony. The Assembly devoted itself to "bread and butter" issues, and the Governor regularly approved its decisions. For example, when the Assembly met in April, 1734, the economy was stagnant, and trade declining.⁷³ Cosby faced the problem in his opening speech to the House. He proposed legislation creating jobs for the unemployed by embarking on a program of improving the colony's fortifications, and for encouraging the flour trade and shipping. The Assembly thanked the Governor for his suggestions,⁷⁴ and enacted them into law.⁷⁵ This responsiveness was politically advantageous. The opposition could not gain popular sympathy by emphasizing the administration's neglect of the needs of the people.

⁷²Katz, Newcastle's New York, pp. 86-7.

⁷³Smith, History, II, 11-2.

⁷⁴Ass. Jour., I, 654-6.

⁷⁵Smith, History, II, 12.

Nor did the Governor and his allies permit their opponents to benefit from "popular issues." DeLancey and Philipse did not follow their personal inclination to oppose bills which embodied issues the opposition had popularized; they took the lead in passing them. They gained status by supporting a triennial act, a bill to regulate lawyers, and a bill to select jurors by ballot in the April, 1734 Assembly,⁷⁶ and resolutions demanding dissolution in later meetings.⁷⁷ The Governor, for his part, did not treat these bills as attacks on his authority or as reasons to disassociate himself from DeLancey and Philipse. He apparently recognized that they had to support such legislation if they were to maintain control of their followers, and that continued discipline was essential to the long term interests of the administration. He, therefore, simply killed these, and other bills which were unacceptable.⁷⁸ Such refusal to accept popular legislation may have contributed to a certain unpopularity, but as long as his allies controlled the Assembly, the Governor had no need for the affection of the people.

These actions also disturbed some Assemblymen, and as this was to be avoided at all costs, Cosby followed George

⁷⁶Ass. Jour., I, 660.

⁷⁷Smith, History, II, 17, Ass. Jour., I, 686.

⁷⁸Smith, History, II, 12, 17.

Clarke's advice and adopted a more conciliatory attitude⁷⁹ and embarked on an "image building" program. He had the justices of the Supreme Court (who were closely related to the leaders of the Assembly) seek support for the Governor as they traveled the judicial circuit, and he personally solicited the backing of the Assemblymen from the districts he passed through on his way to an Indian meeting at Albany.⁸⁰ His efforts must have been successful, for the Assembly remained cooperative until the end of the administration in 1736.⁸¹

The willingness of Governor Cosby to accept the Assembly's occasional refusal to support him is a further indication that he recognized that the maintenance of the DeLancey-Philipse coalition was more important than any other single issue. When the Assembly refused to act on his request that it indict Zenger,⁸² who had been such a painful thorn in the side of the administration, Cosby did not attempt to coerce the Assembly, or to engage in recrimination. He accepted its decision, and went on to other matters.

⁷⁹Rutherford Collection, vol. II, p. 97.

⁸⁰Rutherford Collection, vol. II, p. 143.

⁸¹NYCD, VI, 37-9.

⁸²Ass. Jour., I, 679.

Cosby was also enough of a politician to recognize that the judicious control of public funds and offices could bolster the administration, and so he cooperated when the Assembly proposed legislation directed at that end. In November, 1734, for example, he signed an act extending the militia bill which continued his control over the appointment of militia officers,⁸³ and a bill which emitted £ 12,000 in paper currency to be spent on improving the defenses of Albany.⁸⁴ Approving the paper currency was a violation of his instructions, but he apparently considered the creation of a large fund which could be used to purchase the political support of the working-men of Albany sufficient cause for ignoring the wishes of the home government.⁸⁵ The Governor had arrived in New York a political novice, but he had learned his lessons well.

Thus, despite all of the furor created by opponents, William Cosby's administration was unusually successful. He had established good relations with the Assembly at the beginning of his term, and he maintained them until his death. There was never a crisis; the government of New York functioned smoothly, and responded to the needs of the colony.

⁸³New York State, Commissioners of Statutory Revision, The Colonial Laws of New York from 1664 to the Revolution (5 vols., Albany, N.Y., 1894), II, 858 (hereafter NYCL).

⁸⁴NYCL, II, 892-902.

⁸⁵Smith, History, II, 16-7.

Few other administrations could make the same claim.

Of course the Governor's success with the Assembly did not lead to complete serenity. At the end of his administration he removed Rip Van Dam, the senior Councillor (and an initial opponent) from office,⁸⁶ but he had not received confirmation of his action from London when he became terminally ill in December, 1735.⁸⁷

When Governor William Cosby died on March 10, 1736, the expected dispute between the suspended senior Councillor, Van Dam, and his successor George Clarke as to who would serve as "acting governor" until the arrival of Cosby's successor developed almost immediately.⁸⁸ Clarke took the initiative and, as eldest Councillor, called a meeting of that body. After being assured that Van Dam had been properly suspended by Cosby, the Council (with James Alexander dissenting) authorized Clarke to take the oaths of office as President of the Council and acting governor.⁸⁹

Who was this Councillor George Clarke who had so artfully taken control of the government of the colony? He

⁸⁶NYCD, VI, 23.

⁸⁷Franks, Letters, p. 45.

⁸⁸NYCD, VI, 42-4.

⁸⁹Osgood, Eighteenth, III, 465.

had lived in New York since 1702, and had held public office throughout his mature life. He had never become involved in colonial politics, but had secured office through the intervention of English patrons, and so could not be removed by colonial action.⁹⁰ Nor would the English government decide to replace him; his patrons were too powerful. He had received his first appointments through the influence of an uncle, William Blathwayt, who was Secretary of the Board of Trade. When Blathwayt died in 1717, Clarke had the good fortune to come under the protection of Horatio Walpole. Walpole had succeeded Blathwayt as Auditor General, and, as Clarke was deputy Auditor General in New York, a connection developed between the two men. His ties to Horatio Walpole brought Clarke to the attention of Sir Robert Walpole who also took him under his wing. This association with Sir Robert in its turn brought Clarke into the orbit of the Duke of Newcastle, and Clarke astutely cultivated his connection with Newcastle by means of a steady stream of correspondence.⁹¹

Since his position was independent of the colonial political system, and strongly defended in Britain, Clarke was in the enviable position of being able to pursue his goals without interference. His objectives, like those of

⁹⁰Katz, Newcastle's New York, p. 141.

⁹¹Katz, Newcastle's New York, p. 142.

many of his contemporaries, was to build as large a personal fortune as possible, and the death of Governor Cosby gave him his opportunity.⁹²

Van Dam, and his allies, the men who had opposed Cosby, were, however, not satisfied with the decision of the Council, and they attempted to take control of the government from Clarke. They began their efforts in the Assembly when it returned, in April, from the adjournment engendered by the death of the Governor. Lewis Morris Jr. read a speech protesting Van Dam's suspension from the Council to the House, and he urged the members to subscribe to a petition supporting the ousted Councillor. Although none of the Assemblymen signed Morris's petition,⁹³ it did create so much confusion in the House that Clarke decided an adjournment was advisable.⁹⁴ Apparently the acting-governor did not want to give Morris the opportunity to continue presenting his ideas to his colleagues; there was the possibility that Morris could convince them that Van Dam was the legitimate head of the government, and that would have created a serious challenge to Clarke's authority. The adjournment was, however, advantageous to Clarke only when contrasted with the grave risks he ran by continuing the session.

⁹²Smith, History, II, 28-30.

⁹³NYCD, VI, 52-3.

⁹⁴NYCD, VI, 62-3.

The prorogation of the Assembly prevented any action on the revenue and payment of the debts of the colony and so it created almost as many problems for the Council President as the session might have.⁹⁵

When the New York Assembly gathered on September 14, 1736 the members who supported Van Dam, although still in a minority, were able to dominate the meeting, and refused to allow Speaker Adolph Philipse to take the chair. Lewis Morris Jr. took advantage of the situation to raise again the question of Van Dam's suspension. Although the pro-Clarke majority was able to assert itself after a few days, matters were so confused that the House asked to be adjourned to the middle of October. Clarke granted their request.⁹⁶

The decision to adjourn the Assembly was undoubtedly a wise one, for the month to follow was one of the most confused in the history of the province of New York.

On the very day of the adjournment, word of Lewis Morris Sr.'s arrival in Boston from England reached New York, and his followers reported that he carried word of Van Dam's reinstatement. Naturally this news led to a rapid upsurge in Van Dam's popularity, and consequently a pro-Van Dam slate carried the New York City elections held on September 29. The Aldermen and magistrates of the City now recognized

⁹⁵NYCD, VI, 62-3.

⁹⁶NYCD, VI, 74.

Van Dam as the legal head of the government, and Van Dam responded by exercising his newly recognized authority to appoint the mayor and other municipal officials of New York.

On October 1, Clarke responded by issuing a proclamation forbidding Van Dam's nominees to take office. The colony seemed on the verge of civil war. The Council, which supported Clarke, was preparing for the worst. On October 5, it authorized the strengthening of the garrison of Fort George and the purchase of additional gunpowder. Clarke apparently agreed that violence was likely, for he moved his family to the relative security of the fort.

On October 9, Lewis Morris Sr. arrived in the city. He received a tumultuous welcome from his supporters, but he said nothing about Van Dam's status. Three days later, the Assembly reconvened and addressed itself to the pressing issue. Morris was generally assumed to have relevant information, and he played a key role in the discussion. His words were, however, curiously anti-climactic. He claimed to have no knowledge of the disposition of Van Dam's case, or of Clarke's status with the British government. The debate then moved to the general question of the legality of Clarke's government, and the "acting-governor" adjourned the Assembly for a day. The expectations of a resolution of the conflict raised by Morris's arrival had been dashed, and the colony seemed closer than ever to civil conflict.

Then, on October 13, almost at the last minute, the Brig Endeavour arrived in New York with mail from London.

Among the letters was an Instruction from the Board of Trade addressed to "George Clarke, Esq., President of the Council and Commander in Chief in New York," informing him of modifications in the prayer for the Royal family. The will of the British government was thus made known, the danger of civil war was averted, Clarke's position was secured, and the opposition was completely demoralized.⁹⁷

When the Assembly met on October 14, the situation was radically changed. Clarke no longer faced the threat of internal warfare; his only problem now was the establishment of good relations with the Assembly in the hope that it would extend the revenue and provide funds to pay the debts of the colony.⁹⁸

He adopted the methods Cosby had successfully used in dealing with the House. He demonstrated his willingness to agree to the reasonable demands of the House by promising not to sit with the Council when it was acting as a legislative body, and showed his grasp of the political needs of the Assemblymen by suggesting the construction of a fort on the Mohawk River. The fort improved the defenses of the colony, provided jobs for mechanics, and created a pool of patronage which could be distributed by the administration. Unfortunately, despite Clarke's willingness to cooperate,

⁹⁷NYCD, VI, 82-8, Katz, Newcastle's New York, pp. 136-8, Smith, History, II, 27.

⁹⁸NYCD, VI, 65-6.

and the improvement in his status caused by the receipt of his commission as Lieutenant Governor, the Assembly would not give him what he most wanted, an extension of the revenue. The session ended in November, 1736.⁹⁹

Since Clarke could not hope to realize his own basic objective, profit, if the revenue was not extended, he devoted considerable attention and all his political sophistication to the matter of convincing the Assembly to do as he wished. Good will had not been successful, so he decided to attempt "political blackmail." In 1714 and 1717, the Assembly had issued large quantities of paper money, and instituted an excise tax to sink the bills. The revenue from the excise had, however, been lower than expected, and so, although the tax was scheduled to expire in 1739, there was still about £ 20,000 in bills in circulation. If the excise was not extended, the people would find themselves burdened with a huge amount of worthless paper, and the Assemblymen responsible for the loss would have to bear the brunt of their constituents' anger.

Clarke now decided to play on the Assemblymen's fear of the electorate by announcing that he would refuse to approve an extension of the excise until the Assembly passed the revenue act he desired.¹⁰⁰ Yet he was no more successful at coercing the House than his predecessors had been.

⁹⁹Smith, History, II, 28, NYCD, VI, 84-5

¹⁰⁰NYCD, VI, 94-5.

When it reassembled in April, 1737,¹⁰¹ it continued to refuse to pass the revenue, which left the government without funds¹⁰² and so on May 2, Clarke dissolved it.¹⁰³

As Clarke was politically calculating, and politically unprincipled,¹⁰⁴ it seems reasonably clear that he had decided to dissolve the Assembly because he felt that an election would improve his position. Although the DeLancey-Philipse group had controlled the Assembly for over ten years, the disruptions of the Cosby administration had resulted in the rapid growth of the opposition group headed by Lewis Morris Sr., and Clarke apparently felt he could benefit by giving the Morrisites (who had long been crying for an election) an opportunity to test their political muscle.¹⁰⁵

If the Morrisites won, as everyone expected, they would be grateful to Clarke for giving them the opportunity to obtain power, and so would be more likely to give the Lieutenant Governor the revenue he desired than would the DeLancey-Philipse group, which was beholden to him. The

¹⁰¹Bonomi, Factious People, Appendix C [p. 304].

¹⁰²Katz, Newcastle's New York, pp. .5.-2.

¹⁰³NYCD, VI, 94-5.

¹⁰⁴Katz, Newcastle's New York, pp. 147-8.

