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## The British Occupation of Southern New York during the American Revolution and the Failure to Restore Civilian Government

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## Abstract

A decade of political unrest over the question of parliamentary taxation resulted in the development of an alternate political structure of committees and congresses in the province of New York. By 1776, a revolutionary government led by the Provincial Congress controlled the province. Upon learning of the Declaration of Independence, the New York Provincial Congress declared independence from the British. Within months of this declaration, southern New York was occupied by British troops, and remained under British control for the duration of the Revolutionary War. The area was under martial law for the duration. Britain's loss of the Saratoga Campaign brought French entry into the war, and a major strategic reassessment as the American colonies became to the British but one front—and not even the most important—in a world war with France (and later others). A peace commission led by the Earl of Carlisle was sent to America, spending time in Philadelphia and New York, but its proposals were met with contempt. Partially as a result of the failed mission, a new strategy was developed for fighting the war by the British. A major part of this new strategy was the restoration of civilian government to the province of New York. It was hoped that, among other things, this would showcase Britain's desire to, rather than impose a tyranny, restore free government to the colonies. General James Robertson was chosen to be the new governor, arriving in 1780, but was unable to implement the strategy because of opposition by Sir Henry Clinton, the commander of Britain's forces in America.

The dissertation examines the developing break with Britain, the occupation, and the failure of the attempt to restore civilian government it. The dissertation examines the effect that various appalling, violent or questionable acts by British troops or officers had on the people of New York, and discusses briefly how British military actions and the occupation affected the developing independent New York government. It contrasts events in Georgia, where civilian government, complete with an assembly was created, with events in New York. Lastly, the dissertation examines the question of whether the restoration of civilian government was just too late in 1780 to have been an effective strategy to win back the loyalties of New Yorkers and Americans, even if civilian government had been restored.

THE BRITISH OCCUPATION OF SOUTHERN NEW YORK DURING THE AMERICAN REVOLUTION  
AND THE FAILURE TO RESTORE CIVILIAN GOVERNMENT

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DISSERTATION

Submitted in partial fulfillment of the requirements for the degree of Doctor of Philosophy in  
History in the Graduate School of Syracuse University

May 2013

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## Acknowledgements

It is with great pleasure that I would like to acknowledge my advisor, J. Roger Sharp, for his tireless help, suggestions, and constant re-readings of this work. In general, I would also like to thank the faculty of Syracuse University's History Department both past and present for their assistance and suggestions, and generally for giving me a good education as a historical researcher, writer, and educator, and for admitting me to their fine program. I also must thank the staff for their invaluable assistance and helping me navigate through the paperwork, especially Ms. Patti Bohrer.

I would also like to thank the staff of the David Library of the American Revolution in Washington's Crossing Pennsylvania for their help and assistance in researching. I would also like to the staff of the Clement Library at the University of Michigan as well for their aid and assistance in researching.

Lastly, I would like to thank my parents and my family and my friends for their invaluable love and support. I could not have done this without them.

Frank P. Mann

Feb 25, 2013

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## Introduction

### I. Basic Statement of Question

A decade-long constitutional dispute between Britain and her colonies in the Western hemisphere culminated with thirteen of her mainland colonies declaring independence in July of 1776. The triggering cause was the question of the right of Parliament to tax the colonies. The colonies were represented in London by agents, the functional equivalent of lobbyists, but they had no members in Parliament. The colonies rejected the assertions of some members of Parliament that they were “virtually represented” in Parliament; they did not see how the interests of, for example, New York could be represented or even understood by a Member of Parliament from Cornwall or Newcastle. The colonists believed that they were thus unrepresented in Parliament and that there could be no taxation without some form of representation. Taxes were supposed to be free gifts from the commons, the ordinary people, through their members of Parliament in the House of Commons to the king, and the colonists had no representatives in Parliament.<sup>1</sup>

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<sup>1</sup> William Pitt the Elder during the Stamp Act Crisis argued that Americans were “the sons, not the bastards, of England. Taxation is no part of the governing or legislative power. The taxes are a voluntary gift and grant of the Commons alone...When therefore, in this House we give and grant, we give and grant what is our own. But in an American tax, what do we do?...we give and grant to your Majesty, the property of your Majesty’s commons of America. It is an absurdity in terms.” He continued by attacking the idea that the colonies were virtually represented in the Commons. *Parliamentary History*, XVI, 97-108. See Edmund S. Morgan, ed. *Prologue to Revolution, Sources and Documents on the Stamp Act Crisis, 1764-1766*, (University of North Carolina Press : Chapel Hill), 1959, 136. See also Edmund S. Morgan, *Inventing the People: The Rise of Popular Sovereignty in England and America*, (W. W. Norton: New York) 1988, 239. Perhaps the most famous of the colonial agents was Benjamin Franklin, who served as the Pennsylvania Assembly’s agent from 1757 to 1762.



Put in these terms, this seems like a fairly easy problem to solve. The colonies, after all, all accepted George III as their rightful ruler. Their governments were modeled in most respects on Britain's, with a governor representing and usually chosen by the King, a Council acting as an upper house, high court, and body of advisors for the governor, and an assembly representing the people (or at least free white males who owned property). The colonists respected Parliament, just rejected its right to impose certain taxes on them—that was a task for their own assemblies. A few representatives in Parliament for the colonies, or some kind of continental assembly with a delaying power or veto over Parliamentary actions concerning the colonies, would probably have satisfied the vast majority of Americans, and maintained British rule over the Americans.<sup>2</sup>

But for various reasons, the problem, the “Imperial Question”, proved unsolvable. A structure of committees designed for a protest movement morphed in each colony into a second government, and eventually the legal government was replaced by a new revolutionary structure. Fighting broke out in Massachusetts, and throughout the thirteen colonies, preparations were made for war. Yet the colonists still clung to their loyalty to the king, even though they were fighting bloody battles with His Majesty's troops. The decision to become independent, to become independent republics, was not taken lightly. It occurred only when it became clear that there was no compromise, no choice but war or surrender, and that the king was not on their side. This realization was a devastating psychological blow to many. Patriots

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<sup>2</sup> The latter was proposed by Joseph Galloway in his 1774 Plan of Union. 28 Sept. 1774 *Journals of the Continental Congress, 1:49—51; The Founders' Constitution, Volume 1, Chapter 7, Document 3* <http://press-pubs.uchicago.edu/founders/documents/v1ch7s3.html> The University of Chicago Press.

and Loyalists<sup>3</sup> were in the beginning both loyal to the king; indeed, one British officer opined that “So far were [the Americans] in 1767 from thinking of a Form of Gouvernement without a king, that the People believed the King would take their Part if he was rightly informed.”<sup>4</sup> The King was considered the protector of their liberties. His name was inscribed on flags placed on liberty poles, and there was no intentional irony in the playing of “God Save the King” when these poles were raised.

But the decision to declare independence was finally made, and New York—rather reluctantly—accepted the Declaration of Independence. New York and the other colonies began the process of becoming independent states, while simultaneously joining with other states to fight a war of independence. The ad hoc structure of committees and provincial congresses that had brought the states to independence began to be replaced by more permanent constitutions and institutions. In New York, this process was disrupted several times by British military action. The most important of these actions was the occupation of southern, “downstate” New York by the British. This was completed by November, 1776. Behind British lines for the duration of the war was the colonial capital of New York City (then consisting of about one square-mile at the southern tip of Manhattan), the rest of the island of Manhattan, Staten Island, Long Island, the modern Bronx, and portions of southern Westchester. The last British troops did not leave until November 25, 1783. This long occupation, in addition to its effects on the people “behind the lines”, may have had a significant effect on the government

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<sup>3</sup> This work will generally refer to the faction which opposed British policies (and eventually supported independence) as “Patriots”, not “Whigs”, since most of the political actors of the time were Whigs of one form or another. In New York, many Loyalists had been members of the Patriot movement, before leaving it when it began to head in a direction that could, and did, end in armed conflict between Britain and America. A Whig may be defined as a believer in the complex of ideas that would become liberalism, in constitutionalism, and generally the ideals of the 1688-9 Glorious Revolution.

<sup>4</sup> Apollo Morris to Germain, November 1775, Sackville-Germain Papers, Vol. IV, Clement Library

of independent New York in the Revolution and early years of the Republic, as will be discussed below.

The occupation presented an opportunity to the British. The area had a sizable number of Loyalists, and more arrived each day as Loyalist refugees entered the region. While subject to raids from across the Long Island Sound or from New Jersey, the area was relatively secure, and the Patriot presence within the area was for the most part cowed. The occupation presented the British with a golden opportunity to contrast British-ruled America with the America ruled by “the Usurpers”. An attempt to do this was made, but it would not be implemented for various reasons detailed in text. The failure to restore civilian government meant that the area was under seven years of martial law.

Instead of a glittering example of British rule, southern New York was faced with raids, pillage, plunder and corruption. Sacred places were desecrated, at times seemingly maliciously. Loyalists and their property were often treated no better than Patriots. Women were raped, and people kidnapped. The British were often unable to protect the residents from these actions; sometimes, they were the perpetrators. Because under martial law the courts did not operate, there was little recourse for property damage, theft, or conversion. Many Loyalists became disaffected, and a few even became active spies for the Americans. What was seemingly a golden opportunity for the British seems to have been wasted. It is this occupation of southern New York by the British, and the abortive attempt to restore civilian government to the occupied region, that is the main subject of this dissertation.

This work will first study the Revolution in New York, and then the occupation that followed. It examines the development of the idea of establishing civilian government in New York as a means of winning back the “hearts and minds”, the love and loyalty, of New Yorkers and other Americans. It studies the attempt to establish civilian government, its failure, the reasons for the failure, the substitutes for civilian government that were tried, and the final abortive attempt to restore civilian government. The work also compares events in New York with events in another colony (Georgia) where civilian government was restored. It will seek to determine if the restoration of civilian government in New York was truly a glittering opportunity that should have been tried by the British, or if it was not such an opportunity. The British hoped to showcase through restoring civilian government that they aimed at freedom within empire, not tyranny for their colonies. They hoped this would win back the loyalties, within New York and without, of many individuals, if not whole counties, colonies, or regions. The ultimate question of this work may be stated thusly:

*Would the restoration by the British of full civilian government have had the beneficial effects the British desired from it? Would it have returned large numbers of individuals, counties, colonies, or regions back to British allegiance, or was the attempt too late to have any such effect? If the latter, at what point was reconciliation not possible, and what factors made this failure to achieve reconciliation more likely?*

By 1780, when the attempt to restore civilian government was made, was it too late? Would an earlier successful attempt to restore civilian government have succeeded in the purpose of showcasing British intentions to restore liberty within the empire and thus bring

many back to their former allegiance? How much earlier? Did the specific persons and personalities involved negatively impact the result? If the British occupation had been not as harsh as it actually was, with greater respect and protection for the rights, persons, and property of the occupied, would that have helped win back—and retain—the loyalties of the occupied? These and other questions must be asked if we are to determine whether the restoring of civilian government would have had the beneficial results for the British they hoped it would have.

The British occupation in many ways seems like a wasted opportunity. A golden opportunity to win back hearts and minds was arguably thrown away by poor administration, numerous unpleasant incidents, and the failure to restore civilian government, which arguably could have drawn disillusioned individual Americans—and perhaps entire regions or provinces—back into the British fold. At the very least, it seems apparent that an opportunity was wasted to make the occupation more tolerable for the people of southern New York, and it also seems apparent that there was a wasted propaganda opportunity. The reasons for the British failure to take full advantage of this opportunity are discussed in the main section of the work. But even if the occupation was a mild one,, with far greater security for life and property, with the rights of the occupied population properly respected, would it have mattered? If, in 1780, southern New York had been declared at the King's Peace and full civilian government restored, would it have really mattered? Was *willing* reconciliation with Britain possible by this time, or had the time when the hearts and minds, the love and loyalty, of the population could be regained passed? In short, could a gentler occupation have helped the British cause by winning back hearts and minds—or was the time when that could have

happened passed? And if so, when was the last time that New Yorkers and Americans could have reconciled?

As will be argued in the text, reconciliation was possible, but the attempt in New York was made too late. Options that would have satisfied both Britain and America, and kept the colonies willingly in the British Empire, existed. But the time for that soon disappeared. A crushing military victory might have brought the colonies back into the fold, albeit reluctantly, but that option became less and less likely. The rather harsh occupation did not help the British cause as well. The idea of restoring civilian government was not a bad idea, but it was made too late in the day to have any benefits for the British.

## II. Subsidiary questions

The Imperial Crisis which culminated in American independence was a decade-long affair. While there were many areas of dispute and tension between the colonies and the mother country, the main issue, the trigger for the crisis, was a constitutional question. The colonists wanted a say in the taxes and laws that would govern them, justifying this belief on various grounds. They objected, often violently as in the case of the Stamp Act, to the imposition of taxes by the British without their consent. The slogan of “No taxation without representation!” was a call, at least in the beginning, for a reworking of the British Empire’s constitution so that the colonists would have a say in the taxes they paid the empire. But in addition, Americans in the 18<sup>th</sup> century believed that unjust taxes threatened property rights

which in turn threatened liberty. Property allowed one a kind of independence---liberty. The evidence is that the great majority wanted to remain in the empire, but wanted a greater say in how they were governed. They wanted both liberty and empire. If Britain could have found a way to give the Americans a place at the table, they could have retained America in the empire. But Britain never found a method that retained a suitable amount of British control while giving America a satisfactory say. Indeed, they seemed to ignore what the Americans saw as reasonable and rightful concerns. When Britain backed down on the Stamp Act, Britain coupled this with the Declaratory Act, declaring that Parliament had the right to issue the taxes the colonists believed they did not. Some Britons even argued that the Americans were virtually represented already, so that the colonists' arguments as to "no taxation without representation" had no merit.

The failure of Britain to reach a satisfactory arrangement with America resulted in new factions and a developing structure of protest organizations. Britain in the years following the end of the Stamp Act Crisis could perhaps have come to some solution that would have satisfied all but the most radical American. But they did not. In the early 1770s, there was a continuing series of incidents, such as the Battle of Golden Hill in New York and the Boston Massacre. The 1773 Boston Tea Party brought the crisis to a head. Organizations formed originally to manage a protest movement began to take on governmental powers and supplant and eventually replace the official governments. But even at this stage, even after blood was shed at Lexington-Concord, there is much evidence the Americans desired reconciliation. This was particularly true of New York, which had many economic and other ties to Britain. A gesture of reconciliation, a proposal which gave even a minimal say to the Americans, could

perhaps have helped defuse the crisis and left America within the Empire. But no such gesture came; instead the king declared the Americans to be in rebellion.

The Americans finally declared independence. For the Americans, independence seems to have changed everything. After independence, the Americans rejected proposals that possibly would have defused the crisis in an earlier time. In 1766, Britain had many opportunities to retain the hearts and minds of the colonists. Even after the events of 1770, of 1773, even after Lexington-Concord and the clear state of war between the colonies and Britain, reconciliation still seemed possible. But by 1778, as will be described in more detail in Chapter IV, proposals that would have been greeted with joy in 1775 or even early 1776 were treated with contempt. The attempt in 1780 to restore civilian government in southern New York may also have been too late. The passage of time closed off many opportunities for the British—what would have been acceptable *then* was no longer acceptable *now*. This question of timing will be examined to help answer the basic question.

Personality is also an important factor that should be examined. The war was waged by distinct persons with distinct abilities, flaws, and personality quirks. It is conceivable that different personnel could have handled things better, and changed the course of history. If the king had been more flexible in his reaction to the demands of the colonists, then America may have reconciled itself with Britain. Lord Germain, Secretary of State for the American Colonies, and *de facto* minister of war during the “American War”, had been suspected of cowardice during the Battle of Minden during the Seven Years War, and had been publicly disgraced for his actions there by King George II. He may not have been the best person to give orders to battle-tested generals. In Georgia, by contrast, there was much cooperation between the



military and civilian policies, and British civilian government was restored for a brief time. In New York, General Clinton, the Commander-in-Chief, refused to grant his needed consent to civilian government. A major factor in this refusal—perhaps the main factor—was his difficulty in working with and sharing authority with others. Another general without this flaw may have granted his consent. The interplay of the different personalities and how their various flaws, quirks, and virtues affected events will be among the questions examined.

Another important question is the question of the power relations between the various groups of Whigs. One cannot truly understand the events of the time without understanding the various factions and their inter-relationships during the Revolution. This has been an area of much historical discussion over the years. Carl Becker, in 1909's *The History of Political Parties in the Province of New York, 1760-1776*<sup>5</sup>, argued that there were three levels of society in colonial New York: an aristocracy of great landlord and merchant families, the independent freeholders and freemen, and the unenfranchised mechanics and tenant farmers. The aristocracy alternately aligned itself with the assembly or governor to guard its privileges. In their struggles, they used the language of natural rights and general welfare, which the unenfranchised began to use in their demands for political power. After 1760, fearing for their own power, they tried to “shut the open-door” to power of the “extra-legal mass activities” of ordinary New Yorkers. In a memorable phrase that has enormously influenced much Revolutionary historiography, the Revolution became not only a struggle for home rule, but “also about—who was to rule at home.”

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<sup>5</sup> Madison, WI 1909, 1960

Becker's analysis dominated discussions for decades, but by the early 1960s, there began to be disagreement with his picture of a struggle between the privileged and unprivileged. Rather than a rather monolithic monopoly of the privileged in a struggle with the unprivileged, the historian Roger Champagne in 1963 argued that the struggle over who ruled New York in 1765 was actually between two aristocratic factions, the Livingstons and Delanceys, who exploited "popular agitation" over the "imperial question" for local political purposes, with little concern for the constitutional principles raised.<sup>6</sup>

In 1971, the historian Patricia Bonomi tried to make sense of the factional alliances of New York's colonial history by setting out an economic base underlying the factions. According to Bonomi, commerce and agriculture were of nearly equal importance to the prosperity of the colony, and there had developed a merchant interest and a landed or country interest. These two were often at odds with each other over political or economic advantage. Thus, both Champagne and Bonomi challenged Becker's view of a privileged monolithic aristocracy in a struggle with the under-privileged.<sup>7</sup>

However, in 1981, Edward Countryman in his history of Revolutionary New York argued that the factions were mainly based on narrow groups, based at least in part on kinship, rather than class, region, or other interest. The main concern of the factions was not ideology or economic interest, but holding power for themselves, or controlling those who held it. He thus

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<sup>6</sup> Roger Champagne "Family Politics versus Constitutional Principles: The New York Assembly Elections of 1768 and 1769," *WMQ*, 3d Ser., XX (Jan, 1963), 57-79, 58-9.

<sup>7</sup> Patricia Bonomi, *A Factious People: Politics and Society in Colonial New York* (Columbia University:New York) 1971, 2-5, 56, 60, 69, 81.

disagrees with Bonomi's argument that there was a real economic basis underlying the factions.<sup>8</sup>

Marc Egnall in 1988 basically agreed with Bonomi as to the existence of the factions, but rather than calling them merchant or landed, he emphasized their attitudes towards expansion and military action against France and the Indians. His expansionist faction roughly coincides with the landed faction, while his non-expansionist faction coincides with the merchant faction.<sup>9</sup>

This work in general will use Bonomi's analysis and designation of the factions, as it seems the most accurate and useful analysis. New York's factions would align themselves with other interests, such as lesser merchants or those "mechanicks" who had the vote—basically, the working class—as they jockeyed for power. Both of the landed and the merchant factions may be considered Whig factions, in general agreement with the complex of ideas that would become liberalism, in constitutionalism, and generally the ideals of the 1688-9 Glorious Revolution. This is not surprising; by the time of the American Revolution, most political figures in the Empire were Whigs of one sort or another, and even those who called themselves Tories had adopted many Whig ideas.

The merchant faction, known as the Delanceys in the 1760s and 70s, had many ties with Britain. They engaged in much trade with Britain, and feared the economic harm that boycotts or a rupture with Britain would cause. While they shared the concerns of the other groups concerning the actions of the British government, they thus tended to moderation in their

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<sup>8</sup> Edward Countryman, *A People in Revolution: The American Revolution and Political Society in New York, 1760-1790*, (New York: W. W. Norton and Co.) 1981, 77-78.

<sup>9</sup> Marc Egnal, *A Mighty Empire: The Origins of the American Revolution* (Ithaca, NY: Cornell University Press) 1988, 51-54.

response. Many became Loyalists as the rupture approached. The landed, or Livingston faction, had less direct ties with Britain. Many of them also seem to have belonged to a more radical branch of the Whigs, the “Real Whigs”. Real Whigs thought that those in authority would constantly try to expand their power beyond its lawful limits, and that therefore there must be constant vigilance against any action that seemed an abuse of power.<sup>10</sup> This ideological predilection to seeing incipient tyranny in the actions of the government, combined with the fact that they would suffer much less direct economic harm from boycotts or more radical measures than the merchants would, made the Livingstons far more likely to support boycotts and eventually independence than the great merchants. Many Livingstons would become Patriots and be numbered among the leaders of the new state. Hence, the landed interest, which in many societies is often the most conservative of interests (in the sense of trying to keep things unchanged as much as possible), in New York were among the those who led the state to independence.

But a third Whig grouping arose during the Revolution, complicating what had once been a rather straight-forward two-faction system.<sup>11</sup> The Sons of Liberty emerged during the Stamp Act Crisis. They formed over the question of Britain’s ability to tax the colonists, and were the most strident and radical of the factions. They were the faction most likely to engage in violence or property damage in their protests. All three factions opposed Britain’s actions; they mainly differed in stridency and preferred tactics. The Sons of Liberty differed in a fundamental way from the other factions. The Delanceys and Livingstons both represented

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<sup>10</sup> Pauline Maier, *From Resistance to Revolution: Colonial Radicals and the Development of American Opposition to Britain, 1765-1776* (New York: Alfred A. Knopf) 1972, 43.

<sup>11</sup> While the factions are sometimes referred to as “parties”, this work will generally use the term “faction.” The term “party” implies a much greater amount of formal political organization than existed at the time.

New York's elites: its great merchants and great landowners. The Sons of Liberty were led by men who a few years earlier been part of the working class; their leaders tended to be newly-rich merchants who had made a fortune (often by privateering) during the French and Indian War. They maintained close contact with New York's workers, and many of these filled out the rank and file of the "Liberty Boys". The Sons of Liberty were interested in a more meritocratic society and represented a more democratic point of view than the other factions. They were among the "new men" that the historian Richard Ryerson and other historians, such as Gary Nash, have noted began to be raised to positions of power by the Revolution.<sup>12</sup> The shifting alliances and maneuvering between these groups, and the development of a new factional divide, that between Patriots and Loyalists, will be examined.

One very important question to be examined is the effect of mistaken British assumptions as to the loyalty of the Americans in general and local populations in particular. The British had very erroneous assumptions on these, and decision-makers at all levels were fed a constant stream of questionable data from spies, Loyalists, and "experts" as to the number of Loyalists in America as a whole, as well as in particular regions. The British were convinced that they were faced with a small group of usurpers who had seized power. They were convinced that the majority of the population supported them. There actually were fewer Loyalists and more Patriots than the British thought there were. From the very beginning of the war, the British strategies were based on a very skewed and inaccurate picture of the loyalties of the Americans. Even the new strategy of the later war was based on a misreading of the

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<sup>12</sup> See Ryerson, Richard Alan, *The Revolution is Now Begun: The Radical Committees of Philadelphia, 1765-1776* (University of Pennsylvania) 1978, and Nash, Gary B., *The Urban Crucible: Social Change, Political Consciousness and the Origins of the American Revolution* (Cambridge, MA: Harvard University Press), 1979, as well as *The Unknown American Revolution: The Unruly Birth of Democracy* (New York: Viking) 2005.

amount of Loyalists in the country. This constant misunderstanding by the British of the loyalties of the population, indeed of the very nature of the enemy, needs to be understood if one is to answer the ultimate question of this work.

An entire chapter will be devoted to the fifth question: the regrettable and at times appalling actions of the British. These ranged from rape to petty pilferage, from kidnapping to not paying for seized goods. There was vandalism, corruption, and insensitivity to the sensibilities of Loyalists and others. Churches were damaged, and the churches and burying grounds of some denominations seem to have been deliberately targeted for mistreatment (if not desecration). Towns were even destroyed. In addition, there were few opportunities to get satisfaction for claims against the British. And the British were unable to give Long Islanders and others protection against raids. These actions made reconciliation far more difficult.

### III. Specific Contributions

The story of America's revolution and break from Britain is an oft-told tale; the tale of New York's break with Britain is a tale less told, but still an area that has received much attention, especially in recent years. These recent works have tended to concentrate on the events in New York City and ignore for the most part the surrounding counties. Other works have concentrated on individual areas. This work will make a close examination of events in New York City but also integrate events on Long Island, Westchester, and Staten Island into this

story. Thus, a fuller picture of the processes and events of the Revolution in southern New York will be produced.

The process of revolution will be rather closely examined. The formation of various committees at town, city, and eventually provincial level, will be examined, as will the production of documents and declarations both Patriot and Loyalist. While many of the significant events of the Revolution occurred in New York City, many significant events occurred in the surrounding counties, and this work will integrate the “suburban” and urban stories. This will hopefully provide a fuller picture of the revolutionary process than a New York City-centric history would. Most importantly, the process by which loyal subjects of the Crown became revolutionaries will be examined, because if one is to understand the failure of an effort to restore loyalty, then it is helpful to understand how that loyalty was lost in the first place. The discussion of the process of revolution and loss of loyalty is vital to the main topic of the work, the failed attempt to restore civilian government in the colony. In this, the work goes beyond and differs from many of the recent histories, which emphasized the process of breaking with Britain, but not the occupation period or the restoration attempt. Those that discuss the occupation have ignored for the most part the attempt at restoration of civilian government, or failed to emphasize it. However, a few articles have discussed the loss of loyalty or other effects of occupation at the local level (most notably Joseph Tiedemann’s “Patriots by Default”, which discussed Queens County, and Sung Bok Kim’s discussion of Westchester.)<sup>13</sup> The main focus of

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<sup>13</sup> Joseph S. Tiedemann, “Patriots by Default: Queens County, New York, and the British Army, 1776-1783,” *William and Mary Quarterly* 43 (January 1986): 35-63 ; Sung Bok Kim, “The Limits of Politicization in the American Revolution: The Experience of Westchester County, New York,” *The Journal of American History*, Vol 80, No. 3 (Dec., 1993), pp. 868-889.

this work is not the ever-fascinating tale of revolution, but the occupation of southern New York by the British for seven long years, and the attempt to restore civilian government. Arguably, this occupation was a glittering opportunity for the British to convince southern New Yorkers and others of the benevolence of their intentions and win back hearts and minds. Whether it actually was such an opportunity is a question that the work will examine, but by the late 1770s, the possibilities the occupation might offer began to be recognized by the highest authorities in Britain. An attempt to restore civilian government was attempted, but failed.

This work will closely examine the genesis of the attempt to restore civilian government, its failure, and the substitutes for civilian government that were attempted after the failure. The evolving views of Lord Germain, the *de facto* Minister of War for the “American War”, as the British call the Revolutionary War, and other important actors such as the members of the Carlisle Commission will be examined as they begin to lean to a new strategy. An important part of this strategy would involve the restoration of civilian government in the occupied part of New York.

The work will take a close look at the life and career of General James Robertson, the civilian governor chosen to implement the strategy, only to be stymied by the opposition of General Sir Henry Clinton. Robertson is a much-neglected figure in the American Revolution. For many years, he had a very poor historical reputation. He was rehabilitated somewhat when his letterbook was discovered and published in 1983. However, despite this important new source, very little has been written about him in the intervening years, and this work will

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hopefully at least begin the process of repairing the neglect. This work will also examine the failure of the attempt to achieve civilian government in New York by comparing New York with Georgia, where a similar attempt was tried, and where civilian government was restored.

This work will look at the various regrettable and appalling acts by the occupiers and breakdowns of law and order that made life in the occupied area miserable, if not intolerable. From petty theft to corruption, rape, and an inability to protect against raiders, these all made a mockery of the promise of good government. These actions harmed the British effort to regain the loyalties of Patriots and the non-aligned, and helped them lose the loyalty of the Loyalists. Many escaped into an apolitical privatism, and some Loyalists even became Patriot spies. Lastly, this work will look at whether or not a restoration of civilian government would have had for the British any of the beneficial effects that were desired. Was it too late to restore love and loyalty? Had the rejection of loyalty to Britain and the King ended all possibility of reconciliation? Was independence a psychological "Rubicon" which once crossed could not be uncrossed? In a round-about way, by examining this question, light is thus shed on what is perhaps the most basic question of any student of the American Revolution: Why did the Americans abandon their loyalty to the British and declare independence? By studying an attempt to restore loyalty, light can be shed on the abandonment of loyalty.

While the work's focus is on the occupation, it also deals to some extent with the events and the process of the Revolution in New York. Some very important things occurred because of the peculiar circumstances New York was under. New York, city and state, was a prime target of the British military in 1776, and this, it is argued, had a long-lasting effect on the development of New York State. One of these circumstances was what I have called the

“Evaporation of New York”. As the British threatened New York City, much of the city’s population “evaporated”, fleeing to safety, and the revolutionary government fled as well to a series of small towns on the Hudson. By the time the British entered, only a few hundred New Yorkers remained. It will be argued that the occupation of New York City had a very important effect on the development of New York State’s government. The exile of the Convention and the disappearance of much of the Patriot population from New York City removed the pressure that democratically-inclined elements of the population such as the “mechanics” had been exerting and would most likely have continued to exert on the leadership of New York to produce a democratic constitution. Relieved of this pressure, the Constitution that was produced was much less democratic than the mechanics would have preferred, and it was not submitted to the people for ratification, as the mechanics had desired.

To summarize, the specific contributions made by the dissertation are:

1. A greater integration of the revolutionary incidents of Long Island, Staten Island, and Westchester into the usually New York City-centric narrative of the American Revolution in New York.
2. An analysis of the question as to whether restoring civilian government to occupied New York would have had any beneficial effects from the British point of view.
3. A close examination of the British occupation of southern New York, concentrating on the attempt to restore civilian government to New York and its failure.
4. A highlighting of the career of General James Robertson, the man selected to implement the restoration strategy, and whose career has been largely neglected.

5. The effects of the “Evaporation of New York” on the development of government in Revolutionary and Early Republic New York.

#### IV. Outline of the Work

The dissertation will consist of seven chapters, plus this introduction and conclusion, and a few appendices and bibliography. The first chapter will be “A Brief History of Colonial New York, 1609-1774”. The chapter will briefly describe the colonial background of New York so as to “set the stage” for the story of the Revolution and the occupation that followed, then look at the early days of the American Revolution. After a brief look at the American Indian presence in New York, it will turn to the near simultaneous settlement by Dutch and Puritans, the early days of English rule, and the factional disputes that arose in the wake of the Glorious Revolution. There will be a long look at the factional system that developed in the eighteenth century, and at the economic, ethnic, and religious system, as well as the governing system.

The early phases of the American Revolution, from the end of the French and Indian War to 1774, will be examined, in order to understand why the colonists in general and New Yorkers in particular revolted against the British, and in order to understand the difficulties and possibilities faced by the British in restoring hearts and minds, as well as the question of timing alluded to above. Among the items stressed by the chapter will be the broad consensus among most New Yorkers that British policy was wrong and needed to be changed, and the emergence of a structure of extra-constitutional committees and congresses that by the end of 1774 had begun to assume governmental power.

The next chapter, “The American Revolution in New York” will follow the events in New York City in 1775. It will continue the story of how the protest against British policy continued to move in the direction of armed confrontation with Britain, and how an increasingly elaborate and powerful revolutionary structure of committees and congresses was formed to coordinate the resistance. These structures took on an increasing quasi-governmental function. By the end of 1775, much of the actual government in the province was in the hands of these revolutionary organizations, and the official governor of the colony was attempting to govern from a ship in the harbor. The colonies would also be engaged in warfare with Britain, although still professing loyalty to the king. In addition to the events in New York City in 1775, this chapter will also examine the progress of the Revolution from 1773 to 1775 in the small rural counties that surrounded the capital.

Chapter III, “The Final Break with Great Britain and the Capture of New York”, will first look at the final break by the colonies in general and New York in particular. By examining how and why the colonists revolted, the difficulties and opportunities the British faced when they occupied New York can be better understood. Late 1775 and early 1776 was a period of dual government, with the new governments in the ascendency. Nonetheless, it will be argued, the colonies were still possibly amenable to reconciliation. However, no offer of reconciliation was offered by the British. Instead, the British made no attempt at compromise and proclaimed the colonists in rebellion. The colonists finally declared independence. In New York, many had strong ties to Britain, and many had become Loyalists. New York was quite reluctant to declare independence, but eventually it did so. It was then attacked by the British. The population of New York City virtually “evaporated” under the threat of invasion. This may have had an

influence on the state constitution that was eventually written. The chapter then describes the conquest of southern New York.

The fourth and fifth chapters are in many ways the heart of the work, as the fourth examines the origins of the attempt to restore civilian government in occupied New York, and the fifth the failure of this attempt. The fourth chapter, "The New Strategy", will first examine the disastrous (for the British) 1777 campaign, which led to French intervention and the need for a strategic reassessment. The role of George Germain, *de facto* Minister of War, will be examined. The Carlisle Commission, its mission and instructions, and its failure will be discussed. The private observations of Lord Carlisle as to the sentiments of the "common people" will be noted. The new strategy that was at least in part developed by the committee will be discussed. This strategy included as one of its elements the restoration of civilian government in New York.

The fifth chapter, "The Failure to Restore Civilian Government", will discuss the attempt to restore civilian government and the failure of the attempt. The career of General James Robertson and his selection to be governor will be discussed. The role of General Sir Henry Clinton in this failure will be examined, and the reasons why Clinton, whose consent was required to restore civilian government, did not give his consent will be discussed. The attempt to restore a semblance of civilian government by instituting "Police Courts" will finish the chapter.

The sixth chapter, "The Military Occupation of Southern New York", unlike the rest, will be mainly topical, examining British rule in southern New York mainly from "the ground level". Its main focus will be the various hardships, indignities, and dangers that the people of

occupied New York faced. The purpose of this will be to show that the situation in southern New York was not conducive to winning back or retaining the hearts and minds, the love and loyalty of the people. Indeed, it had for many the opposite result, driving many towards Patriotism and even espionage. This will help show some of the difficulties that the attempt to restore civilian government and achieve reconciliation faced. The chapter will end with an incident from late 1782, the building of Fort Golgotha in the burying ground at Huntington, Long Island. In many ways, this incident symbolizes and summarizes the mistakes and lost opportunity that the long occupation of southern New York by the British represented.

The seventh chapter, "The Fading of British Rule", continues the chronological discussion of Robertson's governorship, and the final attempt to restore civilian government to New York. Several important events, such as Robertson's involvement in the aftermath of Benedict Arnold's defection and the events surrounding Yorktown, are discussed. After describing the final failed attempt, the entire question of restoring civilian government and its failure is examined. In order to contrast the situation in New York with a region where civilian government was restored, the situation in Georgia, where full civilian government was restored, is examined as well. The last days of British rule are then discussed. Lastly, the post-war fate of many of the participants and institutions discussed in the work will be briefly looked at, as will the role the Loyalists played in the British Empire (especially Canada).

In "Conclusions", the final thoughts and conclusions of the work will be presented.

## V. Some Notes on Historiography and Sources

Prior to the 1970s, much military history had concentrated on strategy and tactics, on the operations and movements of armies and fleets. In the 1970s, there was a shift in the focus of much scholarly military history from “battlefields to military institutions, society, and thought, and how they fit in the currents of their times, together with the willingness to use social scientific techniques”. This, it is argued, gave not only “a more balanced image of the military, but also, in some instances, new perspectives in the civilian areas.” One of the areas which saw much scholarship was the Revolutionary War.<sup>14</sup> An early precursor of this “New Military History” was the work of the British historian Piers Mackesy, who in *The War for America, 1775-1783* (1964), described the Revolutionary War from the British perspective. He stressed the importance of British administration in the prosecution of the war, and how, from the British perspective, the war became after 1778 merely a theatre in a world war.

The Bicentennial and its approach resulted in much writing about the Revolutionary War. The Vietnam War, whose final act was in the spring of 1975, shed a long shadow over these histories, as many historians saw parallels between the two wars. The parallels were in many ways apt, as both wars featured a long revolutionary struggle in which a militarily superior power, arguably the most militarily powerful country in the world, was defeated by a much weaker power. The need to win “hearts and minds” was often spoken of during Vietnam, and the phrase, used by John Adams in an early nineteenth century discussion of the American

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<sup>14</sup> Edward M. Coffman, “The New American Military History,” *Military Affairs*, Vol. 48, No. 1 (Jan, 1984), pp. 1-5, 1. The other period which saw much interest was the 1880 to 1914 period.

Revolution, found its way into many of the histories written during the Bicentennial era.<sup>15</sup> Don Higginbotham in *The War for American Independence: Military Attitudes, Policies, and Practice, 1763-1789* (1971) argued that the military was a projection of society. To study the military, he argued, was to learn about the society that “projected” it. The historian John Shy in his writings, while he discussed questions of strategy, also discussed such subjects as the importance and use of the militia, loyalists and other Revolutionary War subjects, as well as the important questions of why people fight, and who actually does the fighting. Shy considered the Revolutionary War to be a “‘social process’ of political education for the majority of Americans, or a struggle for hearts and minds.”<sup>16</sup> He believed that as the war continued, many apathetic Americans became patriotic citizens of the United States, having been politicized and nationalized by British military actions and by experience in the militia. The historian Sung Bok Kim, drawing partially on his personal experience of the Korean War, respectfully disagreed (at least in regards to Westchester).<sup>17</sup> All of these discussions took military history far away from the discussion of strategies and tactics that had dominated the field, and reintegrated it into the mainstreams of academic history.

Local studies of the effect of the war may also be considered part of the New Military History. Thus, Robert A. Gross can be considered a New Military historian, as his book *the Minutemen and Their World* (1976) describes the impact of war on the people of Concord, and how such a war meant change for them. Discussions of the effect of war and its aftermath on

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<sup>15</sup> John Adams to Hezekiah Niles, Feb. 13, 1818.

<sup>16</sup> John Shy, “The American Revolution: The Military Conflict Considered as a Revolutionary War,; in *Essays on the American Revolution*, ed. Stephen G. Kurtz and James H. Hutson (Chapel Hill, 1973), 146-47, 156; John Shy, *A People Numerous and Armed: Reflections on the Military Struggle for American Independence* (New York: Oxford University Press), 1976, 7, 191-2.

<sup>17</sup> See Sung Bok Kim, “The Limits of Politicization in the American Revolution: The Experience of Westchester County, New York, “ *The Journal of American History*, Vol 80, No. 3 (Dec., 1993), pp. 868-889



occupied territories and frontline regions may also be considered part of this new movement. The present work draws in part on some of this scholarship, and examines the effect of war on an occupied region, and its aftermath. This dissertation, it is submitted, is at least in part an heir or part of the New Military History.<sup>18</sup>

Here is a quick note on spelling before discussing the sources. Historians working in eras before English spelling was standardized, such as the Revolutionary era, are faced with the question of how to handle this: should spelling in quotes from the sources be modernized for clarity, or should it be left alone? In this work, spelling has been left as I found it in my sources. This, it is believed, helps give a feel for the time and the speakers, and hopefully rarely detracts from understanding.

Perhaps the two most important sources for the American Revolution in New York and the occupation of southern New York are the *History of New York during the Revolutionary War* by Thomas Jones, and the *Historical Memoirs* of William Smith, Jr. Smith is an invaluable source; as a member of the Governor's Council and Chief Justice of New York, he had the ear of many of the main actors of New York, including General Clinton and Governor Robertson, and in many ways was a major actor himself. Jones, however, has to be read with great care; he had very strong opinions, and was bitter about the turn of events. He tended to ascribe the basest motives to people's actions. He hated Scots and Presbyterians, and was predisposed to despise

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<sup>18</sup> Coffman 2; Don Higgenbotham, *The War for American Independence: Military Attitudes, Policies, and Practice, 1763-1789* (New York: MacMillan) 1971; John Shy, *A People Numerous and Armed: Reflections on the Military Struggle for American Independence*, (New York: Oxford University Press) 1976.

the Scottish-born Robertson. Nonetheless, his history is full of many important incidents and events. While it may have to be read with care, the author's biases are at least readily apparent. Jones overall is still an extremely useful and important source.

Less commonly used by historians but absolutely vital for this work was *The New York Letter Book of General James Robertson, 1780-83*. The letters, reports, and proclamations contained within give a rather complete picture of the governorship of Robertson, and Robertson's conflicts with Clinton. They are well-edited by historians Milton M. Klein and Ronald W. Howard, and the book contains an invaluable biographical essay on Robertson.

*The American Journal of Ambrose Serle*, while only referenced in this work a few times, gives a very good picture of British views toward America in the early days of the American Revolution, and how they began to alter by 1778. The book is rewarding reading for anyone interested in the British view of the Revolution. The various papers of Lord Carlisle were invaluable in understanding the Carlisle Commission. The papers of Lord Germain, found at the Clements Library at the University of Michigan, were invaluable in understanding the actions and plans of the British government, and the views of many Loyalists and Britons. The same may be said for the papers of King George III. The David Library in Washington Crossing, Pennsylvania contains many microfilmed records from Britain, such as the Colonial Office records, as well as many books and other items relating to the Revolutionary era, and its resources were invaluable in the research for this work. Governor Tryon's report may be found amongst the Colonial Office records found at the David Library.

The three most important sources for Long Island were the *Huntington Town Records*, and Henry Onderdonck's two mid-nineteenth century collections of newspaper articles and

other documents from the Revolution: *The Revolutionary Incidents of Queens*, and *the Revolutionary Incidents of Kings and Suffolk*. Generations of local and academic historians have drawn upon these collections when they discussed the American Revolution on Long Island, and the present author has as well. *Journeys on Old Long Island*, edited by Natalie A. Naylor, contains several valuable sources relating to the Revolution, including the memoirs of Femmetie Leggerts, who gives an invaluable glimpse into life during the occupation.

Lastly, perhaps the ultimate primary source is the ground and places where events have occurred. While not always possible, if a historian can visit the places of which he speaks, that can only help his or her understanding of the events. I have endeavored to do this. I have walked in Raynham Hall in Oyster Bay, where British officers and American spies both dwelled. I have seen the Union Jack still flying as part of a weather vane over Caroline Church in Setauket, and virtually every day of my college career at Columbia I passed the plaque commemorating the Battle of Harlem Heights which had been fought on the site of the campus. And I have also climbed to the top of the Old Burial Ground in Huntington, where once stood Fort Golgotha.

Frank P. Mann  
Farmingdale, NY  
Feb 28, 2013

## **Chapter I**

### **A Brief History of Colonial New York, 1609-1774**

Colonial New York had a rather unique history that marked it out as quite different from its neighbors in New England. In some features, such as its ethnic diversity, it did resemble its Middle Atlantic neighbor Pennsylvania. While New England was nearly purely English and Puritan in its origins, New York had multiple origins: Dutch, New England Puritan, and Anglican English. While New England was dominated by small, independent farmers, New York became the home of great land-owners and tenants, and of great merchants and “mechanicks”. It would develop a factional, “fractious” political system. This chapter will examine New York society and politics at the dawn of the Revolution, and then the first stages of the Revolution in New York. But before doing that, it will briefly look at the early days of colonial New York and its rather diverse origins.

I

Colonial New York had a dual or triple founding, being founded by Dutch settlers, by English Puritans and by Anglicans. Southern New York was occupied by Algonquin tribes at the time of Henry Hudson’s exploration in 1609. The names of many of these tribes are preserved

in place names such as Massapequa and Montauk. The Dutch rather rapidly followed up Hudson's explorations by, in the period 1614-1623, establishing trading posts in the Albany area, and a trading post on what is now Governor's Island near Manhattan in 1624. The famous Manhattan Purchase occurred in 1626. A small Dutch community was established on Manhattan to help facilitate the trade with the Indians, and there was also a major population center in the Albany area known as Beverwyck. This upriver community was mainly Dutch-speaking. In contrast to Beverwyck, at a very early date, New Amsterdam (later known as New York City) was already a very cosmopolitan city. In the early 1640s, according to a Jesuit priest who visited the town, it was a city of about four or five hundred persons speaking about 18 different languages.<sup>1</sup> It also was the home of many different faith communities. In 1686, about 40 years after Father Jogues's visit (and about twenty after the English conquest), Governor Thomas Dongan noted that the city contained "Dutch Calvinists, Anglicans, French Calvinists, Dutch Lutherans, and ordinary Quakers, the city also contained 'Singing Quakers, Ranting Quakers; Sabbatarians; Antisabbatarians; Some Anabaptists some Independents; some Jews."<sup>2</sup> The Dutch also settled Long Island, mainly in present day Brooklyn and Queens, and Staten Island.

In 1640, Puritans from Lynn, Massachusetts founded Southampton on the South Fork of eastern Long Island, in what is now Suffolk County. This settlement was soon followed by the founding of Southold on the North Fork. For many years, the two communities argued over which had been founded first. While geographically separated from New England by the Long

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<sup>1</sup> Isaac Jogues, S.J., *New Netherlands in 1644*, <http://www.lihistory.com>.

<sup>2</sup> Patricia U. Bonomi, *A Factious People: Politics and Society in Colonial New York* (New York: Columbia University Press) 1971, 25.

Island Sound, colonial Suffolk County was in many ways culturally part of New England. There was much cross-Sound trade and travel, and the ministers of most Suffolk County churches were trained in New England. This relationship was not only cultural, but for a long-time political as well. Before the English conquered neighboring New Netherlands, much of eastern Long Island was politically connected with Connecticut. After the English conquered New Netherlands in 1664, the region was politically attached to New York, as the English renamed New Netherlands. This New England character remained for a long time; as in New England, many residents of Suffolk County were Patriots at the time of the Revolution. Even today, traces of a New England accent can be heard on the North Fork of Long Island.<sup>3</sup>

Puritans also founded Hempstead on Long Island in 1644, and lived there under Dutch rule for several decades. On Long Island, the international boundary between the Dutch and English settlements was approximately the present border between Nassau and Suffolk counties, though Oyster Bay (in the east of Nassau County) was mainly outside New Netherlands. North of Manhattan, both before and after the English conquest in 1664, New Englanders began to move into the Hudson River region. After the conquest, officials and others

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<sup>3</sup> Martha Bockée Flint, *Early Long Island*, 1896, reprinted as *Long Island before the Revolution: A Colonial Study* (Port Washington, NY: Ira J. Friedman) 1896, 1967, 224-6, 234-8; John G. Staudt, "Suffolk County", in Joseph S. Tiedemann and Eugene R. Fingerhut, eds., *The Other New York: The American Revolution beyond New York City, 1763-1787* (Albany, NY: State University of New York Press), 65; Field Horne, ed. *The Diary of Mary Cooper: Life on a Long Island Farm* (Oyster Bay Historical Society) 1981, 19, 21-22, 31, 63; Myron H. Luke and Robert W. Venable, *Long Island in the American Revolution*, (New York State American Revolution Bicentennial Commission), 1976, 2; Thomas Jefferson Wertenbaker, *The Founding of American Civilization: the Middle Colonies* (New York: Cooper Square Publications, 1967), quoted in Gaetano L. Vincetoro, "The Revolutionary War and its Aftermath in Suffolk, Long Island" *Long Island Historical Journal*, Vol. 7, No. 1, 68-85, 75. The actual political connection was originally with the colony of New Haven, which merged into Connecticut in 1662. After that, eastern Long Island was briefly part of the colony of Connecticut. The statement concerning the traces of New England accent is from personal observation. For the question of which town was founded first, see James Truslow Adams, *History of the Town of Southampton* (Port Washington, NY: Ira J. Friedman), 1918, 1962, 50.

from England began arriving. In addition, Huguenots and, at a later date, Germans from the Palatine began to settle the Hudson River Valley.<sup>4</sup>

As the above indicates, New York State had a dual, if not triple founding. It was founded by the Dutch, by New England Puritans, and by officials and other emigrants from England. Its main city, New York City, was very cosmopolitan. There was a large Puritan (and later, post-Puritan) element in New York, and one county was virtually an outpost of New England. The Dutch remained an important feature of New York life for many years, and Dutch was still spoken in parts of New York well into the nineteenth century. They left a legacy of words, place names, and culture. For example, the words “stoop” and “boss” are of Dutch origin, as are place names such as Catskill, Arthur van Kill, Flushing and Brooklyn (“kill” is Dutch for stream). And of course, Santa Claus has his origins in the Dutch *Sinterklaas*.