¹⁰⁵Katz, Newcastle's New York, pp. 151-2.

results of the election met Clarke's expectations. Both Stephen DeLancey and Adolph Philipse were defeated in the Morrisites' sweep to power.¹⁰⁶ and in 1737 the Lieutenant Governor was confident that he had obtained an Assembly which would be cooperative.¹⁰⁷

He did not, however, take its good will for granted. He devoted considerable effort to winning over the new majority party in the Assembly.¹⁰⁸ Adhering to custom, Clarke gave the leaders of the Assembly control of the patronage in their districts, and reduced the bitterness left over from the Zenger trial by securing the readmission of Zenger's attorneys, James Alexander and William Smith Sr. (who were also leaders of the Morris group) to the bar.¹⁰⁹

Clarke was also willing to accept legislation which reflected the Morrisites' priorities.¹¹⁰ During the years they had been out of power, Morris's supporters had continually demanded frequent Assembly elections, and so it was natural for them to pass legislation limiting the duration

¹⁰⁶Bonomi, Factionous People, Appendix C [p. 304].

¹⁰⁷NYCD, VI, 96.

¹⁰⁸Morris Papers, pp. 67-9.

¹⁰⁹Varga, "New York Government," p. 48.

¹¹⁰Katz, Newcastle's New York, p. 153.

of the Assembly once they came to power.¹¹¹ In the fall, 1737 session, the Assembly passed and Lieutenant Governor Clarke signed, An Act for the frequent election of representatives to serve in General Assembly and for the frequent calling and meeting of the General Assembly so elected. The law, generally known as the Triennial Act, required the Assembly to meet annually, limited the Assembly to a three year term, and required the election of a new Assembly within six months of the dissolution of its predecessor.¹¹² The decision of the Privy Council, in September, 1738, to disallow the law because it challenged "...the undoubted Right that the Crown has always exercised of calling and continuing the Assembly..."¹¹³ did not mitigate the good will Clarke had garnered by signing it, and urging the British government to accept it.¹¹⁴

The good feeling which Clarke had so assiduously built up with the members of the Assembly was partially regarded in December, 1737, when the House passed a revenue act.¹¹⁵

¹¹¹Bonomi, Factious People, p. 135.

¹¹²NYCL, ch. 650.

¹¹³Great Britain, Public Record Office, Acts of the Privy Council-Colonial Series, W.L. Grant and James Munro, eds. (6 vols., Hereford and London, 1908-1912), III, 617

¹¹⁴NYCD, VI, 112-3.

¹¹⁵NYCD, VI, 110-1.

The bill, which granted the Lieutenant Governor's salary for only one year, reflected the distrust of the Executive which the legislature had developed during the Cosby administration, and although Clarke undoubtedly would have preferred a revenue which ran for more than a year, he accepted the innovation (which made him more dependent on the legislature)¹¹⁶ because he believed cooperation between the executive and the Assembly was the best way to erase the scars which the Van Dam dispute had left on the body politic. He did, however, feel obliged to protest the adverse effect of the one-year revenue on the prerogative.¹¹⁷

What success Clarke had had in establishing good relations with the Assembly did not, however, result in the creation of complete harmony within the government. Although the Morris faction had obtained control of the Assembly, the Council was still dominated by friends of DeLancey and Philipse, and, as the cooperation of both Houses of the legislature was necessary for the operation of the government, Clarke faced the delicate task of preventing their differences from flaring into open conflict, which would immobilize the government and keep him from reaping the full advantage of his position. Fortunately, the politically versatile Lieutenant Governor had the confidence of the

¹¹⁶NYCD, VI, 117.

¹¹⁷NYCD, VI, 111.

leaders of both factions, and so he was able to moderate passions on both sides, and thereby keep the government operating smoothly.¹¹⁸

In June, 1737, the British government made a decision which must have been extremely gratifying to Clarke. It named John West, seventh baron De La Warr as governor of New York.¹¹⁹ A confidant of the King,¹²⁰ and an important figure in the ministry, De La Warr had solicited the appointment as a reward for his services,¹²¹ but he would not abandon his position in English politics to take up the duties of his relatively unimportant new post. Consequently, Clarke learned that he was to be left in charge of the government for an indefinite period.¹²²

The additional security provided by De La Warr's appointment did not enable Clarke to ignore provincial politics, for he found himself facing yet another problem. The Morris faction which had just gained control of the Assembly was beginning to crumble. In September, 1737, the DeLancey group had two victories. A pro-DeLancey slate carried the

¹¹⁸Smith, History, II, 30-1

¹¹⁹NYCD, VI, 96.

¹²⁰Henretta, "Salutary Neglect," p. 175.

¹²¹Katz, "Newcastle's New York Governors," pp. 11-2.

¹²²Colden Papers, II, 179.

New York City elections,¹²³ and Adolph Philipse defeated a Morrisite in a New York City by-election.¹²⁴ Such developments warned the Lieutenant Governor that the pendulum of popular opinion was again swinging toward DeLancey and Philipse, and so as to insure that he would be on the winning side, Clarke began working to destroy the power of his putative allies, the Morrisites.

His approach was indirect. The Morris party had long been critical of political jobbery, and had even introduced a bill forbidding it in the Assembly.¹²⁵ If Clarke could reveal the Morrisite leaders as hypocrites by involving them in situations which smacked of the corruption they had long attacked, it would discredit and gravely weaken them. For example, the Lieutenant Governor offered Simon Johnson, a leading supporter of Morris, a post in the New York City government. Johnson accepted the offer, and the Council, which was apparently in league with Clarke, refused to confirm the appointment. Johnson was left with out office, and with fewer supporters.¹²⁶ Even Lewis Morris Sr.'s

¹²³George W. Edwards, "New York City Politics Before the American Revolution," Political Science Quarterly, XXXVI, 4 (December, 1921), 596.

¹²⁴Katz, Newcastle's New York, p. 153.

¹²⁵Katz, Newcastle's New York, p. 152.

¹²⁶Varga, "New York Government," p. 48.

decision to accept control of the patronage for Westchester County (which had helped Clarke to influence the Assembly) was presented to the electorate as evidence of a cynical willingness to abandon principle for gain. By the fall of 1738, Clarke had destroyed the popular following Morris had spent years building,¹²⁷ and rather than attempt to rebuild it, Morris abandoned New York. He produced the commission Wager had secured for him and took office as the Governor of New Jersey.¹²⁸

Having eliminated the Morris group as a viable political force, Clarke had to turn to the DeLancey-Philipse faction. The Lieutenant Governor opened the way to rapprochement, new elections, and a return to power by DeLancey and Philipse when, on October 20, 1738, he dissolved the Assembly, claiming that it had refused to pass an acceptable revenue.¹²⁹

The "hatchet job" which Clarke had done on the Morris faction made the results of the election of early 1739 inevitable. The DeLancey-Philipse group swept to victory,¹³⁰ although Stephen DeLancey himself did not return to power. His son James, the Chief Justice, assumed his mantle as the

¹²⁷Smith, History, II, 38-40.

¹²⁸Katz, Newcastle's New York, pp. 15304.

¹²⁹Katz, Newcastle's New York, p. 152, NYCD, VI, 135.

¹³⁰Katz, Newcastle's New York, p. 154.

leader of the Assembly¹³¹ when it met in March, 1739,¹³² and began to develop those skills in managing the Assembly which were to make him one of the most effective politicians in all of New York's colonial history.¹³³ The triumph of his party was so overwhelming that the remaining leaders of the Morris group simply gave up. They either withdrew from politics, or joined the DeLancey-Philipse group.¹³⁴

Clarke insured that he would have good relations with the new Assembly by demonstrating a complete willingness to allow the House to dominate the government. His only demand was a salary appropriation,¹³⁵ and as long as that was forthcoming, he approved every bill passed by the Assembly. His letters to London, protesting that some of the very bills he had willingly signed into law were "unconstitutional" because they did not conform to the Instructions, were apparently efforts to protect his standing with the Board of Trade.¹³⁶

¹³¹Katz, Newcastle's New York, pp. 175-8.

¹³²Bonomi, Factious People, Appendix C [p. 305].

¹³³Bonomi, Factious People, p. 143.

¹³⁴Mc Anear, "Politics," II, 653, Smith and Alexander chose to withdraw, while Lewis Morris Jr. allied himself with his former bitter foes.

¹³⁵Smith, History, II, 42, 45-8, 55, 58-9.

¹³⁶NYCD, VI, 141-2, 149-52, 184-6, 206.

Fortunately for him, the Board of Trade was almost completely unconcerned about the state of the prerogative in New York. In its response to one of Clarke's lamentations on the refusal of the Assembly to grant a "proper" revenue, the Board ignored the Lieutenant Governor's complaints and congratulated him for achieving "...tranquillity and universal harmony..." and expressed the hope it would continue.¹³⁷ From March, 1739, to September, 1743, the political life of New York was unusually quiet; there was nothing to dispute and no one to raise new issues.

When George Clinton, successor to the absentee De La Warr, arrived in New York to take over the government in June, 1743,¹³⁸ George Clarke withdrew to the country where he was to live in semi-retirement until he left for England in June, 1745.¹³⁹ His sojourn in New York had been extraordinarily successful; he had come to the New World to make his fortune, and by carefully exploiting all of the perquisites of his offices, he returned to the Old World with about £100,000.¹⁴⁰ Unfortunately, his successor had neither his political nor his fiscal success.

¹³⁷NYCD, VI, 169.

¹³⁸NYCD, VI, 247.

¹³⁹NYCD, VI, 278.

¹⁴⁰Smith, History, II, 60.

CHAPTER SEVEN

GEORGE CLINTON: OVERCONFIDENCE, CHAOS, AND ACCOMMODATION

The Board of Trade, which was nominally responsible for colonial administration, was informed of the decision to appoint George Clinton as governor of New York on April 30, 1741.¹ His nomination was the product of the family loyalty and political self interest of the Duke of Newcastle. (Clinton was the younger brother of the influential seventh earl of Lincoln, and, as Lincoln had married Newcastle's sister, Lucy, Clinton had a strong claim on the ministry. Even after the death of the seventh earl in 1728, the dowager countess kept pressing her brother-in-law's suit. Initially, she had sought to advance Clinton's naval career, but when it became apparent that there were few opportunities in the peacetime navy for a mediocre officer, she began to solicit civilian offices.) By 1739, George Clinton was

¹New York State, Secretary of State, Documents Relative to the Colonial History of the State of New York, E.B. O'Callaghan and Berthold Fernow, eds. (15 vols., Albany, 1861-1887, VI, 187 (hereafter NYCD)).

on the verge of bankruptcy,² and Newcastle, who wanted to retain the good will and parliamentary influence of Clinton's nephew the ninth earl of Lincoln³ dispatched the nearly destitute officer to New York⁴ to recoup his fortune.⁵

He arrived in New York on September 20, 1743,⁶ but apparently did not make an overwhelming impression on the people he was to rule. A local resident, Abigail Franks, wrote: "...our New Gov[erno]r Seems to be a good sort of a Gentleman but by what I find his Chief Delight is in Drinking & if he Ke[eps] on as he has hereto done he will dispatch him Self...."⁷ Clinton did, however, seem to be

²Stanley N. Katz, "Newcastle's New York Governors," New-York Historical Society Quarterly, LI, 1 (January, 1967), 12-3.

³The eighth earl had died in 1729, and the title passed to his younger brother.

⁴James A. Henretta, "Salutary Neglect: Colonial Administration Under the Duke of Newcastle (Princeton, New Jersey, 1972), 216-7 (hereafter "Salutary Neglect").

⁵William Smith Jr., The History of the Province of New York, Michael Kammen, ed. (2 vols., Cambridge, Mass., 1972), II, 61 (hereafter History).

⁶NYCD, VI, 247.

⁷Abigail Franks, The Lee Max Friedmann Collection of American Jewish Colonial Correspondence: Letters of the Franks Family (1733-1748), Leo Hershkowitz and Isidor S. Meyer, eds., Studies in American Jewish History, 5 (Waltham, Mass., 1968), p. 126 (hereafter Letters).

handling his duties competently. He avoided administrative confusion by announcing that he would not displace officeholders, and only a week after he had arrived pleased those of his subjects who believed that elections were the necessary prerequisite to a tranquil administration by dissolving the Assembly.⁸

Having dispatched the more pressing issues, Clinton turned his attention to a problem which would profoundly affect the course of his administration: the selection of a local politician to guide and advise him while he familiarized himself with colonial politics. There were only two men in the province worthy of consideration, former acting Governor George Clarke, and James DeLancey. Clarke's ambitions disqualified him. He had offered Clinton £ 500 per annum to remain in England, so it was obvious that he wanted to remain in control of the government. It was even possible that Clarke might offer the Governor poor advice in an effort to drive him from the colony. DeLancey, on the other hand, was personally attractive, had no overt ambitions which would conflict with the interests of the Governor, had been recommended by Newcastle, and could use his influence in the Assembly to make the administration

⁸Patricia U. Bonomi, A Factious People: Politics and Society in Colonial New York (New York, 1971), App. C [p. 305] (hereafter Factious People), Smith, History, II, 62, NYCD, VI, 248.

profitable for Clinton. Predictably, he became "prime minister."⁹

The Assembly election, held in October, 1743,¹⁰ demonstrated the wisdom of Clinton's decision. The election confirmed the dominant position of the DeLancey-Philipse faction in the Assembly, and Clinton exhibited his faith in his allies by giving them control of patronage.¹¹

When the Assembly met, the behavior of the Governor clearly indicated that he was following DeLancey's advise. Like all the other governors who had established a modus vivendi with the leaders of the Assembly, he allowed the House, to conduct the affairs of the colony virtually without interference.¹² He signed the Septennial Act, which limited his formerly complete control over the duration of an Assembly by establishing seven years as the maximum term of a House, and an act which reduced the business of the Court of Chancery by establishing remedies for the recovery

⁹Nicholas Varga, "New York Government and Politics During the Mid-Eighteenth Century" (New York, Unpublished Ph. D. dissertation, Fordham University, 1960), p. 61 (hereafter "New York Government").