In 1664, the English conquered New Netherlands. The area was renamed New York, after its new proprietor, James, the Duke of York. The most distinctive feature of the government of early New York was the lack of a colonial assembly; the colony was governed without a legislature until the 1680s. In 1683, not only was a seventeen member assembly formed, but the twelve original counties of New York were formed. These included Queens (which then included present-day Nassau County), Suffolk, Kings, and Albany, among others. Albany County, now a small region about the state capitol, then included much of northern and western New York. A “Charter of Liberties” was proclaimed by the new legislature, which among other items proclaimed that the consent of those taxed was needed for taxation.<sup>5</sup>

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<sup>4</sup> Bonomi, 22.

<sup>5</sup> Bonomi, 22; Flint 318-9. The full name of the charter, proclaimed Oct. 31, 1683, was “The Charter of Liberties and Privileges granted by his Royal Highness to the Inhabitants of New York and its Dependencies, confirmed by Act of



In 1685, New York became a royal colony when its proprietor became King James II. James was overthrown in the Glorious Revolution in 1688. When news reached New York in the spring of 1689, it created a power vacuum, and a wealthy merchant and soldier named Jacob Leisler seized power. His support came mainly from radical Calvinists. After a stormy seventeen month rule, he was removed from office and he and several associates were hanged. For several decades after that, New York politics were divided between pro and anti-Leislerite factions. In 1710 Governor Robert Hunter defused the tension between the two factions by judiciously distributing offices to both Leislerites and anti-Leislerites. This did not end the existence of faction in New York; they remained a feature of New York political life. Shortly after Hunter defused the Leislerite/anti-Leislerite dispute, a new political faction system arose, based mainly on economic interests and attitudes toward settlement and defense. While the factions over the years were known by different names (the names were based on the leading families of the factions), the system would continue intact into the Revolutionary era.<sup>6</sup>

As the historian Richard R. Beeman notes, “the cultural geography of the colony as a whole tended to fracture any sense of a single, organic society.”<sup>7</sup> Perhaps as a result of the diversity of ethnic, economic, regional, religious, and other interests in New York, New York’s colonial politics were driven by fierce factionalism and the “aggressive pursuit and defense of

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Assembly.” This pre-Glorious Revolution document thus firmly grounded rights in a grant from the King, not in natural rights. The belief of the American colonists that they could not be taxed without their consent was a major factor in the revolutionary crisis of the 1760s and 1770s.

<sup>6</sup> Bonomi, 76-79.

<sup>7</sup> Richard Beeman, *The Varieties of Political Experience in Eighteenth Century America* (University of Pennsylvania Press, 2004), 104.

interests, which frequently cut across lines of court and country or aristocracy and commoners.”<sup>8</sup>

New York’s society was hierarchical and deferential, dominated by an “aristocracy” of great landed lords and great merchants. This aristocracy was not monolithic, but divided into factions that originally formed around economic issues. One faction represented the great landed interests, and the other the great merchants. They were usually in direct political competition, with taxation a major issue. The merchants favored a land tax, and the landed interest preferred a tax on commerce. Eventually, other issues began to overshadow the economic debate, and many merchants became great landowners.<sup>9</sup> However, the economic split was still at the core of the factional split in the 1760s. The factions were usually known by family names. In the 1760s, the landed faction was known as the Livingstons, and the merchant faction was known as the Delanceys. The factions would align with various interests as they jockeyed for power. The infighting and shifting alliances of the Assembly are called by Beeman very English, reminiscent of the Whig-dominated eighteenth-century English Parliament.<sup>10</sup>

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<sup>8</sup> *ibid.*, 105.

<sup>9</sup> Bonomi, 56-59, 79-87. Despite their great estates, great families like the Philipses and Van Cortlandts who had made their fortunes in commerce may be considered part to the merchant interest; their landed interests “were always subordinate to commercial activities until at least the middle of the eighteenth century. Bonomi, 60.

<sup>10</sup> The Assembly may be described as quite “Namierite.” Lewis Namier in *The Structure of Politics at the Accession of George III*, (London: Macmillan and Co.)1929,1957, described the faction-ridden nature of the English Parliament in the reign of George III. Another interpretation of the factions stresses geography and, to a lesser extent, religion, and divides the factions based on their attitudes toward expansion. In this interpretation, the two main parties were the “expansionists”, a party roughly congruent with the landed interest of the usual interpretation, and the “non-expansionists”, who were roughly congruent with the merchant faction of the usual interpretation. The expansionist party was led by the manor lords of the upper Hudson, who, living near the frontier, realized that the values of their estates would suffer if New France and its Indian allies acted against them. Hence, they supported expansion and military operations against France. The non-expansionists, based mainly in downstate New York and Westchester (with some elements in Albany), complained of the waste of taxes on fortifications on the frontier. The expansionists tended to include many non-Anglicans, while the non-expansionists tended to be mainly Anglican. Under this interpretation, in the 1760s and 1770s the Livingstons corresponded to the expansionist faction, and the Delancey’s to the non-expansionists. See Marc Egnal, *A Mighty Empire: The Origins of the American Revolution* (Ithaca, NY: Cornell University Press) 1988, 51-54.

Edward Countryman, a historian of revolutionary New York, stresses the fact that the factions were known by family names. He argues that the faction members identified with narrow groups, based on consideration of kinship “as much as anything”, rather than “groups based on class or region or policy”. Indeed, Countryman says that the factions in New York were not like later policy-based parties, such as the Anti-Federalists. He argues that the “Parties, in other words, were small groups of men whose main concern was to hold office themselves or control the men holding it.” The factions of colonial New York, he argues, lacked mass organization or even cohesive principles. In this he differs with historian Patricia Bonomi, who argues that the factions were organized around economic interests.<sup>11</sup>

Whichever interpretation of the faction structure one prefers,<sup>12</sup> the Revolutionary era would see the addition of a third faction, the Sons of Liberty, as discussed below. It would also see the replacement s of the landed/merchant (or expansionist/non-expansionist) faction system by the Patriot/Tory system.

## II

In 1763, New York consisted of the counties of Suffolk, Queens, Kings, Richmond, Orange, Ulster, Dutchess, and Albany, New York City, and Westchester Borough. Tryon County, west of Albany, was organized out of Albany County in 1772, and about the same time

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<sup>11</sup> Edward Countryman, *A People in Revolution: The American Revolution and Political Society in New York, 1760-1790*, (New York: W. W. Norton and Co.) 1981, 77-78.

<sup>12</sup> In general, this work will use the landed versus merchant interpretation of the faction structure.

Charlotte, Gloucester, and Cumberland counties were organized in what is now mainly Vermont. Not counting the frontier, the main settled area of New York was roughly L-shaped, running east along Long Island and north along the Hudson, and consisted of two main regions: the southern, “downstate” region of New York City, Long Island, and Staten Island, and the Hudson Valley region, or “upstate” region, for short. The government of New York was similar to the governments of the other colonies which would soon declare independence. It was led by a governor chosen by the King. He was usually a well-connected Englishman, often experienced in governing other colonies. The governor was advised by a seven to twelve member Governor’s Council. The Governor’s Council was appointed by the Crown, and had multiple roles, acting as a privy council, the upper house of the legislature, and as a high court of appeal. The lower house of the legislature, the General Assembly, was popularly elected. The suffrage was limited to propertied males. This limited suffrage was in accordance with classical republican notions that citizens should have a stake in society. It was believed that property, in addition to giving one a stake, also gave independence. Since unpropertied people, or people without much wealth, were considered to have no stake in society and no independence (and were thus susceptible to having their vote controlled by employers or others), as a corollary the lower classes were often disenfranchised. In New York, those adult males with an unencumbered freehold worth 40 pounds and tenants with lifetime leases could vote. In the cities of Albany and New York City, those who could pay a modest fee became “freemen” and also became eligible to vote. Thus, the franchise was a little larger and wider than it appeared at first glance. Voting was “open”, by voice or show of hands. The Assembly was quite small, reaching the number of 27 shortly before independence, and elections were rarely held.

Elections were only held about once every 5 years after 1743. Before that, they were held only upon the death of the king. By contrast, the average for the other colonies was every two years, and in neighboring Pennsylvania annually. The representatives were fairly evenly distributed, though the Hudson River Valley was slightly overrepresented.<sup>13</sup>

While its government was somewhat similar to that of the other colonies, New York was in many ways unique. It was a very diverse colony with many competing ethnic, economic, religious, and other interests. Only Pennsylvania approached its diversity. Perhaps the most notable component of its diversity was its large Dutch population. A century after the English conquest, a sizable number of New York's population was still Dutch in religion, culture, and language. New York City was the most diverse city in the colonies (with the possible exception of Philadelphia). Its ethnic groups included English, Dutch, French, Germans, Scots, Swedes, Irish, Scots-Irish, Jews and Africans (the latter, about fifteen percent of the population, were for the most part slaves). A 1776 map of New York City shows thirteen places of worship, ranging from Anglican and Dutch churches to a Moravian meeting and a synagogue.<sup>14</sup>

Economically, as one historian relates, "New York presented a greater mixture of agrarian and mercantile interests than any of the other colonies."<sup>15</sup> Writing in 1774, Governor William Tryon stated that the province carried on "a considerable Trade with the British Settlements on the Continent of North America, supplying some of them with the produce of the Colony, others with British Manufactures and West India Goods." Trade with the British

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<sup>13</sup> Beeman, , 102, 106-7. Several manors sent representatives, resulting in the slight overrepresentation for upstate New York.

<sup>14</sup> Joseph S. Tiedemann, *Reluctant Revolutionaries: New York City and the Road to Independence, 1763-1776* (Cornell University Press: Ithaca, NY), 1997, 18, 19, 37. The map, Major Holland's map of the City of New York, 1776, is part of the Collection of the New-York Historical Society.

<sup>15</sup> Thomas C. Cochran, *New York in the Confederation: An Economic Study* (Kennikat Press: Port Washington, NY) 1930, 1970, 4.

West Indies was extensive, since they had “a Constant demand for provisions and Lumber of all kinds, which Articles are the Natural Produce of this province.”<sup>16</sup>

New York City was the main port, commercial center, and capital of the colony, and the second largest city in the colonies, after Philadelphia. In 1771, its population was about 22,000. As late as 1790, as the historian Linda DePauw notes, the entire population would have fit easily into Yankee Stadium, with room left over for the populations of Philadelphia and Boston. The city was cosmopolitan and sophisticated (at least in comparison with “upstate”), with access to many books, newspapers, and coffeehouses. The population ranged from wealthy merchants to slaves, with many laborers. New York City in 1776 consisted of about 4000 wood and brick buildings covering less than a square mile at the southern tip of the island of Manhattan. The city ended just north of Chambers Street (the current location of an important courthouse) in marshes and farms. To the east of the marsh, the city extended north a few blocks along Bowery Lane, then became farms. A few blocks to the southeast of the end of Broadway (which was just beyond Chambers Street) were located the Common, the jail, a soldier’s barracks and a powder magazine. According to a map prepared in 1776 by Major Holland, British Surveyor General, there were about a dozen major buildings, such as the Fort on the Battery, the military hospital, the Governor’s House (in the fort), the Custom House, the Exchange, several markets, City Hall (then on Wall Street) and the Dutch Free School. Most of

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<sup>16</sup> *Report of His Excellency William Tryon Esquire, Captain General and Governor in Chief in and over the Province of New York and the Territories depending thereon in America, Chancellor and Vice Admiral of the Same—On certain Heads of Enquiry relative to the present State and Condition of His Majesty’s said Province, London, 12<sup>th</sup> June 1774.* CO 5/1105, 266 and following, Question No. 7. The report in its style (a set of questions followed by an answer) is reminiscent of Jefferson’s *Notes on Virginia*. Sag Harbor on the East End of Long Island, the main port for the East End region, had an extensive trade with the West Indies. This is evidence for Suffolk, which had many religious and other ties to New England, having a trading system similar to New England’s—helping perhaps to explain why Suffolk would be a Patriot-leaning county at the time of the Revolution. Frederic Mather, *The Refugees of 1776 from Long Island to Connecticut* (Albany: J.B. Lyon) 1913, 166.

these were clustered within a third of a mile from the tip of Manhattan. In addition to these governmental and commercial buildings, and several wharfs, Holland's map listed thirteen churches of various denominations, plus a synagogue (and it probably did not include all the city's congregations). In addition, the map also noted the location near the Common of the "Engine which supplies the City with Fresh Water".<sup>17</sup>

The province's population in 1771 was approximately 168 thousand, with about twenty thousand of that number African American (the 1774 population was estimated by Tryon as being 182,251). The city was heavily engaged in trade, much of it with Britain or the Old World (as well as trade with the West Indies, not all of it legal). According to Tryon, more than eleven-twelfths of the province's population was clothed in British manufactures, and the homes were filled to a similar proportion with British manufactures, except for a few locally-manufactured products such as cabinets. Many goods such as gunpowder, lead, tin, and East India goods such as spices were also imported into the colony.<sup>18</sup>

The southern region, or "downstate" (New York, Richmond, Kings, Queens, and Suffolk), was the wealthiest part of the state, representing about three-fifths of the total wealth of the province. Richmond and Kings were mainly Dutch and mainly agricultural. Queens County, in the center of Long Island, had been settled by both Dutch and English, and had many Anglicans, as well as a sizable Quaker minority. Suffolk, settled by New England Puritans in the 1640s, was mainly Presbyterian in religion. Suffolk's ties with New England remained strong in the 1760s

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<sup>17</sup> Tiedemann, 13, Linda De Pauw, *The Eleventh Pillar: New York State and the Federal Constitution*, (Ithaca, NY: Cornell University Press), 1966, 7,8 22; Barnet Schecter, *The Battle for New York: The City at the Heart of the American Revolution*, (New York: Walker & Company) 2002, 5; Major Holland's map, Collection of the New-York Historical Society, reprinted in Tiedemann, 18-19.

<sup>18</sup> *Report of Tryon*, Question No. 8, 13.

and 1770s, and there was much cross-Sound traffic, with most of Suffolk's ministers trained in New England.<sup>19</sup>

The largest upstate city was Albany, located two to five days journey north of the City. It was located near the confluence of the Mohawk and Hudson. Founded by the Dutch and renamed by the English, much of its wealth had come from the fur trade and trade with the Indians. The city was mainly Dutch, and the population was about a tenth of New York's. To the west of Albany could be found the Iroquois (*Haudenosaunee*), an extremely powerful group of Indian tribes. Fort Stanwix, located in present-day Rome, New York, represented the limit of European settlement. To the northeast was the disputed Green Mountain region (disputed between New York, New Hampshire, and for a while Massachusetts). Though awarded by the British to New York in 1764, the residents resisted becoming part of New York (mainly because they feared becoming tenants), and the region eventually became the state of Vermont.<sup>20</sup>

The most distinctive feature of the Hudson Valley was the great manors, some of which were comparable in size to a small downstate county. Some of these were the result of the great *patroonships* granted by the Dutch during their control of the province, others of grants by early English or British governors to favorites. Among the major manors were those of the Livingstons, the Schuylers, and the Van Rensselaers. The manor lords modeled their lifestyles and control of the tenants after the English gentry. Many but not all of their tenants were Dutch or German. Some historians believe that the manor system kept New York's population down, as potential settlers went to colonies where they could have freeholds and not be tenants.

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<sup>19</sup> Cochran, 4; Flint, 224, 234-53; Staudt, 65; Horne, ed., 19, 21-22, 31, 63. Thomas Jefferson Wertenbaker, in *The Founding of American Civilization: the Middle Colonies* (New York: Cooper Square Publications, 1967), called Suffolk County an "outpost of New England civilization." See Gaetano L. Vincetoro, 68-85, 75. 1994.

<sup>20</sup> DePauw 7; Beeman 95; Edward Countryman, *A People in Revolution: The American Revolution and Political Society in New York, 1760-1790*, (New York: W. W. Norton and Co.) 1981, 47-49.



Resentment against the conditions of tenancy resulted in a series of revolts. There was much unrest in the manors during the 1750s and 1760s, possibly caused by an influx of New Englanders who were used to land-ownership, not being tenants on the land.<sup>21</sup>

New York's politics was marked by factionalism between factions broadly representing economic interests. While both factions were Whig factions, there were some notable differences between the two. The Delanceys<sup>22</sup>, the merchant faction, according to the historian Joseph Tiedemann thought of themselves as Anglo-Americans and had built fortunes trading with the British Empire. They saw the Empire as a vast trading and commercial network, and their interests and livelihoods were threatened by a break with Britain. They rejected characterization of the Empire as a tyranny. Many would eventually become Loyalists. The Delanceys, while believing in the rule of the elite, would mix with the non-elite and even frequent their taverns. They were thus less "elitist" than the landed Livingston faction, many of whom sought to duplicate as much as possible the lifestyle of an English gentleman. Yet their direct connections with Britain were slight, far slighter than that of the merchants, whose wealth was tied to the British connection. Many Livingstons would become Patriots.<sup>23</sup>

The Livingstons, the landed faction, like the Delanceys were Whigs, committed to defending constitutional liberty and the peoples' right to resist tyranny. Many were what the historian Pauline Maier calls "Real Whigs," and it is in this that we can see a real difference between the two factions (indeed, here is a real ideological divide within the Whig movement). Real Whigs saw politics as an unrelenting struggle of liberty against power. They believed that

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<sup>21</sup> DePauw, 5-6; Beeman 119, 123.

<sup>22</sup> There are several variant spellings of the name. In general, this work will use "Delancey".

<sup>23</sup> Tiedemann, 41. .

any man entrusted with authority would seek to expand his power beyond its lawful limits. Constant vigilance against this was required, and resistance was necessary against the “first abuses of power”. Corruption, which in its broadest sense meant pursuing private interest “at public cost,” was the “most important indication of danger”. In addition to this belief in vigilance against overreaching government power, the Livingstons’ vision of America’s future also differed from that of the DeLanceys. The Livingstons envisioned America’s future not so much in terms of trade and empire, but of peopling the North American continent. In other words, they were in Egnal’s terms “Expansionist.”<sup>24</sup>

Both of the main parties represented the interests of different parts of the elite. Both wanted to protect their position and property. The Delanceys, as great merchants, however, had many ties to Britain, and saw themselves as Anglo-Americans. They wanted the imperial dispute over taxation resolved in a way that kept the great commercial empire of Britain intact and operating. Independence threatened their self-identification as members of a vast trans-Atlantic trading empire, and the disruption, alteration, and possible destruction of the British commercial network directly threatened their positions and fortunes. While the Livingstons modeled themselves on the English gentry, their ties to Britain were weaker. It was easier for them to see Britain as a tyranny trying to steal their property without their consent, through taxation without representation. In such a case, they could *preserve* their positions and wealth

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<sup>24</sup> Ibid., 35-9; Egnal, 51 Maier, , 43, 44. Quotes are from Maier. It should also be noted that, according to Bernard Bailyn, a dominant political tradition in many pamphlets of the time was a variety of classical republicanism based on the “Opposition” thought of early eighteenth century British politicians. This was very anti-authoritarian, and bred a fear of a conspiracy to extinguish liberty. Bernard Bailyn, *The Ideological Origins of the American Revolution*, (Cambridge, MA: Harvard University Press), 1967, xii, 144-159 in general.

by leaving the Empire, and many became Patriots. It was actually a way to preserve the status quo—as long as America achieved independence.<sup>25</sup>

A third group would soon emerge in the wake of the Stamp Act, which will be discussed in the next chapter. These were the Sons of Liberty. Led by lesser merchants who had done well in the Seven Years War, they craved a society based on merit, not rank. They called for self-determination in the empire and equal treatment at home. Tiedemann argues that they coveted elite status (which they were disqualified from because of their modest birth). Having risen from the lower classes, they were often popular leaders, becoming crowd leaders during the Stamp Act crisis. In the 1770s, they would support independence, republicanism, and the “removal of all artificial restraints based on rank, estate or privilege.” They were the most radical, and most democratic, of the three groups. Countryman describes them as the “successful children of oyster catchers, milkmen, and indentured servants,” and as having more “affinity” with the concerns of the people than “did the gentlemen, the merchants, and the lawyers who dominated established politics.” He asserts that their emergence helped begin an internal revolution. At the very least, these *nouveau-riche* lesser merchants represented some of the “new men” that the Revolution was beginning to bring to the forefront of politics.<sup>26</sup>

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<sup>25</sup> Tiedemann, 41. For most of the 1760s and 1770s, the Livingstons preferred to stay in the Empire, seeing it as a way to preserve a limited government and their own elite position. But, if the Empire’s government were to take their property without representation, it would have become a tyranny, or at least be well on its way there (at least in the viewpoint of Real Whigs, which many of the Livingstons were). Such a situation would be a threat to their autonomy and elite position. In such a case (as long as the “mob” could be restrained), independence could be seen as the best option for preserving both their autonomy and their privileged position. See Tiedemann, 38-39. Many, such as Robert A. Gross in *The Minutemen and their World* (New York: Hill and Wang, 1976) have argued that the Revolution was essentially conservative, that many revolted not to change things but to keep things as much as possible the same, to preserve their rights and privileges. The Livingstons in New York are evidence in support of this.

<sup>26</sup> Tiedemann, 39-40; Countryman, 59. The Sons of Liberty seem to have some affinity with their near contemporaries, the French Revolutionaries. One of the main demands of even the most moderate French

Two important politicians in late colonial New York were outside these factions and represented the interests and outlook of British imperialists. Perhaps the most important was Cadwallader Colden. Colden had been born in Scotland and moved to New York in 1718, where he gained a series of important positions, culminating in being the lieutenant-governor. Since the governor was frequently absent from the province, Colden would often act as governor. He was a strong supporter of British rule, and of expansion under British control. In the Stamp Act and later crises, he constantly upheld the desires and rule of Britain.<sup>27</sup>

Sir William Johnson, born in Ireland, had come to New York in 1738, and eventually settled on the frontier west of Albany. He became a prominent landowner and by 1756 Superintendent for Indian Affairs (and a baronet). He was also a strong supporter of British policies after 1763, especially the policy of keeping colonists from settling beyond the Appalachians.<sup>28</sup> He died in 1774, and Colden in September, 1776, thus denying the Loyalist community of New York two people who might have become important Loyalist leaders.

Religious tensions also became enmeshed with the political faction system. The British had granted the Dutch the freedom to worship as they pleased, and religious toleration was a feature of British rule over New York. However, while there was religious toleration, the Anglican Church was the preferred church, and it was also the church of many of the elite. While only ten percent of New York's population were Anglicans, many of the political elite, such as the great merchants and landowners, the Governor and lieutenant governor, and much of the Council and Assembly were Anglicans. In the 1740s, many non-Anglican groups, such as

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Revolutionaries was for a "career open to talents", that is, the removal of restraint on one's career based on birth, rank, estate or privilege.

<sup>27</sup> Egnal, 54.

<sup>28</sup> Ibid., 54-5.

Scottish immigrants or Dutch Reformed, supported Presbyterian efforts to limit Anglican power. Many of those involved in these efforts would soon become important figures in the Revolutionary crisis of the 1760s and 1770s.

A Presbyterian “triumvirate”, led by William Livingston, William Smith Jr., and John Morin Scott, opposed the attempts of the Anglican Church to expand its power. The landed-merchant battle became enmeshed in the struggle between the Anglicans and Presbyterians. Much of the battle in the 1750s revolved around Presbyterian opposition to the Anglican attempt to appoint a bishop for the colonies, and for the control of King’s College (now known as Columbia University). While no bishop was appointed, the struggle over the college would eventually end in Presbyterian defeat, as the Anglicans managed to gain control of the school’s leadership and religious services. The “triumvirate” launched the *Independent Reflector*, which attacked corruption and enunciated an early version of the ideas and values that would dominate the Revolutionary era. It folded under political pressure from its opponents. A feud developed between Smith, then still in his teens and a graduate of Yale, and Cadwallader Colden. Colden wanted a reference to a land claim that he had an interest in left out of a compendium of New York’s law, and he threatened Smith’s pay if he did not. The enmity that arose from this incident would be life-long. Smith, it should be noted, was the son of William Smith Senior, who had helped defend John Peter Zenger in the historic libel case of 1735.<sup>29</sup>

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<sup>29</sup> Schechter, 15-20. See also Thomas Jones, *History of New York during the Revolutionary War* (New York: Arno Press) 1879, 1968, I 1 -7. Jones’ history was written in exile in the 1780s, though it was not published for decades. xi. The Zenger Case, which determined that truth is a defense to an accusation of libel, is considered a landmark case in the development of the principle of a free press. Smith Jr., would become a major actor during the Revolution and occupation, and his memoirs are a major source for historians studying the Revolution in New York.

While politics were rather contentious in New York City, politics were much less contentious on Long Island in the pre-Revolutionary era than in New York City. However, the island also had tensions which would come to the forefront during the Revolution. On Long Island, town government resembled New England town government, with annual town meetings, usually in April. Here, among other things, town officials would be selected. Several families would virtually monopolize town office and would often possess a disproportionate amount of the wealth of the towns. The same family names appear, year-after-year, in the town records of many towns as holding important office. In the aptly-named Smithtown, for example, most major positions went to a member of the Smith family. In Huntington, to the west of Smithtown, between 1690 and 1770, government was “of the many by the privileged few.” Here six families monopolized town office and amassed a disproportionate share of town wealth. Between 1688 and 1770, the town clerk was either a Platt or a Ketcham. There tended to be electoral deference to descendants of founding families, much plural office holding, and long tenure in governmental service. An increase in population, with its concurrent geographical spread of population, resulted in an increase in offices, with minor ones stepping stones to more important ones. These minor offices would often go to people outside the oligarchy. One of the effects of the Revolution was a break in the hold of the old families and the end to plural office holding, as well as a more equal distribution of wealth, at least in Huntington.<sup>30</sup>

New York’s governmental structure allowed some popular participation, probably more than traditionally thought. But New York was a colony of both great landed estates and great

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<sup>30</sup> Geoffrey Rossano, “Oligarchs and Democrats: The Revolution in Huntington Town Government, 1765-1800”, *The Quarterly of the Huntington Historical Society*, Vol. 21, Nos. 1 & 2, Fall/Winter 1981 (5-27) , 8-10, 12-13, 16-19.

commercial fortunes, and it must be concluded that maintaining and enhancing the position of the great landowners and merchants was a dominant feature and aim of the political system. The prevailing classical republican political philosophy, while it nobly encouraged public service by the elite, also limited the franchise, and the tiny Assembly undoubtedly reduced the number of voices that could be heard. Tenants were dominated by their landlords, and many of the urban workers had no vote at all. The manor lords consciously tried to emulate English country gentlemen. As in England, wealth in late-colonial New York did not always bring status. The various elements of the elite aligned with other interests in an attempt to improve or maintain their position. In many respects, the social and governmental system resembled the English system. It emulated some of its worst features, including “pocket boroughs.”<sup>31</sup>

New York was an ethnically, religiously, and economically diverse colony. It was ruled by great landlords and great merchants; it was also inhabited by tenants and mechanics and freeholders, among others. Its great merchants had strong trans-Atlantic ties and an Anglo-American identity. Its landlords modeled themselves on the English gentry, but had fewer connections to Britain than the merchants. The political and social structure was inherently conservative (in the sense of trying to maintain the status quo). There were cracks and tensions in the structure. Nouveau-riche merchants craved a meritocracy, tenants would on occasion

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<sup>31</sup> The manors of Rensselaerswyck, Livingston, and Cortland each elected one representative. As the manor lords could nearly completely control elections in their manors, Beeman calls these “rotten boroughs,” Beeman, 108. However, “pocket borough” is more accurate. A “rotten borough” was a borough with virtually no people in it, in which only a few people (or even one) could choose the representative. A “pocket borough” was one that generally had a larger population than a rotten borough, but that was “in the pocket” of a lord or small group.

revolt, and mechanics would soon form violent mobs during the Stamp Act Crisis.<sup>32</sup> But, in general, the system was conservative and stable, designed to maintain the elites in power.

It is not surprising that such a conservative system would be reluctant to revolt. Landlords and wealthy merchants would be reluctant to encourage revolution, fearing that a revolution against Britain could become a revolution against them. New York would not be in the forefront of the Patriot movement in the 1770s, and the leaders of New York's revolution have been called "reluctant revolutionaries."<sup>33</sup> It is not surprising that New York had to be "dragged" into revolution, or that much of the Revolution's leadership would come from "new men" outside the traditional elite, such as the lesser merchants or freeholders. It is therefore not surprising that New York had many Loyalists. What is surprising is that New York was briefly in the forefront of the Patriot movement, during the Stamp Act Crisis. The Stamp Act Crisis, and the development of the Revolution in New York, will be discussed below.

### III

In 1764, Parliament's attempt to tax the American colonies sparked a decade-long dispute which eventually resulted in American independence. The "imperial question" would add itself to the mainly local or provincial questions that animated the colonial politics of New York. The Delanceys and Livingstons would be faced with a new faction, the Sons of Liberty

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<sup>32</sup> The "tradition" of popular uprising, as Pauline Maier calls it, which was actually considered to at times contribute to the public welfare, will be discussed further in Chapter II. See Maier, 3.

<sup>33</sup> Joseph Tiedemann entitled his 1997 book on the Revolution in New York City "Reluctant Revolutionaries."



(often called the “Liberty Boys”), that represented both a more democratic viewpoint and a rising economic interest. In New York and other colonies, the dispute with Britain over Parliament’s right to tax the colonies led to the formation of various committees at local levels. These committees formed to coordinate and lead the protests against British policies. Eventually, these committees would lead to the formation of congresses at the provincial and continental level. This committee system would eventually begin to take on quasi-governmental and then governmental powers. It would supersede the traditional colonial structure described above and lead New York out of the British Empire. It would also lead to the collapse of New York’s political system and the rise of a more open system, although much of the old elite still retained much power in the new republic.

The American Revolution, at least in part, arose out of the aftermath of the Seven Years War—most particularly, the post-war attempt of Britain to tax the colonists. The Seven Years War in New York benefited the local economy, ending a depression that had lasted from 1750 to 1755. New York City was a major supply center for British forces, and many New Yorkers made their fortunes (or increased already existing fortunes) with war contracts or with privateering. Many artisans gained work from war contracts. Provincial forces were mustered to fight in the war. Upstate New York was a major front in the war. But New York was again faced with economic difficulties as peace-time returned. In fact, the post-war downturn began in 1760, as the war shifted to the West Indies.<sup>34</sup>

The war had been very expensive. In order to raise revenue (and, it has been argued by many, to increase control over the colonies), Britain passed several acts shortly after the war

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<sup>34</sup> Tiedemann, 42-3.

ended. The acts included the Sugar Act and the Stamp Act. While many Americans were troubled by aspects of the Sugar Act, particularly its court provisions<sup>35</sup>, it was the Stamp Act that caused the most concern. The Stamp Act was the first direct tax Parliament had imposed on the colonies, taxing most printed materials, from newspapers to playing cards and legal documents. Many in the colonies questioned the constitutionality of the Act, fearing that they were being taxed without representation.<sup>36</sup> The Stamp Act, as most New Yorkers saw it, not only represented a political threat to the liberties of New Yorkers, but an economic threat, as it threatened to increase the costs of nearly all business. This was especially grievous during an economic downturn. All constituencies in New York City united against it. Concerned with rumors of new revenue measures, as early as January 27, 1764, New York merchants had met at Burns' Tavern to frame a protest to Parliament and establish a permanent committee on

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<sup>35</sup> The Sugar Act was mainly a revenue provision, but it also had provisions designed to decrease colonial trade with foreign powers and increase intra-Empire trade. It had many burdensome administrative provisions which exposed merchants to possible penalties, including forfeiture of ship and cargo. To make matters worse from the colonial viewpoint, it created a new vice-admiralty court in Halifax, Nova Scotia, and gave prosecutors discretion to bring cases there. Failure to make the long and difficult trip to Halifax could make a defendant lose his case. *Ibid.*, 60-61.

<sup>36</sup> *Ibid.*, 61-63, 67. This was a very legitimate complaint. The colonies could vote through their assemblies for provincial taxes. But they had no representatives in Parliament, merely agents (virtually lobbyists) to present their concerns to the members of Parliament. William Pitt, among other distinguished Britons, believed the complaint of taxation without representation to be legitimate. See Introduction, note 1, for William Pitt's argument that taxes were a gift from the Commons to the King through their members in Parliament, and that the Parliament, since the Americans had no representatives, could not gift the property of the Americans. Some would argue that the Americans were "virtually represented" by the members from Britain. Arguably, for example, a Member of Parliament from a Midland industrial city might be able to represent the interests of a similar Midland industrial city. However, it is difficult to see (especially under the communications difficulties of the time) how a Member of Parliament from York could represent New York, or a Member from Hampshire represent New Hampshire. The interests and concerns and conditions were just too different between the colonies and Britain. Rejecting the arguments of "virtual representation", calls arose to have Americans represented in Parliament. Since the slow transportation and communication conditions of the eighteenth century made that problematic, Joseph Galloway and others would eventually propose a continent-wide assembly with a veto, or at least a delay, on British laws affecting the colonies. Another proposed solution was for each of the colonies to voluntarily vote the King a "revenue." The assembly of Georgia, where British civilian government was briefly restored in the 1780s, voted the King an annual revenue. See Chapter VII.

trade.<sup>37</sup> The Assembly sent petitions in October 1764 to Parliament protesting the Sugar and Stamp Acts, respectfully arguing that Parliament had no right to tax the colony. The petitions were never delivered, since the colony's agent in London considered them too inflammatory to be presented to Parliament. New Yorkers were uncertain as to what steps to take next. A Stamp Act Congress, proposed by Massachusetts during the summer of 1765, was scheduled to meet in early October of 1765. The Assembly, however, was not in session to formally pick candidates, and would not be in session until about a week after the Stamp Act Congress was due to start. Showing the pragmatism (or disregard for obeying the legal niceties) that characterized many New York actions during the Revolution, the House's Committee of Correspondence informally selected its own members as delegates. The Stamp Act Congress met on October 19<sup>th</sup> in New York City and formally condemned taxation without representation.<sup>38</sup>

Before the Stamp Act Congress met, the first and only issue of *The Constitutional Courant* appeared in New York. In it, "Philoleutherus" (friend of freedom) argued that while the British Parliament should be treated with respect, if they transgressed constitutionally set boundaries, infringed American liberties, and pursued "such measures as will infallibly end in a Turkish despotism", then this usurped jurisdiction should be denied, as "we owe them no more subjection, in this respect, than the Divan of Constantinople." "Philo Patriae" (friend of the country—literally, "friend of the fatherland") argued that if the British could impose the Stamp Tax on the colonists, it could take all of the colonist's property from them, sell them into slavery, or even put them to death, and that it would be better for the colonists to die in

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<sup>37</sup> Wilbur C. Abbott, *New York in the American Revolution* (New York: Charles Scribner's Sons) 1929, 36.

<sup>38</sup> Tiedemann, 62-3, 69-70.

defense of their rights. The paper also reproduced the famous “Join or Die” cartoon first produced in 1754 by Benjamin Franklin, which featured a divided snake representing the various colonies. The radical nature of these views shocked many, and Colden attempted to discover the authorship. To this day, that is disputed, but it is clear that the paper was printed in New Jersey, and then carried to New York. The most likely responsible party was the Sons of Liberty, though they may not have yet taken on that name or considered themselves a formal organization at that point.<sup>39</sup>

The Sons of Liberty formed in New York and several other colonies in response to the Stamp Act, though the actual date of formation of the New York group is unknown. The New York group is generally considered to have most likely formed in October of 1765, though a September or even earlier date is also possible (and the biographer of one of their leaders, Isaac Sears, believes they did not formalize the association until January, 1766). The name referred to a debate in Parliament between Isaac Barré and Charles Townshend. Townshend argued that the colonists, in their opposition to taxes, were biting the hand that had planted and nurtured them in the New World. Barré countered that England’s “Oppressions planted ‘em in America”, and called the Americans “Sons of Liberty.” The group was originally

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<sup>39</sup> *The Constitutional Courant, 1765*; Tiedemann, 72-73. Property was considered as a, if not *the*, basic foundation for liberty; therefore a threat to one’s property was a threat to liberty. This was one of the fundamental Whig principles. As John Locke argued in his Second Treatise, “The Reason why Men enter into Society, is the preservation of their Property; and the end why they chuse and authorize a Legislative, is , that there may be Laws made, and Rules set as Guards and Fences to the Properties of all the Members of the Society...whenever the *Legislators endeavour to take away, and destroy the Property of the People, or to reduce them to Slavery under Arbitrary Power, they put themselves into a state of War with the People...*” Any attempt to gain an “Absolute Power” over the “Lives, Liberties, and Estates” of the people would be a forfeiture of power and return the liberty to the people. II, § 222. This and the following sections helped justify the Glorious Revolution, and would soon be adapted—with some of the language intact—in the Declaration of Independence (for example, § 225 has the language “a long train of Abuses” which may be found in the Declaration). John Locke, *Two Treatises of Government*, ed. and Introduction by Peter Laslett, Student edition, (Cambridge University Press) 1960, 1988, 412, 415. Original publication: 1689.

secretive, and this secrecy is one of the reasons why historians are unclear about when the group formed. Among the leaders of the New York “Liberty Boys”, as they were also known, were Isaac Sears, Alexander McDougall, John Lamb, and Marinus Willett. Their supporters were not just middle class artisans, but those poorer white males who were denied the vote. Many of these would soon show their dislike of British policy through violent street action.<sup>40</sup> The Stamp Act was to become effective on November 1, 1765. In the days before that, broadsides signed *Vox Populi* (the voice of the people) were put up all over New York City threatening property damage (and death) to anyone who attempted to use the stamps. A more moderate response was made by the merchants on October 31. Meeting at Burns Tavern, the former home of James De Lancey, Sr., the merchants agreed to boycott all British imports until the Stamp Act was repealed. Captain James De Lancey emerged here as “a first-class political leader and organizer of men.” The De Lancey family excelled in bold, dramatic, flamboyant actions, and a boycott was such an action. However, bolder and far more dramatic action was about to be executed in New York City.<sup>41</sup>

In November of 1765, violent riots against the Stamp Act broke out in New York City. The actions of the mob horrified the elite. Contemporaries called November 1 through 4 the “General Terror of November 1-4”. However, their attacks were confined mainly to symbolic government targets. A movable gallows was erected on which was hung an effigy of

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<sup>40</sup> Barnet Schecter, *The Battle for New York: The City at the Heart of the American Revolution* (New York: Walker & Company) 2002, 22-23; Tiedemann, 72-3. Isaac Barré, originally from Ireland, was a veteran of the Seven Years War and opponent of taxation in America. Charles Townshend would soon become the Chancellor of the Exchequer, and is most famous for the Townshend Acts, which placed duties on many items traded to the colonies.

<sup>41</sup> Leopold S. Launitz-Schürer, Jr., *Loyal Whigs and Revolutionaries: The Making of the Revolution in New York, 1765-1776* (New York: New York University Press), 1980, 29.

Lieutenant–Governor Cadwalladar Colden.<sup>42</sup> The Governor’s coach house was broken open, Colden’s carriage dragged out, and another effigy of Colden was driven in it. The mob marched to Fort George. Placards announced that “the sons of Neptune”, that is, mariners, would lead a new demonstration. The crowd approached the wall, throwing rocks and stones over the walls. Some seemed ready to enter the fort, which would probably have provoked fire from the soldiers. Fortunately, they pulled back and regrouped at the Bowling Green, where they burned the effigy of Colden, the gallows—and Colden’s carriage. All of these were for the most part symbolic targets. But then a group destroyed the mansion of Major Thomas James, who had bragged about forcing the colonials to use the stamps. This was similar to what had happened in August to Massachusetts Lt. Gov. Thomas Hutchinson’s house in August, which had been destroyed by a Boston mob. About the same time, there had been similar riots in Newport. Arguably, the destruction of James’ house was also the destruction of a symbolic target, but still the actions frightened the elites. However, despite the property damage, no one had been killed, and a Boston “Massacre” (or even a Bastille) was avoided. Still, it was clear that the more “respectable” members of the Sons of Liberty had at least temporarily lost control over the artisans and sailors, and whether they could retain control over them was questionable. Sears and others, mainly in the Sons of Liberty, did seem to exert a steadying influence on the “mob.” The Sons of Liberty’s leaders had started at the bottom or near the bottom of the economic ladder, and had improved their economic position during the recent war. They were

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<sup>42</sup> A strong supporter of British interests, Colden was particularly disliked by many after having strongly supported an unpopular increase in the appeal jurisdiction of the Council. He had also taken an unpopular position in a 1761-1762 dispute over whether Supreme Court judges should serve during good behavior or at the King’s pleasure; he supported at the King’s pleasure, while the Assembly preferred good behavior. The ministry also preferred at the King’s pleasure. The dispute ended with the appointment of two Livingstonites—William Smith Jr. and Robert Livingston—to the court, to the displeasure of many of the Real Whigs in the faction. Tiedemann, 51-3.

not members of the elite; at best, they could be characterized as nouveau-riche. They were closer in mindset and attitude to the lower economic ranks than the elite were, and had influence with and respect from the “lower” classes. Sears had been a privateer during the French and Indian War and his actions had won him a small fortune and a reputation for bravery. Well-liked by sailors and artisans, he could mobilize the common people, and the “aristocrats” dubbed him “King Sears.”<sup>43</sup>

Following the riots, the city was still in an uproar, and leading members of all three factions patrolled the streets, trying to restore order. One of these leaders was William Smith Jr., formally of the “Triumvirate.” Smith had become a successful lawyer during the 1750s and 1760s, clashing occasionally with Colden as Smith defended the province’s landowners clients against suits for rents the Crown claimed it was owed under the terms of land grants. By 1763, he was the highest paid lawyer in the province and lived in a mansion on Broadway that had once belonged to the earlier acting governor James Delancey (who had been acting governor in the 1750s). Despite the long-standing enmity between Colden and Smith, Smith now helped local leaders negotiate with Colden. The lieutenant governor, in an effort to defuse tensions, transferred the stamps to a waiting ship of war. Full-scale revolt was averted, and the crisis would end when the Stamp Act was repealed.<sup>44</sup>

The next decade saw continued attempts by Britain to tax the colonies (and assert their right to do so), and continued resistance. In January of 1766, during the Stamp Act Crisis, the Sons of Liberty formed a “committee of correspondence” to communicate with other Sons of

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<sup>43</sup> Tiedemann 1-3, 53-55; Schechter, 23; Gary B. Nash, *The Unknown American Revolution: The Unruly Birth of Democracy and the Struggle to Create America* (New York: Viking) 2005, 50-51, 54-55. The term “privateer” refers to both the ships and those who captained and crewed them.

<sup>44</sup> Tiedemann, 66-70, 76-78, 80-82, 140-1; Burnet 20-21.

Liberty groups in other colonies. The Sons of Liberty borrowed this technique from the Presbyterians and Congregationalists, who had used it in their struggle against the appointment of an Anglican bishop for America. The creation of the committee of correspondence was the beginning of a system of committees that would eventually rise to assume governmental power. After the Coercive or Intolerable Acts were passed in 1774, in New York City and its environs various committees were formed to organize and coordinate the various resistance efforts (such as boycotts). The committees in the City were known by names such as the Committee of Fifty-one or the Committee of One Hundred. Much of the membership of these committees came from “new men”, such as the lesser merchants or the freeholders, though members of both of the traditional factions jockeyed for positions on these committees. The committees existed at all levels of government, and most were formed by or with the cooperation of preexisting local governments, such as town meetings. However, in areas with many Loyalists, such as parts of Queens, committees were sometimes formed by extra-legal meetings. But, as one historian notes (speaking of the City committees) the “committee system in itself was revolutionary because it was extra-legal, since no provision was made for it in the city charter.”<sup>45</sup>

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<sup>45</sup> Ibid., 95-6, 192. Oscar Theodore Barck, Jr., *New York City during the War for Independence: With Special Reference to the Period of British Occupation* (New York: Columbia University Press) 1931, 40. Joseph S. Tiedemann, “A Revolution Foiled: Queens County, New York, 1775-1776,” *Journal of American History*, Vol. 75, No. 2 (Sep., 1988), pp. 417-444, 424-6. Quote is from Barck.



## IV

On Long Island, the last decades of the British era were a time of stability and growth. The population of Huntington rose from about 500 in the 1690s to between 1500 and 1800 in 1775, and spread out from present-day Huntington “village” on the North Shore south through central Long Island to Babylon on the Atlantic.<sup>46</sup> The Anglican Church made inroads in Presbyterian Suffolk. The first Anglican church in the county was Caroline Church in Setauket (approximately modern Stony Brook), founded in 1730. Huntington organized an Anglican Church in 1745 under the Reverend Samuel Seabury, later an important Loyalist and, after the Revolution, the first bishop of the Episcopalian Church. Brookhaven Presbyterians would reportedly listen to Anglican prayers if a Presbyterian minister was unavailable.<sup>47</sup> The New Light controversy that disturbed religious congregations in New England also troubled Long Island churchgoers, as Mary Cooper of Oyster Bay reported in her diary.<sup>48</sup>

The town records of Long Island from the period are generally concerned with the delineation and demarcation of property rights and recording town meetings and rulings, though other items (such as choosing delegates to committees and congresses, emancipations from slavery and entries into indentured servitude ) would occasionally find their way into them—especially as the dispute with Britain deepened. While the limits of landed property

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<sup>46</sup> Rossano, 10. The area often referred to as the village of Huntington is not an official village, but an unincorporated area or “hamlet.”

<sup>47</sup> Vincitorio, 79. The name “Setauket” was often used in colonial and late Revolutionary times interchangeably with Brookhaven, the actual name of the town. It is presently the name of a hamlet near the State University of Stony Brook.