¹⁰Bonomi, Factious People, App. C [p. 305].

¹¹Beverly McAnear, "Politics in Provincial New York, 1689-1761" (2 vols., Unpublished Ph. D. dissertation, Stanford University, January, 1935), II, 580 (hereafter "Politics").

¹²Varga, "New York Government," p. 61.

of legacies in the common law.¹³ In addition, he strengthened DeLancey's political influence by consenting to increases in the salaries of two allies of the Chief Justice, the puisne justices of the Supreme Court, and by approving the creation of "expense accounts" for the members of the Council, who were also allies of DeLancey.¹⁴ Clinton was rewarded for his passivity with a salary of £ 1,560, £ 100 for house rent, £ 400 for firewood and candles, £ 150 for his trips to Albany to meet with the Five Nations, and £ 400 for gifts for the Indians.¹⁵ He did not object to the decision of the Assembly to grant the revenue for only one year.

The next Assembly session began in a spirit of cooperation, but ended in acrimony which presaged the disputes which were to characterize so much of the administration. The House convened in April, 1744 in response to the (incorrect) rumors of an uprising in Scotland, and promptly passed a resolution which expressed its abhorrence at the supposed

¹³New York State, Commissioners of Statutory Revision, The Colonial Laws of New York from 1664 to the Revolution (5 vols., Albany, N.Y., 1894), III, 296, 309-12 (hereafter NYCL).

¹⁴Smith, History, II, 61. The salary of the second justice was increased to £ 100 per year, and that of the third to £ 50. The Councillors were given £ 60, later raised to £ 100.

¹⁵Journal of the Votes and Proceedings of the General Assembly of the Colony of New York, 1691-1765 (2 vols., New York, 1764-1766, reprinted 1904), II, 6-8 (hereafter Ass. Jour.), Smith, History, II, 61.

revolution.¹⁶ It then turned its attention to more immediate matters. The ministry, which was expecting a renewal of active hostilities with France and Spain, had ordered Clinton to prepare the defenses of the colony, and the governor transmitted the demand to the Assembly.¹⁷ Although the Assembly pledged itself to making the improvements in the defenses of New York City, Oswego, and Saratoga which the Governor had requested, it refused to make appropriations for the projects before it was given specific information about them. Clinton (who seems to have been disturbed by the failure of the Assembly to follow his orders with the alacrity of the sailors he had commanded) ignored its pledge of support, and, on May 19, berated the members for failing to follow his instructions, warning that "...if therefore any ill consequences should happen in the Interim, they will be justly imputed to you...", and prorogued the meeting.¹⁸

When the House reassembled in July,¹⁹ it again turned its attention to the problem of defense. It examined the suggested repairs and improvements in detail, carefully

¹⁶Smith, History, II, 62.

¹⁷Varga, "New York Government," p. 68.

¹⁸Ass. Jour., II, 21-2.

¹⁹Bonomi, Factious People, App. C [p. 306].

considered financing,²⁰ and then passed the defense bill which the Governor had requested. Its decision did not, however, indicate that the Assembly had decided to follow meekly the Governor's program. It demonstrated its continued independence by refusing to accede to a request of the British government, relayed by Clinton, for the appointment of commissioners to negotiate a common offensive policy with representatives from Massachusetts.²¹ The unwillingness of the Assembly to surrender its hard won control over policy, not unnaturally convinced the Governor that the House intended to usurp his authority, but unlike his predecessors, who had been willing to sacrifice principle to practicality, Clinton clearly indicated he would not stand idly by while the Assembly usurped his role in the government.²²

Governor Clinton apparently did not hold James DeLancey, the leader of the Assembly, responsible for his difficulties with the House, for, in September, 1744, he gave DeLancey a new commission as Chief Justice which gave him tenure during "good behavior" instead of at pleasure.²³ This generous

²⁰Smith, History, II, 62-3.

²¹Varga, "New York Government," pp. 71-3.

²²NYCD, VI, 260.

²³Varga, "New York Government," p. 73.

gesture weakened the authority of the Governor, however, for it guaranteed that DeLancey could retain control of the second most powerful post in the colony under almost all conditions. It made him virtually independent of Clinton.

If Clinton had given DeLancey the new commission in the hope that it would lead to better relations with the Assembly, he was grievously disappointed. Tensions with the House, which had been increasing, erupted during the session in March, 1745. The opening speech was concerned with the war against French Canada. The Governor requested a contribution toward the expenses of the expedition that the British government was organizing against Louisburg, support for the garrison at Oswego, the construction of two forts to protect the Indians, and (again) the appointment of commissioners to negotiate with Massachusetts.²⁴ The response of the Assembly was not encouraging. It voted less than the Governor had requested (only £ 3,000, for the expedition against Louisburg), considered reducing the Oswego garrison, refused to appoint the Commissioners, and ignored the Governor's requests for constructing forts.²⁵ The House was still adamantly refusing to surrender any of its prerogatives.

In April, the Assembly began to consider two bills which clearly demonstrated how the House and the Governor

²⁴Ass. Jour., II, 46-7.

²⁵Smith, History, II, 64-6.

fundamentally disagreed. The first was an act which authorized the Assembly to appoint commissioners to supervise the distribution of gun powder purchased with funds raised in New York. (As gun powder was essential for the conduct of military operations, the Assembly was, in effect, giving itself the authority to veto any venture it disapproved of, and thereby considerably reducing Clinton's authority as commander-in-chief.) The second was a measure for improving the defenses of New York City. The Assembly agreed with Clinton's assertion, that they should be strengthened, but it insisted on determining what the specific modifications were to be. This too was a direct challenge to the Governor's authority as Captain General and Commander-in-Chief, and must have been all the more galling because colonial civilians were presuming to dictate military policy to a senior officer of the Royal Navy. Clinton seemed unwilling to accept any limitation of his authority, for, on May 14, after charging the Assembly with disrespect for both his and the Crown's authority, and with unwillingness to contribute to the war against France, he dissolved it.²⁶

The Governor's decision may not have been motivated entirely by pique. According to Cadwallader Colden, Clinton believed that the intransigence of the Assembly was the result of the inability of the nominal head of the House, Speaker Adolph Philipse, to lead effectively, and of his

²⁶Ass. Jour., II, 61-2.

unwillingness to surrender control to James DeLancey, and that Clinton had dissolved the Assembly primarily to eliminate Philipse, who was eighty years old, and thereby establish DeLancey as its leader.²⁷

The new election was held in May, and Philipse was eliminated. He was succeeded in the Speakership by David Jones of Queens County, a man thought considerably more willing to accept DeLancey's leadership than Philipse had,²⁸ and relations between the Governor and the Assembly now improved dramatically. The House demonstrated its willingness to cooperate by providing the funds for improving the defenses of New York City which Clinton had requested at the previous session, and by voting an additional £ 5,000 for the Louisburg expedition. Governor Clinton showed his good will by allowing the Assembly to control the distribution of powder purchased by the colony.²⁹ DeLancey's rise to unquestioned preeminence in the Assembly had certainly calmed the political atmosphere, but Clinton must have misunderstood the situation, for, in the very next Assembly, the Governor began to disregard DeLancey.

²⁷Varga, "New York Government," p. 78.

²⁸Varga, "New York Government," p. 79.

²⁹Ass. Jour., II, 64,67.

The session, which met in August, was short but significant. Clinton opened the meeting by requesting the House for the establishment of a perpetual revenue and tonnage duty. The Assembly voted down Clinton's request.³⁰ It is inconceivable that DeLancey, who was a master of the delicate task of guiding the Assembly, would have countenanced the decision of the Governor to make such a request, and the Governor's action strongly suggests that Clinton was already pulling away from DeLancey's guidance. Developments in the next session of the Assembly probably encouraged Clinton to pursue his assertive policy.

When this session opened late in October, the Governor again requested funds for the construction of forts on the northern frontier, and the Assembly again ignored his call.³¹ It seemed that Clinton would have no success in bending the House to his will. Then, on November 20, news of the massacre of the population of Saratoga by Indians on November 17 reached New York City. The defenses of the Hudson River Valley had been breached, and Albany and the rest of the colony were opened to raids. Inspired by fear, the Assembly became quite concerned with the defensive measures it had previously ignored, and provided the moneys for frontier

³⁰Varga, "New York Government," pp. 71-2, 80-1.

³¹Ass. Jour., II, 77.

defenses previously requested.³² The report of the presence of a French raiding force ninety miles below Albany further fueled the House's martial ardor, and it voted to support any "well concerted" plan for attacking the French stronghold, Canada.³³

The willingness of the apparently panic stricken Assembly to support defensive proposals which the Governor had advocated certainly did not indicate that it had abandoned its traditional claims to authority in the government, but it convinced Clinton (who had never understood the opposition to his proposals) that the Assembly was finally willing to "do its duty" and to accept his leadership. The brief "success" may have convinced the Governor that he could manage the House perfectly without DeLancey's assistance, and that his problems had been the product of taking DeLancey's advice. Certainly his letters to London now took on a new tone. Clinton had previously either praised the Assembly for its willingness to cooperate with the administration,³⁴ or claimed that he would be able to bring a recalcitrant House to heel with little difficulty.³⁵

³²Ass. Jour., II, 86.

³³Ass. Jour., II, 89.

³⁴NYCD, VI, 281-2 for example.

³⁵NYCD, VI, 274-6 for example.

Now he became even less tolerant. He began to ascribe his previous difficulties to the unwillingness of the Assembly to recognize, and submit to, the authority of the Crown, and to express his determination to bring it back to a proper state of obedience.³⁶

This domineering attitude became apparent in December. Clinton was so insistent on his right to control the government that he refused to grant the customary request of the Assembly for an adjournment to January, until it provided an additional £ 150 for the fort at Oswego.³⁷ He seemed unwilling to accept anything less than exact, prompt obedience from the Assembly. Since his attitude was completely incompatible with the views of his "Prime Minister," a split with DeLancey was inevitable.

It took place in January, 1746. Clinton asked DeLancey to support amendments to the militia act which would have increased the authority of the governor over the forces by increasing the penalties for desertion. DeLancey refused, and Clinton, no longer willing to permit the Chief Justice to dictate policy, set about securing passage of the act despite the objections of his advisor. He enlisted the support of Speaker David Jones, who was able to convince rural Assemblymen to cooperate with the administration, and,

³⁶NYCD, VI, 284-6, 305-7.

³⁷Smith, History, II, 68.

on February 13, 1746, the militia act amendments passed.³⁸ Clinton also convinced the Assembly to pass legislation authorizing additional defense expenditures and the long delayed conference with Massachusetts.³⁹

During the following week, Clinton and DeLancey attended a dinner party and both apparently became somewhat intoxicated. DeLancey made some uncomplimentary remarks about the Assemblymen who had supported the amendments to the militia act, and Clinton responded by defending his allies, and by attacking DeLancey's supporters as obstructionists. The "discussion" continued to degenerate until DeLancey stalked out threatening to make the remainder of Clinton's administration uncomfortable.⁴⁰ He kept his promise.

The dispute between the Governor and the Chief Justice embodied a basic paradox in British colonial administration. Clinton adopted the position that the colony was a subordinate part of the empire, and that the duty of its Assembly was loyally to implement the policies suggested by the British government. DeLancey, on the other hand, took the colonial position that the colony was virtually self-governing, and that its Assembly had the right and duty to control public policy. The specific area of disagreement

³⁸Varga, "New York Government," pp. 88-92.

³⁹Smith, History, II, 68-9.

⁴⁰Varga, "New York Government," pp. 88-90.

between the two men was military policy. Clinton and the British government favored a strong offensive policy, while DeLancey and the colonists advocated a passive, inexpensive, defensive posture.⁴¹ But the conflict was inevitable, in any case. Clinton simply would not abandon his views, and the colonists would not abandon theirs.

The stage was set for conflict at the February Assembly meeting.⁴² James DeLancey had vowed to make Clinton's administration difficult, and, despite the Governor's successes in the preceding session of the Assembly, had the strength in the House to do so. He was influential in New York City, and in Albany his uncle, Henry Beekman was a potent force among the Assemblymen.⁴³ This was politically most advantageous since it was customary to give Assemblymen control of local patronage,⁴⁴ and that, in turn, enabled DeLancey's allies to recruit more support. Clinton had himself also contributed to the power of the Chief Justice. All the available seats on the Council had been given to supporters of DeLancey. Clinton was the governor, but much

⁴¹Bonomi, Factionous People, pp. 150-1

⁴²Varga, "New York Government," p. 89.