<sup>48</sup> Horne, ed., 63-7

were often set out in the records, movable property was also recorded. “Ear marks”—generally small distinguishing cuts in the ears of animals—would be recorded so that all would know who owned an animal.<sup>49</sup>

Connections with Connecticut were kept up by such things as the establishment of a ferry service to Norwalk by Huntington in 1765. On a 1757 trip to New London, Connecticut, George Washington stopped at Greenport (in Southold on the North Fork of Long Island). Horse racing was a common amusement. Mary Cooper of Oyster Bay went to races in the late 1760s at a place called “Seder Swamp”, and races were also held in New Hyde Park and Jamaica.<sup>50</sup>

Town meetings were generally held in April, though it was not uncommon for town meetings to be held in May. There are few echoes of the great dispute over taxation in the records until 1774. At the 1773 Huntington Town meeting, besides the election of officers, the most important thing discussed was the sale of land to help build a new parsonage house for the Presbyterian Church. It was also voted that the trustees should have the power to prohibit “any stranger or furrener from hunting in the Township of Huntington the ensuing year.” By 1774, however, Long Island was heavily involved in the great events of the day. And by 1775, a low-level civil war occurred in parts of Long Island.<sup>51</sup>

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<sup>49</sup> For example, a “swallow fork in Each Ear” designated the property of Charles Hick, while “a Crop & a hole in the Near Ear” designated the livestock of John Deryeo, according to the Hempstead records of May 1766 or 7 (the editor was not sure of the date). Benjamin D. Hicks, ed. *North and South Hempstead Town Records, Vol. Six Libers F (150-156) And Liber G.*, (Jamaica, NY: Long Island Farmer Print) 1902, 156-7. Hempstead then included North Hempstead, and with that town and Oyster Bay comprises the bulk of modern Nassau County. Hempstead and North Hempstead separated permanently in 1784, and Nassau County was formed in 1899 after western Queens became part of the newly-consolidated five-borough New York City in 1898.

<sup>50</sup> Huntington Town Records, including Babylon, Long Island, NY, (Huntington, NY: The Long Islander), 1888, 1956, Vol. II, 485; Warren Hall, *Pagans, Puritans and Patriots of Yesterday's Southold* (Cutchogue, NY: Cutchogue New Suffolk Historical Council) 1975, 70; Horne, ed., *Diary of Mary Cooper*, 2.

<sup>51</sup> HTR II, 521-3.

Westchester's population in 1771 was approximately 18,315 whites, and 3430 slaves. The population was diverse, coming from Dutch, English, German, Scandinavian, Jewish, American Indian and Huguenot backgrounds. The most notable feature of Westchester in the 1760 and 1770s was the great manors discussed earlier. These manors had been the scene of several landlord-tenant clashes in the 1750s and 1760s. The Imperial Question sharpened factional disputes, and a Delanceyite (John Delancey) defeated Lewis Morris of the Livingston faction by only 3 votes in a 1768 Assembly election. The leading families of the county were involved in both New York City and provincial affairs, and the Morris families and Van Cortlandt families in the 1760s and later generally opposed the Delancey and Philipse families.<sup>52</sup>

Religiously, as with the Presbyterians of Brookhaven, the Huguenots of New Rochelle, while preferring ministers of the French Reformed Church, would accept an Anglican minister when a minister of their faith was not available. Tarrytown was a Dutch Reformed town, while Yonkers, Rye, and the Borough of West Chester were Anglican. Itinerant ministers could also be found. The Anglican ministers were strong proponents of the King and Parliament, and at least one Anglican minister was pleased to report that he had prevented his flock from opposing the Stamp Act. The Anglican ministers support for the British was from both personal conviction (the King was, it should be noted, the ultimate leader of the Church of England) and at least in part because much of their income relied on a continued attachment to Britain.<sup>53</sup>

The county before 1775 was "notably indifferent to continental and imperial politics." The essayist J. Hector St. John de Crevecoeur lived on a large farm in Orange County, across the

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<sup>52</sup> Jacob Judd, "Westchester County", in Tiedemann and Fingerhut, eds. *The Other New York: The American Revolution beyond New York City, 1763-1787* (Albany, NY: State University Press) 2005, 108-111.

<sup>53</sup> *Ibid.*, 111-112

Hudson from Westchester. He reported that the constitutional controversy with Britain that so exercised the urban population interested neither him nor his neighbors. Sung Bok Kim, a historian of revolutionary Westchester, argues that the population was mainly apolitical before the war. Indeed, interest in local politics was minimal, and Kim says that elections were mainly social occasions, and that the people of Westchester gave much deference in political matters to the great families of the county (which included great families such as the Van Cortlandts, Morris, Philipse, and De Lancey.) Despite this, because of its strategic position, Westchester would become greatly involved in the great events of the day by the spring of 1775. Much of Westchester would be a borderland between the American and British forces, and White Plains would be the scene of a major battle during Washington's retreat from New York in 1776, as well as the place where New York's independence was proclaimed. The county would soon be faced with what can only be called civil war.<sup>54</sup>

"That ever loyal island," Staten Island (Richmond County), was then, as now, the least populated of the counties that would eventually constitute modern New York City, with a population of about 3000 at the time of the Revolution. Ethnically, the island was about one quarter African, one half Dutch or French (with Dutch predominating), with the rest British in ethnicity, though determining these divisions is difficult and the best study is for 1706. Slavery was common; the average farm had at the most three slaves, though some had as many as ten. The island was populated mainly by middle-class farmers, who grew wheat, corn, and other crops, as well as fruit orchards and woodlots and salt meadows. Many engaged in the oyster trade and fishing. The island traded its products with both New York and New Jersey (which it is

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<sup>54</sup> Kim, 871-3.

actually geographically closer to). A natural spring called “The Watering Place” provided fresh water for ships sailing from New York, so they would often stop at the island.<sup>55</sup>

In the late colonial period Anglicans dominated the island politically, and most free Staten Islanders would become Loyalists. Four leading families—the Billopps, Dongans, Micheaus, and Seamans—dominated the government of the island through intermarriage and deference. Religion, as in other parts of New York, had a clear influence on Richmond’s political opinions. Historian Phillip Papas argues that Presbyterians and members of the Dutch Reformed Church often became Patriots at least in part as a way to break the Anglican political hold and disestablish the Church of England. Conversely, there had been tensions between the Moravians and the Reformed congregations, so many Moravians became Loyalists, fearing the new Presbyterian-Dutch Reformed political and social order that would arise from a Patriot victory.<sup>56</sup>

In 1774-76, Staten Island would oppose the Continental Association and many other measures supported by the Patriots. The island was mostly Loyalist, and would welcome the British troops that arrived in the summer of 1776 with open arms.<sup>57</sup> The island was used as the staging area for the invasion of Long Island and Manhattan in August and September of that year. During the war, it would guard New York harbor from attack. During the long occupation it would be the scene of attacks and raids into New Jersey—and of raids from New Jersey.

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<sup>55</sup> Phillip Papas, “Richmond County, Staten Island,” in Tiedemann and Fingerhut, eds. *The Other New York: The American Revolution beyond New York City, 1763-1787* (Albany, NY: State University Press) 2005, 83-4; Papas, *That Ever Loyal Island*, 12.

<sup>56</sup> Papas, “Richmond County, Staten Island”, 84.

<sup>57</sup> Ibid.

## V

The end of the Stamp Act crisis was not the end of tensions in New York; ironically, the celebrations surrounding the repeal of the Stamp Act led to a series of violent clashes. News of the Parliament's repeal of the Stamp Act reached New York on May 20, 1766. The Assembly voted to have statues of the king and William Pitt, who had argued for the act's repeal, erected. The Sons of Liberty erected a "liberty pole" on the Common, using an old ship mast. The liberty pole was an ancient Roman symbol, and it has been argued that the liberty pole was fused with the maypole in the popular mind. The pole was inscribed "George III, Pitt and Liberty."<sup>58</sup>

In June of 1766, two British regiments were quartered near the Common. The soldiers of the regiments began to supplement their incomes by moonlighting, thus arguably taking jobs away from New Yorkers. To those who resented paying taxes to support the soldiers, this was adding insult to injury. The soldiers, annoyed at what they saw as ingratitude and disrespect, responded by cutting down the Liberty Pole on August 10, 1766. Rioting broke out the next day between New Yorkers and British regulars. Fortunately, no one was killed, but this was the first time American colonists had clashed openly with British regulars. Several more liberty poles would be erected (and torn down) in the next few years, and more violence would surround some of these poles, as discussed below.<sup>59</sup>

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<sup>58</sup> Schechter, 25.

<sup>59</sup> *Ibid.*, 26. Howard Zinn, following Gary Nash, suggests that there was a class element to the explosiveness of mob action in Boston during the Stamp Act crisis. He argues that an accumulated sense of grievance against the rich helped fuel mob action, and that this was directed by the Patriot leadership against Britain and her officials. Such an explanation, if true, could help explain the violence in New York, combined with the economic downturn. Gary Nash, discussing the Boston violence, states that, "It is clear that the crowd was giving vent to years of resentment at the accumulation of wealth and power by the haughty prerogative faction led by [Massachusetts Lieutenant Governor] Hutchinson. Behind every swing of the ax and every hurled stone, behind every shattered crystal goblet

While Parliament had defused a crisis by ending an unpopular tax, it did not give up its belief that it had a right to tax the colonies. Concurrent with repeal of the Stamp Act, it passed a Declaratory Act, declaring its right to tax the colonies “in all cases whatsoever”, and in the summer of 1767, it passed the Townshend duties. These included duties on lead, glass, tea, and other items shipped to America. In New York, the Assembly protested these duties, and was soon dissolved by the governor. A new election was called for 1768. In this election, believing that the Livingstons had been too moderate in their protests, the Sons of Liberty supported the Delanceys. Over the years, James Delancey had cultivated a radical image for his faction. This radical image helped his party to do well in the election, as did the Livingston-controlled Assembly passing an unpopular bill in 1767 to quarter British troops. The Delanceys also exploited popular distaste for the legal profession (many Livingstons were lawyers.) When the votes were finally counted, the Delanceys gained seats in the Assembly but remained a minority. In the meantime, Massachusetts had instituted nonimportation as a tactic, and sent a circular letter urging all the colonies to join. Further agitation by the Delanceys for the Assembly to formally join the boycott led to a new election in 1769, where they gained the votes of many working class and middle-class New Yorkers and won a majority in the Assembly.<sup>60</sup>

It should be noted that all three of New York’s parties were opposed to British policies, holding what would soon be called a “Patriot” position. The factions on this important issue

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and splintered mahogany chair, lay the fury of a plain Bostonian who had read or heard the repeated references to impoverished people as “rabble”...The mobbish attackers were those who had suffered economic hardship while others fattened their purses...they had listened to their popular leaders condemn those ‘who grind the faces of the poor without remorse.’” Gordon Wood, however, argues that there was little class consciousness in eighteenth century America, at least in comparison with later centuries. Howard Zinn, *A People’s History of the United States: 1492-Present* (New York: HarperCollins) 1980, 2003; Nash, , 48-9; Gordon S. Wood, *The Radicalism of the American Revolution* (New York: Random House) 1991, 1993, 21-24. It should be noted that Zinn’s book has often been used as a college textbook, and thus Zinn’s suggestion is probably familiar to many students of history.

<sup>60</sup> Schechter, 27; Launitz-Shurer, 54-5.

basically differed on tactics and the stridency of their protests. As Patriot tactics began to turn towards armed resistance and eventually independence, many who opposed British policies would find themselves unable to follow along, and despite their opposition to many British policies would find themselves on the Loyalist side.

Once in office, the Delanceyites made an alliance with Colden (who was acting governor after Governor Moore's unexpected death in 1769). In exchange for offices and the issuance of more paper money by the province<sup>61</sup>, the Delanceyites agreed in November, 1769 to pay for the quartering of British troops in the province. An earlier failure by New York and other colonies to do this had resulted in the "Mutiny" Act, which required the veto of legislation until funds had been appropriated.<sup>62</sup> Many New Yorkers felt betrayed by the agreement with Colden, and an anonymous broadside attacked the Delanceys and said that the troops were sent to "enslave" New Yorkers. Former Triumvirate member William Smith Jr. (henceforth Smith), a Livingstonite who had been appointed to the Council in 1767, denounced the Assembly's actions loudly and attempted to realign the Liberty Boys with his faction. The Sons of Liberty held large rallies in January, 1770 in front of the Liberty Pole against what they

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<sup>61</sup> Paper money was popular because the lack of specie in the colonies made it necessary as a means of exchange. It was hoped that passage of the bill would improve the economic climate in New York by increasing the money in circulation. Bray Hammond, *Banks and Politics in America from the Revolution to the Civil War* (Princeton University Press: Princeton, New Jersey), 1957, 10-16; Tiedemann, 114-115, 141-2

<sup>62</sup> According to Mercy Otis Warren, a Massachusetts contemporary, the act continued in "full force after the stamp-act was repealed," and that it was "hoped that the act might be only a temporary expedient to hold up the authority of Parliament," which would soon "die of itself". However, New York was rather explicit in her refusal to "obey," and was "suspended from all powers of legislation until the quartering act should be complied with in the fullest extent." Mercy Otis Warren, *History of the Rise, Progress, and Termination of the American Revolution interspersed with Biographical, Political and Moral Observations*, ed. and annotated by Lester H. Cohen (Indianapolis, IN, LibertyClassics) 1805, 1988, Vol I. p. 30.



considered a corrupt bargain by the Delancey faction. In response, British soldiers in the dead of the night destroyed the pole.<sup>63</sup>

Another broadside complained of having to pay for quartering the soldiers and supporting the poor whose jobs, it alleged, they stole, and of the need to pay a poor tax to maintain the soldiers' "whores and bastards." Not surprisingly, many soldiers were incensed, and printed up their own broadside calling the Americans ingrates, and making fun of the Sons of Liberty, who, the broadside claimed, defended the Liberty Pole as if "their freedom depended on a piece of wood." On January 19, 1770, Isaac Sears, a leader of the Liberty Boys, forcibly prevented some soldiers from posting the broadside, which he considered libelous. This led to an armed clash between a New York mob and the redcoats, known as the "Battle of Golden Hill" after the wheat field where it occurred. The British reportedly used bayonets against the mob, while the mob responded with halberds (long poles with ax blades and a steel spike at the end). There were some serious wounds, and many cuts and bruises. Fortunately, no one was killed, but the incident has been called the "first blood-shed of the Revolution." Six weeks later, Golden Hill was eclipsed by the incident commonly called the "Boston Massacre", where a clash between Bostonians and soldiers sent to ensure compliance with British policy resulted in four deaths.<sup>64</sup>

The Liberty Pole had become an important symbol of the struggle against the British, and a fifth pole was erected on a plot (owned by Sears) near the Common in February, 1770.

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<sup>63</sup> Schecter, 28; Launitz-Schurer, 72-3. The author of the broadside, it was eventually learned, was Alexander McDougall, a Son of Liberty of Scottish descent. He was eventually arrested and tried for libel against the government, but the trial ended when the star Crown witness, the printer, died. Schecter, 32-4

<sup>64</sup> Schecter, 29-31. The soldiers stationed in Boston threatened to treat the Bostonians just like the New Yorkers. This probably contributed to the climate that led to the Boston Massacre. Philip Ranlet, *The New York Loyalists*, (Knoxville: University of Tennessee Press) 1986, 31.

Standing forty-six feet above the ground, it bore a weather-vane that spelled out the word “Liberty”, and would last six years. “God Save the King” was played as it was installed.<sup>65</sup> At this point in the Revolution, despite their opposition to British policy, the Patriots were also Loyalists.

In 1770, the British dropped all duties except that on tea. The Delanceys, who represented merchant interests, wanted to end the economic boycott on all items except tea. The other two factions wanted the boycott to continue. On July 7, 1770, the Liberty Boys and their new allies the Livingstons clashed with representatives of the Delanceys in what became known as the Battle of Wall Street.<sup>66</sup> The breach between the factions on the trade and tax issue had been made clear in March, when competing annual banquets were held commemorating the Stamp Act’s repeal. A group calling itself the “Friends of Liberty and Trade” reserved Montaigne’s Tavern for March 18, the date of the annual banquet. This tavern had been the unofficial meeting place and headquarters of the Liberty Boys.<sup>67</sup> Undeterred, several

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<sup>65</sup> Schecter, 31-2.

<sup>66</sup> *Ibid.*, 34.

<sup>67</sup> Taverns (also known as public houses) were then, as now, important sites of interaction in American cities, and often allowed for the mixing of people from different social groups. Perhaps because New York City lacked the Puritan or Quaker background of Boston and Philadelphia, drinking alcohol was more prevalent in New York than in those cities. Problems with the availability of drinking water were also one reason for the consumption of alcohol. Since Dutch times, taverns had often been used for conducting public business. It is not surprising then that much of the political activity, formal and informal, of the late colonial era was conducted in taverns. Various social clubs and associations were formed during the colonial era, and one reason was to establish a little more formality and order to drinking. While New Yorkers enjoyed their drink, they were concerned about the disorderliness and foul language that emanated from taverns. The rituals and social clubs helped create order and good fellowship. When the Imperial Crisis arrived, political associations were formed and met in taverns. The New York Sons of Liberty probably formed at Burn’s Tavern, and it has been suggested that their name is reminiscent of the “fraternal bonds of tavern clubs”. Burn’s Tavern had also been the place where members of the Stamp Act Congress had retired to after meeting. Many of the important meetings of the Revolution occurred in taverns; in New York and other towns, they were often the largest public spaces (outside the churches). The Merchant Coffee House, site of many an important meeting, and where the articles of association were signed, was actually a tavern where fine food was sold, in addition to coffee (indeed, it was probably the finest establishment in the City). It is

leaders of the Sons of Liberty (such as Isaac Sears, Alexander McDougall, and John Morin Scott), bought a building near the Liberty Pole, named it Hampden Hall, and held their banquet. The Friends of Liberty and Trade toasted “Trade and navigation and a speedy removal of their embarrassments” and appeared to be members of the Delancey faction.<sup>68</sup>

Shortly after the “Battle of Wall Street”, the nonimportation agreement collapsed in New York. For the next few years after the collapse of the agreement, political disputes in New York would be mainly about patronage, not matters of high principle. The crisis was had been defused. Symbolic of the seeming return to normality, in August of 1770, an equestrian statue of King George, ordered after the repeal of the Stamp Act, was unveiled in New York City. This and the statue of William Pitt were the first statues ever erected in Manhattan.<sup>69</sup> But the “Imperial Crisis” was merely defused, not over. The fundamental questions remained. In less than six years, the statue of King George would be destroyed by crowds celebrating independence.

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also probable that some of the more violent actions of the Revolution in New York were fueled at least in part by alcohol in some of the participants. This was the belief of many Loyalists at the time, and it is likely that they were correct on this. In any event, it is not surprising that the virtual headquarters of the Sons of Liberty was a tavern, or that so many important events of the Revolution occurred in taverns. See Benjamin Carp, *Rebels Rising: Cities and the American Revolution* (New York: Oxford University Press) 2007, 62-98.

<sup>68</sup> Abbott 91-93; Tiedemann 151. The hall was named after John Hampden, an important figure in the English Revolution, who had argued against arbitrary taxation. He had also argued that resistance to the king was a duty when the king violated fundamental laws.

<sup>69</sup> Schechter 35.

## VI

After Moore and Colden's acting governorship, Lord Dunmore was briefly the governor of New York. In July, 1771, he was succeeded by William Tryon, who remained the official British governor of the province until 1780. Tryon was well-connected, with titled relatives and a marriage to the daughter of a wealthy merchant of the East India Company. The Earl of Hillsborough, who was president of the Board of Trade and Plantations from 1763 to 1769 and from 1768 to 1772 Secretary of State for the colonies, was a family friend. Tryon joined the army and was nearly killed during the Seven Years War, but survived. In 1764, he used his connections with Hillsborough to become lieutenant-governor of North Carolina, and became governor the next year. In many ways, his governorship was moderate. He supported the colonial demands for paper money, and was sympathetic to colonial demands in the Stamp Act crisis.<sup>70</sup>

However, Tryon's term as North Carolina governor is remembered for two things. The first was the erection of a new governor's mansion at New Bern. The Assembly appropriated £15,000 for the mansion. Many considered this excessive, and dubbed the mansion "Tryon's Palace". Far more importantly was his treatment of the Regulators. For years, the people of western North Carolina had tried to get greater representation in the colonial assembly. They also had other grievances, such as the economic depression, with the debts and foreclosures it caused (and what they believed was corruption by lawyers and the politically-connected). They

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<sup>70</sup> Oxford Dictionary of National Biography, <http://www.oxforddnb.com.libezproxy2.syr.edu/view/article/27784>, accessed June 17, 2011.

also had had little desire to pay for the “Palace”. Tryon had attempted to alleviate their demands, but the eastern “establishment” of North Carolina (mainly wealthy commercial farmers) had resisted increasing representation. The westerners eventually revolted in what became known as the “Regulator Revolt”. About 80 percent of the white males of the North Carolina backcountry were involved in the Regulator movement. Tryon put together a small militia and routed the Regulators at the Battle of Alamance in May, 1771, killing at least 25 and wounding 160 more. Loyalty oaths were imposed by Tryon and his forces on the people of west North Carolina, with 6000 former Regulators repudiating their actions. Seven Regulator leaders were hung shortly before Tryon left for New York.<sup>71</sup>

As New York governor, Tryon tried to be neutral, and above politics. Sometimes, he leaned towards the Delanceys, sometimes to the Livingstons. He tried to counter democratic tendencies in the province by commissioning only well-born gentlemen as officers in the militia, and by granting huge tracts of land to not only colonial aristocrats but to himself as well. This practice raised a few eyebrows in London.<sup>72</sup>

The Imperial Crisis was merely in hiatus during the early years of Tryon’s administration, and a convoluted chain of events would end the seeming normality of the time. War in India, famine in Bengal, and a financial crash in 1772 nearly ruined the British East India Company. The company, while it received bail-out loans from the government, needed to increase tea sales to improve its balance sheet. To help out the company, an act was passed by Parliament

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<sup>71</sup> Oxford DNB; Tiedemann, 170; Ray Raphael, *A People’s History of the American Revolution: How Common People Shaped the Fight for Independence* (New York: The New Press), 2001, 25. Ironically, many of the east coast elite of North Carolina would eventually become Patriots. While not all did, a sizable number of Regulators became Loyalists, hoping their loyalty would be rewarded with more political power in the province. North Carolina thus supports Carl Becker’s insight that the Revolution was not just about home rule but was also about who ruled at home.

<sup>72</sup> Tiedemann, 170.

giving the company a monopoly on the tea trade with America. While the prior heavy tariff on tea was eliminated, the Townshend duty remained at the insistence of the Prime Minister, Lord North. The end result of these changes was that the price of legal tea was less than that for smuggled Dutch tea. It seems that the Ministry was mainly interested in raising revenue and helping out the Company by increasing the sales of legal (as opposed to smuggled) tea. However, whether intentional or not, a trap had been laid: should the colonials buy the suddenly cheap tea, then, as Schechter argues, “they would have effectively agreed to parliamentary taxation.” Sears and McDougall began a broadside and pamphlet campaign to unite all New Yorkers, regardless of class or political affiliation, against the Tea Act. In some of these, not only Parliament’s power to tax, but its claim to pass any law or have any sovereignty over the colonies began to be questioned.<sup>73</sup>

On December 16, 1773, the Boston Tea Party occurred, as men disguised as Mohawks (some or most were probably members of the local Sons of Liberty) boarded a ship full of tea in Boston Harbor and dumped the tea into the Harbor. News of the tea party was sent to New York by an express rider, a Boston silversmith named Paul Revere. About 16 months later, Revere would make a more famous ride, but now his report helped inspire the radical faction in New York. On April 22, 1774, a group of men on the New York wharves boarded a ship called the *London* and threw eighteen chests full of tea into New York harbor. This was the New York Tea Party. A second ship, the *Nancy*, also laden with tea, was at Sandy Hook on the approaches to the harbor. On learning of the Tea Party, it pulled up anchor and headed back to England.<sup>74</sup>

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<sup>73</sup> Schechter, 37; Tiedemann, 176-7.

<sup>74</sup> Schechter, 38-39. Sandy Hook is a six mile long, one-mile wide barrier beach jutting out from Monmouth County, New Jersey into lower New York Bay, and has often been used as an anchorage.

The British Parliament, on learning of the Boston Tea Party, was shocked at the destruction of property, the lawlessness, and the implicit attack on what it saw as its rights and powers, and passed a series of acts it called the Coercive Acts but the colonists called the Intolerable Acts. The Acts shut down Boston harbor, made many Massachusetts offices appointed by the king or governor (thus making major changes to Massachusetts government without the consent of the Massachusetts population), and limited Massachusetts town meetings to once a year, among other provisions. News of these acts reached New York two weeks after the New York Tea Party.<sup>75</sup> Since New York had done the same as Boston, many must have worried that these acts could be extended to New York. This undoubtedly gave an incentive to join with other colonies in opposition, and to respond favorably to the Boston Committee of Correspondence's appeal for help, unity, and resistance.

Sears and McDougall urged that the colonies agree not to export to, or import from, Britain. However, they urged that such an agreement be formed under regulations agreed upon by "Committees from the Principal towns on the Continent, to meet in a general Congress to be held here for that Purpose." This was in many ways the genesis of the Continental Congress.<sup>76</sup>

A meeting was held at the Exchange on May 16 to discuss New York's response to the Intolerable Acts. Regardless of faction, most New Yorkers, including the Delanceys, were shocked at the strong British response. While the meeting was advertised to be for merchants only, many of the Sons of Liberty also attended. So many showed up at the Queen's Head

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<sup>75</sup> Ibid., 39.

<sup>76</sup> Schechter, 39; Alexander McDougall, "Political Memorandums", May 15, 1774, McDougall Papers, cited in Tiedemann, 186.

Tavern, the advertised site, that the meeting had to be moved to the Exchange. About 300 people attended the meeting.<sup>77</sup>

While shocked by the British actions, the merchants did not want a disruption of trade if possible, and the Delancey leaders argued that Boston should just pay for the tea, thereby ending the crisis. They urged that nonimportation not be adopted until there had been consultation with other colonies. A committee of correspondence was formed; the Delanceys insisted on a large committee of 50, (which soon became 51) and carried the day. They also achieved a majority on the Committee; only about 14 members of the Livingston-Sons of Liberty alliance were on the committee.<sup>78</sup>

Judge Thomas Jones, an important if biased Loyalist historian of Revolutionary New York, noted in his history that the majority of the Committee of 51, as it became known, were “real friends of Government.”<sup>79</sup> The committee was dominated by merchants, by respectable citizens, and was in character moderate, if not conservative (in the sense of wishing to maintain as much as possible the status quo). It was dominated by people with strong ties to Britain and its trade, who would seek to repair the breach with Britain. The majority of the committee members, while no doubt concerned with British actions, wanted trade. Thus, a little more than two years before independence, the most important Revolutionary committee in New York was quite conservative. To borrow an oft-used phrase, if they were revolutionaries, they were “reluctant” revolutionaries.

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<sup>77</sup> Tiedemann, 186-7; Launitz-Shurer, 108.

<sup>78</sup> Tiedemann, 187-8.

<sup>79</sup> Jones, I 34. The.



Jones' language is interesting. Many Loyalists or Britons would often use "friend of government" for Loyalists or "enemy of government" for the rebels.<sup>80</sup> In calling their foes "enemies of government", rather than "enemies of *the* government", it seems they were calling them anarchists<sup>81</sup>; that in opposing the King and Parliament's rule, they were opposed to any government at all. This fits in well with the characterization of the Patriots as usurpers<sup>82</sup>, mob rulers, and tyrants—though perhaps too much is being made here of a missing definitive article.

Despite its conservative nature, the Committee did contain a sizable number of radicals, and meetings were often quite fractious. It began to act "as a legal body, legally chosen, and fined, imprisoned, robbed, and banished his Majesty's loyal subjects with a vengeance."<sup>83</sup> In short, even this most-moderate body began to act as a revolutionary committee, taking on quasi-governmental functions. Similar events have occurred in other revolutions, as committees, elected or self-chosen, begin to act as a government. Perhaps the most famous instance of this was the soviets in revolutionary Russia, and the historian Edward Countryman, rather provocatively, noted this similarity between the two revolutions in the 1980s. Similar activities occurred in other colonies; for example, developments in Philadelphia and Pennsylvania are detailed in Richard Ryerson's *The Revolution Has Now Begun*.<sup>84</sup>

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<sup>80</sup> For example, Ambrose Serle, Lord Howe's secretary, called Oliver Delancey the leader of "The Friends of Govt. on Long Island". Edward H. Tatum, Jr. ed., *The American Journal of Ambrose Serle, Secretary to Lord Howe, 1776-1778* (San Marino Ca: The Huntington Library) 1940, Sept. 5, 1776, 92.

<sup>81</sup> "Poor unhappy Men! How are they led astray from the Blessings of a lawful & settled Government, into the worst Sort of Tyranny, into *Anarchy* and Tumult?" Serle, Journal, July 20, 1776, 39. Italics mine.

<sup>82</sup> For example, Governor Tryon issued a proclamation in relation to the Carlisle Commission (who are discussed in a following chapter) in December 1778, wherein which he stated, in reference to the Patriots, that "...whereas because some persons who, though inclined, might not be able IMMEDIATELY to deliver themselves from the tyranny of the *Usurpers*". *Proclamation*, December 24, 1778, C.O. 5/1109, 72. Italics mine.

<sup>83</sup> Jones I, 134.

<sup>84</sup> Edward Countryman, *A People in Revolution: The American Revolution and Political Society in New York, 1760-1790* (New York: W.W Norton) 1981, xviii; Richard Alan Ryerson, *The Revolution is Now Begun: The Radical Committees of Philadelphia, 1765-1776* (University of Pennsylvania) 1978.

The proposed Continental Congress met in Philadelphia in September and October, 1774 (though unlike Sears and McDougall's suggestion, the delegates represented colonies, not towns). It was here that Joseph Galloway of Pennsylvania presented his Plan of Union. Under this plan, a continental parliament called the General Council would be formed, and a President-General would represent the Crown's interests. The Council could veto British decisions relating to the colonies, and the British Parliament could veto American decisions. This would have given the colonies a greater say and retained British control. Many moderates at the Congress found the plan quite attractive. It is possible the British might have found it, or something like it, an acceptable compromise. Had Galloway's plan, or something like it, been adopted, war and independence would probably have been avoided, as it would have satisfied all but the most radical Americans in 1774. How the British would have reacted to such a plan is an open question; having adopted a hard-line policy, they may have rejected any plan that reduced what they saw as their power over America. After the Suffolk Resolves arrived in Philadelphia, discussion swung in a more radical direction, and Galloway's plan was narrowly defeated. Galloway would later become a leading Loyalist.<sup>85</sup>

The Congress passed the Continental Association. This was an agreement for nonimportation, and set up means to enforce this agreement. In New York, there was much

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<sup>85</sup> The Suffolk Resolves were passed in September 1774 by a convention of Massachusetts Committees of Correspondence, and Paul Revere brought a copy to the Continental Congress. These resolves urged that taxes not be paid and that there be no trade with Britain. Showing the resolve of the Massachusetts men to resist what they considered Britain's assault on their rights, they rather ominously urged that the colonies' militias be raised and drilled. Faced with a choice between preparing for possible armed conflict to defend against what they saw as usurpations of their rights or a peaceful plan (which may very well have been rejected by the British), the Congress rejected the more moderate course, and adopted the Resolves. Many Patriots, like Galloway, were unwilling to go as far as warfare with Britain (and later independence) to protect their rights, and became Loyalists, or at least neutral. Thomas Jones considered the Resolves to be virtually a declaration of war against Britain, and reports that South Carolina delegate Thomas Lynch, Jr., after the adoption of the Resolves, clapped his breast and exclaimed "I thank my God we have passed the Rubicon, there is no receding now." Jones, I 36.

consternation among the Delanceyites, who had hoped for resolution of the crisis, not its intensification and continuation. Jones reports that the Loyalists in New York had hoped for a “redress of grievances, and a firm union between Great Britain and America upon constitutional principles.” Now, totally disappointed, at a public meeting they resolved to oppose sending delegates to a future Congress.<sup>86</sup>

Many members of the Committee of 51, being merchants, were reluctant to enforce the Association. After much maneuvering, Isaac Low, the Committee’s chairman (and a leading merchant of New York), reached an agreement with Daniel Dunscomb, the head of the Mechanics Committee, to form a new Committee of 60 to enforce the Association. This new committee formed on November 17, 1774, and included more Sons of Liberty and Livingstonites than before.<sup>87</sup>

The Committee of 60 set up a subcommittee known as the Committee of Inspection to inspect ships and send them back before they could unload their cargo.<sup>88</sup> One of the powers of a government is to control and regulate trade. This will sometimes entail embargoing some or all cargoes. What the Committee of Inspection was doing was more than a boycott, where private citizens voluntarily choose to not purchase “offensive” items. The Committee was preventing these items from reaching the stores. Perhaps without quite realizing what they were doing, the Committee of Inspection had taken on a governmental function. Thus began a period of “dual government”, which, as discussed above, often occurs in revolutions. The

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<sup>86</sup> Tiedemann, 202; Jones, I, 35, 37.

<sup>87</sup> Tiedmann, 202-203.

<sup>88</sup> Schechter, 43.

committees of New York would soon form a Provincial Congress which would compete with and supersede the old Assembly.

Of course, governments need police to enforce their rules and ruling. In a revolutionary situation, the police role is frequently played by informal actors, who will often draw their legitimacy from a sense of accordance with the will of the people or from the ideals of the revolution. In New York, the Committee of Inspection used mobs to enforce their decisions. On February 9, 1775, at the same wharf where the New York Tea Party had been held, the mob jeered the captain of the *James*, a British trading vessel. The *James* did not land its cargo. The owner of the wharf, Robert Murray, more from economic motives than any political motive, tried several times to land cargo either at his wharf or elsewhere. Alexander McDougall and the other inspectors wanted to exile him from the city, but his wife's ardent appeals prevented that. However, the British could not land cargo in New York. The embargo held.<sup>89</sup>

New York at the dawn of the Revolution was a colony with a varied past and present. The long domination by two factions representing the interests of major economic interests was disrupted by the crisis, as a new faction, representing both a more strident outlook on the issues of the day and a rising economic interest arose. The dispute with Britain was fought by formal protests, petitions, pamphlets, and on occasion riots. The Boston Tea Party and the British response to it raised tensions between Britain and America to an all-time high. By 1775, open warfare would break out between America and Britain. News of the Battle of Lexington-

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<sup>89</sup> Schechter, 43-5. It is perhaps not surprising that those who opposed the Revolution would often see it as mob-rule or anarchy; the captain of the *James* and Robert Murray no doubt wondered under what legal authority the committee and the mob acted, and quite likely concluded none.

Concord would galvanize not just the people of New York City but those of the rural counties surrounding the city. The rural communities would begin to put their views on record, and begin seizing weapons or otherwise putting under suspicion their neighbors. Control of the province would increasingly pass from the organs of the official government and more and more into the hands of various committees. By the end of 1775, Governor Tryon would have fled New York City for the safety of British ships in the harbor.

## **Chapter II**

### **The American Revolution in New York**

1775 was a year in which the Imperial Crisis deepened in New York and the thirteen colonies in general. Resistance to British policy and the “Intolerable Acts” would lead to open warfare at Lexington and Concord near Boston. This escalation of the conflict would galvanize the anti-British movement. The structure of committees and congresses that had been slowly developing began to take over the province of New York. The governor would flee by year’s end to a ship protected in New York harbor by the British navy. From here, he would attempt to govern. The old political divisions of New York were being replaced by a new division of Loyalists and Patriots.

Outside of the city, the towns and counties were faced with the question of whether to participate in the Provincial Congress. Those who opposed the Patriot position would memorialize their opposition in various statements. But peaceful opposition was being seen as impermissible, and this would lead to confiscations of weapons and a low-level but very real civil war, which in some regions was in full-swing before 1776 began. Hopes for reconciliation with Britain were dimming. While the next logical step may have been independence, many as the year ended were reluctant to take that step.

I

In 1775, the first of a series of Provincial Congresses was elected in New York to coordinate the anti-British movement and the actions of the local committees. The Second Continental Congress was scheduled for May. The Patriot leaders believed that to give New York’s delegation more legitimacy, it should represent the whole state, not just New York City.

A provincial congress or convention should be selected to make what had mainly been an urban movement into one that encompassed the other parts of the province—and perhaps supplant the Assembly, controlled by the Delanceys. The Delancey faction had been moving more and more into a position that was beginning to be called Loyalist. This was not surprising. As one scholar argues, “the De Lancey party’s long-term commitment to the empire, Anglicanism, elitism, and commercial growth had by now made it impossible for many of its members to accept...the path that patriots were taking.”<sup>1</sup> Many of the great merchants who eventually became Loyalists did not have deep roots in New York (Isaac Low was a notable exception.) Many were immigrants from Britain or her possessions. They had family, partners and trading connections in Britain. In one way of putting it, they had East-West connections. The connections of the Sons of Liberty and other traders who chose independence were more North-South—they traded with the other colonies, or with the West Indies (including the French and Spanish possessions.)<sup>2</sup>

Merchants, which many of the Delanceys were, could only support short stoppages of trade with their main trading partner. Long stoppages would be economically harmful, if not ruinous. Merchants whose trade was less-dependent on Britain, such as many of the *nouveauroche* Liberty Boys, were far less economically vulnerable to a trade stoppage.<sup>3</sup> Since much of their wealth did not come from trade, the great landlords (many of whom were Livingstons), also were fairly immune to the direct effects of an embargo.<sup>4</sup> It must also be noted that the

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<sup>1</sup> Tiedemann, 214-7.

<sup>2</sup> Countryman, 113-116

<sup>3</sup> Ibid.

<sup>4</sup> For various reasons, many of the great landlords were not in political favor in London. Some of them had gained their estates through questionable means, or the estates had not been obtained through British favor, but in spite of it. For example, the first Robert Livingston had built his manor on “gall and fraud”, while in contrast William



creation of a rival center of power to challenge the Delancey-dominated assembly may also have been partially a maneuver in the old factional strife.

As an example of their conservatism on the Imperial Question, the Delancey-dominated Assembly in March passed several resolutions which affirmed loyalty to the crown, and stated that all laws that were not “inconsistent with the essential rights and liberties” of Englishmen were binding on the colonies. However, to these rather unobjectionable statements they also argued that taxation by parliament was unconstitutional, and petitioned the King and Parliament for a redress of grievances. It is again apparent that, while all three factions were in general agreement in their opposition to British policy, and even on the reasons the policies were wrong, they differed on method. The Delanceyites saw the parliament’s actions as unconstitutional, but their strategy was to petition through the legal assembly for a redress of grievances; the Livingston-Liberty Boy alliance wanted to boycott and enforce the boycott through the committees.<sup>5</sup>

In many ways, within a few weeks, the De Lancey/Livingston divide, indeed, the entire faction system that had governed New York for decades would be an anachronism. The question of American-British relations would dominate all questions and supplant all prior alignments. The new factional divide would be that between the Tories or Loyalists (mainly composed of members of the Delancey faction, though some Livingstons would become Loyalists) and the Whigs or Patriots (mainly Livingstons and Sons of Liberty).

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Johnson had been given secure title to hundreds of thousands of acres for his services to the Crown, and was a great support to Britain until his death. Some of the landlords had political connections in Britain that were now in the proverbial political “wilderness.” These landlords were more likely to choose independency. Those like Johnson who were in favor with Britain tended to oppose the movement and eventually independency. *Ibid.*, 114-116.

<sup>5</sup> Tiedemann, 215

As the crisis deepened, the committees had begun to move from coordination and organization to enforcement of boycotts and other quasi-governmental activity. This process was similar to events occurring in many other colonies. With rare exceptions, such as Cadwallader Colden, the majority of New Yorkers wanted to resist what they saw as a British attempt to extinguish their liberties, but they also wanted to remain in the Empire. As the historian Joseph Tiedemann phrased it, they wanted “both empire and liberty.” A solution to the Imperial Crisis that kept New York (and the other colonies) solidly within the Empire (with all its commercial benefits), yet respected—and solved—Patriot concerns regarding taxation without representation was desired. Judge Jones reported in his history that what many desired was both a redress of grievances, and a firm union. Galloway’s Plan, which might have led to such a solution, had been rejected, and a series of resolutions which clearly pointed at armed resistance had been adopted instead by the Continental Congress. While many, probably most, New Yorkers desired to remain within the Empire, many truly feared that the British sought a tyranny over the colonies. To prevent this, Patriots in New York and the other colonies began taking actions that leaned not towards reconciliation, but towards active resistance and independence.<sup>6</sup>

As the above occurred, or before, some members of the elite (many of them Delanceys) began to leave the Patriot movement, fearing the direction they saw it moving in. Wishing for some kind of reconciliation with Britain that also addressed the legitimate grievances of the colonies, they saw—some sooner than later—that the colonies were instead moving towards independence. James Delancey left for Britain in May, 1775, and never returned. Isaac Low left

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<sup>6</sup> Tiedemann, 225; Jones, I, 35.

the Patriot cause in November, 1775, after he was named by the Provincial Congress to a committee to purchase gunpowder. John Alsop, a prominent merchant, remained in the Provincial Congress until *July 16, 1776*, resigning only after the Declaration of Independence “closed the door of reconciliation,” as he put it in his letter of resignation. A few, like Cadwallader Colden, actively opposed the Patriots. Perhaps 15 percent of New Yorkers became—or remained—Loyalists.<sup>7</sup>

William Smith Jr.’s journey from youthful radicalism to Loyalism is intriguing.<sup>8</sup> His father, William Smith Sr., had represented John Peter Zenger in the famous 1735 trial, and incurred the enmity of the Delancey family during this trial. Young William Smith Jr., born in 1725, hence naturally moved politically into the Livingston orbit, and with William Livingston and John Morin Scott, formed part of the “Triumvirate” discussed above. Smith was probably the author of nine of the articles in the *Independent Reflector*. The *Reflector* supported “truth and liberty”, and opposed the control of the proposed King’s College (the modern Columbia University) by Anglicans. This was a cause dear to many Presbyterians, such as Smith, Livingston, and Morin. Smith wrote a history of New York, became a prominent lawyer, and helped keep the calm after the Stamp Act riots. Eventually, in 1767, he became a member of the Governor’s Council, where he would often clash with the Delanceys, and would attempt to align the Sons of Liberty with the Livingston faction. In 1774, Alexander McDougall introduced John Adams to Smith. Adams described Smith as having “the character of a great lawyer, a

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<sup>7</sup> Tiedemann, 206-7; Launitz-Shurer 197.

<sup>8</sup> Smith’s memoirs are an extremely important source for the history of Revolutionary New York, and he would be an important actor during General Robertson’s governorship. See William H.W. Sabine, ed., *Historical Memoirs from 16 March 1763 to 25 July 1778 of William Smith*, Vol. I, (New York: New York Times & Arno Press) 1956, 1969. (Smith, *Memoirs*, henceforth).

sensible and learned man, and yet a consistent, unshaken friend to his country, and her liberties.” In short, Adams considered Smith in 1774 to be a Patriot.<sup>9</sup>

As a member of the Council, in late 1775 and early 1776, Smith would attend meetings on board the *Dutchess of Gordon*, a British vessel Governor Tryon had taken refuge on (see below), and strive to achieve compromise on his return. Communication between the ship and the city was stopped by April 1776, so Smith left the city with his family, and went to his country home at Haverstraw on the Hudson, where his brothers Thomas and Joshua also lived. Two trunks of documents were left in his New York City home, and he never recovered them. His home was used by George Washington as a headquarters for a while, and was destroyed in the great fire of September 1776. Hence, Smith, a member of the governing Council of British New York, lived for several years in the unoccupied portion of independent New York. Smith was placed on a list of suspect people in June 1776, and summoned to appear before a committee. He had several friends on the committee, and they allowed him to avoid an appearance and move to Livingston Manor. In June 1777, the Committee of Safety asked him if he considered himself a citizen of the independent state of New York. He “declined to answer”, and was put on parole in Livingston Manor. This was basically house arrest. Livingston Manor was quite large, covering about 200,000 acres, so it was not an unpleasant house arrest, but it was still house arrest. The Committee for Detecting and Defeating Conspiracies in July 1778 banished Smith to British-held New York, but did not strip him of his estates. This and other actions, such as continued correspondence with leading rebels, aroused suspicions by Thomas Jones and the British secret service as to his loyalties. However, the more likely explanation was

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<sup>9</sup> William H.W. Sabine, “Biographical Sketch of Chief Justice William Smith and his Family”, in Smith, *Memoirs*, 2-5.

that he was a fence-sitter; that while he agreed with many of the Patriot arguments, he could not shake his loyalties to Britain. Anyone who has read even a portion of his *Memoirs* will consider him a Loyalist, though perhaps one with some sympathy for the American cause. When he finally had to make a choice, he chose Britain. The youthful crusader against privilege and Anglican domination chose in his middle age to stay with Great Britain. Like many New Yorkers, he wanted liberty, but he also wanted empire. He was awarded by the Crown with, among other distinctions, being made Chief Justice of New York in 1780.<sup>10</sup>

Why did people become Loyalists? As several have pointed out, the question is somewhat backwards. Arguably, loyalty was the “default state”; a better question is to ask why people became rebels. However, in the northern colonies at least, it seems that the default state was only achieved by much effort. The colonists may have been, as Pitt proclaimed, the “sons of England”, but they were often the disliked sons of England, at least in the North. New England was settled by Pilgrims and Puritans, as was much of Long Island. The Puritans wished to purify the Church of England of what they saw as Catholic remnants, and feared what they saw as Catholic leanings by the kings. The Pilgrims had actually separated from the Church. The seventeenth-century Puritan New Englanders and Long Islanders may have respected the king as lawful authority, but most probably did not have great fondness or devotion to him. Indeed, their co-religionists in England actually killed a king of England, and until 1828 would be

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<sup>10</sup> Ibid., 5-7. Paul Wentworth, a member of Britain’s secret service, in 1778 reported that Smith was “A Lawyer of great intrigue & subtlety—has great knowledge of the partys, & much reading—is an independent republican in Church and State, in his Heart; but has the address to pass for a Loyalist: & avoid any ostensible part on the popular side: I believe—from some circumstances which accidentally fell in my view—that he has been a secret adviser & Corresp. To the Congress—is Ambitious & avaritious—would prefer certain Gratifications to speculative pursuits—few men are so able, if he could be trusted.” Quoted in *ibid.*, 7.

a suspect group (the “Dissenters”) in Britain, prohibited from many offices. Even after 1828, they were for a long time social outsiders in Britain.