⁴³Stanley N. Katz, Newcastle's New York (Cambridge, Mass., 1968), pp. 174-5.

⁴⁴Varga, "New York Government," p. 274.

of the government was under DeLancey's control.⁴⁵

Nor was there any way for Clinton to destroy the influence of the Chief Justice. Clinton had given him a commission which was tantamount to life tenure, and DeLancey's connections in London (which included Sir John Heathcote, M.P., Admiral Sir Peter Warren, M.P., and "the hero of Louisburg," Thomas Herring, who was to become Archbishop of Canterbury in 1747, and the influential mercantile firm of Baker and Baker) were so powerful that the Governor could not hope to secure action against him there.⁴⁶

Despite the portents, the February meeting of the Assembly provided a rather quiet beginning for a conflict which was to dominate New York politics for years. The opposing forces were evenly balanced. Clinton's allies appropriated £ 10,000 to continue the war, and assigned most of the burden of raising the money to the cities of New York and Albany⁴⁷ (the centers of DeLancey's strength). When the tax law came before the Council, the supporters of the Chief Justice insisted on amending it,⁴⁸ and the Assembly,

⁴⁵Katz, Newcastle's New York, pp. 174-5.

⁴⁶Bonomi, Factious People, pp. 146-8.

⁴⁷Ass. Jour., II, 95-6.

⁴⁸Journal of the Legislative Council of the Colony of New York, 1691-1775 (2 vols., Albany, N.Y., 1861), II, 914.

predictably, denied the authority of the Council to do so, claiming, as it long had, that the upper House had no right to amend money bills.⁴⁹ As neither House would give way, convention compelled the Governor to prorogue the Assembly in the hope that tempers would cool.⁵⁰ The delay caused by the suspension of the session benefited DeLancey and his allies, for it gave them the opportunity to reorganize their forces.

When the Assembly reconvened in March, the DeLancey forces were able to recoup much lost ground. But the province was deeply involved in a war, and complete refusal to cooperate with the Governor would have reduced the defenses of the colony, and endangered their families and property. Consequently, the Assembly agreed to improve the fortifications on the northern frontier, to provide gifts for the Indians, and to appoint commissioners to plan a joint offensive with the New Englanders.⁵¹

The Assembly was not by any means, however, prepared to surrender its authority to the Governor. It examined his proposal for erecting blockhouses on the frontier at length, and did not approve the project until it limited the

⁴⁹Ass. Jour., II, 99.

⁵⁰Varga, "New York Government," p. 89.

⁵¹Ass. Jour., II, 102.

garrison of each fort to twenty men.⁵² The DeLancey dominated Assembly was even more cavalier in its treatment of the tax quotas imposed in the previous session. It abandoned them completely, and adopted a more equitable system. It demonstrated its unwillingness to trust the Governor by requiring that the Council approve his warrants for the expenditure of public funds.⁵³ Clinton was as limited by the exigencies of war as the Assembly and had to accept the decisions of the House. In June, 1746, just as the next session of the Assembly was beginning, he wrote the Duke of Newcastle to request permission to return to England, suggesting that, if at all possible, a military command be found for him.⁵⁴

When the Assembly met again in June, it was asked to contribute to an expedition against Canada. Clinton had learned of the project in a letter from the Duke of Newcastle in April,⁵⁵ and the House, now introduced to the realities of war, endorsed it enthusiastically. It contributed £ 40,000, and authorized the recruitment of troops, and their dispatch

⁵²Ass. Jour., II, 105, April 9, 1747.

⁵³Ass. Jour., II, 109-10.

⁵⁴NYCD, VI, 309-10.

⁵⁵Smith, History, II, 89.

to the rendezvous which had been established north of Albany.⁵⁶ It did not, however, forget its self-imposed obligation to control government policy, and to protect the peoples' money. It named commissioners to supervise the expenditure of the money it had provided, named the militia companies which were to be assigned to the expedition,⁵⁷ refused to assume the cost of transporting men and supplies to the gathering place, and would not provide a subsidy for the Indians recruited to join the campaign.⁵⁸ The DeLancey Assembly was willing to fight, but only on its own terms. Clinton was forced to accept them.⁵⁹

He was not, however, completely passive. He apparently realized that the insistence of the Assembly on minutely supervising the colony's contribution to the expedition against Canada was the product of James DeLancey's unwillingness to cooperate, and he therefore concluded that if DeLancey could be convinced to endorse the attack, the Assembly would become more cooperative. In what was probably the most subtle and sophisticated political maneuver of his administration, Clinton attempted to secure the support of

⁵⁶Ass. Jour., II, 112, 115.

⁵⁷Ass. Jour., II, 115.

⁵⁸Varga, "New York Government," p. 94.

⁵⁹Varga, "New York Government," p. 95.

the Chief Justice in August by offering him command of the province's contingent. DeLancey presumably realized what Clinton was attempting to do, and politely declined the offer,⁶⁰ thereby preserving his freedom to oppose the governor.

Clinton's lack of success in courting DeLancey made it clear that a reconciliation was impossible. This securely established Cadwallader Colden, who had been advising the Governor since July, 1746, as the new "prime minister."⁶¹

Colden had associated himself with Clinton primarily because the Governor had offered to "provide" for him and for his family, a promise which the Governor's relations with DeLancey had demonstrated he would keep.⁶² Colden was the only colonist who was strongly (or for that matter to any extent) committed to maintaining the prerogatives of the Crown.⁶³ Unfortunately, Colden's main qualification, his

⁶⁰Katz, Newcastle's New York, p. 167, Varga, "New York Government," p. 100.

⁶¹Siegfried B. Rolland, "Cadwallader Colden Colonial Politician and Imperial Statesman, 1718-1760" (Unpublished Ph. D. dissertation, University of Wisconsin, 1952), p. 289 (hereafter "Cadwallader Colden").

⁶²Katz, Newcastle's New York, p. 178, New-York Historical Society, The Cadwallader Colden Papers, New-York Historical Society Collections, 1917-1923, 1934-1935 (9 vols., New York, 1918-1923, 1937), IV, 31-4, 94-5, 108-9 for example (hereafter Colden Papers).

⁶³Katz, Newcastle's New York, p. 178.

zeal for the rights of the Crown, had led him to take stands which made him unpopular with most segments of the New York political community,⁶⁴ which preferred to ignore the prerogative when it conflicted with colonial interests. It was impossible for him to create an effective coalition in the Assembly.

His unpopularity did not disturb Colden in the least. He brushed it off as the result of slanders aimed at him by the leaders of the Assembly⁶⁵ in retaliation for his opposition to their efforts at securing complete domination of the government.⁶⁶ His approach to governing New York, by forcing the Assembly into unswerving, unquestioning obedience to the will of the Governor,⁶⁷ would not be popular with the Assemblymen, or their leader, James DeLancey.

The conflict was not apparent when Clinton met the Assembly in October, however. The opening speech reminded the House of the ways in which it had failed to show "due obedience." Clinton charged the Assembly with attempting to engross all governmental authority, and with failure to pursue actively the war against France. He demanded that

⁶⁴Bonomi, Factionous People, p. 153.

⁶⁵Colden Papers, III, 337-8.

⁶⁶Colden Papers, IV, 160.

⁶⁷Rolland, "Cadwallader Colden," p. 297.

it provide camp for the men who had been assigned to the expedition against Canada (which had been delayed), that it provide funds for the construction of small forts on the frontier, and that it provide more presents for the Indians who were not enthusiastic participants in the war.⁶⁸

The reaction of the Assembly to Clinton's tirade was surprisingly measured. It may have convinced the Governor that Colden was correct in arguing that the Assembly had to be taken firmly in hand. The House denied that it was attempting to subvert the government, and explained that the conflicts which had developed were the result of the bad advice received by the Governor. Their failure to provide the funds Clinton had requested was not the result of their unwillingness to support the government properly, but, they said, of the inability of the colony to bear the expense.⁶⁹ The placating tone of the Assembly's response was reinforced on October 17 when it voted £ 6,500 to satisfy the request of the Governor for funds for the winter encampment. The House did, however, continue to refuse to transport the supplies beyond Albany.⁷⁰

⁶⁸Ass. Jour., II, 124.

⁶⁹Smith, History, II, 75-8.

⁷⁰Ass. Jour., II, 124.

Governor Clinton had already taken steps which would confirm the Assembly's resistance. He had issued warrants for the delivery of supplies to the force encamped above Albany before the Assembly acted on his request. When the commissioners in charge of the supplies stockpiled at Albany refused to deliver them on Clinton's warrant, the officers of the expedition took matters into their own hands.

On October 16, Colonel John Roberts, the commander of the force, ordered Henry Holland, the sheriff of Albany County, to seize the supplies at Albany. Holland did so.⁷¹ News of the sheriff's action reached New York City on October 27, but the Assembly did not react precipitously. It waited until November 8, after it received a complete report on the incident, but then moved forcefully. It indicted Colden (who had reportedly authorized Roberts to seize the supplies⁷²), Roberts, and Holland for "high misdemeanors," and refused to provide additional supplies for the expeditionary force until it received assurances from Clinton that the incident would not reoccur.⁷³ Clinton defended his agents, but as he had to obtain supplies for

⁷¹Herbert L. Osgood, The American Colonies in the Eighteenth Century, (4 vols., Gloucester, Mass., 1958, reprint of 1924-5 edition), IV, 178 (hereafter Eighteenth).

⁷²Osgood, Eighteenth, IV, 178.

⁷³Ass. Jour., II, 134. As in England, the term a "high misdemeanor" was not restricted to indictable offenses.

the men encamped above Albany, was forced to agree to the demands of the Assembly, which he did on November 28.⁷⁴ But the harm had already been done. The Assembly demonstrated its increased distrust of the governor by specifying in detail how the money it provided for supplies was to be spent,⁷⁵ and showed its disdain for his authority by adjourning without his permission.⁷⁶

Clinton's first attempt at applying Colden's overweening approach to the Assembly had ended in failure. When the Assembly reconvened at the beginning of December, 1746, it was still extremely resistant to the Governor's proposals. Clinton blamed its refusal to pass the military legislation he had requested on the influence of the DeLancey faction which (he apparently sincerely believed) had diverted the House from its original willingness to support the war.⁷⁷ Refusal to cooperate with the Governor's legislative program was, however, to be the least of its offenses. Under DeLancey's direction, the Assembly now attempted to force Colden to resign (thereby depriving Clinton of his key advisor) by charging that Colden's publication of material

⁷⁴Ass. Jour., II, 137-8.

⁷⁵Ass. Jour., II, 139.

⁷⁶Smith, History, II, 78.

⁷⁷NYCD, VI, 312-4.

relating to the Indian conference held in September, 1746 was a "...Misrepresentation of Facts, and an invidious Reflection upon... [some] of the members of his Majesty's Council...."⁷⁸ Although the attempt failed, because Colden was not the sort to bend to pressure, it did, nonetheless, have political consequences. Clinton was so disturbed by the Assembly's actions that his antipathy towards DeLancey, which was already immense, increased,⁷⁹ and consequently relations between the executive and legislature deteriorated further.

The March, 1747 session of the Assembly reflected the increased bitterness. The House again limited its support of the war to maintaining the defenses of the province, and to provisioning the force committed to the attack on Canada.⁸⁰ It again refused to provide funds for offensive operations,⁸¹ and it again attempted to make the position of the Governor untenable. The financing of the expedition against Canada provided the necessary issue.

After Clinton learned of the proposed campaign, he began issuing warrants on the British Treasury to meet the

⁷⁸NYCD, VI, 330-1, 328-9.

⁷⁹Mc Anear, "Politics," II, 641-9.

⁸⁰Ass. Jour., II, 143.

⁸¹Smith, History, II, 84-6, Ass. Jour., II, 154-66.

expenses the British government had agreed to assume. In May, 1747 the garrison protecting Albany (and therefore the whole Hudson Valley) mutinied and threatened to loot Albany and desert, unless it received its back pay in full.

As the Albany garrison was an important element of the colony's defensive system, the Governor had to meet the mutineers' demands, and he issued additional Treasury bills to pay the soldiers. The colony's merchants were, however, unsure that the British government would redeem any of the bills, and refused to accept them until Clinton backed them with his personal credit. He had to pledge £ 6,000 to support the notes. He could not view his increased liability with equanimity, and so, on June 2, asked the Assembly to underwrite the personal notes he had issued to support the Treasury warrants. The Assembly refused,⁸² citing its concern for the prerogative as justification. If it agreed to guarantee his notes (the Assembly explained), it would be "insulting" the prerogative by implying that it was unsure of the Crown's willingness to repay its debts, and it had no desire to make such a "disloyal" suggestion.⁸³

The Governor had been neatly hoisted by his own petard, but he saw no humor in the situation. He angrily informed

⁸²Varga, "New York Government," pp. 116-8.

⁸³Smith, History, II, 89.

the Board of Trade that:

...the publick affairs of this province committed to my care are now reduced to such a State, by the violent opposition of an insolent faction that his Maj[es]ty's Authority is openly dispised, and the Administration so far wrested out of the hands of his Gov[erno]r, that I can now answer for the safety of this Province against the intrigues of that Faction within, or the open attacks of Enemies abroad....,

and then went on to detail the ways in which the Assembly, under DeLancey's leadership, had attacked his authority. He concluded with a strong plea, which again reflected the attitude of his advisor Colden, against the evils of popular government.⁸⁴

Clinton did not, however, content himself with letters of complaint. With the assistance of Colden, he tried to find a way to turn the tables on the Assembly. On August 31, 1747, he announced that he would stop issuing warrants for provisions for the militia, thereby placing the entire burden of local defense on the Assembly. The colonists, however, felt adequately defended by the Royal troops in New York, and consequently the Assembly ignored the responsibility the Governor had attempted to thrust upon it.

The events of early October, however, allowed Clinton to take the initiative. The colonies had learned that the British government was suspending offensive operations against the French, and withdrawing the forces it had

⁸⁴NYCD, VI, 352.

stationed in New York.⁸⁵ The colonists were thrown back on their own resources, and the Assembly on October 8 agreed to assume the costs of defending the frontier, to provide £ 800 for gifts to the Indians, and even funds for the fort at Saratoga which Clinton had planned to abandon. But the Governor (who apparently intended to use the advantage the threat had given him to regain all his lost influence) refused to accept the appropriation!⁸⁶

He informed the Assembly that he would not permit it to make any changes in his defense program. The colony was to be defended his way or not at all. The Governor was apparently determined to force the House into the subordinate, money raising position which British colonial theory (and Cadwallader Colden) had assigned to it.

The Assembly refused to submit to such blackmail. On October 9, 1747, it passed a resolution which claimed that it had willingly supported the war until Clinton's mismanagement had convinced them they were dissipating public money uselessly, detailing their grievances against Clinton and Colden, and alleging that Clinton's claim to absolute authority was an innovation which would destroy the "constitution" of the colony, and the "liberties" of its people.⁸⁷

⁸⁵Varga, "New York Government," pp. 121-4.

⁸⁶Ass. Jour., II, 172.

⁸⁷Ass. Jour., II, 173-80.

Clinton refused to accept the petition. He informed the Assembly that all its powers were derived from, and subordinate to, the Crown, and then informed the House that he would withdraw the four companies assigned to the defense of Albany unless it agreed to his demand that it relieve the Crown of the cost of their support. He admitted that he might be endangering lives, but he made it clear that he would continue to do so until the Assembly submitted to his claims to dominance in the colonial political system.⁸⁸

On the twenty-fourth, Clinton went even further. He ordered the public not to publish the Assembly's remonstrance of October 9, and although the Assembly countermanded his order, it was forced to yield. On October 26, the day it ordered publication of the October 9 petition, the Assembly passed a bill for supplying Albany, a bill providing £28,000 for frontier defense, and a message which "...implored..." the Governor to accept the proffered funds before winter weather made it impossible to transport the supplies to the frontier.⁸⁹ On November 25, Clinton deigned to accept the bills, which, he made clear, did not meet his standards of respect for the prerogative. He then dissolved the Assembly which he had brought to heel.⁹⁰

⁸⁸Ass. Jour., II, 185.

⁸⁹Ass. Jour., II, 193.

⁹⁰Smith, History, II, 89-101.

There was no clear reason for the decision to dissolve. Perhaps Clinton, who firmly believed that the faction gained and held power only by chicanery,⁹¹ wanted to give the "good people" of the colony an opportunity to endorse his policy of subordinating the Assembly. If that was his objective, he must have been sorely disappointed. Despite Colden's efforts to build a viable party, the composition of the new Assembly was not markedly different from its predecessor's.⁹² Colden was so discouraged by his failure to rally popular support that he retired to his country seat, but Clinton was made of sterner stuff. He concluded that the deciding factor in the campaign had been the arrival of James DeLancey's commission as Lieutenant Governor.⁹³

Because the winding down of the war⁹⁴ had eliminated the possibility of invasion, Clinton was deprived of his most effective weapon, and so could not treat the new Assembly as peremptorially as its predecessor. When he met the House in February, 1748, Clinton abandoned the aggressive tone he had assumed under Colden's tutelage, and attempted to

⁹¹NYCD, VI, 312-4, 316-7, 328-9, 350-7.

⁹²Mc Anear, "Politics," II, 659-61

⁹³NYCD, VI, 416-8.

⁹⁴Basil Williams, The Whig Supremacy, 1714-1760, 2nd edition, revised by C.H. Stuart, vol. XI, Oxford History of England, Sir George Clark, editor (Oxford, 1962), p. 263.

proceed in a rational, business-like manner.⁹⁵ Unfortunately, the Assembly was unwilling to forget the past, and it would not cooperate. It refused his request for additional funds for frontier defense,⁹⁶ appointed its own agent in London,⁹⁷ and condemned the Governor's decision not to allow discharged soldiers to sue for back pay.⁹⁸

The House continued to remain unmanageable when it met in June. It would provide funds for defense, and for a prisoner exchange, but little else.⁹⁹ The government was effectively immobilized, and Clinton was forced to turn to the British government for assistance. Although his initial attempts to convince the Board of Trade to intervene had failed,¹⁰⁰ he convinced Governor William Shirley of Massachusetts Bay to write a report describing the sorry state of the province, and the necessity of English support for Clinton in his struggle with the Assembly.¹⁰¹

⁹⁵Ass. Jour., II, 222.

⁹⁶Ass. Jour., II, 226.

⁹⁷Ass. Jour., II, 233.

⁹⁸Ass. Jour., II, 241.

⁹⁹Smith, History, II, 104-6.

¹⁰⁰NYCD, VI, 419-20, 428-32 for example.

¹⁰¹NYCD, VI, 432-7.

Regrettably, Shirley's report met the same fate as Clinton's complaints, and the Governor had to turn again to colonial politics.

He prepared for the October, 1748 Assembly session by convincing Colden to come out of retirement,¹⁰² and by encouraging colonists who were not tied to DeLancey to join his circle. His new advisors included James Alexander, William Smith Jr., and Robert Hunter Morris.¹⁰³ They had, however, little apparent influence on the Governor, for when Clinton met the Assembly he took the belligerent tone favored by Colden. He asked the House to ignore recent precedents and grant a five year revenue, to abandon the practice of appropriating salaries to individual officials, and to pay the salary arrears due to the militia and to Colonel Johnson.¹⁰⁴ The House, not unexpectedly, refused to surrender its financial authority,¹⁰⁵ and the bills for salary arrears and current salaries were lost in the ensuing imbroglio.¹⁰⁶

¹⁰²NYCD, VI, 458-60

¹⁰³Bonomi, Factious People, p. 160.

¹⁰⁴Ass. Jour., II, 243-4.

¹⁰⁵Ass. Jour., II, 246.

¹⁰⁶Varga, "New York Government," p. 140.

On October 19, the Assembly sent Clinton a message detailing its reasons for refusing to grant a five year revenue, or to abandon the practice of granting salaries to specific officials. The Governor refused it, claiming that he was entitled to prior knowledge of the contents of all petitions.¹⁰⁷ After considering these novel claims for a week, the Assembly responded by denouncing Clinton and Colden for denying their right of access.¹⁰⁸ Another crisis was developing.

In November the Assembly demonstrated its resentment against the Governor's demands for prior knowledge of the contents of petitions by informing him that it would not appropriate funds for frontier defense.¹⁰⁹ Clinton responded by denying colonial officials their salaries. He announced that he would not sign the salary bill (which named the officials to be paid) until he received permission to do so from London. He was, however, willing to sign the act which established local customs duties,¹¹⁰ the last piece of legislation to be enacted in New York for two years. Clinton could not convince the Assembly to accept his

¹⁰⁷Ass. Jour., II, 246.

¹⁰⁸Ass. Jour., II, 249-50.

¹⁰⁹Ass. Jour., II, 248, November 1, 1748.

¹¹⁰Smith, History, II, 107-9.

leadership, and he proceeded to immobilize the government.¹¹¹
He prorogued the Assembly.¹¹²

The breakdown in relations with the House had no real effect on the situation. The British government had still not acted on Clinton's complaints, and as no assistance was forthcoming the Governor again attempted to build a "party" to support him.

Clinton's new approach to this old problem was ambivalent. On one hand he was pragmatic, appointing county officers -- judges, clerks, and sheriffs -- who would uphold his interest at election time. On the other hand, he alienated the Livingstons, the only family in the province which might have been able to challenge DeLancey's control of the Assembly. When Philip Livingston died in February, 1749,¹¹³ Clinton successfully opposed the attempts of the family to keep his office, Secretary of Indian Affairs, in the family, and thereby drove them all into DeLancey's arms.¹¹⁴ Thus the balance of political power seemed unchanged.

¹¹¹Varga, "New York Government," pp. 140-1.

¹¹²Bonomi, Factionous People, App. C [p. 306].

¹¹³NYCD, VI, 60.

¹¹⁴Katz, Newcastle's New York, pp. 181-2.

The Privy Council order of February 2, 1749, which instructed the Board of Trade to investigate conditions in New York,¹¹⁵ weakened Clinton. To profit from the investigation, he would have to convince the British government to remove DeLancey from the Lieutenant Governorship, and he was not in a position to exert much influence. His mentor, the Duke of Newcastle, having become Secretary of State for the Northern Department in February, 1748¹¹⁶ had lost interest in colonial matters,¹¹⁷ and could not be counted on to support Clinton's case. Nor could the Governor turn to the new Secretary of State for the Southern Department for assistance. John, fourth Duke of Bedford, had suggested that Clinton resolve his quarrel with the Assembly by accepting its decisions.¹¹⁸ Bedford's willingness to advise Clinton was, however, an innovation. His predecessors had scrupulously avoided involvement in colonial politics.

DeLancey's position was in fact much strengthened. Inaction by the British government would be a victory for him, and the British administration was predisposed to inaction in colonial affairs. Furthermore, his allies in

¹¹⁵NYCD, VI, 544.

¹¹⁶Williams, Whig Supremacy, p. 472.

¹¹⁷Katz, Newcastle's New York, p. 201.

¹¹⁸Varga, "New York Government," p. 151.

London (Warren, Herring, and Robert Charles, the professional agent who represented the Assembly¹¹⁹) were still available to give support.¹²⁰

Clinton therefore exerted all his energies to overcoming his opponent's advantages. He enlisted Lewis Morris Jr., who was traveling to London to discuss the boundaries of New Jersey, as a spokesman, and flooded Bedford, and the Board of Trade, and John Catherwood, his agent in London, with examples of James DeLancey's pernicious influence on the political life of New York, and of his brother Oliver's disdain for the law.¹²¹

The investigation did not affect the ordinary political process and Clinton had to meet the Assembly while it was in progress. The meeting was delayed (it had been scheduled for March but was not convened until June 28, 1749¹²²), and the delay did not serve to improve relations between the Governor and the House. The session was an almost exact recapitulation of the disastrous October-November, 1749 session. Clinton again requested a five year revenue.¹²³

¹¹⁹Bonomi, Factious People, pp. 146-8

¹²⁰Katz, Newcastle's New York, pp. 207-11.

¹²¹NYCD, VI, 471, 472-3, 474-6, 513-4, 514-6, 516-8.

¹²²Smith, History, II, 109.

¹²³Ass. Jour., II, 258.

The Assembly again refused his request. It again sent the Governor a message detailing the reasons for its decision. Clinton again refused to accept it because he had not been informed of its contents. The Assembly again condemned the Governor for violating its privileges, and the Governor again responded by claiming that he was not bound to respect the rules of the Assembly. The pattern of "agains" was finally broken only when Clinton agreed to accept the petition, explaining that he had learned of its contents informally.¹²⁴

This did not end the paralysis of the government.¹²⁵ Clinton's failure to secure any action from the Assembly indicated that the impasse would not be resolved in New York, and so he redoubled his efforts at convincing the British government to act. His letters to London emphasized that the opposition controlled the House, and was able, therefore, to impede even the ordinary business of the government. The letters strongly implied that Clinton would regard the abolition of the Assembly as the ideal solution to his difficulties.¹²⁶

¹²⁴Ass. Jour., II, 261-2.

¹²⁵NYCL, III, 744-5.

¹²⁶NYCD, VI, 522-4, 524-5, 533-4, 550-2, 552-4, 554-6, 556-8.

Despite Clinton's inclinations, the Assembly was still a very real part of the provincial government, and, in July, 1750, the need for money forced the Governor to act. His options were limited. He could either meet the House (which had twice failed to enact legislation), or he could call for new elections. As there was little prospect of obtaining cooperation from the extant House, Clinton opted for new elections,¹²⁷ and ordered a dissolution on July 21, 1750.¹²⁸

Although the attitude of the Assembly had made his action almost inevitable, Clinton was not in a strong position to contest the election; his allies were in disarray. William Smith Sr. would not participate in politics openly until he was named Attorney General. William Johnson refused to involve himself in the campaign until he received his salary arrears; and Edward Holland, the mayor of New York, was so fearful of Oliver DeLancey that he contemplated leaving the province. Consequently, the Governor's allies were roundly defeated. DeLancey again dominated the House.¹²⁹

¹²⁷Varga, "New York Government," p. 160.

¹²⁸Bonomi, Factious People, App. C. [pp. 306-7].

¹²⁹Varga, "New York Government," pp. 156-7, 160-1.