But, at least the Puritans and Pilgrims were English. New York was a conquered Dutch province, and was run without an assembly for about twenty years after the conquest, at least in part for this reason. Pennsylvania, founded in 1681, and much of New Jersey would be populated largely by another group of religious dissidents, the Society of Friends—generally referred to as Quakers. The Stuart kings after the Restoration began a process to anglicize—that is, make more like English norms—the laws, governments, and customs of America as much as possible. Governor Edmund Andros of the Dominion of New England in the 1670s introduced oaths to legal procedures, which many Puritans saw as a form of idolatry. The King’s arms were placed in town courthouses. Imperial holidays such as the King’s birthday were celebrated—and some of these fell on the Sabbath. Flags flew St. George’s cross—another idol in Puritan eyes. Before the Restoration, ties with England had been tenuous, and some of the Puritan colonies could be said to be virtually self-governing. The Stuarts’ effort to assert their authority and rule over the Americas even prompted one historian of seventeenth century America to call 1676 (the year of Bacon’s Rebellion and King Philip’s War) the “End of American Independence.”<sup>11</sup>

After the Glorious Revolution of 1688-9, the later Stuarts and then the Hanovers continued this process of rationalization and royalization, but with more success in New England and the Middle Colonies than the earlier Stuarts. The kings were now Protestants,

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<sup>11</sup> Brendan McConville, *The King’s Three Faces: The Rise & Fall of Royal America, 1688-1776* (Chapel Hill: University of North Carolina Press) 2006, 33-34; Stephen Saunders Webb, *1676: The End of American Independence* (Syracuse, NY: Syracuse University Press) 1984, 1995.

often at war with Catholic powers, and far more acceptable to American Calvinists. The Glorious Revolution, the overthrow of a Catholic monarch and the establishment of a Protestant monarchy, was seen as an important event in God's plan for history in the almanacs of the day. The day of the defeat of the Catholic dissident Guy Fawkes' plot to destroy Parliament, November the 5<sup>th</sup>, became a holiday as early as 1665 in Massachusetts. Royal birthdays were celebrated as early as 1710 in New York. As many New Yorkers were Anglicans, and the King was the ultimate leader of the Church of England, it is not surprising that many New Yorkers felt strongly for the king. There are many reports of cheers of "God save the King," drinking the King's health, and the like from eighteenth-century colonial America. By the eighteenth century, historian Brendan McConville argues, "The evidence points to deep and real affections for the British monarchy among provincials."<sup>12</sup> But this affection did not include the Parliament. The king ruled them, and this was accepted, but the right of the Parliament to rule them was not so accepted and by the 1770s was being explicitly rejected.

Not only was the king by the late colonial era loved or at least deeply respected, but he was seen as the guarantor of the people's liberties. Liberty poles would be raised to the tune of *God Save the King*. Flags would be placed on these poles with both the words "Liberty" and "George III" on them, symbolically equating the king with liberty (see below). And, as one British officer wrote the Colonial Secretary, George Germain:

So far were they in 1767 from thinking of a Form of Gouvernement without a king, that the People believed the King would take their Part if he was rightly informed. If any convulsion at home had made it necesary for em to think of

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<sup>12</sup> McConville, 49, 56, 67-8, 76, 83-8. Even among descendants of Puritans, it is likely that the important role the king was seen to have in God's plan helped create fondness or other feelings stronger than respect.

Gouverning emselves I am convinced that most of the provinces would have asked for a Prince of the House of Hanover. I am not saying there was no Republican amongst em. But no man professed it, or would have been popular for it.<sup>13</sup>

By the mid-eighteenth century, if not earlier, the King was respected, perhaps loved, and seen as the guarantor of the people's liberties. What shook this faith in the King and the British Constitution among so many Americans? The Intolerable Acts and the Quebec Act, it has been suggested, may have been the tipping point for many. The Intolerable Acts seemed an overreaction to an act of political vandalism and reduced the freedoms and liberties of the people of Massachusetts. The Quebec Act, which established the Catholic Church in Quebec and extended that province's boundaries, seemed to many to be the act of a tyrant; Catholicism had long been associated with not just a heretical religion but with tyranny in Protestant minds. The hiring in 1775 of Hessian mercenaries—*foreigners*<sup>14</sup>— whose likely use would be to attack British subjects, was also seen as tyrannical. The influence of Opposition theory, of a classical republicanism which saw tyranny as an eternal temptation for those in power which had to be zealously guarded against, was also an important factor. And it became more and more clear that the King was as much the colonists' enemy as the Parliament. The King, the protector of their liberties, had become in the eyes of many freedom's enemy. And, as so often happens, love can turn to hate when the object of one's love seems to betray one. By January 1776, when Tom Paine's *Common Sense* denounced and ridiculed the very notion of monarchy,

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<sup>13</sup> Apollo Morris to Germain, November 29, 1775, *Germain Papers*, Clement Library, Vol. IV, 59.

<sup>14</sup> One member of the Continental Congress, stating the "sentiments" of the Congress, informed Governor Tryon clandestinely that if Russians or other foreign "auxiliaries" were sent to America, then independence would be declared. Private Intelligence, Sept. 1775, CO 5/1106 No. 285.



many Americans were ready to accept the arguments.<sup>15</sup> Still, not all had their faith shaken. For example, while the settlers of the Caribbean and Bermuda shared many of the same concerns, and had close economic ties with the colonies, they remained loyal. Fear of the French was probably a major factor; the British fleet was their protection against foreign conquest. Revolt would have been senseless; a few ships could overawe any possible resistance an island could mount. Even a large island with some “strategic depth”, like Jamaica, would probably have been defeated by a few regiments backed by the British Navy. And fighting on these islands was something to be avoided for financial reasons. Fighting would cause great damage to the sugar cane fields, the main source of the island’s wealth. This would take some years to repair, and was therefore to be avoided. The islands had huge slave populations, and fear of a servile revolt probably was another factor. Many of the ruling class of the West Indies had very strong ties with London, and were often absentees, spending much time not on the island. Their ties to the islands, their sense of being Jamaican or Barbadian, were not strong. As one commentator told the Secretary of State for America:

The Subjects of those islands must at all times depend upon the Parent State for protection, & and for every Essential resource. The mart of their Produce will ever be at home; & the Public credit is security for their acquired Wealth if established in our Bank or Funds. Their aim is only to get Fortunes & return to their native Land.

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<sup>15</sup> McConville, 286-9; Bailyn, 34-5, 45-51.

Thus, while Bermuda actually sent a delegation to the Second Continental Congress, neither Bermuda nor any of the islands of the Caribbean left the empire.<sup>16</sup>

People became (or remained) Loyalists for many reasons. Loyalists came from every economic class and background. While many were wealthy and learned, others were poor and illiterate. For example, tenants of the great estates of the Hudson had many grievances against their mainly Patriot landlords, and would have preferred to have been freeholders. The British were told in 1777 that a promise to make the tenants freeholders would bring thousands of Loyalist farmers to their side. Once war began, tenants of Patriot landlords in Albany County, were “actively Tory or at best indifferent to the patriot cause.” Many New York Loyalists believed that prosperity and unity were brought to the colonies by the British tie; that it was good to be part of a trans-Atlantic empire. Britain was associated with liberty and prosperity; maybe some adjustments in its relations with the colonies needed to be made, but not in the manner the Patriots were seeking it (and certainly not through severing the tie by declaring independence.) The diverse nature of New York province may have made some fear the changes that could occur once the steady hand of Britain was removed.<sup>17</sup>

Religious and ethnic minorities could also link the British connection with liberty. Since Britain desired peace and unity, it could act as a neutral party and protector of minorities.

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<sup>16</sup> Andrew Jackson O’Shaughnessy, *An Empire Divided: The American Revolution and the British Caribbean* (Philadelphia: University of Pennsylvania Press) 2000, xi, xiv, xv, 1-7. Quote is from John Drummond to Lord George Germain, March 24, 1778, in O’Shaughnessy, 1. The aforementioned delegation left Bermuda for Philadelphia in July, 1775. Its main concern was to exempt Bermuda (an island of 10 to 15 thousand people) from the American trade embargo, which threatened to starve the island. They eventually arranged a trade that was mutually satisfying and continued through much of the war, despite Bermuda’s loyalty (and despite Bermuda’s loyalty, many American privateers were built in Bermuda). While there was much sympathy with the American position, the general consensus on the island was that their interests remained with being loyal to Britain, and there were those who were concerned with the wisdom of treating with a rebel organization. See Wilfred Brenton Kerr, *Bermuda and the American Revolution: 1760-1783* (Princeton, NJ: Princeton University) 1936, 40, 42-7, 53-5.

<sup>17</sup> Potter, 11-12; Alfred F. Young, *The Democratic-Republicans of New York: The Origins, 1763-1797*, (Chapel Hill: University of North Carolina Press) 1967, 13. Quote is from Young.

Baptists in Massachusetts, for example, were often at odds with their Congregationalist neighbors. The British connection was the “final line of defense” against the majority, and many Baptists in Massachusetts became Loyalists.<sup>18</sup> Similarly, the Dutch in New York no doubt saw the British as a protection against being overwhelmed by their English-speaking neighbors. Moravians on Staten Island, as discussed above, became Loyalist to protect themselves from a feared alliance of the Dutch Reformed Church and the Presbyterians’ against them.<sup>19</sup>

Like the West Indians, those who lived near the borders also enjoyed British protection. The British not only protected upstate New Yorkers from the Iroquois, but the British Empire was allied with the Iroquois. The British could and did protect the Iroquois from land-hungry Americans. The Proclamation of 1763 was an attempt to protect Indian territories from settlers. While a few tribes supported the Americans, most of the Iroquois continued in their alliance when the Revolution occurred. The restriction on expansion onto Indian lands, as well as British moves in the 1760s to challenge some of the titles acquired by the landlords, could have helped swing some landlords (and settlers) into the Patriot camp: remove the British, remove the check on westward expansion.<sup>20</sup> After the Revolution, the British government in Canada would keep a tighter rein on and control westward expansion much more than the American government did.

A final point should be noted. Loyalists considered the committees and congresses to be illegal bodies that were imposing their will on others. They were imposing a “democratic tyranny” on the colonies. Loyalists in Jamaica Queens, for example, responded to the

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<sup>18</sup> Potter, 12-13.

<sup>19</sup> Papas, “Richmond County, Staten Island”, 84.

<sup>20</sup> Potter, 12-3.

December, 1774 meeting which produced the Jamaica Resolves by calling the meeting “unlawful”. (See below). Soon, the committees would seize arms and prevent merchants from trading. The Revolution was believed by some Loyalists to be the work of a small cabal. Thomas Jones, for example, had thought that the Triumvirate wished to overthrow Anglicanism and the king with Presbyterianism and a republic, or throw the entire province into anarchy. Loyalists believed that the losers in many of the factional disputes of each colony were attempting to overthrow the winners by stirring up the people; the Patriots were really motivated by ambition, envy, and spite. The impassioned discussions of natural rights and constitutional principles were merely means of stirring up the populace in service of those who would usurp power in each colony. The British, as detailed below, would often refer to the rebel leaders as the “Usurpers”.<sup>21</sup> All of these beliefs were reported by many Loyalists to the British, with the result that the British tended to underestimate the size and depth of feeling of the Patriots.

Patriots in Queens County and elsewhere in America would soon begin forcibly disarming those who refused to sign documents stating their loyalty to the Patriot cause. (See below). Loyalists were subject to mob action such as being run out of town on a rail or tar and feathering. In other words, at least arguably they were being persecuted for holding a political opinion differing from the majority—and the “majority” was probably not even a majority. Revolutionary committees, not the official governments, would call men to militia service. It is unsurprising that many Loyalists thought that there *was* a real danger of tyranny in America—but the danger came from the Patriots, not the British.

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<sup>21</sup> Potter, 14, 18-19; Jones, I, 5.

Turning from individual motives for Loyalism, let us now look at the counties of New York to see which could be considered Patriot, Loyalist, or mixed or neutral. The prevailing attitude of the inhabitants of the various counties as the crisis deepened was divided. Views differed from county to county, from locality to locality, from house to house (and many houses and families were divided). Neither upstate nor downstate could be considered a Patriot, Loyalist, or undecided region. In downstate New York, Suffolk, with its strong New England ties, was mainly Patriot, while Kings and Richmond were mainly Loyalist. Queens was split between the political tendencies, as was Manhattan. In upstate New York, Ulster and Orange were Patriot, while Westchester, Dutchess, Albany, and Tryon were split. The frontier and Green Mountain regions were mainly Patriot. Albany County had a sizable Loyalist minority. Thus, after the occupation of downstate New York began, one overwhelmingly Patriot county (Suffolk) was “behind” the lines, while independent New York had sizable Loyalist minorities. Indeed, Albany, New York’s second largest city—and the largest population center in unoccupied New York—was located in a county with a large Loyalist minority.<sup>22</sup>

Why counties leaned one way or another depended much on local circumstances. For example, Suffolk on Long Island had a New England character, and was heavily influenced by Patriot-leaning ministers with New England roots. Countryman notes that all of the Patriot counties were growing at a higher rate than the Loyalist counties. New York City had many citizens who were tied strongly to Britain, through economic trading ties, or recent immigration, and counties near the City were tied to the City economically and by other

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<sup>22</sup> Joseph S. Tiedemann, “Communities in the Midst of the American Revolution: Queens County, New York, 1774-1775”, *Journal of Social History*, Vol. 18, No. 1 (Autumn, 1984), pp. 57-78.

matters. The Dutch in Kings tended towards Loyalism. Dutch areas may have felt more culturally and ethnically secure under British than independent rule. Many of the Dutch in Kings owned slaves, who were vital to the agricultural economy of the county. This has been suggested as a reason for not desiring to upset “the status quo, least of all in the cause of liberty.”<sup>23</sup> It is possible that this explanation could explain other examples of Loyalism among non-Dutch slave owners.

## II

On Sunday morning, April 23, 1775, a messenger from Boston (not, this time, Paul Revere) arrived in New York City. Riding on horseback, he loudly blew on a trumpet, urging New Yorkers to gather at the Liberty Pole. Here he announced the Battle of Lexington-Concord, which had occurred a few days earlier, and that American blood had been shed by the British. There was great animation and consternation at the news. What occurred next was called by one Patriot leader “a general insurrection of the populace.” Isaac Sears and other Liberty Boys formed a parade with drums beating and flags flying, urging that arms be taken up in defense of

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<sup>23</sup> Burrows, 21-42, 22-3; Countryman, 105. Quote is from Burrows, 23. It is intriguing to note that despite the correlation noted between growth and Patriotism above, many of the upstate “gentry” from fairly economically stable areas became Patriots, while many merchants from relatively dynamic New York City became Loyalists. The question of the relative economic dynamism of the Patriot counties Countryman notes is intriguing. Why would they want to shake a favorable status quo? Countryman suggests that Patriot counties such as Suffolk, Orange, and Ulster did not have the close ties to the transatlantic world that Tory counties such as Kings, Richmond and Queens had (he considers Queens a mainly Loyalist county—it seems to have been more mixed). These counties were prosperous; the Patriot counties, while growing, could better be described as places of modest comfort, with lower land values than the counties that bordered New York City. Hence, they had less to lose from a breach with Britain, and would be more amenable to Patriot and independence arguments. Countryman, 105-7.

the rights of America. According to Judge Jones, the “posts were stopped, the mails opened, and the letters read.” A ship loaded with supplies for the British in Boston were seized by mobs and the cargo removed. The Arsenal at City Hall (then at Wall and Nassau Streets) was broken into and 600 muskets were seized, as well as ammunition and bayonets. More gunpowder was seized at the Fresh Water Pond. The large brick house of Isaac Sears on Queen Street became the de facto seat of government and headquarters of the militia.<sup>24</sup>

Attempts to control the situation by the official government were ineffective. As Governor Tryon was then in England, it fell to the hapless Lieutenant-Governor Cadwalladar Colden to deal with the situation. He called an emergency meeting of the Council and city officials. Thomas Jones urged that the militia be called out; “the Loyal Whig”, William Smith, opposed the plan, stating that the insurrection was a result of Britain’s attempt to enslave the colonies. If the people’s grievances were redressed, the ferment would subside. He urged no action. Smith’s biographer L.F.S. Upton notes that Jones’ suggestion was absurd. Most of the militia were members of the Liberty Boys; they were with the rioters—some of them may have *been* rioters. Jones records that no one replied to Smith’s suggestion, and that the Council meeting ended with no decision made. Colden soon left New York City for the relative safety of his home on Long Island.<sup>25</sup>

New York City was in an effective state of anarchy, with armed citizens parading around the city, and with British troops huddling in their barracks. To restore order, a meeting was held

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<sup>24</sup> Schechter, 51-2; Jones, I, 39.

<sup>25</sup> Ibid., 52; Jones, *Memoirs I*, 40-41; LFS. Upton, *The Loyal Whig: William Smith of New York and Quebec* (Toronto: University of Toronto Press) 1969, 95. Jones’ comment on Smith’s advice was that, while Smith was a member of his Majesty’s Council, “it must also be remembered that this was the advice of a rigid Presbyterian—a factious republican—a hater of monarchy—an enemy to Episcopacy, a leveler in principle, and a sly, arch, hypocritical ringleader of sedition.” Jones, I, 41, n.2. Jones is not the most objective of sources, and must be used with care; however, at least historians have little difficulty determining his biases.

at the Merchant's Coffee House on April 29. Here a "General Association" was signed.

Signatories agreed to obey the Continental Congress, New York's Provincial Congress, and the Committee of Sixty. Many on the old committee, such as Isaac Low and Philip Livingston, did not want additional powers such as raising militias. Enforcing a boycott was one thing, and was what they had been elected to do, but now they were being asked to run a city in revolt. In such a case, it was not unreasonable to ask for a new election. This election occurred on May 1. There was much maneuvering over the membership of the Committee of One Hundred, with Sears objecting that the original list of candidates included too many Loyalists. Some of the more objectionable names were removed, and the Committee of One Hundred began to govern New York. This new committee, while a revolutionary body, included many who wanted a rapprochement between America and Britain.<sup>26</sup>

A few days later, New York hosted enthusiastically the Massachusetts and Connecticut delegations to the Second Continental Congress. New Yorkers also began actively seeking out Loyalists. Alexander Hamilton helped Miles Cooper, president of King's College, escape from a mob intent on doing him harm. And worries turned to the large Loyalist population of Queens. The citizens of New York began to drill intently. On May 23, the British man-of-war *Asia*, equipped with sixty-four guns and loaded with guns and ammunition, arrived in the harbor and anchored off the Battery. The Committee of One Hundred and the Provincial Congress now had to operate under the possible threat of bombardment. To appease the British, local merchants

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<sup>26</sup> Schechter, 52-3; Tiedemann, 222-5. The Provincial Convention had adjourned on April 22, having fulfilled its main purpose of selecting delegates. The news of Lexington-Concord arrived the next day, and the New York Committee set out to form a new Provincial Congress, the one referred to in the General Association. Flint, 353.



were authorized by the Congress to supply the *Asia* with food and other necessary items. Many still hoped for reconciliation.<sup>27</sup>

The new Provincial Congress convened on May 22, and assumed control of the anti-British opposition, and more and more the colony. Its members had to sign a General Association pledging allegiance to the Congress, and the Provincial Congress decreed that all New Yorkers needed to do this as well. There was no official punishment for failing to do this, but obviously those who failed to do so were under suspicion by their Patriot neighbors. There was becoming little room for opinions that dissented too far from the Patriot viewpoint. Nonetheless, while it prepared fortifications and organized militia and Continental Army units, the Congress's members held out hope for a settlement. The Assembly still existed; New York City had an official mayor in addition to the Committee of One Hundred. New York was in a period of dual government.<sup>28</sup>

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<sup>27</sup> Schecter, 53-54; Judith L. Van Buskirk, *Generous Enemies: Patriots and Loyalists in Revolutionary New York*, (Philadelphia: University of Pennsylvania Press, 2002), 12.

<sup>28</sup> Tiedemann, 229. The sequence of conventions, congresses, and state legislatures is roughly as follows: The Provincial Convention met in April 1775 to choose delegates for the Continental Congress. It was followed by the First Provincial Congress, which served until December, when it was superseded by the Second, which was followed by the Third, which met in May of 1776. A Fourth Congress was formed to discuss the independence question. It met at White Plains on July 9, 1776 and declared independence. As the government of a newly independent state, no longer an (allegedly) illegal and revolutionary body, the Fourth Provincial Congress changed its name on July 10 to the Convention of Representatives of the State of New York. See Bernard Mason, *The Road to Independence: The Revolutionary Movement in New York, 1773-1777* (Lexington: University of Kentucky) 1966, 213. Of course, New York was still in a state of revolutionary government by committees, of *ad hoc* government, until a Constitution was written and a new government met under this new Constitution. The Constitution was not finalized until April, 1777, and did not fully go into effect until September, 1777. Military events about this time disrupted the first meeting of the legislature, resulting in another period of irregular rule by a wholly unconstitutional body, the Convention of the Members of the Senate and Assembly (which, as its name implies, consisted of members of the Senate and Assembly, thus granting it some legitimacy). When the constitutional legislature finally reassembled, it debated the legitimacy of the measures this Convention had taken, as well as the legitimacy of appointments made by the congresses and committees. See Edward Countryman, "Consolidating Power in Revolutionary America: The Case of New York, 1775-1783", *Journal of Interdisciplinary History* VI:4 (Spring, 1976) 645-677.

One of the more amusing incidents of the early Revolution in New York occurred on June 25, 1775, and it shows the strange nature of dual government and of professing loyalty to a government that you were engaged in hostilities with. New York still had a royal governor, William Tryon, but he had been away in England for an extended period. On June 25, George Washington, newly appointed to his position as Commander in Chief of the Continental Army, arrived in Northern New Jersey on his way to Boston. He was also accompanied by Generals Lee and Schuyler. The Provincial Congress sent a delegation to escort the visitors into New York City. Washington entered the city “towards evening” and received a lavish reception. Governor Tryon that same day arrived at Sandy Hook. Tryon landed at the Exchange about 9 PM, and also received a lavish reception—by many of the same people who a few hours earlier had been feting Washington. Jones commented:

I must again say, strange to relate! these very men, who had been not five hours before pouring out their adulation and flattery, or more probably the real sentiments of their souls, to the three rebel Generals, now one and all joined in the Governor’s train...wished him joy of his safe arrival, hoped he might remain long in his Government, enjoy peace and quietness, and be a blessing to the inhabitants under his control. What a farce! What cursed hypocrisy!<sup>29</sup>

The needs of resisting the British and preparing for possible full-scale war were many. While many American families had some kind of firearm, the Americans were deficient in artillery. This had been one of the needs that drove Ethan Allen’s attack on Fort Ticonderoga in May of 1775, and the cannon seized there would help force the British evacuation of Boston in

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<sup>29</sup> Jones, I, 55-57.

March, 1776. The Provincial Congress planned a fort in the Highlands (see Chapter IV for a discussion of the military importance of the Highlands). Forts need cannons, and the Congress authorized the removal of some cannon from the Battery. The operation took place at midnight of August 22, 1775, under the command of Isaac Sears and John Lamb, but the *Asia* shelled the American troops. Several Americans were killed, but twenty-one cannons were removed by Sears' forces.<sup>30</sup>

This shelling had two contrasting effects; increased defiance among some, while others (some Loyalists, some just afraid of war) chose to leave the city. This evacuation by many New Yorkers reached the highest levels of government and society. In October 1775, Governor Tryon of New York received information that he was to be apprehended as "an enemy to America," made a prisoner, and transported to Connecticut and confined for the duration of the war. Tryon informed Mayor Whitehead Hicks of his fear that he would be captured, citing "undoubted authority from the City of Philadelphia." According to Thomas Jones, the source was a member of the Provincial Congress, and Tryon told Dartmouth that a Continental Congress resolve that he and other Crown officers should be arrested had agitated the town. Hicks began discussions with the City Committee, which he described as "a very numerous body consisting of reputable inhabitants elected at a convention of the whole Town" regarding Tryon's fears. The New York Committee, chaired by Isaac Low, informed Mayor Hicks in a written answer on Oct. 17, 1775 that Tryon could "rest assured of all that Protection from us and our fellow citizens, *which will be consistent with the great principle of our safety and preservation...*" (italics mine). Hicks sent the Committee's written answer to Tryon. Not

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<sup>30</sup> Tiedemann, 233.

surprisingly, Tryon's next communication with Mayor Hicks was addressed from "On Board the Halifax Packet", and stated that he found Hicks' "letter of yesterday insufficient for that security I requested from the corporation & Citizens...my duty directed me for the present instant to remove on board this ship...."<sup>31</sup>

Tryon would spend the next few months on board the *HMS Dutchess of Gordon*. From here he acted as governor, and met with his Council. Council members such as William Smith would be rowed to and from the ship for the meetings. The Assembly had held its last meeting in January, and was continuously prorogued. The Provincial Congress slowly took over the management of the Province, while the official government was literally "at sea".<sup>32</sup>

### III

Long Island had been little touched by "the excitement of the capital." The factional strife seemed far away.<sup>33</sup> Government on the island was stable, each town being run by a small group of families generally recognized as the natural leadership. Long Island was not isolated,

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<sup>31</sup> Tryon to Dartmouth, Enclosure A, New York 16<sup>th</sup> October, 1775, in E.B. O'Callaghan, ed., *Documents Relative to the Colonial History of the State of New York: Procured in Holland, England, and France*, (Albany: Weed, Parsons, and Company) 1857 (henceforth DCH), Vol. VIII, 638; Hicks to Tryon, New York, 14<sup>th</sup> Oct. 1775, DCH VII 639; New York Committee to Hicks, 17<sup>th</sup> Oct. 1775, Hicks to Tryon, Oct. 18, 1775, DCH VIII 640; Tryon to Mayor Hicks, 19<sup>th</sup> Oct. 1775, DCH VIII 641; Tryon to Dartmouth, Oct. 16, 1775, New York, C.O. 5/1106 No. 293; Jones, I, 61-2. Tryon was definitely in contact with a member of the *Continental* Congress about this time. A document entitled "Private Intelligence" and dated Sept. 1775 is found in the Colonial Office papers. It gave certain war plans being made by the Congress, and stated that "If Russians or foreign auxiliaries are sent over they will set up an Independency." The author is given as "an Eastern Delegate of the Continental Congress." C.O. 5/1106, (285).

<sup>32</sup> William Sabine, "Introduction", in William Sabine, ed., *Historical Memoirs from 16 March 1763 to 25 July 1778 of William Smith* (New York Times and Arno Press: New York) 1956, 1969, 5; Judd, 115; Bonomi, Appendix C.

<sup>33</sup> Flint, 333.

however. Undoubtedly, in the homes and taverns of Long Island, the great issues of the day were discussed, and opinions, however tentative, were formed. Most of the ministers in the Presbyterian churches that dominated Suffolk County had been trained in New England, and like the ministers of New England, used their influence to shape opinion in a Patriot direction.<sup>34</sup> Long Island had a long tradition of resistance to arbitrary government. Hempstead, for example, had been settled in 1643 by Stamford, Connecticut men who complained they had no vote, no liberties and no justice because New Haven men made their laws and laid down the tax rate. Suffolk County had peacefully resisted incorporation into New York in the 1660s, and its inhabitants resented having to pay for title to land they had possessed before 1664. In 1689, in response to news of the Glorious Revolution, the town meeting of Huntington gave “full power to act as civil and military head officer” to its militia captain, Epenetus Platt (in effect, it declared martial law), and with Southold sent some men to join Jacob Leisler in his taking of the fort in New York. Relations began to turn rocky with the rather high-handed Leisler, and the eastern towns favored annexation with Connecticut, but eventually supported the new governor, Henry Sloughter, who replaced Leisler.<sup>35</sup>

It was the Boston Tea Party, or more accurately, the British response to it, that finally forced Long Island into the controversies of the time. News of the Intolerable Acts reached New York City on about May 12, 1774 (see above) and soon spread to Long Island. By this time, the towns of Long Island had already held their annual meetings.<sup>36</sup> Beginning in June many

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<sup>34</sup> Staudt, 65.

<sup>35</sup> Mather, 159; *HTR* II, 29-33, 60, 63, 73 and notes.

<sup>36</sup> For example, Huntington held its town meeting May 4, 1774. *HTR* II, 531.

Long Island towns, sometimes at special town meetings, began to condemn the Intolerable Acts.<sup>37</sup>

Huntington in Suffolk was one of the first to respond. At a special town meeting held on or about June 21, the town adopted the "Declaration of Rights." Here, they argued that "every freemans property is absolutely his own, and no man has a right to take it from him without his consent, expressed either by himself or his representatives" and that therefore "all taxes and duties imposed on His Majesties subjects in the American colonies by the authority of Parliment are wholly unconstitutional and a plain violation of the most essential rights of British subjects." The Declaration condemned the Parliament's closing of the port of Boston as subversive of "just and constitutional liberty", and urged a breaking off of "all commercial intercourse with Great Britain, Ireland, and the English West India colonies." They considered that the people of Boston were suffering in the "common cause of British America." They expressed their willingness to enter into such measures as a general congress of the colonies might agree to, and formed a three-man committee to join with the other committees of the other towns of Suffolk as a general committee for the county to correspond with the New York committee.<sup>38</sup> Huntington had joined the great debate with a brief but elegant statement of the issues involved, and identified the cause of Boston as their own, as would many communities and colonies from New Hampshire to Georgia. Lastly, though operating through the ordinary methods of government, they had formed a committee that would soon become part of the

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<sup>37</sup> Smith, *Memoirs*, I, May 18, 1774, 186; Henry Onderdonck, *Revolutionary Incidents of Suffolk and Kings*, (Port Washington, NY: Ira Friedman), 1849, (OSK) 1970, 13-14.

<sup>38</sup> *HTR* II, 535-6. The Declaration may also be found in OSK # 534, p. 14-5. Smittown adopted the above Resolutions and formed a committee on August 9. OSK #535, p. 15.

dual, revolutionary government that would form as the official government of the province collapsed and lost its power.

A few days earlier, East Hampton had also voted to form a committee, and Huntington's eastern neighbor Smithtown adopted the Declaration of Rights and formed a committee. The Committees of Correspondence for the County of Suffolk met on November 14 and recommended a subscription for the Boston poor and a ship to collect and deliver them.<sup>39</sup>

The towns of Queens took a little longer to join in, but here, even some of those areas that would later show reluctance and even hostility to the Patriot cause joined in the general disapproval of the Intolerable Acts and support for non-intercourse with Britain. The Continental Congress had urged every town and county to form an association to enforce the boycott. At least partially in response to this call, many towns on Long Island met.

The town of Jamaica was located in the southern part of western Queens. On December 6<sup>th</sup>, 1774, many of Jamaica's freeholders gathered at the Court House. After some discussion, they produced what became known as the Jamaica Resolutions. After asserting their allegiance to the king and "their intention to maintain the dependency of the Colonies upon the Crown of Great Britain," they resolved that it was their "undoubted right to be taxed only by our own consent" and that the taxes imposed by the Parliament were "unjust and unconstitutional". They argued that they were one people with the "Mother Country, connected by the strongest ties of duty, interest, and religion." They expressed sympathy with Boston and approved the measures taken by the First Continental Congress, and appointed an eight man Committee of Correspondence. Not all approved, and 136 Jamaicans signed a

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<sup>39</sup> Mather, 138; OSK # 536, 15-6.

statement stating that they had never given their consent to choosing that committee, “as we disapprove of all unlawful meetings, and all tyrannical proceeding whatsoever.”<sup>40</sup>

A meeting of a large number of freeholders in the town of Newtown in northwest Queens<sup>41</sup> met on December 10, listened to the Jamaica Resolutions, and formed a committee. This committee issued a set of resolutions, known as the Newtown Resolves, on December 29, 1774. The first resolution expressed allegiance to the king, and stated that “we consider it our greatest happiness and glory to be governed by the illustrious *House of Hanover*.” The resolution stated that they considered the British and American people one people, under the same Constitution, and regretted anything which had a tendency to “destroy the mutual confidence which the mother countries and her colonies should repose in each other.” The second stated that it was a “fundamental part of the British constitution that a man shall have the disposal of his own property, either by himself or representatives.” It reiterated the argument that as they were not represented in Parliament, Parliamentary taxation was “subversive” of the English constitution, and that it had “a direct tendency to alienate the affections of the colonists from their parent state.” Lastly, the resolutions approved of “the wise, prudent, and constitutional mode of opposition, adopted by our worthy delegates in general congresses, to the several late tyrannical and oppressive acts of the British Parliament.”

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<sup>40</sup> Flint, 348-51; Henry Onderdonk, *Revolutionary Incidents of Queens County* (New York: Leavitt, Trow & Co.) 1846, (OQ) # 2, 14-16.

<sup>41</sup>Newtown was centered on modern Elmhurst, Queens. When modern New York was consolidated in 1898, the old towns within the new Borough of Queens (Newtown, Flushing, and Jamaica) were dissolved. Flushing and Jamaica are still place names and neighborhoods; Newtown is recalled by Newtown Creek. The eastern towns of Queens County that were left outside the new borough (Hempstead, Oyster Bay, and North Hempstead) in 1899 were formed into Nassau County.



After thanking the delegates for their “patriotic spirit”, they hoped that their liberties and privileges would be restored, as well as “harmony and confidence” throughout the Empire.<sup>42</sup>

Despite the protestations, no doubt sincere, of loyalty, the resolutions were strongly worded, calling Parliament’s actions not only unconstitutional but tyrannical. Not all in Newtown were in agreement with the committee or the resolves, which were published a few days later. On January 12, 1775, a little less than sixty Newtown inhabitants signed a letter, published in Rivington’s *Gazette*, stating that they were not involved in any way with the resolves and that they did not acknowledge any other representatives but the “general assembly of the province.”<sup>43</sup> Such letters and statements, such as the earlier one from Jamaica, would become rather common in New York, as Loyalists (and probably some neutral parties) tried to dissociate themselves from the actions of the Patriots. It is apparent they feared that the protest movement was spiraling towards armed rebellion, and feared possible retribution by the British. By formally stating their opposition, they hoped to put their loyalty and opposition to the Patriots on record. Three of the signatories of the Newtown letter were justices of the peace, and reflecting the ethnic composition of the town and the general conservatism of the Dutch population as to the imperial dispute, at least thirty names were of Dutch derivation.<sup>44</sup>

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<sup>42</sup> Flint, 347-8; the full text may be found in James Riker, Jr., *The Annals of Newtown, in Queens County, New York* (New York: D. Fanshaw) 1852, 176-177 (Google Books, accessed June 24, 2011). There are some minor differences in the text printed in Onderdonk, Queens (OQ); the “fundamental part” of the Constitution language in Riker is replaced with “that man ought to have the disposition of his property...” It is possible that Riker and Onderdonk found two differing versions or drafts, either in print or in manuscript. In any event, the sentiments expressed are similar, and the “tyrannical” language is found in both. OQ, #, 5-6, pp 17-19.

<sup>43</sup> Riker, 178; OQ # 7, p. 20.

<sup>44</sup> *Ibid.*

The day after the Newtown Resolutions (December 30, 1774), ninety freeholders of the town of Oyster Bay (in eastern Queens, wedged between Hempstead and Huntington in Suffolk) met. However, so many of those who attended seemed, according to one correspondent, to be “friends to our happy, regular and established government” that the meeting was deemed illegal, and that no business could be properly done.<sup>45</sup> So Oyster Bay did not go on record on the great questions of the day, as apparently those who opposed the congresses and committees were in the majority at the meeting. Thomas Jones does not mention this meeting in his history, but as a resident of the Town of Oyster Bay, he may very well have been one of those decrying the meeting as illegal.

In Kings County, a countywide meeting was called to elect delegates to the first Continental Congress in the summer of 1774, but only two people showed up. No response was made to the Congress’s call to form an association. However, in April 1775, five of Kings County’s six towns sent delegates to the County Hall in Flatbush to choose delegates to the second Continental Congress. Flatlands failed to send delegates. After the news arrived of Lexington-Concord, the British action was denounced by the “magistrates and freeholders” of the village of Brooklyn, and Kings sent eight delegates to the First Provincial Congress. However, the general trend of the county was Loyalist and this Loyalist tendency was increased by an influx of refugees from Manhattan in the summer and fall of 1775. Many Loyalists found refuge in Kings County from the turmoil in Manhattan, including Governor Tryon and Chief Justice

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<sup>45</sup> Peter Force, *American Archives*, Series IV., Vol. 1, (Washington, 1837) 1076-7; Flint 348.

Daniel Horsmanden. However, in Flatbush, the church pulpit was shared by the outspoken Loyalist Johannes Rubel and the outspoken Patriot Ulpianus van Sinderen.<sup>46</sup>

As discussed above, the news of Lexington-Concord had led to a “general insurrection of the people” in New York City, and the ascendancy of such extra-constitutional bodies as the Committee of One Hundred and the Provincial Congress. The first congress would soon give way to a second in November. Long Island and other southern New York communities had to decide whether to send delegates to the congresses.

The towns and county of Suffolk responded with sending delegates to both congresses. Kings did as well. Queens also sent delegates to both congresses, but the large number of Loyalists and “neutrals” made this an altogether different proposition. One study, based on active declarations of Loyalty or Whiggism, concludes that only 12 percent of the county was Whig. However, only 26.8 percent of the population were Loyalist. The majority, 60.3 per cent, were neutral.<sup>47</sup> On March 31, 1775, the motion to send delegates from Queens County to the convention (to choose delegates to the Continental Congress) failed 94 to 82. In Hempstead the freeholders met on April 4 and issued what is known as the “Confession of Faith”, or the “Hempstead Resolves”. These declared for the King and unity with Britain, that choosing delegates to a provincial congress was “highly disrespectful” to their legal representatives, that in other provinces it had resulted in “destroying the authority of constitutional assemblies”, and concluded that

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<sup>46</sup> Burrows, 23. The six towns of Kings County during the Revolutionary Era were, roughly from north to south, Brooklyn, Bushwick, Flatlands, Flatbush, New Utrecht, and Gravesend. While surviving as place, neighborhood, and street names, these towns were also dissolved during the consolidation of New York City in 1898.

<sup>47</sup> Tiedemann, “Communities” 57-78, 58-9.

We are utterly averse to all mobs, riots and illegal proceeding by which the lives, peace, and property of our fellow subjects are endangered, and that we, to the utmost of our power, will support our legal magistrates in suppressing all riots and preserving the peace of our liege sovereign.<sup>48</sup>

Hempstead thus rejected the institutions of the embryonic revolutionary government.

The authors of the document recognized that a rival government was in the process of forming, and announced their preference for the old government. The legitimacy of these new institutions was not accepted by Hempstead. Expressions of Loyalism such as the above, and the rejection of congresses and committees—the arising revolutionary government—would soon result in Patriots from outside Queens feeling compelled to attempt to subdue the county through the use of force.<sup>49</sup>

Patriots in Hempstead were concentrated in the northern “necks” of the town, while the southern parts were far more Loyalist. The people of the north had long resented the political domination of the southern parts of the town. It was difficult for the northerners to go to town meetings in the South. The north was more prosperous, sending much of its agricultural produce to New York City. In September of 1775, following the Provincial Congresses direction that militia companies be formed, residents of the north met and declared that they could not support “the common cause” as long as they were part of Hempstead. They resolved that for the duration they would consider themselves a separate entity, and established their own committee and militia company. This division was not simply the result of a difference of opinions, but a result of long-standing differences between the parts of the

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<sup>48</sup> Flint, 351. Text of Resolves may be found on 500; OQ, # 14, p.24.

<sup>49</sup> Tiedemann, “Foiled” 417-444, 417.

town. In 1784, the town was permanently divided into the Towns of Hempstead and North Hempstead.<sup>50</sup>

In Oyster Bay's town meeting on the first Tuesday of April, 1775, "it was Objected by many Against haveing anything to do with Deputies or Congresses." The vote was 205 to 42 against choosing deputies. Announcements began to be posted in Oyster Bay after Lexington-Concord and the "insurrection" in the capital for a meeting at Jamaica to elect deputies to the Convention. On May 19, 1775, the three justices of the peace of Oyster Bay stated in a document entered into the town records that they paid "NO Regard to Anonimous Advertisemnts Nor to Any other matter, Contrary to the Sacred Oath we have taken to Keep the peace of the Country as far as we are able." The history of this protest is rather interesting. The town clerk, Samuel Townsend, entered the document in the Town Records, with the note that if there was no approval at the next Town Meeting, it was to be erased. At the April 2, 1776 town meeting, the majority of voters ordered that the protest be erased. The protest was crossed out. At the next town meeting, in April, 1777, things had changed. The British were firmly in control of Long Island in general and Oyster Bay in particular. Thomas Smith, one of the protestors, was elected Moderator of the meeting. The protest was re-entered into the Town Records, which continued:

When the Freedom of Election was destroyed the Congressional Party Came into this Township of Oysterbay With an Armed Force and took Great Numbers of the Loyal Freeholders & Inhabitants Prisoners Sum few they Carryed of[f] Prisoner the others they Disarmed and Carried of [f] there Arms and Obliged them to Sine

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<sup>50</sup> Tiedemann, "Foiled" 427; Tiedemann, "Communities", 64-5.

there Paper Not to Oppose there Measures, this ye Congressional Party Did Some Months Before the Anuel Town Meeting April 1776.<sup>51</sup>

The Loyalists stated at the 1778 Town Meeting that they had wanted the protest back in so that “Distant Ages” would know the large number of Loyalists that Oyster Bay contained, and that they had not changed their mind in 1776—but had that year been unable to vote or afraid of the “Congressional” party.<sup>52</sup> This was probably not “trimming”; the 5 to 1 “anti-Congressional” vote, and the failure of the December 30, 1774 meeting to make any statement protesting British actions, all indicated that the rather tiny town was Loyalist.<sup>53</sup> The locals wanted the British (as well as distant “Ages”) to know that the town was Loyal, and should be treated so.

The five-to-one defeat of the motion to select delegates was not the end of the matter in Oyster Bay, nor in Queens. Having been defeated at the Town Meeting, the Patriots of the town held their own meeting, appointing one Zebulon Williams as their delegate. Forty three delegates signed the statement of appointment—one with a mark.<sup>54</sup>

The members of the First Provincial Congress were mainly chosen by town meetings, or by committees chosen by town meetings. In other words, despite its extra-constitutional (if not revolutionary) character, the Congress drew its legitimacy, its claim to represent the people of

<sup>51</sup> Oyster Bay Town Records, Vol. VII 1764-1795, ed. by John Cox., Jr. (New York, 1938) Book H, 55-61. Quote from 61. The protest by the justices of the peace may also be found in OQ, # 21, p. 28.

<sup>52</sup> Ibid., 62.

<sup>53</sup> Despite Oyster Bay’s protestations, the above-mentioned study of Loyalism shows only 113 persons, or about a quarter of Oyster Bay’s 1775 population of 660, could be considered Loyalist, with only 56 Whigs. Tiedemann, “Communities”, 60. Of course, the methodology of the study (see above n. 47) pretty much excludes women. If we assume the percentages among the women were similar to those among the men, then a little more than half the town was Loyalist, with a quarter Whig (or Patriot). “Trimming” referred to the practice of shifting loyalties as political events changed, like a ship “trimming” its sails to the changing winds. Tiedemann’s study found that less than one percent of Queens were trimmers in 1775; perhaps that amount went up as events changed.

<sup>54</sup> Joseph H. Vielbig, “Loyalism in Nassau County”, *Nassau County Historical Society Journal* 13 (Oct. 1951): 10-19, 12; OQ # 17, p. 28.

New York, from within the pre-existing system as much as possible. Its membership consisted of representatives chosen by the towns and counties of New York, and therefore arguably had as much claim to legitimately represent the people of New York as the Assembly—arguably more, as the Congress had been chosen far more recently than the Assembly, and in direct response to a set of circumstances that had not existed when the Assembly had been elected in 1769. Zebulon Williams, however, presented a problem to the Congress. Williams had not been elected by a town meeting, but by a self-selected group of Patriots. He could not be said to represent the entire town; he represented at best a faction. Unlike those chosen by town meetings or committees selected by such meetings, he lacked democratic legitimacy. In fact, the town he purported to represent had overwhelmingly voted to have “nothing to do with Congresses.” He represented, if anything, the opposite of the town’s opinion.

Oyster Bay was not the only Queens town to send a questionable delegate. The Congress was faced with 4 delegates from Queens (Zebulon Williams, Joseph Talman, Joseph Robinson, and Col. Jacob Blackwell) with questionable credentials. The decision was made to give these delegates from Queens “observer status”. That is, the questionable Queens delegates could be present at the deliberations, make their opinions known, could speak, but could not vote. The delegates were satisfied with this, and even expressed the opinion that “they do not think themselves entitled to vote.”<sup>55</sup> Apparently, they too were conscious of their questionable status and unrepresentative nature. And it was also apparent that a major downstate county, or at least a large portion of it, seemed remarkably unenthusiastic towards the Patriot movement. This was noted both at the Provincial Congress and soon by the

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<sup>55</sup> Vielbig, 12; Flint 351-2.

Continental Congress. In any event, after Lexington-Concord, five delegates were selected from Queens for the Provincial Congress, but two were dissuaded by Loyalists from serving.<sup>56</sup>

One sign of Loyalist feelings was an anonymous poem (attributed to “NO YANKEE”) that circulated in their circles in Queens about this time:

O Tempora! O Mores!...

...True Sons of Catiline! Like his your cause—  
 Insult the Government! despise its laws!...  
 Thy venal priests inflame the peoples’ breasts  
 These holy cheats! A nuisance and a pest!...  
 P.S. I fret, I storm, I spit, I spew  
 At sound of YANKEE DOODLE DOO!<sup>57</sup>

The Suffolk towns began to prepare for the possibility of armed resistance to the “Ministerial” troops. The May 2d, 1775 Town Meeting in Huntington voted that 80 men should be chosen to exercise and to be ready to march. In the summer, Brookhaven formed a Committee of Observation and began keeping a close eye on several Loyalists, who had declared that they would furnish British ships with provisions. Brookhaven apologized on June 27 for being rather slow to respond to “Congressional measures”. The town had perhaps the largest concentration of Loyalists in the county. Several large landholders were Loyalists, and held important offices. James Lyon, the Anglican preacher for the town, had organized, spoke, written, and used his influence to become the “Mainspring” of the Loyalists of the region.<sup>58</sup>

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<sup>56</sup> Joseph S. Tiedemann, “Queens County”, in Tiedemann and Fingerhut, eds. *The Other New York: The American Revolution beyond New York City, 1763-1787* (Albany: State University of New York), 2005, 46.

<sup>57</sup> OQ #10, 21-22. The “venal priests” are most likely meant to be the Presbyterian ministers, many of whom were in the forefront of the Revolutionary activity on Long Island.

<sup>58</sup> Staudt, “Suffolk County”, 65-6; OKS # 542, p.45 17; HTR II, 537.