Yet the Assembly session which began in September¹³⁰ was not as unprofitable as its immediate predecessors. The disputants had learned that after soliciting information from all interested parties, the Board of Trade was preparing its long awaited report on conditions in New York, and neither wanted to prejudice its case by taking an extreme position.¹³¹ Clinton also had replaced Cadwallader Colden as advisor with the infinitely more moderate James Alexander, had abandoned his insistence on a five year revenue (which had generated much of the friction with the Assembly), and even informed the Speaker that, like Lieutenant Governor Clarke, he would accept a one year revenue, and all other legislation submitted to him.¹³² The Assembly responded by funding the government fully.¹³³

Such temporary success with the Assembly did not, however, reconcile Clinton to the overall situation in the province, and he repeated his request for permission to return to England. His only doubts were about his request for a one-year leave.¹³⁴ His departure would leave the

¹³⁰Bonomi, Factionous People, App. C [pp. 306-7].

¹³¹Smith, History, II, 116-7.

¹³²NYCD, VI, 598-9.

¹³³Varga, "New York Government," pp. 161-3.

¹³⁴NYCD, VI, 606.

government in the hands of Lieutenant Governor DeLancey, and, in an effort to avoid that unpleasant prospect, Clinton asked Bedford to secure the removal of the Lieutenant Governor.¹³⁵ Nothing was done about either request, however. The ministry had long ago decided to refrain from interfering in New York until the Board of Trade completed its report.

The Board finally delivered its verdict in April, 1751. Its long report examined the political history of the province, and the dispute between Governor Clinton and the Assembly in minute detail. After reviewing all the data, it concluded that the Governor's attempts at dominating the government had generated animosities which could be salved only by the dispatch of a new governor,¹³⁶ but it did not act against him. (Neither the Board, nor any other agent of the British government appears to have suggested Clinton's removal.) Some new Instructions were prepared and dispatched,¹³⁷ and the Board thereupon seemed to forget the situation completely.

Since news of the report of the Board had not reached New York when the Assembly met in May, 1751, the session, like its predecessor, was influenced by the fear that

¹³⁵NYCD, VI, 612.

¹³⁶NYCD, VI, 614-39.

¹³⁷NYCD, VI, 754, 755-6, 757-8.

intemperate action would prejudice the Board's evaluation of events in New York, and so it, too, proceeded smoothly.¹³⁸ The only conflict (over the amount to be provided for presents to the Indians) was resolved by the Speaker, who instructed the provincial treasurer to deliver £200 which the Governor had requested, but which the House had not seen fit to provide.¹³⁹

The moderating influence supplied by anxiety over the Board of Trade's report had been eliminated when the House reassembled in October. The conclusions of the report were public, and the Assembly apparently felt it could resume the quarrel without consequence. At the beginning of the session, several Assemblymen complained that they had not received proper notification. It then proceeded to insult the Governor, who was already sensitive about his dignity, by failing to notify him officially of its actions. Instead of presenting the resolution formally, it sent a copy by messenger. But Clinton did not react to the taunt.

The Governor had apparently learned moderation, and he played no role in the dispute which ended the session. Colonel William Johnson had been attempting to secure reimbursement for monies he had advanced for presents to the Indians since 1748 but the Assembly had not acted. He

¹³⁸Smith, History, II, 120-1.

¹³⁹NYCD, VI, 703-4.

therefore turned to the Council for redress, and on November 18 he presented the Assembly with a Council order which required it to appropriate £ 500 to settle Johnson's account in part. The Council's action was unprecedented since the upper house had never claimed the right to initiate money bills, and, not unexpectedly, a deadlock developed. The Assembly would not act on the bill from the Council, and the Council refused to deal with legislation sent from the Assembly until it did so. Clinton shunned the whole matter. He signed the bills which had been passed (fortunately including a revenue bill), and, on November 25, dissolved the Assembly.¹⁴⁰

There was no clear reason for Clinton's decision to terminate the Assembly at that time for he could have ended the dispute between the houses just as effectively by an adjournment. Perhaps he still had hopes of securing the election of an Assembly which would do his will, for he again devoted himself to politics. He took steps to bring the Livingston family into his alliance,¹⁴¹ and his friends did their best to generate support.¹⁴² Unfortunately this venture was no more successful than its predecessors, Clinton's allies were again roundly defeated when the

¹⁴⁰Smith, History, II, 121-2.

¹⁴¹Bonomi, Factious People, p. 163.

¹⁴²Varga, "New York Government," pp. 179-82.

election was held in February, 1752.¹⁴³

Although Clinton was apparently not deeply disturbed by the rebuff, he was not anxious to meet yet another Assembly dominated by DeLancey, and so delayed meeting the House until October, 1752, when the expiration of the revenue made it necessary. Despite the Governor's misgivings, the meeting was tranquil,¹⁴⁴ and this may have contributed to Clinton's unwillingness to call the Assembly into session to deal with Indian affairs on May 30, 1753.¹⁴⁵ The May meeting, Clinton's last with a New York Assembly, was also extraordinarily peaceful. He recognized the power of the House by asking its advice on the management of Indian relations, and it reciprocated by quickly providing the necessary funds.¹⁴⁶

Although Clinton had received permission to leave New York in the summer of 1752,¹⁴⁷ the administration did not actually end until October 10, 1753, when Danvers Osborne arrived to assume the government.¹⁴⁸ Clinton had remained

¹⁴³Bonomi, Factious People, p. 163.

¹⁴⁴Smith, History, II, 123.

¹⁴⁵Varga, "New York Government," p. 190.

¹⁴⁶Ass. Jour., II, 334, 336, 348-9.

¹⁴⁷NYCD, VI, 762-3.

¹⁴⁸NYCD, VI, 803.

in New York until then because the British government had refused his oft-repeated request for permission to suspend James DeLancey;¹⁴⁹ he had no intention of leaving the government to his rival.

Osborne's suicide on October 12 must have been a bitter pill for Clinton to swallow. In spite of everything James DeLancey had become the acting governor.¹⁵⁰

DeLancey's accession to the government marked the end of an era. A colonial who had built his political power by championing the rights of the Assembly, he based his administration on cooperation with the House, and so the disputes which had marked Clinton's administration became memories.¹⁵¹ His successor, Sir Charles Hardy, was too preoccupied with the French and Indian War to involve himself in disputes with the colonists, and Hardy's successors faced the problem of growing resistance to British rule.

¹⁴⁹NYCD, VI, 761-2.

¹⁵⁰NYCD, VI, 803.

¹⁵¹Bonomi, Factionous People, pp. 171-4.

CONCLUSION

The significant role of the governors of colonial New York in the provincial political system has generally been ignored in the political histories of mid-eighteenth century New York. The traditional practice has been to treat the Governors merely as obstacles for the Assemblies to overcome, and to suggest that their concessions to the Assemblies were their only contributions to the evolution of the province's political life. Recently, American historians have begun to investigate the role that the governorship of New York played in the British system of political patronage, but, these authors too have neglected the role the governors had to play in the everyday operations of the colonial government.

Both approaches fail to appreciate the delicacy of the situation. Appointed by Royal Commission, with Instructions supplied by the British government, and responsible only to London, the Governors may have been British officials, but they were much more than that. As they had sought appointment to improve their fortunes, they were always hostages to their subjects' good will. They faced the unenviable task of having to serve two masters.

The dilemma would have been insoluble if both masters were demanding. Fortunately, the British government was

almost totally disinterested, and it gave the governors of the Province of New-York almost total freedom of action. The Assembly was, however, not as unconcerned, and satisfying its demands was a difficult task, but one which had to be faced by every governor, for it was the only way to survive and profit from an administration. The essential element in this situation was adaptability. A governor had to be flexible enough to recognize the situation he faced, and to meet it. Unless he could maintain the good will of British government while coming to a modus vivendi with the Assembly (which dominated the political life of the colony) no governor could succeed.

Four of the six governors of provincial New York in the mid-eighteenth century -- Montgomerie, Van Dam, Cosby, and Clarke -- reached an understanding with the leaders of their Assemblies, and supported the colonists' political programs in exchange for financial support for their administrations. Even Burnet and Clinton, who became involved in ongoing disputes with their Assemblies, recognized the importance of the House. They understood the political realities they faced, but were unable to find a practical means of reaching an accommodation.

In general, the men who governed New York between 1717 and 1753 were more perceptive than has been generally assumed, although they were, of course, not equally capable. As all occupied political posts, their success should be measured by their political acumen, their ability to

achieve their goals. One, George Clinton, was an abysmal failure. He was completely unwilling to subordinate his antipathy towards James DeLancey, and consequently he brought the government of New York to the edge of collapse. Another, William Burnet, was a failure because he would not compromise. He stubbornly insisted on pursuing his Indian Trade policy in the face of growing colonial opposition, and his intransigence cost him control of the government.

Four governors of provincial New York, however, were eminently successful. John Montgomerie, Rip Van Dam, William Cosby, and George Clinton all established and maintained good relations with their Assemblies, and avoided British intervention in colonial affairs. Perhaps their methods did not conform to the niceties of contemporary mercantile and political theories, but they resulted in practical triumphs, and clearly demonstrate that success in governing New York required the ability to simultaneously serve two masters.

APPENDIX

The 126 instructions which defined the administrative structure and practices of the colony of New York are recorded in Leonard Woods Labaree, Royal Instructions to British Colonial Governors, 1670-1776, 2 vols. (New York, 1967, reprint of 1935 edition), as sections:

21, 35, 36, 62, 69, 73, 81, 83, 86, 88, 92, 98,
102, 111, 112, 114, 127, 132, 202, 203, 205, 208, 215, 217,
218, 219, 222, 223, 227, 265, 269, 273, 304, 324, 325, 347,
381, 382, 404, 411, 414, 416, 420, 421, 423, 448, 449, 458,
459, 460, 512, 516, 521, 530, 531, 537, 544, 552, 553, 561,
563, 565, 566, 571, 572, 588, 616, 629, 634, 636, 637, 639,
641, 642, 647, 649, 657, 694, 697, 698, 700, 701, 702, 708,
711, 714, 719, 728, 731, 736, 737, 738, 761, 820, 822, 878,
906, 931, 954, 985, 987, 988, 992, 1,017, 1,018, 1,021,
1,028, 1,029, 1,031, 1,036, 1,038, 1,047, 1,049,
1,050, 1,051, 1,052, 1,054, 1,056, 1,057, 1,059,
1,060, 1,061, 1,062, 1,063, 1,072, 1,073.

The 25 instructions which defined trade policy are reported as sections:

537, 538, 539, 666, 845, 848, 852, 853,
908, 910, 912, 920, 929, 1,035, 1,040, 1,043,
1,045, 1,046, 1,058, 1,065, 1,066, 1,067, 1,068, 1,070,
1,071.

The 18 instructions which gave the governors specific instructions are reported as sections:

134, 229, 236, 318, 321, 345, 346, 419,
435, 436, 468, 598, 617, 729, 733, 939,
1,053, 1,055.

BIBLIOGRAPHY

Manuscripts

Franklin D. Roosevelt Library, Hyde Park, New York

Franklin D. Roosevelt's Dutchess County and Hudson
Valley Manuscript Collection
Miscellaneous Livingston Papers
Bard Family Papers

Franklin D. Roosevelt's Historical Manuscripts
Livingston-Redmont Manuscripts

Long Island Historical Society, Brooklyn, New York
Manuscript Letter Collection

Museum of the City of New York, New York, New York

"Book Containing Copies of DeLancey Letters and
Journals"

DeLancey Family Papers

Livingston Papers

Miscellaneous Manuscripts
Letters
Ships and Shipping Manuscripts

New-York Historical Society, New York, New York

Alexander Papers

Beekman Papers
Henry Beekman Letters

Cadwallader Colden Manuscripts

DeLancey Papers
DeLancey, Stephen and Oliver

Horsmanden Papers

Miscellaneous Manuscripts
Bayard, Stephen
Clarke, George
Harison, Francis
Lane, Henry
Montgomerie, John
Rutgers, Anthony
Smith, William (the historian)

Rutherford Collection

Warren Papers

New York Public Library, New York, New York

Bancroft Collection
American Colonies, 1689-1747
Colonial Documents, 1748-1774
New York and Miscellaneous

Chalmers Papers Relating to New York

Cosby Papers

Miscellaneous Papers
Alexander, James
Clarke, George
Clinton, George
Cosby, William
DeLancey, James
Morris, Lewis Sr.
Morris, Lewis Jr.
Montgomerie, John
Van Dam, Rip

James Riker Collection

Yates, Abraham Jr.
"Notes concerning the early history of New-York,
1601-1761"
"Notes on ancient revolutions of New York"

New York State Library, Albany, New York

Miscellaneous Colonial Manuscripts

Rutgers University Library, New Brunswick, New Jersey

Bayard (Nicholas) Papers

Morris (Robert) Papers

Sleepy Hollow Restoration, Irvington, New York

Essex Record Office Papers, County Hall, Chelmsford,
Essex (microfilm)

Philipse Family Papers

Van Cortlandt Family Papers

Official Documents and Records -- Great Britain

Acts of the Privy Council -- Colonial Series. W.L. Grant,
and James Munro, eds. Hereford and London, 1908-1912.

Calendar of State Papers, Colonial Series, America and West
Indies. W.N. Sainsbury, J.W. Fortescue, and Cecil
Headlam, eds. 42 vols. London, 1860-1963.

Journal of the Commissioners for Trade and Plantations,
1704-1782. 14 vols. London, 1920-1938.