During the summer, American troops continued besieging Boston, and a major battle was fought near Bunker Hill. The colonies were at war with Britain, and while most still hoped for reconciliation, they continued preparing for possible warfare in New York. The western towns of Suffolk County met at Smithtown in early September to nominate officers for a regiment. The preparation for war soon involved more than building forts, drilling militia and forming regiments. It also involved keeping an active eye on suspected Loyalists. And soon, it involved more than just keeping an eye on them. In August, Parson Lyon was arrested by the committees of Brookhaven and Smithtown and transported to Connecticut. On September 16, 1775, the Provincial Congress, alarmed at reports it had heard of Loyalists in Queens and elsewhere, ordered that every New Yorker who had not signed the Continental Association be disarmed. The Third Regiment of New York, stationed in Suffolk, was ordered into Queens to disarm Loyalists. Three weeks later, on October 6, the Continental Congress recommended that the provincial assemblies and Committees of Safety of the provinces arrest and secure every person who “in their opinion endanger the safety of the Colonies or the liberties of the people.”<sup>59</sup>

As discussed above, opposition to British policy was widespread; the main difference seemed to be over tactics, whether to use boycotts supported and enforced through a new structure of committees and congresses, or to protest through more traditional methods such as petitions by the colonial assemblies. But as the Patriots moved in the direction of armed conflict, some began to drop away from the movement and oppose the Patriots. Though many

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<sup>59</sup> Flint, 354-5; HTR III, 1; General Wooster to Governor Trumbull, Oyster Ponds, NY, August 14, 1775, in Flint, n.1, 354. Wooster and four companies had been ordered to the East End of Long Island to protect the cattle of the area from raids by the “Ministerial Army.” Oyster Ponds is now called Orient, and is located at the eastern end of the North Fork.

of these still opposed British policies, they believed that the movement was moving from opposition to British policies to opposition to Britain and the British connection; that was a bridge too far for them to take. By the fall of 1775, the colonies, while still professing loyalty to the king, were at war with the King's troops (while still clinging to the fiction that their enemy was the Parliament, not the King.) There were credible reports that Loyalists were being supplied with weapons from the *Asia*. And, as many colonial homes possessed firearms, it was likely that many of the Loyalists were armed, even without British supplies.<sup>60</sup>

Now the Congresses were ordering or urging arrests, and seizing weapons from Loyalists. Another way of describing this is that they were disarming those who disagreed with the Patriot movement. The arrest and disarming of political opponents is something we associate more with the French or Russian Revolutions than with the American. The Patriots tried to make clear that the arrests were not for having the wrong opinion, but were for those they believed to be dangerous to the "safety of the Colonies." Still, though they even promised to pay for the seized arms (which would be used to arm the Patriot troops), it certainly did seem that any who opposed the Patriots were having their property seized. To the Loyalists, they were being arrested by illegal bodies "unknown to the British Constitution". Their Patriot neighbors, who wished to protect American property from being taxed without consent, had engaged in property damage in Boston and New York, and were now seizing the weapons of Loyalists. Hence, many Loyalists believed that their liberties were under assault by the Patriots, and that the Patriots were hypocrites. The situation had now reached the level of armed conflict; the ordinary give and take of the political system could not function; the profession of

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<sup>60</sup> Tiedemann, "Foiled", 428.

certain opinions now was beyond the pale, and could result in being placed under suspicion or worse.

The effort in the fall of 1775 to disarm the Loyalists in Queens failed. Loyalists began concealing their weapons and refused to obey the orders of an extralegal congress. Some of them were drilling in military formations (in short, forming or preparing to form Loyalist militias). Cadwallader Colden was urging resistance. In Hempstead, a militia officer, Captain Richard Hewlett, was boasting that he was prepared to do battle with the Patriots. Troops would be needed to disarm the Loyalists, and the Provincial Congress did not have them to spare.<sup>61</sup>

Loyalist strength was again shown in November when an election to choose delegates to Congress was held. The polls were open from Tuesday to Saturday in Jamaica. Over a thousand ballots were cast, but the results were 778 to 221 against representation. Queens Loyalists issued a declaration on December 6 that they only wished to live in peace, yet were being treated as enemies of the country. Therefore, they were arming themselves (with weapons provided by the *Asia*) and were prepared to resist any “Acts of Violence.” The Congress soon reacted by ordering over 700 people to appear before it, and declaring that all those who had voted against deputies in November were guilty of a breach of the General Association. Punishing people for voting “incorrectly” is a clear breach of democratic norms, but New York—or Queens at least—was in a state of civil war or incipient civil war at this point. Differences of opinion were still being debated with words, but those who held differing opinions were arming themselves and threatening to use them—or were using them to disarm

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<sup>61</sup> Tiedemann, “Foiled”, 428

their opponents. Under such circumstances, many governments have turned to much harsher measures than were adopted in Queens. The Provincial Congress next requested help from the Continental Congress, which would send troops in the New Year to arrest Loyalists. 1775 ended on Long Island with incipient civil war.<sup>62</sup>

In Westchester, there was a center of Patriot activity at Rye on the Sound. A group calling itself the “Freeholders and Inhabitants of Rye” urged the other towns to send representatives to White Plains (near the center of the southern part of the county) to select delegates to the first Continental Congress. The meeting was held on August 22, 1774. The Borough of West Chester, where the Morris family dominated, sent representatives to the meeting and also adopted a set of resolutions, arguing that the imposition of taxes without consent was arbitrary and oppressive. The meeting chose to accept the delegates already elected by New York City (John Alsop, James Duane, John Jay, Philip Livingston, and Isaac Low.)<sup>63</sup> The White Plains meeting was probably not well attended, as it was held during “the busiest season of the agricultural year”.<sup>64</sup> The White Plains meeting was “the first time the county linked itself to the mainstream of the revolutionary movement.” It also was met with a concurrent mass rally at White Plains, attended by about 400 people, organized by Loyalists to denounce the Continental Congress and the actions of the Patriots of New York. They resolved

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<sup>62</sup> Flint, 355-7; Tiedemann, “Foiled,” 429; Tiedemann, “Queens County”, 46. The General Association, or Defense Association, was drawn up by the Provincial Congress in October. It should also be noted that the Loyalists of Kings also prepared for armed conflict after these resolutions by the two congresses. It was basically a pledge of loyalty. Burrows, 23-4.

<sup>63</sup> Judd, 113.

<sup>64</sup> John Thomas Scharf, *History of Westchester County* (New York: L.E. Preston and Co.) 1886, 206. Scharf suggests that some of the Loyalist signatures were the result of “not always gentle, social or political or ecclesiastical or financial pressure.” 209.

to form a Loyalist Association to oppose the Whigs.<sup>65</sup> The White Plains Patriot meeting, as had similar meetings on Long Island, resulted about a month later in a statement by 83 “Inhabitants and Freeholders” of Rye stating that they had nothing to do with these resolutions and measures. Fourteen more Rye residents objected to the objections.<sup>66</sup>

A general meeting held in White Plains on April 11, 1775 to elect delegates to the Second Continental Congress was well-attended by Loyalists, but they did not participate in discussions, nor did they vote. After a delegate (Lewis Morris) had been selected, a Loyalist spokesman, Isaac Wilkins, rose to declare his “abhorrence of all unlawful congresses and committees.” This explained his group’s non-participation in the meeting; they did not wish to participate or vote in a meeting to elect delegates to an illegal congress. The group then retired to a nearby tavern, where a protest was signed by over 300 county residents, most prominently Assemblyman Frederick Phillipse, the great landowner and merchant. Lewis Morris rejected the protest, alleging that 170 of the signatories were not voters and other signatories were too young to vote.<sup>67</sup>

The response to the Battle of Lexington-Concord had swung the pendulum towards the Patriots in Westchester. A Committee of 90 for the county was formed by the Patriots of Westchester on May 8, and eleven deputies were selected for the Provincial Congress. The county committee was set up three weeks before the Provincial Congress recommended doing so. County militia organizations were established from June to September. Some militia

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<sup>65</sup> Kim, 873-4.

<sup>66</sup> Judd, 113. The Patriots had called themselves the “Freeholders and Inhabitants.” Perhaps in an effort to differentiate themselves, the Loyalists called themselves the “Inhabitants and Freeholders.”

<sup>67</sup> Judd, 114. Despite their large landholdings in Westchester, Patricia Bonomi assigned the Philipse family to what she called “the merchant faction” because of their extensive commercial activities. Frederick Philipse was a prominent member of the Delancey faction. Bonomi, 60, 246, 277.

officers had not signed the Continental Association until their selection. In August of 1775, the Westchester Committee of Safety (which met when the full committee could not) declared that tea buyers or sellers would be considered “inimical” to the liberties to the country.<sup>68</sup>

In the fall of 1775, Loyalists began organizing themselves into military units and arming themselves for self-defense. Activity was particularly intense in Philipsburg and in Cortland Manor (near Peekskill in the northwest part of the county). The Loyalists hoped to acquire arms and ammunition from the British. Their plans were discovered, and in November there was a clash between armed opponents that lasted three days. The Loyalists numbered about 250, and the county committee sent to Connecticut for troops. However, the Whigs managed to disperse the Loyalists and arrest their leaders before the Connecticut forces arrived. 1775 had ended in New York City with the Patriots in control, and the governor a refugee on a warship. On Long Island it had ended with the beginnings of civil war. In Westchester, civil war had already begun.<sup>69</sup>

The three thousand residents of Staten Island, like those of Westchester, had been fairly apolitical, deferring to a few respected leaders. The most prominent of these were Christopher Billopp, a member of the 1769 Assembly (the Thirty First and last-sitting of the colony of New York)<sup>70</sup> and a member of a family with many ties to the governments of both New York and New Jersey. His father-in-law Benjamin Seaman was a justice of the county surrogate court and had been in the Assembly since 1756. Both were Anglicans, and tended to vote in the Assembly

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<sup>68</sup> Kim, 874; Judd 115.

<sup>69</sup> Kim, 875. It should be noted that Phillip Van Cortlandt was a member of the Livingston faction, a Patriot, and serving as a member of the Provincial Committee of Safety. There had been tenant unrest on Van Cortland Manor about eight years earlier. Judd, 109-11. This could perhaps explain the Loyalism of many on the Manor. It may have been a continuation of the landlord-tenant strife that plagued the region; perhaps the tenants did not wish to serve the cause of their landlord.

<sup>70</sup> Bonomi, Appendix C.

against the measures of the “Congressional” party. The people of Richmond County opposed the Continental Association and the committee system that sought to enforce it, fearing the harm it threatened to transatlantic trade; there was a rather lucrative export trade from Staten Island. Staten Island evaded the Association through smuggling, of which there was a long history on the island.<sup>71</sup>

Staten Island is quite close to New Jersey, and had an extensive trade with the Garden State. It was hence susceptible to economic coercion from New Jersey. In February, 1775, two local New Jersey committees from towns where Staten Island sold its goods (Elizabeth and Woodbridge) banned or threatened to ban all trade with the island until the people of Richmond signed the Association. By July of 1775, most had signed the Association.<sup>72</sup>

On April 11, a meeting was held on Staten Island to select delegates for the upcoming Provincial Convention. The meeting was convinced by Billopp that they should repudiate the Congress, as it made reconciliation more difficult to achieve. Staten Island sent no delegates to the Convention and thus played no part in choosing New York’s delegation to the Second Continental Congress (the main purpose of the Provincial Convention). When news reached Staten Island of Lexington-Concord, the islanders were stunned—both by the actions of Britain *and* the mob violence which occurred in New York City. The majority wanted reconciliation. Billopp and Seaman joined twelve other Assemblymen in sending a message to Britain’s commander in Massachusetts, Thomas Gage, asking for a ceasefire and negotiated settlement.<sup>73</sup>

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<sup>71</sup> Papas, “Richmond County, Staten Island”, 83, 85.

<sup>72</sup> Ibid., 84, 86.

<sup>73</sup> Ibid., 86

A few weeks after rejecting sending delegates to a Provincial Congress, Staten Island sent delegates to the Congress after news of Lexington-Concord. A moderate to conservative delegation was sent. The desire to achieve a peaceful reconciliation had probably not been altered by the news of bloodshed. One contemporary wrote in a letter that the people of the island had wanted little to do with the Congress, but the threat of armed force had compelled them to send delegates. At the Congress, the Staten Island delegation voted for Benjamin Kissam's resolution calling for reconciliation on Constitutional principles.<sup>74</sup>

Staten Island was one of five counties which failed to hold elections for delegates to the Provincial Congress which convened on November 14, 1775, after the Provincial Congress ordered the counties to hold elections for these delegates. The other four counties were the northeast counties of Charlotte, Cumberland, and Gloucester (later to become the core of Vermont), and Queens. The three northern counties eventually sent delegates (communications had been a problem for the distant counties) while in Queens, the Loyalists defeated the Whigs electorally. In Richmond, the Richmond County Committee stated that they did not have a quorum, so they did not think they were empowered to act. This infuriated the members of the Congress—this, plus the trade that Staten Islanders was continuing with British warships in the harbor (in violation of Congressional regulations). The Congress ordered Staten Island to hold an election immediately, and hinted that failure to do so would result in military intervention. Two weeks later, Staten Island voted overwhelmingly against sending delegates to the Congress. The Provincial Congress announced on December 21 that Staten Island was “guilty of a breach of the General Association” and in contempt of the Congress’ authority.

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<sup>74</sup> Ibid., 86-7; Reverend Hector Gambold to Nathaniel Seidel, May 10, 1775, in Papas, “Richmond County, Suffolk County” 86.



Congress ordered a list of the “delinquents to the common cause” be sent under threat of interdicting all commerce. When the new year opened, no such list was sent. Staten Island’s majority did not want to participate in what had become an armed conflict with the mother country. However, they succumbed to the commercial pressure in early January and elected delegates on January 19, 1776.<sup>75</sup>

Thus, by the end of 1775, the governor of the state was a refugee on a ship in the harbor, protected by British warships. Staten Island was under commercial and military pressure to participate in Patriot-controlled activities, such as sending delegates to the Provincial Congress. Open warfare between Patriots and Loyalists had broken out in several places.. To the northeast, Boston was besieged by colonial troops, and there had been pitched battles between colonial troops and British regulars. Despite all this, many, in New York and elsewhere, still yearned for reconciliation and compromise. New York and America were on a precipice, the precipice of independence, but many were reluctant to take that final, irrevocable step. In the next few months, decisions were made in New York and elsewhere that led to war and the occupation of southern New York.

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<sup>75</sup> Papas, 37-9; Papas, “Richmond County”, 87-8.

### **Chapter III**

#### **The Final Break with Britain and the Capture of Southern New York**

## I

In 1763, Britain had won a resounding victory over the French, and New Yorkers and Americans had rejoiced and toasted the King. By the end of 1775, British troops in the city of Boston were besieged by an army of colonists, and the governor of New York, fearing for his safety, was conducting his government from on board a British warship. Britain was preparing for a major military campaign to suppress what they saw as rebellion.<sup>1</sup> While still professing loyalty to the king, the colonists were besieging Boston and Quebec, and an American assault was made on Quebec on December 31. It failed. Most of the colonies were no longer being run by their royal governors, though some, like Tryon and Virginia's Lord Dunmore, were doing whatever governing could be done from British warships. The colonies were instead run by extra-legal congresses, province-wide outgrowths of the committee movements. The official assemblies, while still existing, were being superseded by the provincial congresses. A new election would even be held for the New York Assembly in January, but it would never meet (as it was overwhelmingly Whig in composition, Governor Tryon prorogued it).<sup>2</sup> And the possibility of independence was being discussed, at least by its enemies. As early as August, 1775, Tryon was writing confidential letters to Lord Dartmouth, the Secretary of State for the Colonies, stating that "Independency is shooting from the root of the present Contest," and that if no new plan of accommodation was presented by Great Britain, then the colonies would sever

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<sup>1</sup> The so-called "Olive Branch Petition", which professed loyalty to the king and requested his aid in solving the conflict, was sent by the Continental Congress in July and rejected, and the King proclaimed that the colonists were in rebellion in "The Proclamation of Rebellion", dated August 23, 1775. See below.

<sup>2</sup> Papas, 39-40.

themselves from their tie to Britain. Tryon did add that the bulk of the inhabitants, particularly in New York, did not wish an independency, but the “great affliction is, the American friends of Government in general consider themselves between Scylla and Carybdis, that is the dread of Parliamentary Taxation, and the Tyranny of their present Masters”, and that if some compromise could be made (“the first principal moved out of the way”), then many would be drawn to the British.<sup>3</sup>

This was a period of dual government, but the upper hand was not with the old government, but with the new. At the town and county levels, the old governments still functioned for the most part; here the committees were chosen by the town meetings. In areas like Queens, however, where Loyalism reigned in many towns, the committees were becoming separate from the official governments of the towns. As for the courts in New York, for the most part they continued to function, and many a royalist judge and sheriff continued to serve until independence was proclaimed. The Provincial Congress spent much time preparing military and militia units, providing for supplies, funds, and other items, but did not assume responsibility for the normal administration of justice.<sup>4</sup>

What had started as a protest movement against what was considered unconstitutional taxation was now open rebellion. However, it was not yet a full-blown revolution. The hour was getting late, but it is not inconceivable that a compromise could have been worked out. The revolutionary congresses and committees in New York and several other colonies had many moderates and conservatives who longed for reconciliation; Lowe, the Chairman of New York City’s committee, was so conservative that he would eventually become a Loyalist. Even the

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<sup>3</sup> Tryon to Dartmouth, New York, Aug. 7, 1775, C.O. 5/1106, 260.

<sup>4</sup> Countryman, 145-6; Mason, 184-7, 211.

fact of bloodshed did not make the situation irretrievable. British and colonial history were full of instances of armed rebellion where the rebels did not seek independence or to overthrow the king, but merely to get the lawful authorities to do what good sense (as the rebels saw it) or the Constitution demanded. The resort to arms was only made when normal procedures had proved inadequate or fruitless—often because the rebels were not properly (in their eyes at least) represented. For example, in Bacon’s Rebellion, frontier Virginians had rebelled in part because the Virginia government would not attack the Indians they believed threatened them. The Regulators wanted adequate representation, and resented their taxes being spent on projects like Tryon’s Palace, rather than on defense against the Indians. The Paxton Boys had had a similar complaint against Pennsylvania, with tragic results for some peaceful Indians. And similarly, the colonists had no representation in Parliament, only a few lobbyists, and what the Americans saw as reasonable arguments had been ignored—and the British had begun acting, in American eyes at least, in a tyrannical manner. But, because they were rebelling, not revolting, had the British made some gesture of compromise, some reconciliation between America and Britain could have occurred, despite the ongoing war. America in December, 1775, was in a state of rebellion, not revolution.<sup>5</sup>

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<sup>5</sup> Pauline Maier noted in 1972 that popular uprisings were an accepted part of the political system. While not encouraged, “in certain circumstances, it was understood, the people would rise up almost a natural force...and this phenomenon often contributed to the public welfare.” In addition to traditional brawls like Pope’s Day in Boston, many incidents occurred where, “Repeatedly, insurgents defended the urgent interests of their communities when lawful authorities failed to act.” In addition to some of the incidents referenced in the text, she pointed to “tobacco rioting” in Maryland, and anti-whorehouse riots in Boston in the 1730s. Local officials would sometimes “openly countenance” or participate in these events. Maier concludes that “uprisings over local issues proved *extra-institutional* in character more often than they were anti-institutional: they served the community where no law existed, or intervened beyond what magistrates thought they could do officially to cope with a local problem.” Pauline Maier, *From Resistance to Revolution: Colonial Radicals and the Development of American Opposition to Britain, 1765-1776* (New York: Alfred A. Knopf) 1972, 3-5. Of course, when an uprising got too massive, they would often end in bloodshed and hangings, as occurred with the Regulators. This system would not end with the American Revolution. Shay’s Rebellion in 1786 and the Whiskey Rebellion in 1794 fit rather well into

Rather than compromise, the British did the exact opposite. They dug their heels in. In July, Congress had sent the King the so-called “Olive Branch Petition”, which professed loyalty to the king and requested his aid in solving the conflict. It was rejected, and the King proclaimed that the colonists were in rebellion in “The Proclamation of Rebellion”, dated August 23, 1775. In his King’s Speech on October 26, the King asserted that the American rebellion was “manifestly carried on for the purpose of establishing an independent Empire.” The King rejected the professions of loyalty to him as a smoke-screen, meant only to “amuse”, while the “conspiracy” prepared for a general revolt. The raising of troops and naval forces, the assumption of legislative, executive, and judicial powers, and the seizure of control of the public revenue were all proofs of their hostility. The time had come to “put a speedy end to these disorders.” The King even announced that he was seeking friendly offers of foreign assistance. There were protests against this by some members of Parliament. Members of Parliament noted that the Congress had explicitly denied a desire for independence, and in the House of Lords, the Earl of Shelburne asked if the government was trying to force the Americans to declare independence. Nonetheless, British government policy was clear: crush the rebellion.<sup>6</sup>

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this idea of rebellion that did not aim at full revolution. See Thomas Slaughter, *The Whiskey Rebellion: Frontier Epilogue to the American Revolution* (New York: Oxford University Press) 1986, in general and 225-228 in particular for a discussion of the “continuities in American politics through and beyond the Revolutionary era.”

<sup>6</sup> Pauline Maier, *American Scripture: Making the Declaration of Independence*, (New York: Alfred A. Knopf) 1997, 25. The King had shown no inclination for compromise for a long time. In September, 1774, he received a letter written from four Quakers in Pennsylvania, expressing both loyalty and a desire for, as the King put it, “England giving in some degree...to the opinions of North America.” As discussed above, this seemed to be, at least in New York, the common sentiment at this phase: loyalty with a desire for a change in British policy. Commenting on the Quaker attitudes, the king wrote his prime minister, Lord North, that “the dye is now cast, the Colonies must either submit or triumph; I do not wish to come to severer measures but we must not retreat...” There had been no change in his attitude since. Sir John Fortescue, ed., *The Correspondence of King George the Third: from 1760 to December 1783*, Vol. III (London: Macmillan and Co.) 1928, No. 1508, September 11, 1774, 130-31.

News of this reached the Continental Congress in early January, along with news that yet another American town, Norfolk, had been burned by the British.<sup>7</sup> The King's Speech was a crushing blow to hopes for reconciliation. The King, on whom so many had pinned their hopes for peace and reconciliation, was instead manifestly opposed to the Americans. He was even seeking to send foreign troops to attack his own subjects, to aid in the crushing of their liberty. No doubt, many felt betrayed by the king they had toasted, by the king whose name they had put on liberty poles. Certainly, that for many their love had turned to hate was evidenced a few months later, when George III was burned in effigy and his statue destroyed. The fiction that the Americans were fighting "Ministerial" troops was just that: a fiction. They were in rebellion against their king, and the King had rejected their reasonable demands. The question arose: Now what?

On January 9, 1776, the day after Congress received news of the King's Speech and the burning of Norfolk, a small pamphlet called *Common Sense* appeared on the streets of Philadelphia.<sup>8</sup> Reaction to it was so immense that the pamphlet was constantly reprinted and read throughout the colonies. While published anonymously, its author was later learned to be Thomas Paine, a recent immigrant from England (among suspected authors were both Samuel and John Adams<sup>9</sup>). In this pamphlet, he had two main points. The first was an attack on the very idea of monarchy and hereditary rule. Paine argued that it was condemned by the Bible

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<sup>7</sup> Maier, *Scripture*, 27. The British had burned Falmouth, Maine in the fall of 1775. Charlestown, Massachusetts had been burned during the Battle of Bunker Hill. Norfolk in Virginia, an important port, was burned in the first days of January 1776.

<sup>8</sup> *Ibid.*, 31.

<sup>9</sup> See Serle, July 20, 1776, 39. Serle considered the pamphlet "A most flagitious Performance, replete with Sophistry, Impudence & Falshood; but unhappily calculated to work upon the Fury of the Times, and to induce the full avowal of the Spirit of Independence in the warm & Considerate." He also believed "the Attempt to justify Rebellion by the Bible is infamous beyond expression." John Adams, for his part, considered Paine's religious arguments against monarchy ridiculous. David McCullough, *John Adams* (New York: Simon & Schuster), 2001, 97.

itself; “it is the pride of kings which throws mankind into confusion.” Monarchy was “ranked in scripture as one of the sins of the Jews;” Samuel had told the Israelites when they demanded a king that he would seize their sons for his armies, their daughters to be his cooks, and much of their wealth.<sup>10</sup> Monarchy was condemned by nature; the descendants of strong kings were often unworthy or rogues. Their claims to rule lacked honor: “A French Bastard [William the Conqueror] landing with an armed Banditti and establishing himself king of England against the consent of the natives, is in plain terms a very rascally original. It certainly hath no divinity in it.”<sup>11</sup> And hereditary succession did not preserve a nation from civil wars, as many argued it did; just look at the Wars of the Roses.<sup>12</sup> Monarchy, Paine concluded, had laid “the World in Blood or Ashes,”<sup>13</sup> and that “Of more worth is one honest man to society and in the sight of God, than all the crowned ruffians that ever lived.”<sup>14</sup>

By attacking the very idea of monarchy, and by the fact that so many read his pamphlet and evidently accepted much of his argument<sup>15</sup>, Paine made it possible to contemplate what was becoming the logical next step for the Americans: independence. Many Americans had deep emotional attachments to the British Empire and its symbolic and constitutional head:

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<sup>10</sup> Maier, 31; Thomas Paine, “Common Sense”, in Merrill Jensen, ed., *Tracts of the American Revolution* (Indianapolis, IN: Bobbs-Merrill Co.) 1967, 409-12; first quote is on 409, second on 410. See I Samuel 8, especially verses 11-18, for Samuel’s warning about the dangers of monarchy. As further evidence for Paine’s argument, a few verses earlier, the Bible reports that God told Samuel “... it is not you that they have rejected, but they have rejected me as their king.” I Samuel 8:7 (NIV translation). Paine echoed this when, having discussed a republican and democratic plan for a new government in America, he says “But where some say is the King of America? I’ll tell you friend, he reigns above.” Paine, 434. These arguments rejecting the divine sanction for kingship, indeed, claiming God rejected monarchy, were probably of particular importance to those who hesitated to rebel against their “lawful” monarch. Even a king chosen under the post-Glorious Revolution settlement still possessed a partial aura of divine sanction—the post-1688 settlement with its Protestant succession was seen by many as working out God’s plan for the world. See McConville 33-4.

<sup>11</sup> Paine, 413-15, quote is on 415.

<sup>12</sup> *Ibid.*, 416

<sup>13</sup> *Ibid.*, 417.

<sup>14</sup> *Ibid.*, 418.

<sup>15</sup> Though, undoubtedly there were those Americans who read it and rejected it, it is apparent that many accepted much of his arguments.



the King. No matter what he did, how could they stand against him, how could they rebel against their lawful monarch, chosen at least in part by divine assent and the consent of their ancestors? Paine answered this question by arguing, that rather than the king being chosen with divine assent, God is actually opposed to monarchy. Certainly, Paine argued, your ancestors chose his ancestor to be their king; but they had no power to bind their posterity.<sup>16</sup> And the King's claim to rule traces back to an usurper, a rascal. Why should this crowned *ruffian* rule you? These were powerful arguments to many. And they set the stage for Paine's next argument: the colonies should declare independence.

Paine argued that while America may have benefited in the past from her British connection, that to argue that it would in the future was like arguing that "because a child hath thrived upon milk, that it is never to have meat."<sup>17</sup> Britain had protected the colonies, but her motive was "interest not attachment," that she protected the colonies from *Britain's* enemies, not the enemies of the colonies; indeed, except for the British connection, some of these would not be her enemies at all.<sup>18</sup> If Britain was the parent country, "then the more shame upon her conduct. Even brutes do not devour their young."<sup>19</sup> Many of us are not even of English descent, Paine argued, and even if we were, what of it? With Britain an open enemy, every other claim is extinguished. America was strong, with sufficient men and materials to resist Britain, with great unity, our plan was commerce, our desire was peace, and it was "repugnant to reason, to the

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<sup>16</sup> Jensen, 413.

<sup>17</sup> Ibid., 420.

<sup>18</sup> Ibid. 420-21. Quote from 420.

<sup>19</sup> Ibid., 421.

universal order of things...to suppose, that this Continent can long remain subject to any external power.”<sup>20</sup>

As for reconciliation, Britain had shown little inclination toward it, and ever since Lexington-Concord, Paine said he had rejected the “hardened, sullen tempered Pharaoh of England forever.” Paine argued that reconciliation would actually be bad for America. The King would have a “negative” over American legislation. The King was English, and he would only permit legislation that benefited England. Such a government would be temporary at best; the colonies would mature some more, and there would be commotions and disturbances. Paine then proposed a continental federation (or confederation) with unicameral legislatures in each of the new states and a Congress of 390 delegates as the best form of government for the new America.<sup>21</sup>

As seen by some of the above quotes, Paine spoke in plain language, understandable to the meanest worker or subsistence farmer. He addressed many of the fears and misgivings that many had towards independency. He used arguments from both religion and from the natural law theories of the Enlightenment, couched in simple but forceful language, to make his points. Most of his points had been stated before in the press or in Congress, or even from the pulpits. Paine gathered these arguments together and “used them not to persuade Congress, which was already moving apace toward Independence, but the people whose support Congress needed.”<sup>22</sup> One hundred and fifty thousand copies were printed up in a few months. Since pamphlets were often shared, or available for reading in coffeehouses or taverns, its readership

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<sup>20</sup> Ibid., 422-6, 436-40. Quote is from 426.

<sup>21</sup> Ibid. 427-434. Quote is from 427.

<sup>22</sup> Maier, *Scripture*, 33.

was possibly in the millions. Its timing was also fortuitous; the news of the King's Speech, the burning of Norfolk, and soon the Prohibitory Act (see below) all seemed to foreclose alternatives. For the colonies, it was submission or independence. Paine made the argument against rule by monarchs and for independence well, and the once dangerous word "independence" was now openly discussed in many places.<sup>23</sup>

A few weeks after the King's Speech, the Parliament passed the "Prohibitory Act". This act prohibited all commerce with the colonies while the rebellion continued. American ships and their cargoes were forfeited to the Crown as if they belonged to the Crown's enemies, and their crews were subject to impressment. George III signed the Act on December 22, 1775, and news reached Philadelphia and the Continental Congress in February. John Hancock noted that the Act "doesn't look like a Reconciliation". John Adams considered it a declaration of independence made by the *British*, completely dismembering the Empire, and throwing the colonies out of royal protection. In Philadelphia, and in coffee shops and taverns and around kitchen tables throughout much of America, independence was looking like the only option. And those who could not stomach that option began to swell the ranks of those who had already decided that the Patriot movement, with its extralegal conventions and committees, and the path it had taken towards armed conflict, was something they could not be part of.<sup>24</sup>

New York rather reluctantly at this time began to turn towards revolution. The catalytic event was, according to one historian, the British decision to make New York City their main base and the province as a major military theatre. This decision was not surprising.

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<sup>23</sup> Ibid., 33-4.

<sup>24</sup> Ibid., 27-8.

Cadwallader Colden had espoused such a plan as early as 1774, and the noted Loyalist Jonathan Boucher wrote Lord Germain in August 1775 urging such a course. New York's harbor was unparalleled, and armies could be sent north along the Hudson (the armies supported for much of its length by naval ships) to divide New England from the rest of the colonies (the strategic importance of New York will be discussed further in a following chapter.) Long Island, Westchester, and New Jersey could provide much of the foodstuff, wood, and forage the armies required. One did not have to have much military experience or knowledge to see that this was the logical place for the main British base. And there also seemed to be many Loyalists, so Boucher argued that it could return to the King's allegiance fairly easily.<sup>25</sup>

The news that New York would soon be a battlefield, while it seemed to further doom reconciliation, also seemed to dampen Patriotism. Taking the next step of advocating independence was a difficult step even for those who stayed Patriots. The many moderates in the revolutionary councils hesitated at this step, and some became (or remained) Loyalists. Nerves were frayed, and the Provincial Congress, perhaps fearful of the guns of the *Asia*, rarely met. The Continental Congress began pushing New York to take more radical action, and began keeping a close eye on New York. A failed motion in the Continental Congress to arrest Tryon led to Tryon fleeing to the safety of a British ship under the protection of the *Asia*. (See Chapter II). Loyalists from lower New York would come to the ship to provide him with information, and Tryon would run a spy network from his quarters on the *Dutchess of Gordon*. New York's new mayor, David Matthews (inaugurated in February, 1776) recruited David King, an African-American slave and shoemaker, to carry messages to Tryon. Tryon also recruited the Loyalist

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<sup>25</sup> Tiedemann, 235; Boucher to Germain, November 27, 1775; Germain Papers Vol. IV.

Minister Charles Inglis to write a pamphlet in reply to *Common Sense*. Most ominously, in December 1775, convinced of Loyalist strength, Tryon requested several thousand arms from General William Howe, the new commander of British forces in America, but Howe demurred.<sup>26</sup>

William Smith, as he slipped more and more into a Loyalist frame of mind, seems to have lost his grasp on public opinion. He proposed a complicated plan to restore British rule, involving votes by the Continental Congress and General Assembly to accept Lord North's Conciliation Plan of February, 1775. This plan would have recognized the Continental Congress, acknowledged the supremacy of Parliament, and the Continental Congress would have voted a revenue to Parliament. The Continental Congress had rejected this plan, but Smith hoped that Assembly approval would divide the colonies. The Provincial Congress<sup>27</sup> decisively rejected Smith's plan. Undeterred, Smith called for new elections. The Assembly, the legal government of the colony, had been elected in 1769, and its term was constitutionally due to expire.

New elections needed to be called. Hopeful that those who wanted reconciliation would be elected, Smith convinced Tryon to dissolve the Assembly on January 2, 1776. Smith's hopes were unfounded, for of the twenty-nine members elected, twenty-four were Whigs

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<sup>26</sup> Tiedemann 236-9. Tryon said that he could not have had any communication with the country if he had stayed on the *Asia*, so he had taken refuge on the *Dutchess of Gordon*. While an expensive measure, "in my present Situation the Friends of Government freely come to me and I believe my Removal has brought many to a deeper Reflection of their daily and increasing Distress than while I remained among Them..." Tryon to Dartmouth, On Board the *Dutchess of Gordon*, New York Harbour, 11 Nov. 1775, Co 5/1106 (No. 335). According to Jones, the publication of a pamphlet answering *Common Sense* was the cause of the attack on Rivington's home and later press by several leading Sons of Liberty, including Alexander McDougal, Isaac Sears, and John Lamb, as well as two of William Smith's brothers. Jones's chronology is suspect, as he places *Common Sense's* publication as the summer of 1775 (not January 1776, its actual date of publication), and Rivington's press was destroyed in November. It is therefore unlikely Inglis's pamphlet led to the destruction, if any pamphlet did. Jones, I, 63-66.

<sup>27</sup> The Assembly was part of the legal government of New York, while the Provincial Congress and Continental Congress were part of the revolutionary structure of committees that had developed in the wake of the Intolerable Acts.

(Patriots) and only four were Loyalists. Thirteen were also members of the new Provincial Congress (the third). The new Thirty-Second Assembly, elected after the dissolution of the 1769 Assembly, was due to meet on February 14; Tryon prorogued it twice. On April 17, the Assembly was dissolved, having never met. On that day, all contact with the warships in the harbor was cut off (see below). With the exceptions of a few courts still going about their procedures, the last vestige of royal government was ended. With this dissolution, the period of dual government was over. The Patriot forces controlled the province.<sup>28</sup>

In the meantime, the situation on Long Island was becoming particularly distressful to both New York Patriots and the Continental Congress. Cadwallader Colden and his son David led the effort to block election of Queens's delegates to the Provincial Congress. Tryon was attempting to arm the Loyalists. By early 1776, the Continental Congress would send troops to Long Island.<sup>29</sup>

On December 21, 1775, the Provincial Congress had resolved that conduct "inimical to the Common Cause of the United Colonies" could not be suffered, and that measures needed to be taken "to put a stop to it." Seven hundred and forty names from Queens were placed on a list of those in contempt of and out of the protection of the Congress.<sup>30</sup> Isaac Sears, fresh from

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<sup>28</sup> Smith, *Memoirs*, I 242-251, Nov. 25, 1775; Tiedemann 238-9. As discussed above, "politically incorrect" opinions were beginning to be dangerous to have. Since most elections at the time were by voice, not by secret ballot, many Loyalists may have stayed home, or "trimmed" and voted Patriot. In short, these numbers may partially reflect voter intimidation. Mason, 130-31. The Patriots were also highly-organized. Nonetheless, it does seem likely that the January election reflects a large pro-Patriot bias, at least among the politically active. Mason concluded that the "Whigs" were a decisive majority, as evidenced by the general trend of events and the inability of the Loyalists to turn back the upsurge. Mason, vii., 250. Certainly, there were many areas such as Suffolk where the Patriots were in a clear majority.

<sup>29</sup> Tiedemann 236-7.

<sup>30</sup> Force, Ser. IV. Vol IV, p. 372; Flint, 357.

the burning of Rivington's Printing Office in November,<sup>31</sup> traveled to Massachusetts to impress on Washington and the army the danger of the "Tories" of Long Island to New York. On January 3, 1776, the Congress in Philadelphia passed "The Tory Act". Under this act, all those in Queens who had voted against sending deputies to New York's Provincial Congress, or had been named in the aforementioned list, were put "out of the protection of the United Colonies", and they could not travel or live in any of the colonies without a certificate vouching for them by the New York Congress (referred to inaccurately as the "Convention"). Should they seek legal redress, any attorney who aided them was to be considered an enemy of the cause. Lastly, officers from New Jersey and Connecticut, each with five or six hundred men, were ordered to enter Queens from east and west and disarm Loyalists, and arrest those who were opposed.<sup>32</sup>

About five hundred men, half of whom were on the list of those who had voted against electing delegates, on January 19 submitted a declaration to Congress promising to obey from now on the orders of the Provincial and Continental Congresses. For various reasons, the Connecticut-based attack was not mounted, but the Jersey-based attack, led by Colonel Nathaniel Heard of Woodbridge, New Jersey went forth as scheduled. About one thousand weapons were brought in by Queens residents, and those who had signed the above declaration swore an oath that the arms that they had just turned in were all the arms that they possessed. Heard's men entered New York on the 27<sup>th</sup>, and arrived at Newtown and Jamaica on the 30<sup>th</sup>. The Jersey men acted vigorously, and to be frank, rather poorly. Homes were broken into and looted, cattle wantonly slaughtered, farm yards looted, and the soldiers billeted

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<sup>31</sup> As discussed above, in what had become a war situation the limits of acceptable free speech had become severely constrained. "Incorrect" opinions were rapidly becoming not just wrong but treasonous. Sears in particular seems to have had little compunction about attacking those whose opinions were unacceptable.

<sup>32</sup> Force, Series IV, Vol. IV, 1630; Flint 358-60.

among the inhabitants. At Hempstead, where the militant Loyalist captain Richard Hewlett lived, resistance was expected, but none occurred. Nineteen men were arrested, sent to the Continental Congress in Philadelphia, which sent them back to New York, which finally released them. An examination of the guns which had been provided by the Queens residents was rather disturbing from the Patriot perspective. They were mostly obsolete arms, hunting pieces and the like, not the military arms that the *Asia* had been supplying. The attempt to disarm the Loyalists had failed. The Loyalists were still armed.<sup>33</sup>

Heard's troops joined New Jersey militia who were patrolling Staten Island in mid-February. They were insulted and threatened by the Loyalist-leaning Richmondites. Heard finally arrested four Staten Islanders, and rather than hand them over to the island's Committee of Safety, he sent them to Elizabethtown, New Jersey, to be tried for treasonous activities (including drinking damnation to independence and providing arms and men to the British), thinking conviction was more likely. Attempting to smooth things over, the New York Congress ordered the trial be in Staten Island. It was, and all were acquitted.<sup>34</sup>

About the same time as Heard's raid into Queens, Suffolk County's Committee sent a letter to the Congress in Philadelphia, noting that the militia of the county was approximately two thousand men. The extended nature of the East End, and its exposure to sea-based attack, made the committee request that Congress send some Continental troops to help with the

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<sup>33</sup> Flint 362-7; Tiedemann, "Foiled", 429. Heard's operation was immortalized in an old song, with a rather distinct Loyalist bias: Col. Heard has come to town/ A-thinking for to plunder,/ Before he'd done he had to run,/ he heard the cannon thunder. And when he came to Hempstead town/ He heard the cannon rattle./ Poor Col. Heard he ran away/ and dared not face the battle. And now he's gone to Oyster Bay,/ Quick for to cross the water./ He dare no more in Hempstead stay/ For fear of meeting slaughter. Flint, 364 n 2.

<sup>34</sup> Papas, 46-7.



defense. They also requested guns to arm those who were lacking, and hinted that financial help would be welcome.<sup>35</sup>

There were undoubtedly a large number of Loyalists in Queens, while Staten Island was mainly Loyalist. There were also a large number that could be called non-aligned, such as many of the Quakers. But the movement of the province's people in the winter of 1776 was clearly towards independence among those capable of being convinced.<sup>36</sup> The colonies, however reluctantly, were at war with Britain, and all attempts at reconciliation by their side had been rejected. The King himself had proclaimed them rebels, and Paine and other pamphleteers argued strongly for independence. But the next step was truly momentous. The colonies were drawing towards rejecting the king and the British connection, and towards declaring independence. Once they had crossed that "Rubicon", there would be no turning back. But many were steeling themselves to cross the Rubicon, and many had crossed it in their minds already. The formal crossing of the Rubicon was now needed. In early March, guns from Ticonderoga, having been hauled all winter from upstate New York to the outskirts of Boston, were emplaced on Dorchester Heights, overlooking Boston. This gave the Americans the upper hand—they could fire on the British Army and destroy Boston if they so chose. The British, faced with an untenable position, evacuated on March 17. In April, Washington's army began to transfer itself to New York. General Charles Lee (and later, General Nathaniel Greene) were in charge of preparing the defenses. On April 17, New York finally ceased supplying the *Asia* and other British ships with food and other necessities. British government in the province was virtually extinguished by this ending of contact between the Governor on his ship and New

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<sup>35</sup> OKS No. 563, Jan. 24, 1776.

<sup>36</sup> Tiedemann, 246.

York. Tryon dissolved the Assembly which had been elected in January but had never met. This was the quiet end of New York province's royal assembly; it would never meet again.<sup>37</sup> A new provincial congress was to meet on May 14. Should it form itself into a *de jure* government, rather than the *de facto* government it was? The Assembly was no more, the governor had fled, and the ordinary operations of government such as courts and the validity of contracts were in limbo. If the Provincial Congress took on full-fledged government responsibilities, that could be construed as declaring independence. This situation existed in many of the colonies; they were being governed by revolutionary congresses with no basis in the old system, and no constitutional authority to exercise the ordinary functions of government. On May 10, the Continental Congress resolved that the colonies should form new state governments. The Provincial Congress at first did nothing towards this. Finally, as some states began to declare independence and the Continental Congress moved towards independence, the Third Provincial Congress "passed" on the issue. Their passing was couched in fine democratic (or republican) language. In two "resolves" they argued that they had not been authorized by the people to take such a vote. A new Congress should be held, and via instructions or other means the people should tell their deputies how they wanted them to vote on such a question. But, perhaps as a compromise with conservative factions, the people were not to be informed of these resolves until after the election. In other words, a new Congress was to be elected to vote on the question of independency—but the voters would not be told that this was the

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<sup>37</sup> Mason, 142-3. Surprisingly, while fortifications were made on Long Island, Lee ignored Staten Island in his defenses. Papas, 43-5.

reason for the formation of the new Congress. The new Congress would also take up the question of framing a new constitution.<sup>38</sup>

The Third Congress had a brief life. It adjourned on June 30, when British sails began to appear off Sandy Hook. They reconvened at White Plains on July 2, but no quorum could be mustered. The Congress quietly gave way to its successor, the Fourth Provincial Congress, on July 9.

## II

New York's leadership, Livingston or Delancey, Loyalist or Patriot, were concerned about the devastation the war could bring, which helped in the reluctance to take the final step. The Patriots feared the possible confiscation of property—or worse—if they lost. Their fortunes were at risk—and their very lives—if they were on the losing side. The Livingstons and Delanceys also feared the possibility that such a revolutionary struggle could result in attempts, forceful or otherwise, at reducing the power of the elite leadership.<sup>39</sup> The great merchants and landlords were in many ways an oligarchy, and their domination of the province was threatened, both by the nouveau-riche merchants of the Sons of Liberty and the mechanics and artisans that supported them. New men were rising to power through the revolutionary movement, and they were making it clear that they did not want to be ruled by what they saw as a corrupt oligarchy.

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<sup>38</sup> Tiedemann, 247-249; Mason, 182.

<sup>39</sup> Tiedemann, 250. Mason, 172-5.

The “mechanics” of New York City, roughly the equivalent of the working class, had been a driving force throughout the decade-long revolutionary movement. They had often acted as the “shock troops” of the Revolution (as would their counterparts in the French and other revolutions). They had composed the bulk of the mobs that had pushed the Revolutionary movement and threatened British and Loyalist interests. While the mechanics supported the Revolutionary movement, they had their own concerns and had achieved a distinct group identity. The mechanics had accepted the leadership of the Sons of Liberty. These mainly nouveau-riche merchants had for the most part “blue-collar” roots. They were mainly mechanics and artisans who had “made good,” and spoke the same “language” as the mechanics. Out of discussions in taverns with Sears, McDougall, and other Sons of Liberty, the mechanics had formed the Body of Mechanics (or Committee of Mechanics) and even purchased a meeting place called Mechanics Hall in 1773 or 1774. The political actions of mechanics were coordinated from here. The mechanics wanted, among other things, a larger say in the political life of the city and the province. The revolutionary committee structure, which had many carpenters, pewterers, and other mechanics on its committees, provided a means for them to gain this.<sup>40</sup>

The Mechanics Committee argued forcibly in early June that the people of New York must be allowed to ratify a new constitution—that it was their “inalienable right.” While they recognized that not everyone had the needed skills and background to draft a constitution, everyone possessed enough common sense to determine whether any proposed constitution

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<sup>40</sup>Mason, 124-5. It should be noted that a merchant could be a freeman (which gave one the right to vote) in New York City for £3, but an artisan for only 20 shillings. Hence, the franchise was not out of reach for the more prosperous artisans. And political opinions in pre-Revolutionary New York could always be expressed through rioting and demonstrations, which were sanctioned in the Anglo-American world by custom. Leopold S. Launitz-Schürer, Jr., 5-6.

would be in his best interests. To allow someone else to ratify it, such as the Provincial Congress, would both cast the people into “absolute slavery” and destroy the Congress’s power over them. This was an argument for responsible democracy. Some things, such as constitution-writing, should be left to the experts—but non-experts were capable of intelligently evaluating the product the experts produced. While recognizing the importance of expertise, this clearly challenged elite rule, and deference to the “natural leaders” of the community. Not only did the mechanics wish the ordinary people to have a seat at the table, they wanted them to have a say in what the table would look like. In another letter, they also urged the delegates in Philadelphia to work for independence. It is clear that they did not wish the seemingly inevitable independent New York to be a carbon copy of the old province, but a more democratic state. Here again, the question of who ruled at home was as important as the question of home rule. In the event, as will be discussed below, the New York Constitution was ratified by the New York Convention in April, 1777, and was not submitted to the people for ratification.<sup>41</sup>

In Philadelphia, discussion turned towards independence. The New York delegation, lacking instructions, were unable to participate, and on June 8 requested that the Provincial

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<sup>41</sup> Mason 155-60; Force, 4<sup>th</sup> ser. VI, 895-98. It should be noted that the presence of the British fleet had created a situation of exile and war preparation. Many of the more radical citizens and leaders, such as Lamb and McDougall, were out-of-town or engaged in military work. Much of the population had fled what was becoming a war zone by the spring of 1776 (See Tiedemann, 251). This situation differed from France a few years later, where the foreign armies, while they threatened Paris, were not nearby. The radicalizing pressure the “sans-culottes” exerted on the various revolutionary legislatures of France was thereby not applied in New York. The danger of the British fleet forced the Provincial Congress to meet in a small rural town, not in the center of the city. The occupation of lower New York seems to have had a similar effect in reducing radical power. In any event, independence was declared by a fairly moderate to conservative revolutionary congress, meeting not in the capital but a small rural town, and this same congress, perhaps freed from the pressure of the New York City mechanics, wrote a fairly moderate constitution and did not see a need to submit it to the people.