Royal Instructions to British Colonial Governors, 1670-1776.
Leonard Woods Labaree, ed. 2 vols. New York, 1967
(reprint of 1935 edition).

Parliamentary History of England from the Norman Conquest.
William Cobbett, ed. 34 vols. London, 1810
(reprinted 1966).

Proceedings and Debates of the British Parliaments
Respecting North America. Leo Francis Stock, ed.
5 vols. Washington, D.C., 1924-1941.

Official Documents and Records -- New York

"Calendar of Council Minutes, 1668-1783," New York State
Library, Bulletin, 58 (March, 1902). Berthold
Fernow, ed.

Calendar of Historical Manuscripts in the Office of the Secretary of State, Albany, New York. E.B. O'Callaghan, ed. 2 vols. Albany, New York, 1866 (reprinted 1968).

Civil List and Forms of Government of the Colony and State of New York. S.C. Hutchins, ed. Albany, New York, 1869.

The Colonial Laws of New York from the Year 1664 to the Revolution. 5 vols. Albany, New York, 1894.

The Documentary History of the State of New York. Edmund B. O'Callaghan, ed. 4 vols. Albany, New York, 1850-1851.

Documents Relative to the Colonial History of the State of New York. Edmund B. O'Callaghan, Berthold Fernow, eds. 15 vols. Albany, New York, 1861-1887.

Ecclesiastical Records of the State of New York. E.T. Corwin, ed. 7 vols. Albany, New York, 1901-1916.

Journal of the Legislative Council of the Colony of New York, 1691-1775. 2 vols. Albany, New York, 1861

Journal of the Votes and Proceedings of the General Assembly of the Colony of New York, 1691-1775. 2 vols. New York, 1764-1766 (reprinted 1903).

Minutes of the Common Council of the City of New York, 1675-1776. 8 vols. New York, 1905.

Memoirs, Letters, and Papers

Alexander, James. A Brief Narrative of the Case and Trial of John Peter Zenger Printer of the New York Weekly Journal. Stanley Nider Katz, ed. Cambridge, Mass., 1964.

Bedford. Correspondence of John, Fourth Duke of Bedford. Lord John Russell, ed. 3 vols. London, 1842-1846.

Chesterfield. The Letters of Philip Dormer Stanhope, Fourth Earl of Chesterfield. Bonamy Dobree, ed. 6 vols. London, 1932.

Corham, Thomas. "Letters of Thomas Corham," Massachusetts Historical Society, Proceedings, LVI (1922-1923), 15-56.

- Cumberland, Richard. Memoirs of Richard Cumberland.
2 vols. London, 1807.
- Doddington, George Buff. The Diary of the Late George Bubb
Dodington...1749 to 1761. Henry P. Wyndham, ed.
Salisbury, England, 1784.
- The Political Journal of George Bubb Doddington. John
Carswell, and Lewis Arnold Dralle, eds. Oxford, 1965.
- Egmont. Diary of Viscount Percival, afterwards First Earl
of Egmont. Historical Manuscripts Commission,
Sixteenth Report. R.A.
- Franks, Abigail. The Lee Max Friedmann Collections of
American Jewish Colonial Correspondence: Letters of
the Franks Family (1733-1748). Studies in American
Jewish History, 5. Leo Hershkowitz, Isidore S. Meyer,
eds. Waltham, Mass., 1968.
- Great Britain Historical Manuscripts Commission.
Manuscripts of the Marquess Townshend. Eleventh Report,
Appendix, Part IV. London, 1887. (Includes the
Wilmington Manuscripts.)
- Trevor Manuscripts. Fourteenth Report, Appendix,
Part IX. London, 1895.
- Hervey, John. Lord Hervey and His Friends, 1726-1738.
Earl of Ilchester, ed. London, 1950.
- Some Materials toward the memoirs of the reign of King
George II, by John, Lord Hervey. Romney Sedgwick, ed.
3 vols. London, 1931.
- Johnson, William. The Papers of Sir William Johnson.
James Sullivan, and Alexander C. Flick eds. 14 vols.
Albany, New York, 1921-1965.
- Knatchbull, Edward. The Parliamentary Diary of Sir Edward
Knatchbull, 1722-1730. Royal Historical Society
Publications, series 3, vol. 94. A.N. Newman, ed.
London, 1963.
- Marchmont. A Selection from the Papers of the Earls of
Marchmont. George H. Rose, ed. 3 vols. London, 1831.
- Morris, Lewis Sr. The Papers of Lewis Morris, Governor of
the Province of New Jersey from 1738 to 1746. New
Jersey Historical Society, Collections, IV, 1852.
Newark, New Jersey, 1852.

New-York Historical Society. Collections, 1868, 1876, 1877, 1917-1923, 1934-1935. The Cadwallader Colden Papers. New York, 1868, 1877, 1878, 1918-1923, 1937.

-----Collections, 1928. The Letter Book of John Watts Merchant and Councillor of New York, 1762-1765. Dorothy C. Barck, ed. New York, 1928.

Walpole, Horace. The Letters of Horace Walpole. Mrs. Paget Toynbee, ed. 16 vols. Oxford, 1903-1905.

-----Memoirs of the Last Ten Years of the Reign of King George the Second. Lord Holland, ed. 2 vols. London, 1822.

Wentworth Papers, 1705-1739. James Joel Cartwright, ed. London, 1883.

Wraxall, Peter. An Abridgment of the Indian Affairs...in the Colony of New York...1678 to...1751. Charles H. McIlwain, ed. Cambridge, Mass., 1915 (reprinted 1968).

Yorke, Philip C. The Life and Correspondence of Philip Yorke, Earl of Hardwicke, Lord High Chancellor of Great Britain. 3 vols. Cambridge, England, 1913.

Newspapers

New York Gazette (Bradford), 1726-1751.

New York Weekly Journal (Zenger), 1733-1751.

Secondary Materials

Andrews, Charles M. The Colonial Background of the American Revolution, revised edition. New Haven, Conn., 1931.

-----The Colonial Period of American History. 4 vols. New Haven, Conn., 1934-1938 (reprinted 1964).

-----The Fathers of New England. Vol. 6 The Chronicles of America Series. Allen Johnson, ed. New Haven, Conn., 1919.

- Andrews, Wayne. "The Tragic End of Sir Danvers Osborne, Bart." New-York Historical Society Quarterly, XXXV, 4 (October, 1951), 405-407.
- Ashley, Maurice. England in the Seventeenth Century. Vol. 6 The Pelican History of England. Baltimore, Maryland, 1961.
- The Glorious Revolution of 1688. New York, 1966.
- Bailyn, Bernard. The Ideological Origins of the American Revolution. Cambridge, Mass., 1967.
- The Origins of American Politics. New York, 1968.
- Baldwin, Simeon E. "American Business Corporations before 1789." American Historical Review, VIII, 3 (April, 1903), 449-465.
- Barnes, Viola Florence. The Dominion of New England. New York, 1923 (reprinted 1960).
- Barrow, Thomas C. Trade and Empire: The British Customs Service in Colonial America, 1660-1775. Cambridge, Mass., 1967.
- Basye, Arthur Herbert. The Lords Commissioners of Trade and Plantations, Commonly Known as the Board of Trade, 1748-1782. New Haven, Conn., 1925.
- Beard, Charles Austin. The Office of the Justice of the Peace in England in its Origins and Development. Columbia University Studies in History, Economics and Public Law, volume XX, number 1. New York, 1904.
- Becker, Carl Lotus. History of Political Parties in the Province of New York, 1760-1776. Madison, Wis., 1909 (reprinted 1960).
- "Nominations in Colonial New York." American Historical Review, VI, 2 (January, 1901), 260-275.
- Beer, George Louis. The Commercial Policy of England Toward the American Colonies. Columbia College Studies in History, Economics and Public Law, volume III, number 2. New York, 1893 (reprinted 1948).
- Beer, Samuel H. British Politics in the Collectivist Age. New York, 1966.
- Black, J.B. The Reign of Elizabeth, 1558-1603, 2nd edition. Volume 8 The Oxford History of England. George Clark, ed. Oxford, 1959.

- Bond, B.W. "The Quit-rent system in the American Colonies." American Historical Review, XVII, 3 (April, 1912), 496-516.
- Bonomi, Patricia U. A Factious People: Politics and Society in Colonial New York. New York, 1971
- Buranelli, Vincent. "Governor Cosby and His Enemies (1732-1736)." New York History, XXXVII, 4 (October, 1956), 365-387.
- "Governor Cosby's Hatchet-Man." New York History, XXXVII, 1 (January, 1956), 26-39.
- Burns, John F. Controversies Between Royal Governors and Their Assemblies in the Northern American Colonies. Boston, 1923.
- Carpenter, A.H. "Naturalization in England and the American Colonies." American Historical Review, IX, 2 (January, 1904), 288-303.
- Carswell, John. The Descent on England. New York, 1969.
Chamber's Encyclopaedia, new revised edition. Oxford, 1967.
- Clark, George. The Later Stuarts, 1660-1714, 2nd edition. Vol. 10 The Oxford History of England. George Clark, ed. Oxford, 1961.
- Clarke, Mary P. "The Board of Trade at Work." American Historical Review, XVII, 1 (October, 1911), 17-43.
- Clarke, Mary Patterson. Parliamentary Privilege In the American Colonies. New York, 1943 (reprinted 1971).
- Clive, John, and Bailyn, Bernard. "England's Cultural Provinces: Scotland and America." William and Mary Quarterly, 3rd series, XI, 2 (April, 1954), 200-213.
- Davies, Godfrey. The Early Stuarts, 1603-1660, 2nd edition Vol. IX, The Oxford History of England. George Clarke, ed. Oxford, 1959.
- Deutsch, Albert. "The Sick Poor in Colonial Times." American Historical Review, XLVI, 3 (April, 1944), 560-579.
- Dickerson, Oliver Morton. American Colonial Government, 1696-1765. New York, 1912 (reprinted 1962).

- Dillon, Dorothy Rita. The New York Triumvirate: A Study of the Legal and Political Careers of William Livingston, John Morin Scott, and William Smith Jr. New York, 1949.
- "A Packet of Old Letters." Yearbook, The Dutchess County Historical Society, 1921.
- Edwards, George W. "New York City Politics Before the American Revolution." Political Science Quarterly, XXXVI, 4 (December, 1921), 586-602.
- Elton, G.R. The Tudor Revolution in Government. Cambridge, England, 1953.
- Encyclopaedia Britannica, 1771 edition. 3 vols. Chicago, 1968.
- Encyclopaedia Britannica, 1973 edition. Chicago, 1973.
- Essays in Colonial History Presented to Charles McLean Andrews by his Students. New Haven, 1931 (reprinted 1966).
- Ferguson, E. James. "Currency Finance: An Interpretation of Colonial Monetary Practices." William and Mary Quarterly, 3rd series, X, 2 (April, 1953), 153-180.
- Flick, Alexander C. ed. History of the State of New York. 10 vols. New York, 1933-1937 (reprinted 1962).
- Fox, Dixon Ryan. Caleb Heathcote Gentleman Colonist: The Story of a Career in the Province of New York 1692-1721. New York, 1926.
- The Decline of Aristocracy in the Politics of New York. New York, 1919.
- Freiberg, Malcolm. "Thomas Hutchinson: The First Fifty Years (1711-1761)." William and Mary Quarterly, 3rd series, XV, 1 (January, 1958), 35-55.
- Friedman, Lawrence M. A History of American Law. New York. 1973.
- Goodwin, Maud Wilder. Dutch and English on the Hudson. New Haven, 1919.
- Greene, Evarts Boutell. "The Anglican Outlook on the American Colonies in the Early Eighteenth Century." American Historical Review, XX, 1 (October, 1914), 64-85.

- The Provincial Governor in the English Colonies of North America. New York, 1898 (reprinted 1966).
- Greene, Jack P. ed. Great Britain and the American Colonies 1606-1763. Columbia, South Carolina, 1970.
- Greene, Jack P. The Quest for Power: The Lower Houses of Assembly in the Southern Royal Colonies 1689-1776. Chapel Hill, North Carolina, 1963.
- Gretton, R.H. The King's Government. London, 1913.
- Guttridge, George Herbert. The Colonial Policy of William III in America and the West Indies. Cambridge, England, 1922 (reprinted 1966).
- Hall, Hubert. "Chatham's Colonial Policy." American Historical Review, V, 4 (July, 1900), 659-675.
- Hamilton, Milton W. "The Library of Sir William Johnson." New York Historical Society Quarterly, XL, 3 (July, 1956), 209-251.
- "Myths and Legends of Sir William Johnson." New York History, XXXIV, 1 (January, 1953), 3-26.
- Hamlin, Paul M., and Baker, Charles E. The Supreme Court of Judicature of the Province of New York, 1691-1704. Vols. 78, 79 New York Historical Society Collections.
- Henretta, James A. "Salutary Neglect" Colonial Administration Under the Duke of Newcastle. Princeton, New Jersey, 1972.
- Hindle, Brooke. "A Colonial Governor's Family: The Coldens of Coldenham." New York Historical Society Quarterly, XLV, 3 (July, 1961), 233-250.
- Holmes, Geoffrey. British Politics in the Age of Anne. London, 1967.
- Hoyt, Edward A. "Naturalization Under the American Colonies: Signs of a New Community." Political Science Quarterly, LXVII, 1 (March, 1952), 248-266.
- Humphrey, David C. "Urban Manners and Rural Morals: The Controversy Over the Location of King's College." New York History, LIV, 1 (January, 1973), 4-23.
- Jarrett, Derek. Britain, 1688-1815. New York, 1965.
- Johnson, Allen ed. Dictionary of American Biography. 20 vols. New York, 1928.