Congress tell them how to vote.<sup>42</sup> It was now that the Third Provincial Congress resolved to leave the question to a new congress—without publishing the resolutions it made which indicated that the electors should inform the deputies of how they should vote on the independence question. The Third Provincial Congress was unable to do much more on the question. The appearance of British sails near New York forced the adjournment to White Plains on July 2—too late to instruct New York’s delegates in Philadelphia.

On July 2, in Philadelphia, Congress voted in favor of a resolution of independence, and on July 4, the Declaration of Independence was signed. On July 3 and July 4, nine thousand British and Hessian troops landed on Staten Island. On July 9, the Fourth Provincial Congress met in White Plains in Westchester County, about 20 miles north of New York City. By this time, they were well-aware of both the events in Philadelphia and the events on Staten Island. The question could no longer be avoided. A committee was appointed at the morning session to consider the letter from New York’s delegation to the Continental Congress, and the Declaration of Independence which had been enclosed with it. In the afternoon, the committee reported to the Congress. The committee’s report

Resolved, unanimously, That the reasons assigned by the Continental Congress for declaring the United Colonies free and independent States are cogent and conclusive; and that while we lament the cruel necessity which has rendered that measure unavoidable, we approve the same, and will, at the risk of our lives and fortunes, join with the other colonies in supporting it.<sup>43</sup>

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<sup>42</sup> Mason, 166-7. This situation was amusingly presented in the musical “1776”, where the delegation from New York several times rises to their feet in Congress, only to say “New York abstains—courteously.”

<sup>43</sup> Journal of the Provincial Congress, July 9, 1776; Otto Hufeland, *Westchester County During the American Revolution 1775 - 1783* (1926), 70-1; Mason, 182.

The report was adopted, and copies of the Declaration were ordered to be printed up and distributed throughout Westchester and the other counties of the state. The delegates to the Continental Congress were also given authorization in the Resolutions that adopted independence to vote for all measures “as they may deem conducive to the happiness and welfare of the United States of America.”<sup>44</sup>

The reluctance to vote for independence and the unhappiness is palpable. The New York Independence Resolution was a product of reluctant revolutionaries, driven by circumstances to voting for a resolution and an independence they did not want. They lamented “the cruel necessity” that had driven them to this, but they felt that they had no choice. They had legitimate grievances, and the British had failed to come to a reasonable compromise. Instead, rather than compromise, the British had gone to war with their colonists. The British had gone to war with America and New York. As the Fourth Provincial Congress sat in White Plains, Staten Island was occupied, and the province’s—no, the state’s—great city was soon to be attacked by the British. Even the state constitution, much of which was written shortly after independence was finally declared, seems to hope for, yearn for, reconciliation:

Whereas the present government of this colony, by congress and committees, was instituted while the former government, under the Crown of Great Britain, existed in full force, and was established for the sole purpose of opposing the usurpation of the British Parliament, and was intended to expire on a reconciliation with Great Britain, which it was then apprehended would soon take place, but is now considered as remote and uncertain;....<sup>45</sup>

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<sup>44</sup> Journal of the Provincial Congress, July 9, 1776; Mason, 182.

<sup>45</sup> Preamble to 1777 New York State Constitution, <http://www.nhinet.org/ccs/docs/ny-1777.htm>, accessed July 11, 2011.

Reluctant they may have been, but, as George III had said, the die was now cast. They would risk their lives and fortunes to achieve independence. They had crossed the Rubicon.

Let us review the factors and events that led to the final break. New York was an oligarchic province, ruled by competing oligarchies. The factional, interest-driven politics of the province had tried to absorb the movement we have called Patriot, but was overtaken by it. Delancey versus Livingston, Presbyterian versus Anglican, north Hempstead versus south Hempstead, all of these disputes may have influenced one's initial side, but these controversies were all subsumed by the Imperial Question. Committees and then congresses had formed to work within the British system to achieve a solution to the tax and underlying constitutional problems that afflicted the empire, but had been unable to make headway. Their very existence, the existence of political organizations and committees outside the official governmental structure, was seen as extra-constitutional, as possibly subversive.<sup>46</sup> Many Loyalists ascribed their names to letters and statements to register their disgust and abhorrence with these committees, a "thing unknown to the British Constitution", as Jones described one. The Patriots had tried to work with the Assembly, but as had occurred in Pennsylvania and other colonies, it was not the best instrument for revolutionary action, and would be succeeded by province-wide Congresses.

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<sup>46</sup> Even in the 1790s, the Democratic-Republican clubs were seen as dangerous by Washington and the Federalists. It is difficult for people of our time, used to much political activity by people not in Congress or the state legislatures, to realize how subversive and suspect "out-of-doors" political was considered in the eighteenth-century Anglo-American world. See J. Roger Sharp, *American Politics in the Early Republic: The New Nation in Crisis* (New Haven, CT: Yale University Press) 1993, 100-101.



In general, in the 1760s and early 1770s, virtually every New Yorker who took an interest in politics could be considered a Whig, a Patriot. Virtually everyone objected to British taxation by Parliament. But some wanted to work through Assembly petitions, through the slow processes of the British Constitution. Others wanted more direct action, through resolutions by committees and congresses, through boycotts, and even through property damage and riot. The unity of the anti-Parliamentary taxation movement began to break up after the Intolerable Acts, as some Patriots began to take actions leading to rebellion—and possibly independence. In general, those with strong British ties stayed Loyalist, while those whom the British connection seemed to harm more than help were more likely to become Patriot. British intransigence forced the Patriots into armed revolt. Even after Lexington-Concord and Bunker Hill, reconciliation was still possible, but the British dug their heels in and turned a rebellion into revolution. Independence seemed the only possible solution short of surrender. The love and loyalty the Americans felt for the King was crushed, and soon turned to hatred for the king and those who supported him. Having the “wrong opinion” now made one a traitor.

New York was left with no options; save perhaps total surrender to what they believed was tyranny. Reluctantly, but probably resolutely, their delegates in White Plains pledged their lives and fortunes to the “Glorious Cause.” As of July 10, the Fourth Provincial Congress became the Convention of Representatives of the State of New York, charged with running the state and a war while writing a permanent constitution. Twenty miles south of White Plains, the British were waiting to end the state’s independence—and perhaps the lives of its leaders.

## III

Having adopted the Declaration of Independence, on July 9, 1776, the Fourth Provincial Congress informed John Hancock and the Continental Congress by letter, and the Declaration and New York's acceptance were printed up and distributed. The acceptance was at the afternoon session of the Congress (which the next day changed its name to the Convention of the Representatives of the State of New York). At six o'clock in the evening, the Declaration was read to Washington's troops. It was also read on the Common in New York City, where it was greeted by cheers. A mixed group of soldiers and civilians then marched to Bowling Green, where stood the statue of George III on horseback. This statue had recently been erected, having been commissioned in the wake of the end of the Stamp Act Crisis. The statue was about 4000 pounds of lead, topped with about 10 ounces of gold leaf. The king was depicted as the Roman emperor Marcus Aurelius. The excited mob tore down the statue. Its nose was torn off, and the golden crown of laurels was removed. The statue was decapitated. It has been suggested that this was in emulation of the killing of Charles I. The head was stuck on a pike outside a tavern. Most of the statue was melted down into 42,088 bullets. The head of the King was eventually rescued by a British engineer, John Montresor, who sent it to England so that the ministry could see the rage of the rebels first-hand. Exiled Massachusetts governor Thomas Hutchinson saw the head in London, and noted that, even without a nose, it bore a striking

resemblance to the king. The horse's tail survived, and is on display at the New York Historical Society. Washington mildly reproved the troops for joining in the mob.<sup>47</sup>

This is probably the most famous of the destructions of royal symbols in America, but it was not the only one. The historian Brendan McConville describes this as a period of iconoclasm, complete with symbolic regicides. The king was burned in effigy in Baltimore after the Declaration was read there. The king's coat and arms were removed from statehouses and courtrooms in Pennsylvania. In Dover, the king's portrait was burned by a member of the local Committee of Safety.<sup>48</sup>

On July 22, the Declaration and the Resolutions of the Provincial Congress were "with beat of drum" proclaimed in Huntington on Long Island. According to Holt's *New York Journal*, they were approved and applauded by "animated shouts". The flag which waved on the local Liberty Pole had the words "Liberty" on one side and "George III" on the other. The King's name was ripped off, and used in a hastily-constructed effigy of the king, which was wrapped in a Union Jack lined with gunpowder, with a wooden crown. The effigy was then hung on a gallows and was then exploded and burnt to ashes. The Committee and many of the "principal inhabitants" of the Town spent the evening toasting the Congress, the commanders of American forces, and the fallen. Thirteen toasts, one for each colony, were made.<sup>49</sup>

It was apparent that many Americans, in New York City, in the rural countries that surrounded the metropolis, and throughout America, had rejected the king. Indeed, they committed acts of symbolic regicide, showing both that they not only rejected the king who

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<sup>47</sup> Brendan McConville, 309; Schechter, 102-3.

<sup>48</sup> McConville, 306-8.

<sup>49</sup> HTR Vol. III, 6 (July 23, 1776); Holt's *New York Journal*, July 23, 1776; OSK # 587, p. 30.

they believed had betrayed them, attacking rather than supporting their liberties, but they hated him. They now hated a king that they had once loved. This was a king who the people had symbolically equated with liberty, as the people of Huntington showed by stitching his name onto a flag that also bore the word "Liberty". At the raising of one of the New York City liberty poles *God Save the King* had been played, and the king's name and the word "Liberty" had also been placed on it, showing that the erectors of the Liberty Pole (the local Sons of Liberty) did not see a conflict between the king and liberty (see Chapter II). Now, they felt betrayed by the King's actions, and rejected the King. The intensity of the post-Independence actions, these burnings, these hangings in effigy, (and the extreme thoroughness of the destruction of the King's effigy at Huntington, where it was both hung and exploded) demonstrated "the power the monarch had once held over provincial imagination." The intensity also symbolized the betrayal the Americans felt. And this hatred would not be confined to effigies. The Loyalists, living symbols of the King and Empire, would be the objects of particular hatred. The hatred the Patriots held for the Loyalists was most obviously shown in South Carolina a few years later ( as will be discussed in a following chapter), but it could be seen in many places, including the New York region, as will be discussed below.<sup>50</sup>

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<sup>50</sup> McConville, 306, 308, 311, quote on 311; HTR III 6, July 23, 1776. Conversely, many Loyalists hated or had contempt for the Patriots. One anonymous Loyalist "spat and spewed" at the sound of Yankee Doodle Doo; the Patriots were considered usurpers and enemies of government, and the warfare in the South and the New York region between Loyalists and Patriots was bitter. OQ #10, 21-22. .

## IV.

The arrival of the British fleet at Sandy Hook was an awe-inspiring sight. More than 130 British warships had entered New York Bay by June 30. One onlooker thought that “all of London was afloat”. On board his ship General William Howe, commander of British forces in America, was advised by Governor Tryon of New York and several Loyalists, who gave him intelligence about fortifications in Brooklyn Heights and Gravesend. They advised a quick strike. Washington, in the meantime, was in a strategic quandary. If the British occupied Brooklyn Heights, overlooking New York City, they could shell New York City and force a retreat or surrender (the situation was similar to Britain’s in Boston a few months earlier, where Washington’s occupation of Dorchester Heights with cannon had forced a British evacuation). The British could also, if they could navigate the tricky passages around Manhattan, use their naval superiority to surround Manhattan and trap Washington on the island, or cut off any forces on Long Island from Manhattan. Despite this, Washington made the perhaps unwise decision to reinforce Brooklyn. This was dividing one’s army in the face of a superior army, which is generally considered unwise.<sup>51</sup>

Howe’s forces were mainly those who had evacuated Boston, then had been refitted, rested, and resupplied in Halifax. Many reinforcements were coming, but Howe thought he had enough troops to begin offensive operations. His original aim was to land his men at Gravesend, in the south of Kings County, but he was dissuaded by a trusted staff officer, General James

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<sup>51</sup> Papas, 64-5. Robert E. Lee, it should be noted, won many Civil War victories, including Chancellorsville, through dividing his army. The use of this tactic was partly a function of Lee’s aggressive generalship and partly was driven by necessity. It often worked for Lee, partially because it unnerved and confused many of his opponents (as occurred at Chancellorsville). However, the consensus among military experts and historians is that dividing one’s army in the face of a larger army is usually a bad idea.

Robertson. Robertson urged Howe to wait for the reinforcements before beginning his assault. Robertson, among other positions, had served as deputy quartermaster under General Jeffrey Amherst, and was familiar with Staten Island. During the Seven Years War, Robertson had established a staging area near “the Watering Place”, a fresh-water stream on Staten Island where ships often stopped for water. The location of the island near New Jersey, Manhattan, and Long Island made it an excellent base for attacks on any of those places. It possessed much fresh-water, good farmland, and all indications were that it was a very Loyalist area. In addition, the island was also poorly defended. As a result, the occupation of the island was virtually unopposed.<sup>52</sup>

Howe accepted Robertson’s advice and the troops were landed on July 2 at Staten Island. The embarkation was completed on July 4. Howe waited for the reinforcements, and the main assault on Long Island and Manhattan did not commence until late August. Thus, much of the summer, ideal campaigning weather, was spent with the British troops waiting on Staten Island. Howe has been roundly criticized for this, but striking with the whole of one’s force is usually not a bad idea. Certainly, while much of the prime campaign season was lost, he used the troops quite well once the assault was finally launched—up until the end of the campaign. Indeed, he was knighted for the Battle of Long Island.<sup>53</sup> If not for the Battles of Trenton and Princeton, Howe’s campaign would quite possibly be remembered as a masterful one—despite all the lost opportunities (see Chapter IV).

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<sup>52</sup> Ranlet, 72; Papas, 65. General Robertson, and his advice to Howe in regards to landing, will be discussed in greater detail in Chapter V.

<sup>53</sup> Ira Gruber, “William Howe”, Oxford Dictionary of National Biography, <http://www.oxforddnb.com.libezproxy2.syr.edu/view/article/13966?docPos=2>, accessed July 16, 2011.

William Howe had in 1759 at Quebec led the advance guard that scaled the Heights of Abraham, and was the younger brother of Richard Lord Howe, known as “Black Dick” because of the dark cast of his skin and his bravery during the Seven Years War. Richard Howe was the naval commander of British forces in America. During the French and Indian War, the oldest brother, George, had led British and American troops at Ticonderoga, and been slain there. Massachusetts had allocated funds for a monument to George at Westminster Abbey. The remaining Howe brothers ever-after possessed a fondness for America. Richard had spoken against the Stamp Act. William was the Member of Parliament for Nottingham, and he had told his constituents that he condemned the government’s American policy and that he would not accept a commission there. The Howe brothers were particular favorites of the King, and most likely close relatives. Their mother was probably an illegitimate daughter of George I. Despite their conciliatory stance towards the colonies, they were given—or pushed for—the appointments. William Howe wrote one constituent that he was ordered to America and could not refuse; Burgoyne said that Howe had diligently sought the command, partially because of his low opinion of his predecessor, Gage. One biographer, Troyer Steel Anderson, believes William’s statement that he would not accept a command was a lie. In any event, since the brothers were also to be made Peace Commissioners, their sympathy and affection for America and Americans could possibly turn out to be an asset.<sup>54</sup>

The British were warmly greeted by the Staten Islanders. The few Continental troops on the island had fled to New Jersey, bringing some of the prominent Patriots. Many Loyalists

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<sup>54</sup> Troyer Steele Anderson, *The Command of the Howe Brother during the American Revolution* (New York: Oxford University Press) 1936, 47-50; Piers Mackesy, *The War for America, 1775-1783* (London: Longmans) 1964, 74-75; Schechter, 48-9, 57-8; Ira D. Gruber, “William Howe,” ODNB.

climbed the heights of the eastern shore of the island to see the flotilla and the landing of the troops. Governor Tryon reported that the islanders came down to the shore to greet the soldiers as deliverers. The Continental Congress was publicly cursed, and its paper money was burned. Later in July, effigies of George Washington, General Lee and General Isaac Putnam, as well as John Witherspoon were burned. Witherspoon, a New Light Presbyterian, was a leading Whig in New Jersey, President of Princeton College, and a signatory of the Declaration of Independence. In addition to these symbolic actions, more concrete actions were taken by the joyous Staten Islanders. On July 6, more than 500 men, mostly from Staten Island (with a few from New Jersey), gathered at Richmond village. At a ceremony provided over by Howe and Governor Tryon of New York, more than five hundred men took an oath of allegiance to George III, and were formed into "Billopp's Corps of Staten Island Militia" under the command of Christopher Billopp.<sup>55</sup>

Patriot leaders deplored the reaction of the Staten Islanders, Washington even calling them "our inveterate Enemies." One British officer noted the joy of the Islanders, and ascribed it to "seeing well the difference between anarchy and a regular mild government." Again, the low opinion many of the British officers had for America and its new governments is shown. What many of the Americans saw as the people choosing their own governments, in accordance with principles laid down by Locke and others (indeed, in accordance basically with the principles of the Glorious Revolution, which were the principles which ultimately legitimized George III's rule), the British saw as anarchy. The Patriots were not just enemies of *the*

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<sup>55</sup> Papas, 66-69; Governor William Tryon to Lord George Germain, 8 July 1776, in DCH, Vol. 8, 681. The current author has spent some time teaching at Wagner College in northeastern Staten Island. The area is quite hilly and provides a spectacular view of Brooklyn. Incidentally, John Witherspoon is an ancestor of the actress Reese Witherspoon.



government, they were seen as enemies *of* government; the Loyalists were friends of government. As one Marine captain described the joyous Richmondites, they had long been oppressed “for their attachment to Government.”<sup>56</sup>

As would soon occur on Long Island and Manhattan, the homes of prominent inhabitants—especially those of a Patriot persuasion—became the homes of British officers. General Howe settled at the home of former provincial congressman Adrian Bancker. Bancker had not left Staten Island, and was detained upon a naval vessel by the British. The troops and refugees were quartered in private homes, barns, and other buildings. However, the island did not have enough buildings to satisfy the need for housing, so many of the soldiers had to live in tents.<sup>57</sup>

For most of the summer, troops poured into the island. Some came from Europe. Three thousand arrived on August 1 with Generals Clinton and Cornwallis, after being withdrawn from a failed campaign to take Charleston. From Virginia, Lord Dunmore and the Ethiopian Regiment arrived. Dunmore in November, 1775, had promised freedom to any slave who left his master to fight for the British. Many slaves responded to the call, and were formed into the regiment. Unfortunately, only 150 remained of the regiment, thanks to smallpox. The existence of the regiment caused some concern among Staten Islanders, especially those who owned slaves, but it was soon apparent that Lord Dunmore’s Proclamation was not the forerunner of a general

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<sup>56</sup> Papas, 67-9.

<sup>57</sup> Ibid., 69-70. While the island did not have enough buildings capable of housing soldiers, the island did have a few taverns. Popular with the British was the Rose and Crown Tavern. According to tradition, it was here that General Howe first read the Declaration of Independence. The Declaration was printed in a newspaper, and General John Vaughan handed Howe the paper. Howe read a few lines, and then ordered a subordinate to read the Declaration aloud. In the hush that followed, Howe said quietly, “Those are certainly determined men.” Ibid., 75-6

policy of emancipation, but the product of military exigencies. The uniforms of the Ethiopian Regiment, however, bore sashes on which the words “LIBERTY TO SLAVES” were written.<sup>58</sup>

Thousands of troops were cooped up on the island for nearly two months with little to do. It is not surprising that there was some trouble on “that ever loyal island.” Discipline was not as strong as it should have been. Lord Rawdon, with inappropriately poetical language, cavalierly described a problem that the presence of so many bored men and insufficient discipline caused:

The fair Nymphs of this Isle are in wonderful tribulation, as the fresh meat our men have got here has made them as riotous as Satyrs. A Girl cannot step into the Bushes to pluck a Rose without running the most imminent risque of being ravished; and they are so little accustomed to these vigourous methods, that they don't bear them with the proper resignation, and of consequence we have most entertaining Courts-Martial every day.<sup>59</sup>

In plain language, women on the island were being raped by soldiers. Since, except for a few exceptions, the majority of Staten Islanders were Loyalists, this means the women being raped were Loyalists or the daughters of Loyalists. These violent acts against women were virtually guaranteed to undercut and even destroy American support for the occupation army, transforming the British military's image from liberators and defenders to oppressors, and transforming Loyalists to passive neutrals or even into Patriots. Criminal actions by soldiers, ranging from minor crimes such as petty thefts and vandalism, to far worse, such as home

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<sup>58</sup> Ibid., 72-4, 77.

<sup>59</sup> Rawdon to Huntingdon, Aug. 5, 1776, Hastings Manuscripts, HA5117, Huntingdon Library, in Ranlet, 72.

invasions, kidnapping, and rape, would plague the populations in contact with the British and Hessian soldiers throughout the war.

The British attempted to negotiate with the Americans during the long summer. In mid-July, Lieutenant Philip Brown was sent with a flag of truce to Washington. He was turned back by boat-borne sentries, because the letter he bore was addressed not to *General* Washington, but to *George Washington Esq.* A second letter was turned back for a similar reason a few days later. Ambrose Serle, secretary to Lord Howe, commented that, while the British had tried “as far as Decency and Honor could permit” to prevent bloodshed, that it seemed “to be beneath a little paltry Colonel of Militia at the Head of a Banditti or Rebels to treat with the Representative of His lawful Sovereign, because ‘tis impossible for him to give all the Titles which the poor Creature requires.”<sup>60</sup> *Pace* Serle, this insistence by the Americans on proper titles was actually quite vital; the colonies had declared independence, and demanded recognition of their generals as *generals*, given this title by the states or the Congress. For the British to give them these titles would be in many ways a partial recognition of independence; hence their reluctance to do so. A few years later, when peace was desperately desired by Britain, the instructions to the Carlisle Commission told them to use any titles the Americans wanted (see Chapter IV).

All through the summer, Washington kept working on the fortifications and gained more reinforcements. Peaceful envoys were not the only thing the British sent to Washington during this lull. The British tested the defenses of the Americans by sending two warships, the *Phoenix* and the *Rose*, up the Hudson. The Americans were unable to stop them. Only about half the

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<sup>60</sup> Serle, July 14-16, 1776, 31-5. Howe finally did send a letter addressed to “His Excellency George Washington”, which was apparently an acceptable compromise. The letter resulted in a rather fruitless meeting. Schecter, 108-9.

men who should have been on duty on the cannons were there; some were allegedly drinking, or visiting “the Holy Ground”—the local red light district. Some Americans were killed by cannonades by the ships. Panicked New Yorkers continued to flee the city.<sup>61</sup>

The population of New York City virtually evaporated during 1776. Loyalists, Patriots, and the unaffiliated fled the war-zone. Many members of the Sons of Liberty and “mechanics” became members of military units, or otherwise left the city. The revolutionary government of the province shortly before independence was declared had left New York City for the safer confines of White Plains in Westchester, where it now styled itself the Convention of Representatives of the State of New York. The exigencies of war would force the Convention—and later the legislature—to move several times. White Plains would soon be under British control.

The “evaporation” of New York City’s population and the relocation of the government to a series of small towns in the Hudson Valley probably had a major effect on the government of New York State for the first few decades of independence. The Committee of Mechanics—representing roughly what we would call the working class—had urged that the new constitution, once written, be submitted to the people of New York for approval. (See above). It is probable that, had New York City remained in American hands and the state capital remained there, that the Committee and the mechanics it represented would have put pressure on the Convention to make the Constitution a democratic one, or at least more democratic than the oligarchs who had long dominated the province would have wanted. But, the Convention was not in New York City, and many of the mechanics were not as well. By

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<sup>61</sup> Schechter 104-5; Serle, July 12, 1776, 28-30.

contrast, in Philadelphia the population remained, and a very democratic constitution was written for Pennsylvania in the fall of 1776. Similarly, a few years later, the *sans-culottes* (roughly the equivalent of the mechanics) pushed the French revolutionary assemblies in more radical directions—some perhaps more radical than many of the mainly middle-class revolutionaries wanted. But in New York, the impact of invasion and the internal “exile” of the Convention isolated the classical republican constitution writers from the democratic pressure the mechanics of New York City might have exerted. John Jay and his fellow authors produced a republican constitution, with a bicameral legislature and checks and balances such as a Council of Revision, which would govern the state until 1821. Arguably, with its bicameral legislature and its Council of Revision, the 1777 Constitution was one more in tune with the interests of the oligarchs of New York than a more democratic constitution would have been. It was adopted by the Convention in April, 1777, in “the name and by the authority of the good people of this State” and was not submitted to the voters as the Committee of Mechanics had wished.<sup>62</sup>

As discussed in more detail in the following chapter, Howe’s strategy was to gain control of Manhattan, and pin Washington’s force in southern New York and New Jersey while an army from Canada would march down the Hudson. Washington, faced with two superior armies, would either have to retreat (thus abandoning New England to isolation from the middle

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<sup>62</sup> Countryman, 161; 1777 New York Constitution, Article I and III, <http://www.nhinet.org/ccs/docs/ny-1777.htm>, accessed July 20, 2011. The Council of Revision was a council consisting of the governor, the chancellor, and some supreme court justices, which had the power to review and send back “hastily and unadvisedly passed” laws to the legislature. The laws could be passed over the Council’s objection by a two-thirds majority of both houses of the legislature. This complicated procedure could have the effect of preventing laws desired by the majority, but disliked by the leadership of the state. The Constitution did provide for an experiment to be made in voting by ballot, rather than voice (Art. VI). In its actual operation, the government had many “new men” in it who had not been part of the old elite. In fact, Governor Clinton himself was generally considered a new man, who probably would not have risen to such heights without the Revolution.

colonies) or offer battle, where his poorly trained and poorly armed troops would no doubt be crushed. General Clinton urged that Howe send ships to land a sizable corps at Spuyten Duyvil, at the northern tip of Manhattan, to block the retreat of Washington's forces. Howe was interested in the idea, but eventually did not use it in his campaign.<sup>63</sup>

Instead, Howe intended to use his 24 thousand men in a large enveloping movement, taking first Long Island, then taking Manhattan from a point northeast of the City (which was in 1776 a one square-mile town at the southern tip of the island). This plan has been criticized as allowing Washington's troops ample room to escape, and as not fully exploiting the British naval advantage. In the meantime, Washington fortified northern Manhattan. Nathaniel Greene, "the fighting Quaker", was in charge of fortifying Brooklyn Heights. Greene had renounced his sect's pacifist teachings, and had gained much of his military knowledge from reading campaign histories. Greene, it is reported, "had made himself acquainted with every pass and defile leading to the city", but he came down with a serious fever a few days before the British struck. Israel Putnam took over the Long Island troops on Aug 23, 1776. General Sullivan commanded within the fortifications, and "Lord" Stirling the troops outside the fortifications. Sullivan is often reported to have been in command during the Battle of Long Island, and he took great pains to correct that impression.<sup>64</sup>

"Tory hunting" also continued on Long Island. An investigation into a plot to rearm Loyalists resulted in warrants being issued for the arrest of many on Long Island. Military force was sent to capture the 38 people named, and there was a skirmish in a swamp in Queens on

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<sup>63</sup> William B. Willcox, *Portrait of a General: Sir Henry Clinton in the War of Independence* (New York: Alfred A. Knopf) 1964, 95-6, 104.

<sup>64</sup> Willcox, 104; Schechter 118-120; OKS # 795, p. 123, General Sullivan to the President of Congress, Whitmarsh, Oct. 25, 1777, OKS # 807, p. 140.

June 22 or 23. While there were fortunately no fatalities, this “Battle of Hempstead Swamp” was probably the first bloodshed on Long Island. The danger of armed Loyalists was a problem to the American military planners. The bulk of the Continental troops were stationed in Kings, a Loyalist region, as was much of Queens. Hempstead’s armed Loyalists were headed by a former Indian fighter from the French and Indian War, Hewitt. Probably to counter them, Nathaniel Woodhull, former head of the Provincial Congress and now a militia officer, was stationed to the east of Jamaica Queens at the time of the Battle of Long Island. In Brookhaven, in the months leading up to the battle, several people were brought before the Committee of Safety, and several arrested.<sup>65</sup>

On August 22, 1776, British troops landed on Long Island. While many have criticized the British for wasting much of the summer, the operation when finally launched was masterful. The British had built enough flat-bottomed boats to disembark six thousand men in one wave. The boats, according to a major in the Quartermaster’s department, each had a hinged front that could be let down to serve as a gangplank, by which the men and guns could go ashore. In short, they were eighteenth century versions of the landing craft used at Normandy and other amphibious invasions of the Second World War. Over 400 vessels were involved in the movement. The ships disembarked at Gravesend, in southern King’s County. They were met with little resistance; they also were not met by many cheering Loyalists as had occurred on Staten Island. The American troops burned some “corn”, though a recent rain

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<sup>65</sup> George D.A. Combs, “The First Revolutionary Battle on Long Island: Battle of Hempstead Swamp”, NCHSJ 19 (1958) 19-25, reprinted NCHSJ 29 (1969) 38-43; Orville Ackerly, “Ebenezer Dayton: A Revolutionary Character”, paper read at annual meeting of Suffolk County, Historical Society, July 14, 1903, at Riverhead (and in their collections) 3-4, 6.

hindered that, and drove off some cattle. The British soldiers and sailors treated themselves to the fine apples that grew in abundance. Skirmishing soon began between British and American forces.<sup>66</sup>

The Hessians crossed over on Sunday, the 25<sup>th</sup>; Serle noted in his journal his fear that their use would “tend to irritate and inflame the Americans infinitely more than two or three British Armies.” In Brookhaven, on the North Shore of Long Island, British troops were landed and began shooting cattle on the 26<sup>th</sup>. Some American troops were diverted there; this action was a feint by the British to hold the militia of Suffolk County at home, rather in Kings.<sup>67</sup>

As historian Troyer Steele Anderson puts it, “the battle of Long Island, on August 27, was a very brief, simple, and decisive affair.”<sup>68</sup> Sullivan had been temporarily in command on Long Island until Israel Putnam had taken over. As mentioned earlier, Nathaniel Greene, who had been in charge of preparing the defenses of Long Island and would probably have led the troops in battle, had become very ill and had been relieved of duty. Washington adopted Sullivan’s modification to the defensive plan that had been prepared by the sick Greene and earlier by Lee: Putnam was ordered to put his best troops into the passes in the Gowanus Heights and the other hills of northern Kings. The intent was to not allow the British to reach the fortifications at Brooklyn Heights, overlooking New York City. These heights were Britain’s strategic objective in the battle. Unfortunately, the Jamaica Pass on the far left of the American lines was left unguarded. It is possible that Greene, with his intimate knowledge of the area, would have not made this error. In any event, Howe discovered this weakness, and “turned the left flank” of

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<sup>66</sup> Major. Hutcheson-Haldimand, August 14, 1776, in Anderson, 130; Anderson, 130; Serle, Thursday, August 22, 1776, p. 71; Schechter, 127, 129-130; Ranlet, 73.

<sup>67</sup> Serle, August 25, 1776, p. 77; HTR III, 7-8 and notes.

<sup>68</sup> Anderson, 125.



the American lines. With British and Hessian forces behind the passes they were guarding, the Americans had no choice but to retreat. Heavy losses were sustained by the American troops, and several high-ranking American officers, such as Lord Stirling, were captured. By nightfall, the remnants of the American army stationed on Long Island were within the Brooklyn Heights fortifications. Howe did not attempt to capture the fortifications, as he was not sure of the strength of the fort, and did not want to “risk the loss that might have been sustained in the assault,” believing that “the lines must have been ours at a very cheap rate by regular approaches”. He began to besiege the position, unaware that the force holding the fort was quite small. Some clever planning and some fortuitous weather permitted the 9500 American soldiers, their equipment, and General Washington (who had crossed over to Long Island on the morning of the battle, once he was satisfied that the attack was the main British effort and not a feint) to return to Manhattan on the 29<sup>th</sup> unmolested. On the morning of the 30<sup>th</sup>, the British occupied the forts on Brooklyn Heights. Long Island was now theirs. They would not leave until 1783.<sup>69</sup>

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<sup>69</sup> Schechter, 131, 133, 152-3, 158-9, 161-4; Anderson 132, 136-141; William Howe to Lord Germaine, Camp at Newtown, LI, Sept 3, 1776, OKS # 805, pp. 134-5. “Lord Stirling” was William Alexander of New Jersey, who claimed the disputed earldom of Stirling in Britain. Despite his claim to a British title, he became an important American general. Concerning the battle, one British officer observed that “The American fought bravely, and (to do them justice) could not be broken till they were greatly outnumbered and taken in flank, front and rear.” This officer was also shocked at what he described as a “massacre” made by the Hessians and Highlanders who gave no quarter. It was also at this battle that General Putnam is said to have rode along the lines and ordered his men not to fire “till they could see the whites of the enemies’ eyes.” OKS # 805, p. 138.

## V

General Nathaniel Woodhull, a former delegate to several Provincial Congresses, commanded the Suffolk County militia. They had been charged on the 24<sup>th</sup> of August with driving the cattle of Queens east of the Hempstead Plains to keep it out of British hands. Of a total force of 500, only two hundred met him in Jamaica, and half soon deserted. Despite this, Woodhull was successful in his task. His troops remained in Jamaica on the 27<sup>th</sup>, but began to scatter on the 28<sup>th</sup> as rumors of the defeat began to spread. Woodhull was taken prisoner by dragoons. According to accounts from fifty years later, after he surrendered his sword, he was ordered to say “God save the King.” He refused, saying “God save us all.” At this, the accounts continue, the commanding major, identified as the Loyalist Major Oliver Delancey (of the famous Delancey clan), struck him in the arm with his sword. The arm became infected, and was amputated, but he soon died. Ballads and tragedies of his life would be written many decades later.<sup>70</sup>

Two representatives of the Convention, Judge Hobart and James Townshend, learned of Woodhull’s capture on August 30, 1776 while in Queens. The militia of Queens had dispersed. The two reported their “unspeakable mortification” to the Convention at the twin

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<sup>70</sup> Flint, 405-7; Silas Wood, *A Sketch of the First Settlement of the Several Towns of Long Island*, (Brooklyn, NY: A. Spooner) 1826, 88-90; OKS 592-599, pp. 32-41. A New York militia Lieutenant swore before Gouverneur Morris in January 1777 that the general was given poor medical care. Wounded prisoners after the battle were put by the British in the churches of Flatbush and New Utrecht, but were neglected and unattended, and were said by a surgeon who attended Woodhull to be “wallowing in their own filth,” and breathing infected air. More humane treatment was eventually given by a newly appointed doctor, but by this time it was too late for Woodhull and others. OKS, 599, 39-40.

bad news. The two headed to Huntington, “as the only place where we could have any prospect of making an effectual stand”. They then ordered the militia of Suffolk to rendezvous there. In the meantime, the British had spread troops out from Kings. By the 30<sup>th</sup>, they were “in full possession” of western Queens, as far as Jamaica, and Loyalists were joining them. By August 31, the British reached Newtown in Queens. Virtually everyone there who had taken up arms against the British, according to one report, surrendered.<sup>71</sup>

While a great victory, the Battle of Long Island (or Brooklyn, as it is sometimes called) was not quite the decisive battle Howe wanted, as a sizable portion of the “rebel” army still existed. However, as far as Long Island was concerned, it was quite decisive. In the face of overwhelming military superiority, the troops disbanded and Patriots fled—or submitted to the British. On August 30, several militia companies from Brookhaven and Smithtown, as well as various militiamen (some complaining that their officers had left them), gathered in Huntington. Major Jeffrey Smith called the officers into a room, and told them that their forces were insufficient to oppose the enemy and that he “very much gave up the Island”. He said it would not be good policy to “incense a cruel enemy by being taken in arms”. They would fare better if they stayed at home. One captain ordered his troops to return home, and the militia of Suffolk disbanded.<sup>72</sup>

Brigadier General William Erskine was appointed commanding officer for the eastern part of Long Island. From his base in Queens, he issued a proclamation for Suffolk County ordering committeemen and others to cease their activities, and that all men in arms lay them

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<sup>71</sup> HTR III, 8-9; OKS # 600, 42; Ranlet 73.

<sup>72</sup> HTR III 10-11; OKS 600, 42-3. A few days later, Colonel Henry B. Livingston tried to rally the troops in Huntington, but the inhabitants begged him to not enter the town, as they had already submitted, and feared the British would not treat with them should he proceed further. See Ranlet, 73.

down. He then ordered that they assist British forces by bringing in their cattle, and wagons and horses, promising that they would be fully paid, as “His Majesty having sent his army, not for the oppression but for the protection of the inhabitants.” If, however, they did not submit (and especially if the cattle and wagons orders were not immediately complied with), he would without delay enter the county and “lay waste the property of the disobedient, as persons unworthy His Majesty’s clemency.”<sup>73</sup>

From Jamaica, Oliver Delancey, Major General of the [Loyalist] Militia in the Southern District of the Colony of NY, issued a proclamation on September 1 for the people of Suffolk to lay down their arms, take an oath of allegiance, disclaim and reject “the orders of Congress and Committees”, and to pray for the king and the royal family in all places of worship. That day, dragoons arrived in Huntington. The next day, Delancey arrived in Huntington and ordered the militia of Suffolk to lay down their arms and take an oath of allegiance. On Sept 5, Delancey issued an order to raise a “Brigade of Provincials solely for the defence of this Island to re-establish order and govt within the same.” Three regiments were eventually raised; as will be discussed below, there was much criticism when some were sent to fight in the South when they were needed to protect Long Island against raiders. In addition to these orders, several orders were issued concerning the gathering of cattle and sheep and wood for the use of the King’s troops. While a distinction was to be made between rebel and Loyalist livestock (the Loyalists were promised pay), in practice, few were paid.<sup>74</sup>

After the disastrous Battle of Long Island, many Long Islanders who fought with Washington elected to stay with his army. But perhaps as many as five thousand men, women

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<sup>73</sup> HTR III, 13; OKS 601, 44-5.

<sup>74</sup> HTR III 14-19, 20n.

and children, particularly those who had been very active in Patriot activities, escaped to Connecticut, leaving their homes and much of their property behind. The flight was referred to as “Over to the Main” by the refugees. Sag Harbor on the northern shore of the South Fork was a major port of departure; before the war and into the next century, Sag Harbor was the second greatest port in New York. As late as September 15, and possibly later, the wharves of Sag Harbor were crowded with emigrants. The Convention recommended on August 29 that Long Island’s inhabitants “remove as many of their women, children and slaves, and as much of their live stock and grain, to the main, as they can,” and stated that it would pay the expense. Some effort was made to prevent the exodus by the British, but it went forward. Various committees in Connecticut helped provide for the needs of the refugees.<sup>75</sup>

But many remained behind on Long Island, and not all were Loyalists or neutrals or “trimmers”. Many of those who stayed were Patriots. Many feared to leave their property behind, were unable to secure transport, or feared the uncertainties of exile far from their homes. For myriads of reasons, many who had no love for the British remained behind on Long Island. Having chosen or been compelled by circumstance to stay behind, they did what was necessary. They feared that failure to pledge allegiance to the King would result in being exiled in winter.<sup>76</sup> They began to take oaths of loyalty to the king—several were demanded during the course of the occupation—and those who had been highly-placed in the revolutionary movement began to recant their involvement.

After the Battle of Long Island, each town on the island held town meetings which formally surrendered their towns to the British. The island was now under martial law. The

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<sup>75</sup> Mather, 166-71; OKS # 606, 48.

<sup>76</sup> HTR III, 20.

Revolutionary committees began to recant their involvement. On or about Oct 21, 1776, Huntington, Smithtown, Southold, South Hampton and East Hampton's committees, as well as the Committee of the County of Suffolk, all recanted. The statements of Huntington and Suffolk were printed in the New York *Gazette* of November 11. Huntington's statement was typical:

The Committee of Huntington, being thoroughly convinced of the injurious and inimical tendency of our former meetings and resolutions and willing to manifest our hearty disapprobation of all such illegal measures, do hereby dissolve this committee, and as far as in us lies revoke and disannul all former orders and resolutions of all committees and Congresses whatsoever, as being undutiful to our lawful Sovereign, repugnant to the principles of the British Constitution & ruinous in the extreme, to the happiness and prosperity of this country.<sup>77</sup>

Among the signers of the above declaration was Platt Conkling. Platt Conkling had been one-third of the original committee of Huntington. He was named as appointed to Huntington's committee in Huntington's elegant 1774 statement of the issues, the *Declaration of Rights*. The other two named in the *Declaration*, John Sloss Hobart and Thomas Wickes, had escaped Long Island. All who signed the recantations had been leading Patriots and had supported American independence. It is highly unlikely that all of these leading Patriots had changed their minds. There had been ample time between July 4 and the beginning of the occupation (or liberation) of Long Island for those who thought independence was a step too far to resign. It is apparent that their recantations were expedient, a response to the fact of British occupation.<sup>78</sup>

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<sup>77</sup> Flint, 413; HTR III 20: OKS # 620, p. 60; New York Gazette, Nov. 11, 1776; C.O 5/1107, No. 412.

<sup>78</sup> HTR II, 535; Mather, 402-3, 635.

As the war continued, General Howe made several offers of amnesty, and oaths of allegiance to Britain were made by the people of the island. According to historian Frederic Mather, the “general form” of the oath was thus:

I do swear upon the Evangelist of Almighty God, that I hold true and faithful allegiance to his Majesty King George the Third of Great Britain, his heirs and successors: and hold an utter abhorrence of congresses, rebellions, etc.; and do promise never to be concerned in any manner with his Majesty’s rebellious subjects in America. So help me God!<sup>79</sup>

Several periods of oath-taking occurred during the war; a major signing occurred in the fall of 1778. Even the most cursory comparison of the lists of those who signed these oaths and of those who had put themselves on record as supporting the Patriot cause will show that many names may be found on both lists. For example, John and Solomon Ketcham, as well as Nathaniel Smith, Henry Titus, Zachariah Rogers, Silas Wickes, and Platt Conkling, among other residents of Huntington signed both the Association on May 8, 1775, and the Oath of Loyalty before Governor Tryon in 1778. It is evident that for many of the oath-takers, the oath was only a matter of expediency, of protecting their homes, properties, families and persons. The oaths were usually administered by commissioners. One commissioner, Abraham Gardiner, who had ordered the homes of Col. Jonathan Hedges and Col. David Mulford surrounded in order to force them to take the oath, later would become a refugee himself, and would serve the American cause. Perhaps he had a change of heart, but it is more likely that his actions as a commissioner were only a matter of expediency.<sup>80</sup>

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<sup>79</sup> Mather, 116.

<sup>80</sup> HTR III, 35-45; Mather 116, 1062-3

Many local Long Island historians in the late nineteenth and early twentieth centuries were descendants of those who had taken the oaths. A sense of embarrassment, or a need to justify their ancestor's actions, can be detected in their writings. Local historian Justice Henry P. Hedges, in his 1910 "Sag Harbor Address", defended the oath-takers:

What should they do? Take the oath and live? Refuse and die? They took the oath but in heart were as devoted to their country and as hostile to their oppressors as before. This is a subject avoided by writers, but fidelity to historic truth demands expression. When residents of Sag Harbor and the Hamptons took this oath, as they in fact did, they reasoned thus: Refusing, I die with no benefit or help to my family, friends or country's cause; living, I may be a help to all...To hold an oath procured by force, valid, is to hold force the law and above the right.

He then proceeds to defend the actions of both Colonel Gardiner and Colonel Jonathan Hedges. Allowing for perhaps some excesses in his rhetoric, Hedges was probably right in his belief that the oaths did not reflect a change in heart. While no doubt there were, particularly in Queens, many who were nonaligned, and those who "trimmed" to the wind, it is likely that many of the oath takers were merely bending to the military realities. Particularly suspicious were the recantations from the revolutionary committees of Suffolk County that Governor Tryon received in October and November of 1776. It is rather unlikely that leading Patriots had truly changed their minds in two or three short months, and it is far more likely that they were bowing to the military realities of Long Island. Charles Street, editor of the Huntington Town Records, said of these recantations that they "were concessions forced from a



conquered people.” The sincerity of the recantations of the committees was quite questionable, as was the sincerity of many—perhaps most—of the oaths.<sup>81</sup>

Unfortunately for the British, too often they suspected everyone of disloyalty, including people who were manifestly loyal. It is one of the fatal ironies of the American Revolution that high policy makers tended to overestimate the amount of Loyalism in America, thinking that the Patriots were a small faction, while at the level of policy implementation, the troops and local commanders tended to act as if everyone was a rebel. This may have made some sense in Suffolk, which was overwhelmingly Patriot, but it made no sense in Queens and Kings. From virtually the end of the Battle of Long Island, the British acted in manners which not only failed to win over the Patriots and neutrals, but actually disaffected many of the Loyalists. As historian of Revolutionary Queens and New York Joseph S. Tiedemann put it, by the end of the occupation, the Loyalists in Queens (and no doubt the rest of the island) had become “Patriots by Default.”<sup>82</sup> This work will return to these “Revolutionary Incidents” of Long Island and elsewhere in an upcoming chapter.

## VI

Having successfully extricated the forces stationed on Long Island forces from Brooklyn, Washington faced the distinct possibility that his army would be trapped on Manhattan.

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<sup>81</sup> Mather 117; HTR Vol. III, 20.

<sup>82</sup> Milton M. Klein and Ronald W. Howard, *The Twilight of British Rule in Revolutionary America: The New York Letter Book of General James Robertson, 1780-1783* (Cooperstown, NY: New York State Historical Association) 1983, 5; Joseph S. Tiedemann, “Patriots by Default: Queens County, New York, and the British Army, 1776-1783,” *William and Mary Quarterly* 43 (January 1986): 35-63, 39, 63; Staudt, 65-6. Papas comes to a similar conclusion about Staten Island. Papas 104-5.

Nathaniel Greene, recovering from his illness, urged that the city be abandoned and burned to deny its resources to the British. Brigadier General John Morin Scott, an important New York Patriot, who had a large estate and many assets on Manhattan, selflessly concurred. Congress informed Washington that the city was not to be harmed. Rather than retreat off the island, Washington tried to hold it.<sup>83</sup>

With the British having won an impressive, though not-quite decisive, victory, Admiral Howe decided to make one last attempt at peaceful negotiation before unleashing his brother's army. Howe paroled the captured General Sullivan, who was sent to Philadelphia to attempt to set up a face-to-face meeting with members of Congress. John Adams was not pleased with this; and told his fellow Congressman Benjamin Rush that he wished the first British shot at the battle had gone through Sullivan's head. Despite Adams's opposition to meeting with the British (or perhaps because of it) he was appointed, with Benjamin Franklin and Edward Rutledge, as one of a committee of three to meet with the British.<sup>84</sup>

The three Americans met with Lord Howe at Billopp House on Staten Island. Even though it belonged to the Loyalist Christopher Billopp, the Hessians who had been quartered there had treated it so poorly that for the meeting the floor of the parlor was spread with moss and green branches—to dampen the smell. Howe believed that the great majority of Americans were loyal and that the Patriots were a minority. After discussing his affections for America and Massachusetts, Howe observed that the Declaration of Independence had “changed the ground”. If it was given up, pardons could be issued and re-union with Britain on

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<sup>83</sup> Schechter, 170-71.

<sup>84</sup> Schechter, 175 McCullough, 154. The three represented New England, the Middle States, and the South—or, as McCullough suggests, “the oldest, youngest, and most stouthearted of the members of Congress.” 154.

terms advantageous to the colonies as well as Britain could be made. Howe added that he could not confer with them as members of Congress, as he could not acknowledge that body, but merely as “gentlemen of great ability and influence”, as private persons, and as British subjects. Adams replied that he could be considered in any character except as a British subject.<sup>85</sup>

This was the sticking point. Independence truly had changed everything. Offers and plans which a few months earlier might have diffused the crisis were now inadequate. Having crossed the “Rubicon” of Independence, having symbolically executed the king, having had their love and loyalty for the King and the Empire turn to hate and rejection, a voluntary return to being subjects was impossible. Only crushing military defeat could possibly convince Patriot Americans to accept the King as their ruler, and even then their acceptance would be grudging. As events on Long Island showed, even the taking of solemn oaths signified for most only a bowing to necessity, not a change of heart. Colonel Gardiner, for example, worked for the British and forced people to take the loyalty oath, but when the opportunity arose fled Long Island and again served the Patriot cause. Thus, negotiations which did not acknowledge American independence were useless for the Americans. Negotiations which recognized American independence were unacceptable to the British.

After three hours of discussion, Howe and the delegates departed. Negotiation was impossible as long as the colonies did not give up independence. The Americans returned to their lines. There was nothing left to do but fight.<sup>86</sup>

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<sup>85</sup> McCullough, 156-7.

<sup>86</sup> *Ibid.*, 155-8. Before the committee had left New Jersey for Staten Island, one of Lord Howe’s officers had stated that he would remain behind as a guarantee that the committee would not be seized. The committee would not hear of it, and the officer returned to Staten Island with the committee. Seeing him return to Staten Island, Howe told the committee that they had paid him a great compliment. Whatever else Howe was, he was a gentleman of

One other thing should be noted here. The Howe brothers wore two hats: they were high-ranking military officers trying to win a war and they were also Peace Commissioners. They held the sword in one hand and the olive branch in another. It is difficult to both fight a war and try to make peace. Efforts to win a war militarily might doom or poison the peace; conversely, efforts to negotiate a peaceful end to a conflict could harm efforts to fight it. For example, destroying cities and farms might hasten military victory, but poison relations between victors and losers for years—or even harden resistance. And the pause to seek peace permitted Washington to move much of his army north from the city, making the American evacuation of Manhattan Island easier.<sup>87</sup>

General Clinton had proposed seizing part of the modern Bronx to block Washington's retreat, but was overruled. With the prospect of peace gone after the Billopps Conference, the invasion of Manhattan was ordered. On September 15, British troops landed at Kips Bay (near where the United Nations is now located). The raw recruits guarding the bay broke; Washington tried to rally the troops, but failed. In the confusion of the battle, Washington was nearly captured or killed. A few days later, there was a major skirmish in a hilly part of Manhattan where much of the American army was located. This skirmish became known as the Battle of Harlem Heights; much of it was fought on or near the present-day site of Columbia University. The British were pushed back here, giving the Americans a morale boost. Despite this, Washington's army soon retreated from Manhattan to the relative safety of the mainland.

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honor. Howe had brought with him a list of those rebels who were to be pardoned. John Adams was not on the list; he was to hang. But Howe let the condemned man return to American lines. *Ibid.*

<sup>87</sup> Papas, 82-3.

However, a large force was left in Fort Washington in North Manhattan, overlooking the Hudson. Their intent was to block the Hudson, but the fort was eventually captured.<sup>88</sup>

On September 16, 1776 General James Robertson was made military commandant of New York City. Robertson was an experienced staff officer who had lived in the city several years earlier and had recommended that the invasion begin in Staten Island, not Gravesend. The city he took over had been reduced by the flight of much of its populace to a population of about 400 or 500 people, mostly Loyalists, but thousands of Loyalists would stream in during the next few months and throughout the war.<sup>89</sup> As the historian Judith L. Van Buskirk described it, the influx of Loyalist refugees would continue throughout the war, “with surges of new Tories arriving whenever the British army withdrew its protection from an area: New Jersey in 1777; Philadelphia in 1778; Rhode Island on 1779; Virginia in 1779, 1780, and 1781; South Carolina in 1781.”<sup>90</sup> But on that September day, those who remained in New York City “behaved in all respects, women as well as men, like overjoyed Bedlamites.” At the Fort, a woman pulled down the rebel flag and hoisted a British flag, “after trampling the other [the rebel standard] under Foot with the most contemptuous indignation.”<sup>91</sup> Manhattan was British again. Five days after taking his position as commandant, Robertson was faced with a major challenge: the Great Fire.

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<sup>88</sup> Schechter, 179-80, 184-5, 225.

<sup>89</sup> K & H, 36. Robertson will be discussed in more detail in Chapter V.

<sup>90</sup> Judith L. Van Buskirk, *Generous Enemies: Patriots and Loyalists in Revolutionary New York* (Philadelphia: University of Pennsylvania Press) 2002, 26.

<sup>91</sup> *Ibid.*, 21

While small by the standards of London, New York, with its excellent port and strategic location, was clearly a great prize in a war. Its buildings could house many British officers, soldiers, and refugees in relative comfort. Hence, the possibility of destroying New York had long been discussed—by Americans. Nathaniel Greene, Joseph Reed, and even New Yorker John Jay all urged that the city be demolished if it had to be abandoned. After all, as Greene argued, with some justice, “Two Thirds of the Property of the City of New York and the Subburbs belongs to Tories.”<sup>92</sup> British control of the city, with all the advantages it would give them, could not be contemplated, so it was argued that the city should be destroyed before they could occupy it. Beyond strategic necessity, the historian Philip Ranlet suggests a darker motive for the destruction of New York City was possessed by some Americans. New York and New England had long distrusted each other, and been rivals economically. Both had encroached on and claimed each other’s territories during the colonial era. Even today, echoes of this enmity can be seen in the intense rivalry between the fans of the Boston Red Sox and the rather ironically named New York Yankees. The strong possibility exists that the Great Fire was set by Americans, most likely New Englanders, acting either with or without orders.<sup>93</sup>

Ambrose Serle, Lord Howe’s secretary, described the fire as follows:

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<sup>92</sup> Don Higginbotham, *The War of American Independence: Military Attitudes, Policies, and Practice, 1763-1789* (New York: Macmillan Co.), 1971, 159-60; Greene to Washington, Sept 5, 1776 (Showman, *Greene Papers*, I), cited in Ranlet, 74.

<sup>93</sup>Ranlet, 74; See Benjamin Carp, “The Night the Yankees Burned Broadway: The New York City Fire of 1776,” *Early American Studies: An Interdisciplinary Journal*, 4:2 (Fall 2006), 471- 511. Many upstate New Yorkers are Red Sox fans, especially in Central New York. It would be an interesting and informative task for a sports historian or sociologist to determine how many of these have New England ancestry.

This Morning about 1 o'clock, we were alarmed with the Appearance of a Fire in the Town: and presently after it burst out, at several Places, into a most tremendous Blaze. The Wind was rather strong, which increased the Rapidity of the Flames: & these extended in a Line for almost the Length of a mile, consuming onward from the East River, for several hours together, to the North River up to St. Paul's Church, which wonderfully escaped, while Trinity Church...was utterly destroyed.<sup>94</sup>

Serle blamed "Some Rebels, who lurked about the Town," and stated that several of them had been caught with matches and "Fire-balls" upon them. In addition, Serle reported that one man was detected in the act and was "knocked down by a Grenadier & thrown into the Flames for his Reward." Another person was found cutting handles off of water-buckets to prevent their use; he was reportedly hanged by sailors. One of the people arrested with matches and £500 on his person was Captain Fellows, a New Englander. He became the chief suspect. On the smoky morning of September 21, Serle recorded that "The New England People are maintained to be at the Bottom of this Plot, which they have long since threatened to put into Execution."<sup>95</sup> The *Mercury* commented that "the New-England Incendiaries...had long threatened the Performance of this villainous Deed; and this is the best return that the People of Property in this City, who have espoused their Cause, are to expect for their heedless Credulity."<sup>96</sup>

Smith reported that about one thousand houses, or one-quarter of the City had been consumed. Robertson agreed that about a quarter of the city had been destroyed.<sup>97</sup> Patriots

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<sup>94</sup> Serle, Sept. 21, 1776, 110-111.

<sup>95</sup> *Ibid.*, 111.

<sup>96</sup> *Gaines Mercury*, Oct. 7, 1776 .

<sup>97</sup> Smith, *Memoirs*, II, 53, Dec. 7, 1776; K & H, 36. Here, the number of burned homes is put at 500, about a tenth of the city's housing. It is indisputable that a substantial part of the city burned.

blamed the British for the fire, or thought it was an accident.<sup>98</sup> Despite the illogic of blaming the British, the Patriots successfully managed to pin the blame on the British in the public mind. The cause of the New York fire has long been disputed by many historians. There was no conclusive trial, and all suspects pled innocence. Amazingly, many of those arrested were soon released. No investigation was launched until Commander-in-Chief Guy Carleton launched one in October, 1783. This was only weeks before the final evacuation, and shows an amazing slackness by the British authorities. The most recent historian to examine the question of responsibility for the blaze, Benjamin Carp, suggest that Washington ordered the burning surreptitiously, or that it was set by “rogue elements” from New England.<sup>99</sup>

While Robertson may have been slack in investigating the fire, no complaints can be made about his *fighting* of the fire. Two regiments were sent into the city to act as guards on the streets and to prevent looting. Public buildings were also guarded. As Smith mentioned, Robertson saved several suspected incendiaries from being killed by a furious mob. The royal warehouses and magazine was threatened by flames, and Robertson diverted fire engines to save the valuable supplies. In the process, his own home was destroyed. Howe and Tryon both informed the ministry that Robertson’s efforts had prevented the total destruction of the city.<sup>100</sup>

Following the Battle of Harlem Heights and the fire, the two armies traveled by parallel paths through Westchester. Washington’s army followed the Bronx River through western

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<sup>98</sup> Ranlet, 76.

<sup>99</sup> Carp, op. cit.

<sup>100</sup> K&H, 36.



Westchester north, leaving Manhattan Island on October 16. The British had attempted to cut off the American retreat by landing at Throg's Neck in southeast Westchester Oct 12, thinking it was a peninsula. Unfortunately for them, it turned out to be marshy, often an island, and the Americans had destroyed the bridge to more solid ground. Regrouping, a few days later the British landed troops at Pell's Point a few miles north, then marched north, hugging the coast. They marched through New Rochelle and Mamaroneck on the Sound, and then turned north to White Plains, arriving on October 28. Washington's troops were waiting for them, having established themselves on a hill overlooking the town.<sup>101</sup>

The Convention in the meantime, was "a government in flight." The Fourth Provincial Congress had met in White Plains because of its relative safety from the British; the *Asia* and other British warships had been a constant threat, and at the end of June, the British invasion fleet had appeared. It was in White Plains that the Congress had declared New York independent and then renamed itself the Convention of Representatives of New York. Now, the British were marching on White Plains. The Convention moved about 25 miles north to Fishkill (on the east bank of the Hudson in Dutchess County), and then later about another 25 miles north to Kingston (on the west bank of the Hudson in Ulster County). It governed the state in "abandoned churches and in private homes", and its "members burdened the ablest among them with staggering loads." Somehow, despite all this, the Convention managed to produce a Constitution. This constitution steered away from both democratic and conservative extremes. It declared the people were the source of power, and enlarged the Assembly to over sixty, its membership distributed among the counties in a manner roughly proportional to population.

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<sup>101</sup> Schechter, 221-3, 234.

However, the legislature also had a second house which could delay or even halt popularly desired legislation, and it excluded many of the lower classes—farm laborers, urban poor—from the franchise. Kingston was the final location of the Convention—but it would not prove to be the end of the travels of the government. The legislature of the state under the new constitution would also have to flee.<sup>102</sup>

“Westchester County”, as historian Sung Bok Kim notes, “became a major theatre of war, as it remained throughout the entire conflict, with devastating consequences for the lives of its people.” Soldiers—from both sides—destroyed and trampled fields, cut down trees, destroyed houses, and pulled down fences to use as firewood. Noncombatants and their goods were attacked and stolen by roving bands of regulars and irregulars. Livestock and other goods were “impressed” in return for certificates. The uncertainty of payment on these certificates made the line between plundering and impressment hazy. And everyone, Patriots, Loyalists, and non-aligned all suffered from these actions.<sup>103</sup>

As the British marched towards White Plains, the people along the march were plundered and, as one correspondent reported, not even women’s and children’s clothing was immune. While laying especial blame on the Hessians, British colonel Stephen Kemble noted “No wonder if the country people refused to join us.”<sup>104</sup> New Englanders, again showing the enmity to New Yorkers noted above, plundered Westchester homes, refused protection to distressed Westchester residents after the Battle of White Plains, and needlessly burned during the battle the county courthouse and most of the homes. The generals of both sides issued

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<sup>102</sup> Countryman, 166-69.

<sup>103</sup> Kim, 877.

<sup>104</sup> Ibid., 877-8.

orders against these actions, but they were difficult to enforce, especially for the Americans, whose troops were new and lacked discipline.<sup>105</sup>

On October 28, the British attacked the American forces on Chatterton's Hill overlooking White Plains. The British drove them from the hill, but suffered heavy casualties in what became known as the Battle of White Plains. This may have discouraged Howe from pressing the attack, for Washington's army again slipped away. Howe lacked accurate maps, and according to British historian Piers Mackesy "was convinced that Washington did not intend to stand and fight."<sup>106</sup> Seeing no point in chasing him north, Howe headed south and attacked Fort Washington (on the isle of Manhattan) on November 16. The fort, which the Americans had thought invulnerable, was taken with over 3000 men. Fort Lee, on the opposite side of the Hudson in New Jersey, was quickly abandoned. Leaving a few thousand troops to guard the Highlands (the area straddling the Hudson from approximately Stony Point to Newburgh), Washington headed south through New Jersey, as the British followed.<sup>107</sup>

With the capture of Fort Washington, Manhattan was firmly in British hands. Long Island, Staten Island and Manhattan would remain British for the duration of the war. The modern Bronx and part of what is now southern Westchester were all in British hands, with a no man's land called the Neutral Ground between them. It seemed certain that much of New

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<sup>105</sup> Ibid., 878-9.

<sup>106</sup> Schechter, 240; Mackesy, 91-93. Howe was fundamentally correct. Washington had decided after the Battle of Long Island to avoid a general action "unless compelled by a necessity into which we ought never to be drawn." Mackesy comments that "This resolution, flexibly interpreted, became the foundation of his strategy." Mackesy, 91.

<sup>107</sup> Mackesy, 91-3. Washington's heading south was a bit surprising, for the British had expected him to head to New England. It was particularly troubling because his presence to the southwest might prove problematic to any British attempt to head up the Hudson to cut off New England. Washington's movement was probably partially a response to circumstances; perhaps the ability to threaten the flank of the British may have been a consideration. See Mackesy, 93.

Jersey would soon follow. This would, at the very least, provide a large area of forests and farms to feed and fuel the British, Hessians, and the people of southern New York. Within six weeks of the fall of Fort Washington, these hopes were dashed. In a few months, the strategic situation would alter immensely. This would lead to a new strategy which would lead to an abortive British attempt to restore civilian government in New York.

**Chapter IV**  
**The New Strategy**

In 1778, the French entered the war on the American side. The British loss at Saratoga, the product of some questionable British decisions, was a major factor in French entry. French entry would alter the entire nature of the war for Britain from a colonial rebellion to a world war. The main front of the war shifted from the colonies to the West Indies. Peace with the colonies was now a priority. Much of this chapter will deal with the Carlisle Commission, which was sent to negotiate a peace. While their mission was a failure, a new strategy would arise in part from this mission. This new strategy would bring a new governor to New York, tasked with restoring civilian government to the British-controlled portion of the province.

## I

In late 1776, General Howe's troops occupied much of New Jersey as a result of their pursuit of Washington's retreating army. Howe, Commander-in-Chief of the British Army in America, hoped to hold eastern New Jersey, and proposed that a large number of troops be quartered there, "without which we should be under much difficulty to find Covering, Forage, & Supplies of fresh Provisions for the Army."<sup>1</sup> Howe was quite correct in his assessment, as the loss of eastern New Jersey after Trenton and Princeton resulted in an inability to use this area to help provision the Army. The inability to freely forage in the area caused great difficulties on Long Island and Staten Island, as their wood, hay, and other resources were taxed to the

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<sup>1</sup> William Howe to Germain, Nov. 30 1776, *Sackville-Germain Papers* Vol. V, II 49-51.

maximum.<sup>2</sup> Philadelphia was not at the time Howe's main strategic objective, nor had its capture been a major goal of British policy. Indeed, the reason Howe's army was deep in New Jersey in late November 1776 was because the decisive defeat of the main rebel army was the British commander's goal, and Washington had rather unexpectedly retreated in the direction of Philadelphia, rather than towards New England.<sup>3</sup> The British had long considered New England to be the heart of the rebellion, and crushing (or at least isolating) the region economically and geographically was the main goal of British strategy. Controlling the Hudson and cutting New England off from the rest of the colonies was an important element of British policy.<sup>4</sup> As a bonus, such a strategy would bring the bulk of the province of New York back

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<sup>2</sup> The American policy was to harass British foraging parties in New Jersey. According to Judge Jones, "Not a stick of wood, a spear of grass, or a kernel of corn, could the troops in New Jersey procure without fighting for it...Every foraging party was attacked in some way or the other...they could be called nothing more than mere skirmishes, but hundreds of them happened in the course of the winter. The British, however, lost men who were not easily replaced." Jones, I, 171. See also Terry Golway, *Washington's General: Nathanael Greene and the Triumph of the American Revolution*, (New York: Henry Holt) 2005, 120.

<sup>3</sup> Wilcox, 95, 96, 118. Howe hoped that rather than see New England isolated by an army out of New York heading north up the Hudson, and an army out of Canada heading south, Washington would risk battle, and be decisively defeated. The Canadian-based expedition started later than the British had hoped, and reached the strategic post of Fort Ticonderoga in late October, 1776. It had then retreated to Canada rather than attempt a winter siege. Under these circumstances, Washington's retreat toward Philadelphia did not result in New England's isolation. As to the surprising direction of Washington's retreat, see McKesy, 93.

<sup>4</sup> McKesy, 58. See also Anderson, 109-110, where he traces the "germ of the idea" to a letter from Dartmouth, Secretary of State for the American colonies before Germain, to Gage sent on April 15, 1775. (Dartmouth to Gage, April 15 1775, CO 5/92, pp 197-221, quoted in Anderson 109-10). As Anderson notes, the idea was not original with Dartmouth, but "came from several quarters, particularly from supporters of the Crown in New York." 110. General Howe informed his brother, then in Britain, of the "necessity of changing 'the theatre of the now inevitable war to the province of New York'" in two letters in the summer of 1775. Lord Howe to Lord George Germain, Sept. 25 1775, Grafton St., Great Britain Historical Manuscripts Commission, *Report on the Manuscripts of Mrs. Stopford-Sackville, of Drayton House, Northamptonshire*, Vol. 11 (London: Hereford Times Co.) 1910, p. 9. In late 1775, the Loyalist clergyman Jonathan Boucher noted the importance of New York, and suggested to Germain that it be made a "Place of Arms":

New York, the City, I mean, is peculiarly fitted both by its Situation, and the Sentiments of the People, to be made a Place of Arms. Not less than 10000 men should be sent thither...Armed vessels can go up to Albany, &, with infinite Ease, cut off all Communication between the Northern and Southern Governments.

Boucher to Germain, November 27, 1775, *Sackville-Germain Papers*, Vol. IV, Clement Library.

under the rule of the Crown—and quite possibly would result in the destruction of Washington’s army as well.

Howe’s November 30 letter to Germain was in accord with this strategy. Howe proposed that in 1777, at least ten thousand men should move on Albany, while a defensive army of eight thousand would cover New Jersey and keep Washington “in check, by giving a Jealousy to Philadelphia”. An army of ten thousand based in Rhode Island was to advance on Boston and if possible take it. An attack on Philadelphia was proposed for the autumn, depending on the success of the above operations. These plans would require the provision of additional troops.<sup>5</sup> These plans also clearly indicate that New England was the main objective of Howe’s plans—Philadelphia was a secondary objective, to be attacked only if the attempt to isolate and attack New England had been a success.

In the weeks that followed the November 30 communication, much changed. Howe had pursued the American army across New Jersey, and found himself at the gates of Philadelphia, stymied only by the Delaware River and a lack of boats to cross it. New Jersey had been restored to the Crown, and the people of New Jersey were formally declaring their loyalty to the King, as were many Pennsylvanians. While lacking the strategic virtues of New York (especially if one’s aim was to isolate and/or crush New England), Philadelphia was arguably the most important city in the colonies, and the home of Congress. If the rebels could be said to have a capital, Philadelphia was it. Howe had failed to gain a decisive defeat at Long Island and the battles that followed—perhaps one could be gained here? The apparent change in attitude of many Americans, evidenced by their desire to seek pardons, was decisive:

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<sup>5</sup> W. Howe to Germain, Nov. 30, 1776, *Sackville-Germain* Vol. V, II 49-51, Clement Library.



...the Opinions of the People being much changed in Pennsylvania, and their Minds in general, from the late Progress of the Army disposed to Peace, in which sentiment they would be confirmed by our getting Possession of Philadelphia, I am from this consideration fully persuaded the principal Army should act offensively on that side where the Enemy's chief strength will certainly be collected.<sup>6</sup>

In short, Howe proposed to seize Philadelphia, with the hope that the capture of that city would be the decisive blow, at the least ending resistance in the Middle Colonies. This was a break with the main outline of prior British strategy.<sup>7</sup> As discussed above, the British had planned to isolate New England by sending one army up the Hudson while another descended from Canada. As the plan developed, a third force was to attack from the West against Fort Stanwix on the Mohawk (the present site of Rome, New York).

Nonetheless, had Howe been a more aggressive general, he might have found a way to cross the Delaware and attack Philadelphia in late December or January. Indeed, he hoped to cross the Delaware once it was completely frozen. Such an attack may very well have had the demoralizing effects for the Americans Howe thought it would have. But before that could happen, Washington attacked Trenton and Princeton. The reverses they suffered in these two battles made the British pull back their forces. This pull-back resulted in the abandonment of most of New Jersey except Brunswick and Amboy. Many who had taken the King's pardon now submitted to Congress. The Loyalist units that were forming dispersed.<sup>8</sup>

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<sup>6</sup> William Howe to Germain, Dec. 20, 1776, *Sackville-Germain Papers*, Vol. V, Clement Library; McKesy, 111-112.

<sup>7</sup> McKesy, 112.

<sup>8</sup> *Ibid.*

Nonetheless, Howe did not abandon the idea of attacking Philadelphia, and hopefully gaining the decisive victory and destruction of Washington's army which he had missed so far. Such a defeat could end the war, or at the least regain the Middle Colonies for the Crown. Of course, it must be noted that Washington would no doubt have opposed a move up the Hudson, providing Howe with plenty of opportunities to destroy Washington's army in a decisive battle. (Conversely, the geography of the area, discussed further below, might have provided Washington with opportunities to defeat isolated portions of Howe's army). A move up the Hudson also would have fit in with prior strategy, and supported the planned invasion from Canada. But Howe decided on the Philadelphia campaign for 1777.

Communications across the Atlantic were slow, and orders from London were often out of date even before they were issued. Trans-Atlantic official correspondence was generally numbered, and many a letter began with a recounting of what letters had been received—and usually, one or two numbers are conspicuous by their absence. The vagaries of wind, storm, and (especially after French entry) enemy action would result in delays, lost letters, and letters arriving out of sequence. Travel times were often quite long, for the same reason (not surprisingly, since communications could not move faster than the means of transportation). As an example, Ambrose Serle, secretary to Lord Howe, left for America with Howe on board a British man-of-war on May 11, 1776. He arrived in Halifax on June 23, sailed out the same day from Halifax, first sighted “the Eastern Part of Long Island” on July 6, and finally arrived at their destination, Staten Island, on July 12. Here they were “saluted by all the Ships of War in the Harbour, by the Cheers of the Sailors all along the Ships, and by those of the Soldiers on the Shore.” The wind had been unfavorable during much of the journey, and they had been

plagued by fog and rain. They had also seen some icebergs.<sup>9</sup> This summer journey—a journey of a warship carrying the chief Admiral for the war (and a Peace Commissioner, as well), took two months. And summer was generally considered good sailing weather. These stories could be multiplied many times.<sup>10</sup> Travel and communication across the Atlantic was slow and often dangerous, either because of nature or man.

Partially as a result of the difficulty and slowness of trans-Atlantic communications, Lord George Germain, Secretary of State for the American Colonies and de facto secretary of war for the American war (of whom more shortly), had limited control over the actions of his generals. While Germain tried to give the war some direction, either through orders, or more usually, suggestions, much of the conduct of the war was of necessity in the hands of the commanders in America. Howe decided on the attack on Philadelphia without consulting Germain, though he did inform Britain of his plan, and did receive Germain's approval.<sup>11</sup>

Many believe that Germain should have exerted more control and direction over the war. Indeed, many views of Germain have been extremely unfavorable. For example, the late nineteenth and early twentieth century soldier and author General F.V Greene called Germain “probably the most incompetent official that ever held an important post at a critical moment.” Sir John Fortescue, editor of George III's papers, called him a “deplorable Secretary of State.”<sup>12</sup> Alan Valentine, his biographer, relates that “History has tended to accept the harsher verdicts [of his contemporaries], since his critics were more eloquent than his defenders.” As for himself, Valentine reports that he could not bring himself to like Germain (a failure to like one's

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<sup>9</sup> Serle, 2-28.

<sup>10</sup> For example, John Adams left Boston for France on February 17, 1778. The ship was chased by British frigates and nearly destroyed in a violent storm. They did not arrive until April 1. See McCullough, 179-87.

<sup>11</sup> McKesy, 117.

<sup>12</sup> Ibid., 47, 273-4

subject is usually disastrous for a biographer), and adds that “In the effort to avoid doing him injustice, I have searched for every episode and interpretation that could be turned in his favour, but though I have found enough to temper my distaste I have not found enough to remove it”.<sup>13</sup>

McKesy dismisses Greene’s judgment as based on ignorance, unfamiliarity with the workings of eighteenth century government, and reading Lord Shelburne and other “malicious” writings too credulously. He notes that, while impatient of delays and frustrations, Germain was well-liked by his Under-Secretaries. He was considered a good administrator and “incapable of despondency.” Optimism, good administrative skills, general agreement with the government on war goals, and even impatience (if translated into speeding action) are all good qualities in a war leader, as McKesy notes.<sup>14</sup> Under the circumstances of the Revolutionary War, a good administrator who agreed with the King on policy to the colonies and was incapable of despair seems like a very good choice for a de facto war minister. Indeed, not even Yorktown seems to have shaken Germain’s optimism, and his papers contain plans for limited offensive actions in America in 1782.<sup>15</sup> Much of the poor contemporary opinion of him probably is a result of people seeking to lay blame for the loss of America—as well as resulting from older enmities arising from events described below. However, in the planning for 1777, Germain did not exercise his position and authority as forcibly as he should have. Orders to ensure that

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<sup>13</sup> Alan Valentine, *Lord George Germain*, (Oxford: Clarendon Press) 1962 v-vi.

<sup>14</sup> McKesy, 47, 51-52. Despondency quote is from Richard Cumberland, quoted in McKesy, 52.

<sup>15</sup> Germain argued that, after the “great diminution of our land forces by the late unfortunate event in Virginia”, that the force in America should be used to maintain the territories they still held, to annoy the rebels, and to encourage and support loyalists. He argued for repossessing Rhode Island if the French abandoned it, and suggested an attack on the Delmarva peninsula, but only if “better Order be...kept among the troops.” Germain, *1782 Propositions, Sackville-Germain Papers, Vol. 15, July. 16, 1781-July 1782*, undated.

Howe would have enough troops on the lower Hudson to support Burgoyne (or to cancel the Philadelphia expedition entirely) should have been issued. It is possible that events in his earlier life may have made Germain reluctant to issue the necessary orders to the Howes.<sup>16</sup>

Lord Germain was born George Sackville on June 26, 1716, the third son of the seventh Earl and first Duke of Dorset. His family was one of the oldest and most powerful in England. Herbrand de Sackville had entered England with William the Conqueror. The family had prospered as Barons of Buckhurst, and been granted an earldom (the third highest rank of the English peerage) and family seat at Knole by Queen Elizabeth. The seat at Knole included six quadrangles, known by names such as the Stone Court or Green Court, and 365 rooms. As a young man, he seemed both talented and “steady”, and was the favorite of his father and the Lady Betty Germain (*née* Lady Elizabeth Berkeley) a close friend of the family who had an apartment at Knole. He had many useful family connections; he was related by blood to Tudors, Howards, and other famous families, and he had important Scottish connections through his mother. In a country where birth, family and connections were vital to obtaining high and important positions (and for all intents and purposes a prerequisite for a high military command), George Sackville was well-situated to have an outstanding career.<sup>17</sup>

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<sup>16</sup> The historian Robert Middlekauff argues that “Germain never felt quite at ease in the government and may have shrunk before the unpleasant business of giving the Howes direct orders”. Robert Middlekauff, *The Glorious Cause: The American Revolution, 1763-1789* (New York: Oxford University Press) 1982, 370.

<sup>17</sup> Valentine, 1-7. According to William B. Willcox, the officer class was “the preserve of the aristocracy and gentry...only men whose loyalty to the Crown was bred into the bone could be trusted to control the force on which the social order depended. The British army, like the peerage from which so many of its generals were drawn, was peculiarly the sphere of royal influence...” Willcox, 14. However, while this was generally true, a few members of the “middling sort” did rise to high command. An example is James Robertson, who will be discussed further in the next chapter. It should be noted that Robertson was a Scot; however, even in Scotland, most officers were gentry or noblemen. See below.

Sackville attended Trinity College in Dublin (his father had been made the Lord Lieutenant of Ireland), and began a military career, punctuated by accompanying his father on a diplomatic assignment to Paris in the 1730s. He served in the War of the Austrian Succession, known in America as King George's War (1740-1748). In 1743, he accompanied George II, the last ruling British monarch to go to battle, on an expedition against the French, where he is said to have distinguished himself. He became George II's aide-de-camp. In 1745, Sackville was seriously wounded, shot in the breast at the Battle of Fontenoy. When he fell, he was carried into the tent of the French king. Recovery from the wound took a long time. In his next command, he helped oppose the Jacobite rebellion of 1745, pursuing the remnants of the Scottish supporters of "Bonnie Prince Charlie" after the Battle of Culloden. In between his military activities, he pursued a career in Parliament, as the member for Dover (his father was Warden of the Cinque Ports, of which Dover was one).<sup>18</sup>

His star was in the ascendant until August of 1759 and the Battle of Minden. The events of this battle would haunt his career for many years, give him life-long enemies, and may very well have had a negative impact on his management of the American Revolution. Minden was one of the most important battles of the Seven Years War. It was a major defeat of the French by British and allied forces. Minden is located in modern northwestern Germany. The French had charged the allies several times, but been repulsed. The allied army then attacked and threw the French into confusion. The allied cavalry, under the command of George Sackville, had not yet been committed to battle. Prince Ferdinand, the allied commander, sent several

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<sup>18</sup> Valentine, 10-15. The Battle of Fontenoy was a French victory over the English, Dutch, and Hanoverian "Pragmatic Army". It occurred in the Austrian Netherlands, in what is now modern Belgium, in May of 1745. The Battle of Culloden occurred in April, 1746, near Inverness, Scotland, and resulted in the defeat of the Jacobites.

messengers to Sackville, ordering an immediate attack. Such an attack could have turned the French defeat into a total rout. But, for some mysterious reason, the cavalry attack did not come. After a delay of over a half hour, the cavalry finally moved—but by then the French had retreated behind the fortifications of Minden. Recriminations flew, and Sackville was told bluntly by Ferdinand that he had disobeyed orders, and that the failure to win a great victory was his fault. Sackville argued that he had received conflicting or confusing orders, that he had done nothing wrong, and eventually insisted on a court martial to clear his name. By the time it was held in 1760, public opinion had already convicted him of disobedience, and given the reason as cowardice. The actual court-martial declared him guilty of disobeying orders. His sentence was to be declared unfit to serve the King in any military capacity. George II forbid his appearance at court and had the verdict read to every regiment.<sup>19</sup>

Sackville slowly recovered from his disgrace through minor posts and a new King, George III. In 1770, Lady Betty Germain died and bequeathed her estates to Sackville—if he would take her name. Perhaps hoping for a fresh start, he took the name and by an Act of Parliament he became Lord George Germain.<sup>20</sup>

On American affairs, Germain held positions similar to the king's: America should acknowledge Parliament's right to legislate in all cases; once that occurred, then the complaints of the Americans could be dealt with.<sup>21</sup> In November of 1775, Germain joined Lord North's government as Secretary of State for the Colonies (as the position was formally known—many

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<sup>19</sup> Valentine, 49-51, 57-58,68-9.

<sup>20</sup> Ibid., 97-8

<sup>21</sup> Middlekauff, 369

referred to it as the Secretary for America or for the American Colonies).<sup>22</sup> In this position, he would function as a de facto Secretary of War until after Yorktown. His letters reveal optimism about the war effort that at times seems to border on Pollyanism. This is historical hindsight—much of the information he received concerning America came from questionable intelligence. He would not be the last statesman to act on information that at the time seemed correct and believable, but later turned out to be incorrect.

Germain seems a curious choice for a position which would require him to run a war—many despised him, and thought that he was a coward—and he had been declared unfit to serve the King in a military capacity. But he held views similar to George III, and was a “King’s man.” Germain was part of the old Leicester House faction which had coalesced around the future George III during the reign of George II. Such factions arising around the heir to the throne were a common feature of the Hanoverian monarchy. It is possible that the Minden case was pursued so vehemently against Germain because of his membership in the Leicester House faction.<sup>23</sup>

George III, the new king, slowly helped the rehabilitation of his faction-member. In any event, while Germain was a member of the King’s faction, Germain was not as well-connected as the Howes, who were favorites of the King (and, as discussed above, probably relatives). Historian Robert Middlekauff argues that Germain, who was still under suspicion of cowardice by many, and had been prohibited by court-martial from further military service, was uncomfortable in the new government and in issuing orders to the Howes. In any event, he did

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<sup>22</sup> Valentine, 101

<sup>23</sup> Middlekauff, 369, J.H. Plumb, *The First Four Georges*, (London, 1956, 1974) 44. While this is the probable reason for the vehemence, Germain had also at one time been the aide-de-camp to George II. Since he had once been close to the King, George II for his own political needs probably wanted to make it clear that he was severing all connections with someone the public considered a coward.



not order Howe to abandon his plans for Philadelphia, or to ensure that he could cooperate with the invasion from Canada that Germain soon approved. Germain's failure to more forcefully insist on this (or to even cancel the Philadelphia expedition), combined with the unavoidable necessity of giving commanders in the Atlantic much free rein (because of the slowness and difficulty of communication), were a major cause of the British defeat at Saratoga. The mysterious events of Minden appear to have cast a long shadow and affected the waging of the Revolutionary War.<sup>24</sup>

At about the same time General Howe was planning an attack on Philadelphia, Germain and the King approved a plan by General John Burgoyne to take Albany through an invasion from Canada down the Lake Champlain route. It would be supported by an attack by Lt. Colonel Barry St. Leger from Oswego down the Mohawk. The two "prongs" of the attack would meet at Albany. Burgoyne's plan did not include a northward march from New York, and Germain failed to tell Howe of Burgoyne's mission early enough for it to affect his planning. Burgoyne claimed his plan would isolate New England, though it is difficult to see how possessing Albany alone would be enough to do that. New York City was militarily "the only vital city in the colonies."<sup>25</sup> In addition to its magnificent harbor and its position at the mouth of the Hudson, it also dominated land communications between New England and the rest of the colonies. The main land transportation routes between New England and the other colonies ran in peacetime from Trenton and Princeton through New York, Kingsbridge, New Rochelle, and Connecticut.

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<sup>24</sup> Middlekauff 369-70; Valentine 100.

<sup>25</sup> McKesy, 97.

Possession of New York City by the British had pushed the main transportation route back to a hilly area known as the Highlands. These Highlands stretched along the Hudson between about Stony Point and Newburgh. One route stretched through Stony Point, while another route existed further north at Fishkill, north of Newburgh. The loss of New York City meant that American land-based trade, troop movement, and communications went through the two crossings in the Highlands. If a British army were to gain possession of the Highlands, and thus, the vital crossings at Stony Point and Fishkill, New England would be effectively isolated by that army's presence and by British naval blockade, even if Albany remained in American hands. The Americans would make many forts to guard the Highlands. Militarily, the Highlands were as vital to the Americans as New York was to the British.<sup>26</sup> Despite the many good reasons for a major armed thrust up the Hudson, and the fact that a southwards attack was to occur, the northward attack was not ordered. The southern prong that had long been part of British strategy, the march up the Hudson by a sizable army out of New York, thus never occurred, as these forces were diverted to the attack on Philadelphia. Failure—a failure which this author believes was caused in part by Howe's decision to head south, not north—followed.

The western prong of the attack, under St. Leger, was blunted at Oriskany in August, 1777. While unfortunate for the British, the failure of this attack was not fatal to their plans. St. Leger's expedition, whose objective was Fort Stanwix (located on the Mohawk in modern Rome, NY), was mainly a diversion. The northern prong, under General Burgoyne, headed south from Canada in June of 1777, and had some initial victories, taking the important fort of Ticonderoga in early July. Then they ran into supply difficulties, as well as the difficulties of

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<sup>26</sup> Mckesy 92, 96-98. While communications, trade and movement could go through Albany, the route was much longer, and much was through "wilderness" occupied by hostile Indians. Middlekauf, 366-370, Willcox 147-152.

moving a large army through the woods of northern New York, as a large army of Continentals and New York and New England militia gathered near Albany. The Americans wrecked bridges and dropped trees across their path, and defeated a large British detachment seeking supplies near Bennington, Vermont (the actual Battle of Bennington was fought in what is now New York State). Burgoyne's army was finally stymied in September by a strong defensive position in the vicinity of Saratoga, about 20 miles north of Albany, prepared by the Polish engineer Thaddeus Kosciusko.

To the south, Howe's army had traveled via ship to the Philadelphia region (landing at Head of Elk on the Chesapeake) and taken Philadelphia in late September—but by taking the sea route, he had left much of New Jersey still in American hands. Washington's army, while it failed to keep the British from taking Philadelphia, was still intact. Hence, Howe's main army was unable to send detachments north or otherwise support Burgoyne's army. If a sizable British force could have traveled north up the Hudson, it would possibly have resulted in the American army at Saratoga sending troops south to meet it, or units heading towards Saratoga turning instead to face the northbound threat. Either result would have made things easier for Burgoyne and given him more options.

With Howe in Pennsylvania, General Sir Henry Clinton was left in charge in New York City. Finally receiving some long-expected reinforcements, he led a small force north to aid Burgoyne in early October.<sup>27</sup> He seized much of the Highlands (and high praise from Germain),<sup>28</sup>

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<sup>27</sup> Willcox 180. Clinton will be discussed in more detail in the next chapter.

<sup>28</sup> "Sir Henry Clinton's conduct in the Expedition up the North River, does him the greatest honour. The Plan was most judicious and it was executed with equal ability...It is only to be lamented that Sir Henry Clinton was not earlier in a condition to undertake an enterprise the Success of which must have been of the most signal advantage to General Burgoyne's operations." Germain to Howe, Dec. 11, 1777, *Sackville-Germain Papers*, Vol. 6, Clement Library.

but his actions were unable to aid Burgoyne. Kingston, north of the Highlands on the Hudson, was attacked by units under Clinton's command on October 15. This resulted in the first session of independent New York's legislature under the new constitution swiftly ending after being in session barely a month, as the representatives fled the approaching troops. Two thousand men under Clinton's command headed up the Hudson in transports, but the pilots refused to go closer to Albany than about 45 miles away, halting at Livingston Manor on the seventeenth of October. American forces (numbering about 5000) posted on the Hudson made any closer approach dangerous. Further movement north would have been futile anyway, for Burgoyne had surrendered on the seventeenth, though Clinton's forces were unaware of this as they had no communication with Burgoyne. Burgoyne had lost the Battle of Freeman's Farm in September. Another battle, the Battle of Bemis Heights, was fought in early October. It was at this battle that Benedict Arnold (or his leg at least) won undying fame. This second battle resulted in the over-running of important British positions, and Burgoyne, short on troops and supplies, retreated north. His retreat failed, and Burgoyne was forced to surrender on Oct. 17, 1777.<sup>29</sup>

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<sup>29</sup> McKesy, 139-40, 144; Willcox 187-188; Countryman, 161-162. The disruption of the legislature's meeting was not planned but a fortuitous (for the British) byproduct of the military situation. This disruption had some interesting consequences. For months, the state lacked a regular government. Some members of the legislature met in what Countryman calls "an utterly irregular" Convention of the Members of the Senate and Assembly. When the legislature finally reformed itself and met in early 1778, the question of the legitimacy of the measures the Convention had passed became a matter of important debate. See Countryman, "Consolidating Power", 645. Arnold led many of the assaults at Bemis Heights, and was wounded in the leg. Since his later treason for all intents disqualified him from having a monument at Saratoga, a monument to the wounded leg of an unnamed American general who could only have been Arnold was eventually erected near the site where Arnold was wounded. It may still be seen today.

Clinton was soon forced to abandon the Highlands as many of his units were ordered to Philadelphia.<sup>30</sup> The British thus abandoned without a fight the vital crossings which could have effectively isolated New England. The positions, which they had gained at relatively little cost, were sacrificed to the needs of the misguided Philadelphia expedition. Indeed, arguably Burgoyne's army had been sacrificed to the needs of the Philadelphia expedition. In later years, the British would expend much blood, treasure, and effort to regain the control of the Highlands that they had relinquished in 1777. In 1779, they would send a small expedition to gain control, only to be rebuffed by Mad Anthony Wayne at the Battle of Stony Point. In 1780, they would offer Benedict Arnold thousands of pounds for West Point, the key to the Highlands. Major Andre, a well-liked young officer involved in the negotiations with Arnold, died as a result of his involvement in these negotiations, captured and hanged by the Americans as a spy. And as will be discussed below, Howe evacuated Philadelphia in June of 1778.

Saratoga is generally considered one of the most decisive battles (or campaigns) in history,<sup>31</sup> and rightly so. The Americans had destroyed an entire British army, and (with no small help from the questionable decision by Howe to attack Philadelphia instead of the Highlands) thwarted an attempt to split New England from the rest of the colonies. The victory seemed proof that "the American country with its armed population might be beyond the

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<sup>30</sup> McKesy, 144; Willcox 188-190.

<sup>31</sup> Sir Edward Shepard Creasy included it in his *Fifteen Decisive Battles of the World: From Marathon to Waterloo* (1851) and American military historian Lt. Col. Joseph B. Mitchell included it in his updated version of Creasy, *Twenty Decisive Battles of the World* (1964, 2004).

power of Britain to reconquer with any force which she could raise and sustain in America.”<sup>32</sup>

The battle raised American morale, as Howe informed Germain in a private communication:

In consequence of the Misfortune that has fallen upon the troops under Lieutenant General Burgoyne’s Command, a considerable Reinforcement from General Gate’s Corps has joined General Washington. The Hopes of the People at large, as well as of the Rebel army, are greatly raised from this Event, and I am free to own I do not apprehend a successful terminate to the War from any Advantages His Majesty’s Troops can gain while the Enemy is able to avoid, or unwilling to hazard, a decisive Action, which might reduce the Leaders...to make an overture for Peace...unless a respectable Addition to the Army is sent from Europe...<sup>33</sup>

Most importantly, the American victory assured France—and eventually other powers—that the Americans had a chance to win their independence. The Americans had shown they could not only defeat British troops (Trenton and Princeton had already demonstrated that), but destroy British armies. The possibility that they could actually defeat the British and win their independence seemed much greater after Saratoga. The victory helped convince the French that entering the war on the American side would probably not be a waste of blood and treasure. There was a good chance that France would be able to reduce British power by helping the colonies leave the Empire—and the war offered a chance for France to gain parts of Britain’s empire. France’s war aims were to at least partially to overturn the results of the Great War for the Empire, and regain lost parts of her empire and markets—but out of deference to her American allies, she would forego her claim on Canada, and seek gains in the West Indies,

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<sup>32</sup> McKesy, 141.

<sup>33</sup> Howe to Germain, Philadelphia, Nov. 30, 1777. *Sackville-Germain Papers*, Vol. 6, Clement Library. On Oct 22, Howe had requested that he be allowed to resign, as “...little attention given to my Recommendations since the commencement of my Command.” *Sackville-Germain Papers*, Vol. 6, Clement Library.

Africa, and India. When war between France and Britain broke out in the spring of 1778, the North American colonies became a *secondary* front—control of the sugar-rich islands of the West Indies became the most important objective of the war for both the French and the British, and both sides sent many soldiers and ships there.<sup>34</sup>

The news of Saratoga prompted a reappraisal of British strategy, in anticipation of French entry into the war. The wealth the Caribbean islands produced was vast. The islands accounted for perhaps a third of France’s overseas trade. As for Britain, annually 300 ships loaded with sugar and rum entered into London from the West Indies; and, while an important port, London was just *one* of several British ports where Caribbean goods arrived. There was a general belief the British economy and finances depended on the West Indies; likewise, it was believed that capturing the French islands would cripple the French economy.<sup>35</sup> Capturing the French West Indies and denying their trade to the rebelling colonies would also put an economic vise on the Americans, possibly forcing them back into the British fold. And even if that did not work, conquering the French West Indies would be good compensation for the loss of America.<sup>36</sup>

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<sup>34</sup> Mckesy, 182-3.

<sup>35</sup> Ibid. 184. In modern terms, imagine the West Indies to be oil-rich. It is not difficult to see a modern-day British Empire abandoning control of, say, relatively resource-poor New England for the oil-rich Caribbean. In 1763, Britain had seriously considered returning Canada to the French in return for the West Indian island of Martinique.