- Kalm, Peter. Travels in North America. Adolph B. Benson, ed. 2 vols. New York, 1966.
- Kammen, Michael. Empire and Interest. Philadelphia, 1970.
- People of Paradox: An Inquiry Concerning the Origins of American Civilization, New York, 1972.
- Katz, Stanley Nider. Newcastle's New York. Cambridge, Mass., 1968.
- "Newcastle's New York Governors." New York Historical Society Quarterly, LI, 1 (January, 1967), 7-24.
- "A New York Mission to England: The London Letters of Lewis Morris to James Alexander, 1735-1736." William and Mary Quarterly, 3rd series, XXVIII, 3 (July, 1971), 439-484.
- "The Politics of Law in Colonial America: Controversies over Chancery Courts and Equity Law in the Eighteenth Century." Perspectives in American History, V (1971), 257-286.
- Kemp, Betty. King and Commons, 1660-1832. London, 1957.
- Kenyon, John P. Robert Spencer Earl of Sunderland, 1641-1702. London, 1958.
- Keys, Alice Mapelsden. Cadwallader Colden, A Representative Eighteenth Century Official. New York, 1906.
- Kim, Sung Bok. "A New Look At the Great Landlords of Eighteenth-Century New York." William and Mary Quarterly, 3rd series, XXVII, 4 (October, 1970), 581-614.
- Klein, Milton M. "Church, State, and Education: Testing the Issue in Colonial New York." New York History, XLV, 4 (October, 1964), 291-303.
- "Democracy and Politics in Colonial New York." New York History, XL, 3 (July, 1959), 221-246.
- "New York in the American Colonies: A New Look." New York History, LIII, 2 (April, 1972), 132-156.
- "Politics and Personalities in Colonial New York." New York History, XLVII, 1 (January, 1966), 3-16.
- "The Rise of the New York Bar: The Legal Career of William Livingston." William and Mary Quarterly, 3rd series, XV, 3 (July, 1958), 334-358.

- Labaree, Leonard Woods. Royal Government in America: A Study of the British Colonial System Before 1783. New Haven, Conn., 1930 (reprinted 1958).
- Lacey, Douglas R. Dissent and Parliamentary Politics in England, 1661-1689. New Brunswick, N.J., 1969.
- Leder, Lawrence H. "The Glorious Revolution and the Pattern of Imperial Relationships." New York History, XLVI, 3 (July, 1965), 203-211.
- "Robert Livingston: A New View of New York Politics." New York History, XL, 4 (October, 1959), 358-367.
- Robert Livingston 1654-1728 and the Politics of Colonial New York. Chapel Hill, N.C., 1961
- Levermore, Charles H. "The Whigs of Colonial New York." American Historical Review, I, 2 (January, 1896), 238-250.
- Levy, Leonard Williams. "Did the Zenger Case Really Matter? Freedom of the Press in Colonial New York." William and Mary Quarterly, 3rd series, XVII, 1 (January, 1960), 35-50.
- Legacy of Suppression. Cambridge, Mass., 1960.
- , and Leder, Lawrence H. "'Exotic Fruit': The Right Against Compulsory Self-Incrimination in Colonial New York." William and Mary Quarterly, 3rd series, XX, 1 (January, 1963), 3-32.
- Lewis, Michael. The History of the British Navy. Fair Lawn, N.J., 1959.
- Lingelbach, Anna I. "The Inception of the British Board of Trade." American Historical Review, XXX, 4 (July, 1925), 701-728.
- Lockyer, Roger. Tudor and Stuart Britain, 1471-1714. New York, 1964.
- Mc Anear, Beverly. "The Place of the Freeman in Old New York." New York History, XXI, 4 (October, 1940), 418-430.
- "Politics in Provincial New York, 1689-1761." 2 vols. Unpublished Ph.D. dissertation, Stanford University, 1935.

- , ed. "R.H. Morris: An American in London, 1735-1736." Pennsylvania Magazine of History, LXIV (1940), 164-217, 356-406.
- Mac Cracken, Henry Noble. Prologue to Independence. New York, 1964.
- Mackie, J.D. The Earlier Tudors, 1488-1558. Vol. 7, The Oxford History of England. Sir George Clark, ed. Oxford, 1952.
- Malone, Joseph J. Pine Trees and Politics: The Naval Stores and Forest Policy in Colonial New England, 1691-1775. Seattle, Washington, 1964.
- Mark, Irving. Agarian Conflicts in Colonial New York, 1711-1735. New York, 1940.
- Mitchell, Brian R., and Dean Phillis. Abstract of British Historical Statistics. Cambridge, England, 1962.
- Morgan, William Thomas. English Political Parties and Leaders in the Reign of Queen Anne, 1702-1710. Yale Historical Publications, Miscellany VII. New Haven, Conn., 1920.
- Morris, Richard B. James De Lancey: Portrait in Loyatism. Privately printed.
- Mosse, George L. The Struggle for Sovereignty in England. New York, 1968.
- Namier, Lewis. The Structure of Politics at the Accession of George III, second edition. London, 1968.
- Nash, Gary B. "The Transformation of Urban Politics 1700-1765." The Journal of American History, LX, 3 (December, 1973), 605-632.
- Nissenson, S.G. "The Development of a Land Registration in New York." New York History, XX, 1 (January, 1939), 16-42, XX, 2 (April, 1939), 161-189.
- Notestein, Wallace. The English People on the Eve of of Colonization, 1603-1630. New York, 1954.
- Nulle, Stebelton H. Thomas Pelham-Holles, Duke of Newcastle, His Early Political Career. Philadelphia, 1931.
- O'Callaghan, Edmond B., ed. "Colonial Commissions 1660-1722." New York Historical Society Quarterly, VII, 2 (January, 1924) through, XII, 2 (July, 1928).

- O'Connor, Thomas F. "Religious Toleration in New York, 1664-1700." New York History, XVII, 4 (October, 1936), 391-410.
- Ogg, David. England in the Reigns of James II and William III. Oxford, 1963.
- [Oldmixon, John]. The British Empire in America. 2 vols. Reprints of Economic Classics. New York, 1969 (reprint of 1741 edition).
- Olson, Alison Gilbert. "The British Government and Colonial Union, 1754." William and Mary Quarterly, 3rd series, XVII, 1 (January, 1960), 22-34.
- , and Brown, Richard Maxwell, eds. Anglo-American Political Relations, 1675-1775. New Brunswick, N.J., 1970.
- Osgood, Herbert Levi. The American Colonies in the Eighteenth Century. 4 vols. New York, 1924-1925 (reprinted 1958).
- The American Colonies in the Seventeenth Century. 3 vols. New York, 1904 (reprinted 1957).
- Ovadia, Neil. "The Struggle for Financial Control, New York, 1674-1720." Unpublished M.A. thesis, Queens College, 1968.
- Overton, Jacqueline. "The Quakers on Long Island." New York History, XXI, 2 (April, 1940), 151-161.
- Pares, Richard. King George III and the Politicians. Oxford, 1963.
- Pickthorn, Kenneth. Early Tudor Government, Henry VIII. Cambridge, England, 1934.
- Pine, L.G., ed. Burke's Peerage, Baronetage, and Knightage, 101 ed. London, 1956.
- Plumb, John Harold. The Origins of Political Stability: England 1675-1725. Boston, 1967.
- Sir Robert Walpole. 2 vols. Boston, 1956, 1961.
- Pownall, Thomas. The Administration of the Colonies. London, 1765 (microfiche edition).
- Prall, Stuart E. The Bloodless Revolution, England, 1688. Garden City, New York, 1972.

- Pryde, George S. "Scottish Colonization in the Province of New York." New York History, XVI, 2 (April, 1935),
- Rackow, Felix. "The Right to Counsel: English and American Precedents." William and Mary Quarterly, 3rd series, XI, 1 (January, 1954), 3-27.
- Robbins, Caroline. The Eighteenth Century Commonwealthman. Cambridge, Mass., 1961.
- "When It Is that Colonies May Turn Independent: An Analysis of the Environment and Politics of Francis Hutchenson (1694-1746)." William and Mary Quarterly, 3rd series, XI, 2 (April, 1954), 214-251.
- Rolland, Siegfried B. "Cadwallader Colden Colonial Politician and Imperial Statesman, 1718-1760." Unpublished Ph.D. dissertation, University of Wisconsin, 1952.
- Rose, J. Holland, Newton, A.P., Benians, E.A., general editors. The Old Empire: From the Beginings to 1783. Vol. I, The Cambridge History of the British Empire. New York, 1929.
- Rutherford, Livingston. Family Record and Events, Compiled Originally from the Original Manuscripts in the Rutherford Collection. New York, 1894.
- Shammas, Carole. "Cadwallader Colden and the Role of the King's Prerogative." New York Historical Society Quarterly, LIII, 2 (April, 1969), 103-127.
- Smellie, Kingsley B. A History of Local Government. London, 1963.
- Smith, Joseph H., and Hershkowitz Leo. "Courts of Equity in the Province of New York: The Cosby Controversy, 1732-1736." The American Journal of Legal History, XVI, 1 (1972), 1-50.
- Smith, William. "The Colonial Post-Office." American Historical Review, XXI, 2 (January, 1916), 258-275.
- Smith, William, Jr. Historical Memoirs of William Smith. H.W. Sabine, ed. 2 vols. New York, 1956, 1958.
- The History of the Province of New York. Michael Kammen, ed. 2 vols. Cambridge, Mass., 1972.
- Sosin, Jack. Whitehall and the Wilderness: The Middle West in British Colonial Policy, 1760-1775. Lincoln, Neb., 1961.

- Spector, Margret Marion. The American Department of the British Government, 1768-1782. New York, 1940.
- Spencer, C.W. "Sectional Aspects of New York Provincial Politics." Political Science Quarterly, XXX, 3 (September, 1915), 397-424.
- Stephen, Sir Leslie Stephen, and Lee, Sir Sidney. The Dictionary of National Biography. Oxford, 1921-1922.
- Stokes, Iasaac Newton Phelps. The Iconography of Manhattan Island, 1498-1909. 6 vols. New York, 1915-1928.
- Sumner, William G. "The Spanish Dollar and the Colonial Shilling." American Historical Review, III, 4 (July, 1897), 607-619.
- Sutherland, Lucy S. The East India Company in Eighteenth-Century Politics. Oxford, 1952.
- Szasz, Ferenc. "The New York Slave Revolt of 1741: A Re-Examination." New York History, XLVIII, 3 (July, 1967), 215-230.
- Taylor, G.R. Sterling. Robert Walpole and His Age. London, 1933.
- Thompson, Benjamin F. History of Long Island from its discovery and settlement to the present time, 3rd ed. 3 vols. New York, 1918 (reprinted 1962).
- Thomson, Mark A. The Secretaries of State, 1681-1782. Oxford, 1932.
- "The Townbook of the Manor of Philipsburgh." The New York Genealogical and Bibliographical Record, LIX (July, 1928), 203-213.
- Turner, Edward Raymond. The Cabinet Council of England, 1622-1784. 2 vols. Baltimore, Md., 1930, 1932.
- The Privy Council of England, 1603-1784.
Semcentennial Publications of The Johns Hopkins University. 2 vols. Baltimore, Md., 1927, 1928.
- Var Two Centuries' Growth of American Law, 1701-1901. New York, 1901.
- Varga, Nicholas. "Election Procedures and Practices in Colonial New York." New York History, XLI, 3 (July, 1960), 249-277.

- "New York Government and Politics During the Mid-Eighteenth Century." Unpublished Ph.D. dissertation, Fordham University, 1960.
- "Robert Charles: New York Agent, 1748-1770." William and Mary Quarterly, 3rd series, XVIII, 2 (April, 1961), 211-235.
- Walcott, Robert. English Politics in the Early Eighteenth Century. Harvard Historical Monographs, XXVIII. Cambridge, Mass., 1956.
- Wickwire, Franklin B. "The King's Friends, Civil Servants or Politicians." American Historical Review, LXXI, 1 (October, 1965), 18-42.
- Wilkenfeld, Bruce M. "The New York City Common Council." New York History, LII, 3, (July, 1971), 249-274.
- Wilkes, John W. A Whig in Power: The Political Career of Henry Pelham. Northwestern University Studies in History, Number III. Evanston, Ill., 1964.
- Williams, Basil. The Whig Supremacy, 1714-1760, 2nd ed. Vol. XI, The Oxford History of England. Sir George Clark, ed. Oxford, 1962.
- Wilson, Solon Dyke. "Courts of Chancery in the American Colonies." Select Essays in Anglo-American Legal History. 2 vols. Boston, 1908.
- Wines, Andrew Roger. "William Smith, The Historian of New York." New York History, XL, 1 (January, 1959), 3-17.
- Wormuth, Francis D. The Origins of Modern Constitutionalism. New York, 1949.
- Zeeveld, W. Gordon. Foundations of Tudor Policy. Cambridge, Mass., 1948.