<sup>36</sup> In early 1778, the King informed Lord North “ ....every letter from France adds to the appearance of a speedy declaration of War; should that event happen, it might perhaps be wise to strengthen the Forces in Canada, the Floridas, and Nova Scotia, withdraw the rest from North America and without loss of time, employ them in attacking New Orleans, and the French and Spanish West India possessions. Success in those parts would repay us the great expenses incurred; we must at the same time continue destroying the Trade and Ports of the Rebellious Colonies, and thus soon bring both contests to a conclusion: and this Country having its attention diverted to a fresh object [the conquest of the West Indies], would be in a better temper to subscribe to such terms as Administration might think advisable to offer America, who on her part will at such a time be more ready to treat, than at the present hour. Gill, King to Lord North, No. 2182, Jan 31, 1778. The King believed that the conquest of the Caribbean would repay the costs of the war, help force America to treat for peace, and make the public more likely to accept the loss of the colonies. Thus even the King, perhaps the strongest advocate of regaining control of

On March 13, 1778, France informed the British government of France's Treaty of Commerce with America, signed on February 6, 1778. Such a treaty was tantamount to recognition of American independence. A treaty of alliance had also been signed on Feb. 6, but the British were not formally informed of that treaty. The British ambassador was recalled. It would be a few weeks before actual fighting began, and before that occurred a peace mission to the Americans had begun, as will be discussed shortly.<sup>37</sup>

French entry into the war changed everything. The war was transformed from a colonial rebellion into a world war. Britain had to defend its home islands, defend its Caribbean possessions while trying to seize French ones, and defend possessions throughout the world. As the war developed, Spain and the Netherlands joined the French as enemies of Britain, and the entry of Russia as an enemy was a serious possibility. Fighting occurred not just in North America and the Caribbean, but in India, Gibraltar, and other areas. The home islands had to be protected against a serious threat of attack; in 1779, a joint Spanish-French "second armada" attempted an invasion of England, but supply and other considerations ended it before any landfall was made.<sup>38</sup>

With the concurrence of the King,<sup>39</sup> a decision was made to make the West Indies the main front of the war, and to assure that enough ships were available in home waters to guard

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the colonies in the Empire (earlier in the same letter, the King argued that the country had "a right to have the struggle continued, until convinced that it is in vain.") was willing to contemplate the loss of the colonies, if the loss was balanced by victories in the West Indies. In addition, the King seems to be proposing a "war of expeditions"—one of raids, and control of a relatively few bases, rather than a "land war,"—a war of conquest. See also McKesy, 184.

<sup>37</sup> McKesy, 160-61.

<sup>38</sup> See McKesy 279-297 for a description of the plans and attempt. See also A. Temple Patterson, *The Other Armada: the Franco-Spanish attempt to invade Britain in 1779* (Manchester, UK: Manchester University Press) 1960.

<sup>39</sup> The King argued, probably on March 13, though the printed copy is dated March 23, (see McKesy 185) that "the paper delivered *this day* [italics mine—March 13 was the date the French informed the British of their Treaty of



against a possible French invasion. Ending the war with America in order to concentrate against the French was considered desirable—so desirable that the King even contemplated abandoning the rebellious colonies entirely. On March 21, Peace Commissioners were ordered to be sent to New York at once—and if they determined that there was no prospect of success, that city might have to be evacuated. The decision was made to abandon Philadelphia, and to send the troops there to New York or Halifax. Under the circumstances, as the King put it, it was “a joke to think of keeping Pensilvania” now that France was in the war. The abandonment of Philadelphia would reduce British control in mainland North America to Canada, Florida, the New York City region, and part of Rhode Island—mainly Newport on the island of Rhode Island. Indeed, the possibility of abandoning all footholds in the rebelling colonies was seriously mooted.<sup>40</sup>

Ships and men were now needed everywhere, from the Channel to the Philippines, from Nicaragua to the Mediterranean. The number of men and ships available to Britain for the North American front, now at best the secondary front of the war (the historians Milton Klein and Ronald W. Howard even called it “in some respects, a sideshow”) was now limited. If offensive operations were to be attempted at all in North America, they would have to be operations that could prove successful under the new circumstances. Defeating the Americans would have to be pursued at the least possible cost. Both conciliation and the supplementing of

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Commerce with America] by the French Ambassador is certainly equivalent to a declaration [of war] ...what occurs now is to fix what numbers are necessary to defend New York, Rhode Island, Nova Scotia, and the Floridas, it is a joke to think of keeping Pensilvania for we must form from the Army now in America a corps sufficient to attack the French Islands and two or three thousand men ought to be employed with the Fleet to destroy the Ports and Warfs of the Rebels.” GIII, 2243, King to Lord North, March 23 or 13, 1778.

<sup>40</sup> McKesy, 185-6. See G2227, 2229, 2251. Sandwich I, 363-5 in McKesy, 185. Rhode Island (the island, not the colony) had been seized because possession of Rhode Island potentially threatened Boston, provided an extra port, and with the possession of Manhattan and Long Island bottled up many privateers from Connecticut or Narragansett Bay.

the British and Hessian troops with Loyalist troops began to be emphasized. There were still presumed to be many Loyalists in the rebelling colonies, perhaps a majority of the populace, and they would add new strength to the attempt to achieve peace. Loyalist troops would be cheaper than British regulars.<sup>41</sup>

Before the 1777 Christmas recess, North promised Parliament that new peace proposals would be introduced. North, Eden, and several other officers drafted the proposals, which were passed by “a silent and gloomy House” in February. Except for trade regulation, Britain would renounce the right to tax the colonies, and the Commissioners—including Eden—were soon appointed with very broad powers. Only one thing was off the table--independence.<sup>42</sup>

A new strategy for fighting the war was eventually decided upon. The main source of this war-fighting strategy was rather ironic—the Carlisle Commission. The Carlisle Commission was the Peace Commission sent to America in the wake of Saratoga, and the new strategy was its one real concrete accomplishment. Let us now take a closer look at the Commission and the strategy it inspired.

## II

The Carlisle Commission is an often-overlooked aspect of the American Revolution; for example, there are but two brief mentions in Robert Middlekauff's *The Glorious Cause*, a nearly 700 page history of the Revolution.<sup>43</sup> But the Commission was sent out with high hopes. Its

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<sup>41</sup> K & H 6.

<sup>42</sup> Mckesy, 159

<sup>43</sup> Middlekauff, 407, 432.

main members were the 29 year-old nobleman, Frederick Howard, the Earl of Carlisle; William Eden, Member of Parliament, undersecretary of state, member of the board of trade, and George Johnstone, a former governor of West Florida. The Howe brothers were also Peace Commissioners, but they were preparing to leave America when the Carlisle Peace Commissioners arrived. Considering the importance of the mission, some of the membership choices seem curious.

Carlisle was young and untested. He had become the fifth Earl of Carlisle at the age of ten in 1758. He was educated at Eton, where he became friends with Charles James Fox, the future Foreign Secretary. He spent one year at Cambridge. He went on the Grand Tour in the late 1760s with Fox, and spent much of the tour drinking, carousing, and gambling. In 1770, he entered the House of Lords, and also married Lady Margaret Caroline Leveson-Gower. This marriage connected him to the politically influential Earl Gower, his father-in-law. Marriage did not end his gaming, and he developed more of a reputation of a rake; he also had at least one mistress.<sup>44</sup>

Carlisle turned over a new leaf as he neared his thirtieth birthday—he abandoned many of his excesses, began taking an interest in politics, and developed an interest in a diplomatic career. Perhaps age brought maturity; perhaps it was the debts and the embarrassment of having had to wait in Castle Howard for his rents to arrive so he could pay his creditors; perhaps his wife exercised a positive influence on him (his private correspondence with his wife, some of it excerpted below, indicates that he was quite fond of her, if not in love—and felt comfortable discussing important matters of state with her.) He became a privy councilor, but

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<sup>44</sup> P. M. Geoghegan, 'Howard, Frederick, fifth earl of Carlisle (1748–1825)', ODNB, Sept 2004; online edn, Jan 2008 [http://www.oxforddnb.com.libezproxy2.syr.edu/view/article/13899, accessed 16 May 2010]

many thought he was young for the mission. Prior to this, he mainly had been known for “the variety of his wardrobe and his losses at cards.” On February 22, 1778, he was named head of the Peace Mission that bears his name. The general verdict, as the British historian G.M. Trevelyan said, was that he was “a very fit Commissioner for making a treaty which would never be made.”<sup>45</sup>

William Eden, while he had much knowledge of the American colonies, had been an undersecretary of state for the Northern Department under Lord Suffolk—a department whose main responsibility was not the colonies but northern Europe. Eden however had been one of the main proponents of the mission, and hoped membership would advance his career. He is generally considered the true leader of the Carlisle Commission; Carlisle however did take his duties seriously. Eden was 34 in 1778, having attended Eton and Christchurch at Oxford. He went to the Middle Temple and became a barrister, and had written in 1771 *The Principles of Penal Law*, which argued for various reforms in British law, such as the reduction of the number of capital offenses. 1776 proved to be a good year for Eden—he joined the Board of Trade, and married Eleanor Elliot. In his positions as undersecretary and Lord of Trade he had a “vast secret foreign correspondence”; the biographer Carl Van Doren calls him the manager of “the British secret service on the Continent.” He was the confidential friend and intimate of Lord North, and anxious for positions of advancement. In 1778, he helped draft the peace proposals (see below), and joined the Commission led by his old Oxford friend, Carlisle.<sup>46</sup>

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<sup>45</sup> Geoghegan; Weldon A. Brown, *Empire or Independence: A Study in the Failure of Reconciliation, 1774-1783* (Port Washington, NY: Kennikat Press) (1941, 1966), 245. Wardrobe quote is from Brown. G.M Trevelyan, *The American Revolution*, Part III, 358, cited in Brown, 245.

<sup>46</sup> Mckesy 155, 159; Stephen M. Lee, ‘Eden, William, first Baron Auckland (1744–1814)’, ODNB Sept 2004; online edn, May 2009 [<http://www.oxforddnb.com.libezproxy2.syr.edu/view/article/8459>, accessed 17 May 2010]

Originally, Richard Jackson had been a member of the Commission. He had been a correspondent with Benjamin Franklin since 1753, and had worked with him as an agent for Pennsylvania. The essayist Charles Lamb later immortalized Jackson as the “Omniscient Jackson” in his essay, *Old Benchers of the Inner Temple*. His knowledge of America and its interests would have proved invaluable to the Commission, but he was not well-known. Eden suggested him to Carlisle to fill out the Commission. Eden convinced Carlisle that Jackson’s “accurate knowledge of the country to which we were to repair, and his long and familiar acquaintance with her interests, would outbalance the insignificance of his situation and the obscurity of his name.” However, Jackson had many doubts about the success of the mission. At a meeting with North on March 29, 1778, Carlisle records, “so many adverse arguments were started by Mr. Jackson, so often surmounted, and again repeated with a fresh addition of difficulties, as to make it absolutely necessary to take advantage of the moment in which he seemed desirous to disunite himself from us...” The next day, a letter was sent which removed Jackson from the Commission. Carlisle feared that, if he had not been removed, he would have driven the other commissioners mad “before we had got to Portsmouth.”<sup>47</sup>

Eden was in despair, as the Commission was scheduled to leave by April 12. Fortunately, a *seemingly* suitable substitute was found in George Johnstone, who proved eager to be on the Commission. Johnstone was a former governor of a loyal colony (West Florida); not a bad choice, especially under the circumstances, but there were many ex-governors and other officials who probably had more intimate knowledge of the rebellious colonies than Johnstone.

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<sup>47</sup> Carl Van Doren, *Secret History of the American Revolution* (Viking Press: New York) 1941, 67-68; W. Brown, 248; Historical Manuscripts Commission, *The Manuscripts of the Earl of Carlisle, preserved at Castle Howard* (London: Eyre and Spottiswoode) 1897 (henceforth Carlisle Manuscripts), Carlisle to Ekins, (Oct., 1778) 377-378.

Johnstone was the fourth son of a Scottish baronet, and had chosen a career in the Royal Navy, where he earned a reputation for bravery. Like Germain, he was court-martialed for disobedience—but here the underlying cause was insubordination. Losing the court martial, he was nonetheless ordered back to duty, where he gained more commendations for bravery. His problem was that he seemed to lack respect for the naval hierarchy. Johnstone was also friends with Lord Bute’s secretary, the dramatist John Home. Bute was appointed prime minister in 1761 by George III. Bute was Scottish, and many Scots received plum assignments during his premiership. Johnstone’s connection with Home earned him the position of Governor of West Florida. His governorship ended in 1767, after three years, and he became a Member of Parliament. While not a member of Rockingham’s faction, Johnstone worked with it in opposing Lord North’s American policy, and called the Tea Act “criminally absurd”. These views probably made him seem acceptable to Americans, and earned him a place on the Commission. His elder brother, William Pulteney, about the same time as the Carlisle Commission, met secretly (under the alias of Mr. Williams) with Benjamin Franklin in Paris to discuss peace.<sup>48</sup>

Mention should also be made of the acting secretary of the Commission. In many ways, he was the most distinguished of all those who would soon travel to America. He was Adam Ferguson, a professor of moral philosophy at Edinburgh University. He was an eminent philosopher and historian of the Scottish Enlightenment, and a member of the “Select Society”, which was “the central forum of Edinburgh’s republic of letters” (its membership included such

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<sup>48</sup> Robin F. A. Fabel, ‘Johnstone, George (1730–1787)’, ODNB Sept 2004; online edn, Jan 2008 [http://www.oxforddnb.com.libezproxy2.syr.edu/view/article/14960, accessed 17 May 2010]; Van Doren, 68; M. J. Rowe and W. H. McBryde, ‘Pulteney, Sir William, fifth baronet (1729–1805)’, ODNB Sept 2004; online edn, Jan 2008 [http://www.oxforddnb.com.libezproxy2.syr.edu/view/article/56208, accessed 17 May 2010]

luminaries as David Hume, Adam Smith, and Lord Kames). His most famous work was his *Essay on the History of Civil Society* (1768). He has been called “the father of modern sociology.” He would later be formally appointed secretary.<sup>49</sup>

The Commissioners were given broad powers and detailed instructions by the King. They were to attempt to communicate with Congress or Washington and to address the colonials “by any style or title which may describe them”.<sup>50</sup> Safe conduct to areas of negotiation was to be offered, and a promise that once peace was established, the colonists would “thenceforth be protected in trade and commerce by British power.” In times of peace, no standing army would be kept in America. There would be no alteration in their “Antient governments or Constitutions without their consent.”<sup>51</sup> While no doubt meant to be a major concession, the problem with this instruction was that none of the colonies were being governed under their “antient governments or Constitutions”—they were being governed under revolutionary constitutions adopted in 1776 or 1777. Under this instruction, the bulk of the colonies would go from a government where the people chose their own governors to a government where their executive officer was chosen by the King, among many other changes.

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<sup>49</sup> Van Doren, 84, 95; Arthur Herman, *How the Scots Invented the Modern World: The True Story of How Western Europe's Poorest Nation Created Our World and Everything In it* (New York: Three Rivers Press) 2001, 192, 221; Willcox, William Bradford and Arnstein, Walter L. *The Age of Aristocracy, 1688 to 1830*. (Wilmington, MA: D.C. Heath and Co.) 1966, Volume III of *A History of England*, ed. by Lacey Baldwin Smith (Sixth Edition, 1992 ed.) p. 133.

<sup>50</sup> *Carlisle Manuscripts*, “Instructions by King George III to his Commissioners to treat with the North American Colonies”, April 12, 1778, St. James, p. 322. This contrasts with events during the American Civil War, where several diplomatic efforts by the Confederacy were stymied over questions of title. Acceptance of the diplomat’s titles, or Jefferson Davis’s title of President, would have been tantamount to recognition of the Confederacy’s independence. Lincoln refused to see the diplomats under the titles they insisted on or accept letters from the “President of the Confederate States of America.” An effort was made shortly before Gettysburg to negotiate with Lincoln. Jefferson Davis, the Confederate President, sent Lincoln a letter where he identified himself as merely “commander-in-chief of the land and naval forces now waging war against the United States.” Accepting a letter from this person would not be tantamount to recognition, and Lincoln considered meeting with the bearer of the letter (Confederate Vice-President, Alexander Stephens) before being persuaded not to do so. See Bruce Catton, *Never Call Retreat*, (Garden City, NY: Doubleday & Co.) 1965, 176-7.

<sup>51</sup> *Carlisle Manuscripts*, 323-4.

The King recognized the possibility that Congress would not wish to negotiate with the Commissioners; in which case, the Commissioners were authorized to make the proposals and offers public “in such manner as you shall see fit,” and to watch for the first desire of a province to revert to Crown rule. The King also opined that “if an Assembly could be formed under your Power of appointing a Governor, in the case in which you are at liberty to enter upon such detached Treaty, the good Consequences and the extensive Effects in the operations of such Assembly are obvious.” A closer look at the question of forming loyal assemblies will be taken in a following chapter. For now, let us merely note that the King and those who advised him now thought that the benefits of forming pro-British governments, complete with an assembly of the people, in regions that had returned to Crown rule was “obvious”. The Commissioners were also authorized to issue a proclamation of the King’s sincere desire to compose the differences between the two sides, and to enter into a ceasefire, though when doing that, consultation should be made with the military authorities.<sup>52</sup>

The King instructed that the basis of the treaty should be the conditions of 1763. The King wanted the colonies to be reminded that they had promised to contribute freely to the public charge, if it could be of their own free will—they were “called upon to exercise this Act of Justice, as such Contribution would now be a mere act of free will.” The King thought the sum could be moderate. Trade regulations could be relaxed. The King proposed a bank as a way to fix the finances of the colonies, but made it clear that Britain would not pay American war debts. In what seems to have been a common suggestion among Loyalists and Britons, the King suggested that offices, including high ones like that of governor, be bestowed upon Americans

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<sup>52</sup> Ibid., 324-5.



when possible. He even consented that governors could be elected, subject to the king's authority.<sup>53</sup>

The King would accept a Congress similar to the one they now had, but in determining the powers and functions of that Assembly, "the Sovereignty of the Mother Country shall not be infringed", nor any powers given it that was "capable of being construed into an Impeachment of the Sovereign Rights of His Majesty, and the Constitutional Control of this Country." The existence and powers of Congress, as well as having colonial representation in Parliament, were considered matters that should be considered by Parliament.<sup>54</sup>

Full pardons and amnesties were to be offered, and full restitution for violations of the rights of private property was to be made, and the restoration of private property was to be made. As there had been much confiscation of property by both the British and the Americans, that would probably have been a very difficult provision of any treaty. The Declaration of Independence need not be formally revoked, as well as other acts since the "Rupture", as it and the other acts were in the King's opinion not legal acts, and would be effectively rescinded by the conclusion of a treaty. Showing how vital ending the American war was considered now

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<sup>53</sup> Ibid., 326-331. As an example of the belief of many Loyalists and Britons that offices and honors would be useful in the "reconstruction" of America, Serle and Galloway agreed that "Hereditary Honors...shd. be introduced, in order to counteract all levelling ideas..." Serle, March 31, 1777, p. 205. Henry White, a member of the Council of New York, told Serle that "the democratic Principle be more controuled... Councils...annexing some particular Honors & Advantages to their offices, would have a good Effect: A still greater might be derived, from vesting Grants of all offices in the Crown or its Representative. It matters not how menial those offices may seem; for so there be some Influence or Profit in them, they are solicited here more eagerly than in any Country upon Earth: and Govt. has suffered much from having so few to bestow." Serle, Nov. 29, 1776, 149. In short, the argument was that the British system of patronage and favors had not been fully transplanted to the colonies, and that government had suffered from it. Ironically, reformers in Britain were already denouncing this system, and it would begin to be swept away after the Napoleonic Wars, most notably by the Reform Act of 1832 (the wars with Revolutionary France and Napoleon had delayed reform efforts by decades). So, Serle, Galloway, and White wished to tie America to Britain by installing a system that Britain itself would soon slowly begin to reject and reform.

<sup>54</sup> Ibid., 331-2.

that war with France loomed, negotiations were not to be broken off if the Americans absolutely insisted on a point that the instructions, or the commissioners' discretion, disposed them to not give up on. There was one exception to this instruction: independence. The Commissioners could not conclude any treaty which made the colonies independent.<sup>55</sup>

This was a very moderate set of instructions. The terms were quite favorable to the Americans, granting them most of their demands. Not only were taxes not to be imposed without their consent, but even the Declaratory Act was negotiable.<sup>56</sup> Representation in Parliament, or a Congress with some say over British acts, were possible (as long as British sovereignty was not impeached by this). The Navigation Acts were to be relaxed. Some of the instructions were problematic. For example, restitution for property and property return would probably have caused many problems. It is likely that the question would have been referred to a commission. While the restoration of the "antient" governments might have been a problem, it is likely that the point could have been negotiated, and the colonies could have kept their new governments intact, with perhaps some changes to their constitutions to acknowledge the rule of the King. But, in general, the proposed terms were quite favorable to the Americans. Indeed, there is evidence that that the Cabinet considered the terms a surrender of British war aims, but one that French intervention made unavoidable.<sup>57</sup> About the only American demand that was not granted was a relatively recent one—independence.

Had a similar set of proposals been made in 1770 or 1773 or 1774 it is likely that the dispute between the colonies and Great Britain would have been settled peacefully and on

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<sup>55</sup> Ibid., 332-3.

<sup>56</sup> Ibid., 327.

<sup>57</sup> McKesy, 188.

terms quite favorable to the interests of the American colonies. Even after Lexington-Concord, such a set of proposals would probably have been viewed favorably, as many Americans still desired reconciliation with Britain. But under the conditions of 1778, the Peace Commission was met with contempt.

What to the British seemed reasonable propositions were no longer acceptable to the Americans, who had breached the psychological barrier of declaring independence, and had fought the British for three years, two as an independent country. Independence marked a turning point that made any solution that required the Americans to return to being subjects unacceptable to many Americans, short of an overwhelming British military victory—and even then, the acceptance may very well have been sullen.<sup>58</sup> The Americans during the Revolution had at the very least begun a transition from being subjects of a king to self-ruling citizens, and some had completed it.

Making a return to subject-hood even more difficult was the sense of betrayal and even hatred many now felt for the king. (See Chapter III) The King, guardian of their liberties, had sided against them in their dispute with Parliament, and had declared them to be in rebellion. He had sent his own soldiers and even foreign troops to crush what the Americans saw as their rights, raided cities, and committed acts of pillage and plunder. The love and loyalty many had felt for the King and the Empire, built up over generations, was gone, and it was likely that nothing could be done to restore it. *Common Sense* had ridiculed and attacked the very concept

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<sup>58</sup> Serle reported as early as August of 1776 that “They [the Americans] themselves say, and probably with more Reason than they say many things, that ‘if G. Britain cannot conquer them, she cannot govern them.’ In other Words it is saying, that while she maintains the Superiority of her Power, so long only will they obey her. But to let affairs revert again to their old Channel, may indeed skin over the Sore for a Time, but in a very few Years & perhaps at a more critical Season than the present, this Notion of Independence will increase with their Increase...so that our Superiority will become still more problematical.” Serle, Aug. 31, 1777, 84-85.

of monarchy, saying God opposed it, and that the King was merely the descendant of a “rascal”. Thomas Paine’s words and arguments had been read by many Americans, and many agreed with at least part of his arguments concerning monarchy. Republicanism and even democracy were taking hold of Americans. This was a slow process, and what historian Gordon Wood called “monarchism”, and others have referred to as “The Age of Deference” would not really be fully gone until the time of Jackson. But the process had begun, and it is difficult to see how it could have been reversed. Even military victory by Britain, as Serle noted, might only “skin over the Sore for a Time”; sooner or later, the Americans would desire to be free citizens ruling themselves, and seek independence again.<sup>59</sup>

Thus, the Americans were not prepared to return to being subjects once they had been citizens. They were not prepared to be subsidiary to the interests of a distant kingdom, no matter what ties of blood, trade, custom, law and history bound them together. And they certainly were not willing to do this when it was clear that they had the upper hand over the British. They had defeated a British army, and France was now on their side. Only a catastrophic military loss or series of losses might induce the Americans to sue for peace on terms that included their return to British rule. Even then, their “reconciliation” would be forced and sullen, and a strong possibility existed that they would be willing and eager to revolt at the earliest opportunity. The British did not aid their cause or the tasks of the Commissioners by

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<sup>59</sup> Serle, Aug. 31, 1777, 84-85; See also as to monarchism, Gordon S. Wood, *The Radicalism of the American Revolution* (New York: Random House) 1992, Vintage Books ed., 11-23.

presenting the Americans with the defeat of American arms. Instead, the British soon evacuated Philadelphia.<sup>60</sup>

### III

The Commission set sail for America in late 1778 on board a man-of-war known as the *Trident*. Over six hundred were crowded into the ship, and Lord Cornwallis, who had been in London, also returned to America on board the ship, making it even more crowded. Eden spent much of the journey seasick, while Carlisle and Cornwallis spent much time playing whist. Eden had brought his pregnant wife Eleanor with him, and she withstood the rigors of sea travel far better than her husband, evoking much admiration for her. Carlisle, who thought their destination was to be New York, wrote his wife that he had been told that New York was “very hot, and the gnats extremely troublesome.” Carlisle was particularly bothered by gnats, and however peace were to be established in America, he feared that with the gnats it would be “perpetual war.”<sup>61</sup>

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<sup>60</sup> As Willcox argues, by 1778 the only acceptable negotiated peace for the Americans would have been one that recognized American independence. But, in 1778, the idea was still anathema to the Cabinet, the leaders of the Opposition, and most of all to the King. Willcox, 219-220. It would take three more years and more defeats to make independence palatable to the British leadership. In 1778, they had not yet breached the “psychological barrier” necessary to make a grant of independence possible.

<sup>61</sup> Lord Carlisle to Lady Carlisle, April, 1778, April 24 to June 17, 334-335, Carlisle Manuscripts; Alan Souler Brown, *William Eden and the American Revolution*, unpublished dissertation, University of Michigan, Ann Arbor, MI, 1953, David Library of the American Revolution, film 67.

During the journey they also prepared for the important work before them. Governor Johnstone had prepared a paper entitled "Heads of Accommodation". This was based on discussions his brother, William Pulteney, had had with Benjamin Franklin. Pulteney had traveled to Paris under an alias to negotiate with Franklin, the United States Ambassador to France. On May 6, the commissioners "perused" Johnstone's proposal. Under Johnstone's proposal, Congress would "subsist", and its powers were to be defined. The King would name a President. Free trade from all places would exist, as long as it did not interfere with grants to exclusive companies. Johnstone believed that representation in Parliament would be pleasing to the rebels. Carlisle commented that "If they be content with their present Governments, little objection occurs to this article...any union injurious to G.B. seems to threaten less by leaving them their antient forms."<sup>62</sup> Once again, it should be noted that the colonies were no longer under their "antient" forms.

On June 1, Carlisle prepared a paper entitled "Hints of general reasoning from which to form our letter to the Congress." Carlisle here described the intent of the mission to be to "Offer Peace to America upon terms honourable and beneficial for her to embrace." He promised that the methods to achieve the peace and reestablish the union with Great Britain would be "sincerity, good-faith, and unreserved confidence." As a post-script, Carlisle noted that it remained "to show in what manner they quit the former ground on which they stood, and by becoming the allies of the House of Bourbon, they become our most dangerous enemies: must be treated as such: that they must lose every advocate who supported them in

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<sup>62</sup> Brown 119, Paper by Lord Carlisle, May 6, 1778, Carlisle Manuscripts 337, 338; P.M. Geoghegan, "Frederick Howard", ODNB.

the rectitude of their resistance: and that the calamities of a most bloody war will [be] the consequences of their treatment of our proposals.”<sup>63</sup> This was a Peace Commission that clearly held both an olive branch and a sword in its hands. Their offers of peace were to be backed up by the threat of the British military. “Britain,” as General Clinton’s biographer argues, “had only as much bargaining power as she had prestige, and both were already at low ebb; her abandoning the capital of the rebellion would ensure rejection of her olive branch.”<sup>64</sup> Yet when the Commissioners arrived, they found that the military was preparing to abandon Philadelphia. Their olive branch was useless without the sword to back it up.

Rather dejectedly, Carlisle informed Lady Carlisle that the evacuation of Philadelphia, where they finally arrived in June:

...will not give us much assistance in our business. In case the Congress was not inclined to come into measures, we wished to have desired them to consider that so fine an army, so disciplined, so healthy, so everything, might possibly be of some inconvenience to them if they rejected our proposals; but for some wise purposes, which we are not acquainted with, this fine army is to be of no inconvenience to them whatever...As I begin to think our business nearly over, I don’t see what we have to do here.<sup>65</sup>

The Commissioners had not been informed of the impending evacuation. This may have merely been the result of an innocent error; Lord North said that he thought that Eden knew, as did Germain. McKesy suggests that full knowledge of the plans for the evacuation (and the hope that it would free up troops to be used on an assault on the French West Indies island of St.

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<sup>63</sup> Carlisle Manuscripts 339-340, Paper by Lord Carlisle, June 1, 1778.

<sup>64</sup> Willcox, 225.

<sup>65</sup> Carlisle Manuscripts 341, Lord Carlisle to Lady Carlisle, June 14, 1778.

Lucia) were “virtually confined” to the Cabinet, and that Germain had not been at liberty to reveal the secret. Carlisle, it must be noted, was on a very important mission, and this was information that he needed to know. However, Carlisle was also a “smart penurious young man” who was friends with many “fashionable gossips.” Perhaps it was best not to let him know while he was still in London. In any event, Carlisle was “astounded and extremely alarmed for the fate of our Commission” on learning of the evacuation, and told Lord Gower, his father-in-law, that “We here were informed that every measure relative to this campaign was determined upon long before our departure from England, and that the evacuation of Philadelphia was not to be delayed, because such a delay would materially affect other objects...” Eden was angry, having been privy to the “deepest secrets” for years, as he told his colleague Alexander Wedderburn. As the Commissioners informed Germain, they were “naturally surprised” to learn that the army was leaving, under orders dated about three weeks before they left Britain, and “at a Time most critical to the operation of” the Commission.<sup>66</sup>

As Carlisle’s letter to his wife indicated, the Commission hoped to use the army in some manner to persuade the Americans to accept their proposals. Carlisle told his former tutor, the Reverend Dr. Jeffrey Ekins:

...the great instrument which was to secure us success, *the active and offensive course of Military operation*, was no longer to support our proceedings. A defensive war carries with it neither threats [n]or terror; and when the rejection of everything we had to offer was to be followed by no distress to those who consulted alone their private interests or ambition in the refusal, and the

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<sup>66</sup> McKesy 189; Lord Carlisle to Lord Gower, June 1778; Commissioners to Germain, Philadelphia, No. 3, June 15, 1778, *Proceedings of His Majesty’s Commissioners*, Auckland Papers, Add. MS 34416; *op. cit.*, Carlisle Manuscripts 341, Lord Carlisle to Lady Carlisle, June 14, 1778; Eden to Wedderburn, June 18, 1778, in Stevens, Facsimiles, No. 500, quoted in W. Brown, 261. Wedderburn was at the time Attorney General, and would later be Lord Chancellor of Great Britain.



advantage of either country; and when it was most evident that nothing but the menaces of war, or its real destructive consequences, could shake men of this description in their power, and bring those who had conferred this power on them to their senses: you will agree with me that our offers of peace wore too much the appearances of supplications for mercy from a vanquished and exhausted State.<sup>67</sup>

The Commission hoped to use the threat of destruction by the army—or the actuality of destruction—as a bargaining tool. Now their instrument of persuasion was retreating and unavailable. Would their carrot be useful without the stick to back it up?

Nonetheless, the Commissioners sought to carry out their mission. A letter from the Commission was delivered under flag of truce by Lord Cathcart (soon to lead the British Legion at the Battle of Monmouth, and later the Coldstream Guards) addressed to “His Excellency Henry Laurens, the President and other members of the Congress.” This was in accordance with the King’s instructions to address the Americans by any title they used. No circumlocutions such as “leaders of forces presently in rebellion against the King” were used— as discussed above, in the American Civil War, the Confederacy had resorted to a similar title in a letter from Jefferson Davis to Lincoln.<sup>68</sup> Laurens, President of the Congress, replied from “York Town” (present-day York, Pennsylvania), which was the site of Congress, on June 14, 1778. He stated that he was writing in a private capacity, but declared with “great assurance” that the only terms with

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<sup>67</sup> Carlisle to Ekins, (Oct. 1778), Carlisle Manuscripts, 381. The proposed use of the army in this manner is reminiscent of the later use of bombing during the Vietnam War to force the North Vietnamese to negotiate—most notably, the Christmas bombings in 1972 which led to the 1973 peace treaty.

<sup>68</sup> Catton, 176-7.

which Congress would treat would be independence, which he considered would be in the best interest of Great Britain. His official reply of the seventeenth reiterated this.<sup>69</sup>

Lord Howe, through Ambrose Serle, had on May 27<sup>th</sup> or 28<sup>th</sup>, sent letters to Washington and Laurens enclosing acts of Parliament empowering the Commissioners to treat and abrogating tax acts and other acts. Serle commented in his journal that the acts “ ’tis most likely, will be treated with the Contempt given to former Overtures of Reconciliation.” Laurens’ replied to the letter that “Yr Lp may be assured, that when the King of G.B. shall be seriously disposed to put an End to the unprovoked & cruel War, waged against these United States, Congress will readily attend to such terms of Peace as may consist with the Honor of Independent Nations, the Interest of their Constituents, and the sacred regard they mean to pay to Treaties.” Serle had been correct in his assessment.<sup>70</sup>

Howe had long desired reinforcements, and begun to believe that he was not being adequately supported by the government. This belief was increased by the fact that many of the troops that were sent over in 1777 were sent to Burgoyne. At the end of 1777, he requested to be relieved of his command, and he was replaced by General Sir Henry Clinton.<sup>71</sup>

An elaborate fete (the so-called *Mischianza*) was given Howe before he left Philadelphia on May 25<sup>th</sup><sup>72</sup>, and Carlisle rather bemusedly (or disgustedly) described it to Lady Carlisle:

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<sup>69</sup> Carlisle Manuscripts 343, Henry Laurens to G. Johnstone, York Town, June 14, 1778; David R. Chesnut et. al, eds., *The Papers of Henry Laurens*, Vol. 13, March 16, 1778-July 6, 1778 (Columbia: University of South Carolina) 1992, Henry Laurens to Commissioners, June 17, 1778, p. 470-71.

<sup>70</sup> Serle, May 28, 1778 (299), June 9, 1778 (308-9).

<sup>71</sup> Anderson, 305.

<sup>72</sup> Anderson, 305

I forgot to mention the, I don't know what to call it, that was given to Sir W. Howe. I fear that it was a very foolish business....I only know there were triumphal arches, and that General Washinton was within twenty-four miles of them, and that Lord Howe saluted Sir W. Howe, and Sir W. Howe saluted Lord Howe, and that it cost above four thousand pounds, and everybody paid whether they could afford it or not.<sup>73</sup>

The Commissioners soon returned to the *Trident*, which was anchored in the Delaware. Carlisle was bothered by gnats “as large as sparrows”. He protected himself against them by wearing trousers, which he noted was the “constant dress” of the country. He also noted to his wife that people wore many feathers in their hats. Turning more serious, Carlisle told his wife that their “business” looked desperate: “As long as we had the *army* to back us—we had hopes of success, but this turning our backs upon Mr. Washinton [as he usually spelled the name] will certainly make them reject offers that perhaps the fear of what that army could have done would have made them listen to. We have by these measures explicitly told all our friends here, ‘We can protect you no longer, therefore make the best terms for yourselves with the Congress.’”<sup>74</sup>

There were also harbingers that one of the Commissioners might cause future trouble. Serle recorded on June 14 that he was told by Galloway that Johnstone had brought over a picture of Washington in the lid of a snuff box, which he presented to Elizabeth Ferguson, “a Woman noted for her Virulence in the Cause of Rebellion.” Galloway also told Serle that Johnstone was “very inquisitive” about land values and prices in America, and even spoke of selling his property in England and settling down in America. This manner of speaking had

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<sup>73</sup> Carlisle Manuscripts 346, Lord Carlisle to Lady Carlisle, on board the *Trident*, June 27, 1778.

<sup>74</sup> *Ibid.*, 345.

resulted in “great Reproaches” from Loyalists in Philadelphia. Galloway, as time went by became an increasingly desperate Loyalist, and his words must be taken with care. Nonetheless, while Galloway’s assertions must be looked at with some caution, it is evident that Serle believed Galloway’s words, and commented that “A man of this kind is not likely to be solicitous for the Interest & Honor of my dear Country.”<sup>75</sup> It would not be long before Johnstone would seriously embarrass the Commission.

The Commission finally arrived in New York in early July, where they attempted to continue their mission. New York was suffering a heat wave, and Lord Carlisle rarely stirred from his home in the daytime while it continued. Despite the heat, he did seem to enjoy New York City:

The views and the country about this town are beyond all description beautiful; you will judge by the map how delightfully it must be situated when you see those two large rivers run so close to it, which are at present filled with vessels of every sort and size; the banks are covered with farms, villa, camps, wood, corn, and several sorts of trees which are unknown to me, of singular beauty. Long Island, Staten Island, and the Jersey shore bind the whole.<sup>76</sup>

The Commission decided to publish their correspondence with Congress in a proclamation “to the people at large.” Carlisle was not sanguine in his expectations for the proclamation, but he considered it “a step not to be dispensed with.” While the weather had

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<sup>75</sup> Serle, 309-310 (June 14, 1778)

<sup>76</sup> Lord Carlisle to Lady Carlisle, 1778 July 10, New York, Carlisle Manuscripts 355.

improved somewhat, the military situation had worsened. The *Trident* had sailed into New York just ahead of a sizable French fleet. The English fleet was drawn up in Rariton Bay, just west of Sandy Hook, while the French were lined up to the east of Sandy Hook and south of Brooklyn. As Carlisle described the situation: “Our prison is very narrow: Gen Washinton [sic] and Gates are supposed to be near each other on the White Plains”.<sup>77</sup>

Carlisle believed that the arrival of the French fleet made “every hope of success in our business ridiculous.” While the proclamation had been tried, and ought to have been tried, Carlisle believed that “in truth the compliance with our instructions in this particular is the mere obedience to a form.” He continued to tell his wife:

The leaders on the enemy’s side are too powerful; the common people hate us in their hearts, notwithstanding all that is said of their secret attachment to the mother country. I cannot give you a better proof of their unanimity against us than in our last march; in the whole country there was not found one single man capable of bearing arms at home; they left their dwelling unprotected, and after having cut all the ropes of the wells had fled to General Washinton. Formerly, when things went better for us, there was an appearance of friendship by their coming in for pardons, that might have deceived even those who have been the most acquainted with them. But no sooner our situation was the least altered for the worse, but these friends were the first to fire upon us, and many were taken with the pardons in [their] pockets. Beat Gen. Washinton, drive away Monsr. D’Estaing, and we should have friend enough in this country; but in our present condition the only friends we have, or are likely to have, are those who are absolutely ruined for us, and in such distress I leave you to judge what possible use they can be to us.<sup>78</sup>

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<sup>77</sup> Lord Carlisle to Lady Carlisle, 1778 July 10, New York, Carlisle Manuscripts 355; Lord Carlisle to Lady Carlisle, July 21, 1778, New York, Carlisle Manuscripts 356; Lord George Germain to the King, Kew Lane, August 22, 1778, Gill No. 2411. The bulk of the British troops marched through New Jersey, and after fighting Washington on June 28 at Monmouth, arrived in New York on July 4, 1778. The French fleet under the Comte D’Estaing arrived on July 11<sup>th</sup>, anchoring at Sandy Hook as Carlisle described, and just missed Howe and the transports. Sandy Hook is a large spit of land jutting north towards Manhattan from the New Jersey shore, and it was frequently used as anchorage.

<sup>78</sup> Lord Carlisle to Lady Carlisle, July 21 1778, New York, Carlisle Manuscripts 356-357.

*"The common people hate us in their hearts."* This was the considered opinion of one of His Majesty's Peace Commissioners, though addressed privately to his wife and not publicly or officially. The arguments of Loyalists and Britons as to the secret attachment to Britain of the majority of Americans seemed incorrect (perhaps nonsensical would be a better word) to Lord Carlisle. Rather than proof of friendship, as Howe had thought in December, 1776, the taking of pardons was expediency only. Only decisive military victory, it seemed to Carlisle, would give Britain the "friends" it needed, outside a few whose attachment to the British cause would leave them refugees. Their mission was hopeless, it seemed to Carlisle, and Carlisle and the Commission would just go through the motions, though, as he told Lady Carlisle, "as everybody in the world will not be ruled perhaps by my opinions, we must stay till there is not a possibility of doubt upon that subject."<sup>79</sup> Perhaps this realization that the British were hated by the average American would lead Carlisle, with Eden as well, to argue for policies with the aim of winning the "hearts and minds" of Americans. Unless something could change, "the common people hate us in their hearts" could well prove to be the epitaph for the British Empire in the thirteen colonies. Indeed, even overwhelming military victory without such a change of heart would only result in giving Britain false friends. Such a victory was one to be avoided.

Carlisle was not the only British observer to be disillusioned with the prospects of peace on terms acceptable to Britain in that summer of 1778. Ambrose Serle's journal is a diary, not a work of fiction, but if any diary can be said to follow a dramatic arc, then it is Serle's. Serle, Lord Howe's secretary from 1776 to 1778 (and formerly a secretary to Lord Dartmouth), had long

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<sup>79</sup> Lord Carlisle to Lady Carlisle, July 21, 1778, New York, Carlisle Manuscripts, 357.

been interested in the relationship between Britain and the colonies. He believed in 1770 that an establishment of an Anglican episcopate was vital to uniting the Empire, and did not leave that view. In a 1774 pamphlet, *Americans against Liberty: or an Essay on the Nature and Principles of True Freedom, Shewing that the Designs and Conduct of the Americans Tend only to Tyranny and Slavery*, he argued that “The King, Lords, and Commons...compose the Constitution, and supreme Legislature of the British Empire” and that there could not be two legislatures of equal authority in any properly arranged polity. Everyone within the Empire, he believed, is under the control of the Constitution, and protected by it. The establishment of an episcopacy and the supremacy of the British constitution in America were his beliefs when he boarded HMS Eagle in May of 1776 for what would turn out to be a two year journey to America.<sup>80</sup>

Serle soon grew to believe that the colonies had drained Britain of men and money, for little recompense beyond disloyalty. Serle spoke much with Loyalists about conditions in America and ways to solve the dispute. He spoke much with prisoners of war as well, and was early on convinced that a few unprincipled men had misled many honest Americans. His original confidence in rapid success began to dissipate as events went against the British. When on May 21, 1778, the King’s order to evacuate Philadelphia was announced, Serle saw that the war was lost and that the revolutionaries had won:

I now look upon the Contest as at an End. No man can be expected to declare for us, when he cannot be assured of a Fortnight’s Protection. Every man, on the

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<sup>80</sup> Edward H. Tatum, Jr., “Introduction,” *The American Journal of Ambrose Serle*, *op. cit.*, xii-xiv; Serle, May 10, 1776, p. 1; see also Serle April 10, 1777, 209.

contrary, whatever might have been his primary Inclinations, will find it his Interest to oppose & drive us out of the Country.<sup>81</sup>

Serle had grown to believe the war was unwinnable. Indeed, British policy, which seized areas only to abandon them, seemed to him to be a major reason—even those who loved the King would find it in his own interest to be an enemy—for he could not be assured the British would stay and protect him from rebel retribution. Serle left Philadelphia in mid-June. He was heading back to England<sup>82</sup>. One can trace in his journal a “dramatic arc” stretching from full confidence in the sure success of the British cause, to despair and a belief that the war was lost.

In the summer of 1778, all seemed lost for the British. The hearts and minds, the love and loyalty of many Americans seemed to many British observers to be lost, and even those Americans who were still loyal in their hearts seemed likely to oppose the British out of self-interest. But the belief remained that many Loyalists existed, and some persisted in the belief that they were a majority of the population, at least in some areas. According to the historian Paul H. Smith, one-fifth of the white population was Loyalist overall,<sup>83</sup> and in some areas, that number was higher. If a new strategy could be found, perhaps all was not lost.

The King himself seemed discouraged from the reports he received:

The Present accounts from America seem to put a final stop to all Negotiation: farther concession is a joke, all that can now be done is steadily to pursue the plan...providing Nova Scotia, the Floridas and Canada with troops, and should

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<sup>81</sup> Tatum, xv-xvi, xxvi ; Serle May 22, 1778, 296

<sup>82</sup> Serle, June 15, 19, 1778, 310-311.

<sup>83</sup> Paul H. Smith, “The American Loyalists: Notes on Their Organization and Numerical Strength,” *WMQ*, 3d Ser., 25 (1968), 258-77. Smith’s final estimate was that “the loyalists comprised about 16 per cent (513,000 out of 3,210,000 of the total population, or 19.8 per cent of the white Americans.”



that not leave enough for New York which may in the end be the case we must then abandon that place....<sup>84</sup>

The King once again contemplated abandoning New York and merely “distressing” the rebels, at least until the French could be defeated.<sup>85</sup> The evacuation of Philadelphia seemed to be a signal that the war was being lost, if not already lost. Carlisle’s and Serle’s discouragement at the prospect of achieving reconciliation seemed to indicate that the attempt to restore America to the Empire was hopeless—some wanted to return to the Empire, but many hated the British. Yet the retreat was not a total abandonment, but part of a consolidation of forces to meet the French threat. While the thirteen colonies were now a secondary front in the war, the hopes of regaining America had not been abandoned by the British. But a new strategy was clearly needed, one that would get the most out of the limited resources Britain could devote to the front—and in addition, win back the hearts and minds of the Americans.

The Commissioners continued as well they could their work in New York, while requesting permission to return. They spoke with many Loyalists, and tried to get an understanding of the situation. But, the mission took two more bad turns before the Commissioners returned to Britain. Johnstone attempted to bribe Joseph Reed, an aide to Washington, member of Congress, and President of Pennsylvania, with a position in a future government and ten thousand pounds if he would help the Commissioners in their task of reuniting America and Britain. Reed’s antipathy to Loyalists was well-known, making the offer

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<sup>84</sup> George III, No. 2405, The King to Lord North, Windsor, August 12<sup>th</sup>, 1778

<sup>85</sup> Ibid.

not only foolish by futile. Reed contemptuously turned the offer down. Congress expressed its extreme displeasure, and published Johnstone's letter.<sup>86</sup>

As an indirect result of Johnstone's actions, Carlisle was faced with a situation perhaps even more farcical, if more potentially deadly: he was challenged to a duel by the Marquis de Lafayette. In a letter to Congress by Carlisle, Clinton, and Eden, dated August 26, the trio denied any knowledge of Johnstone's actions, while stating that Johnstone in all his conversations with them had only been concerned with reestablishing the bond with the colonies and thereby securing "the permanent happiness of the inhabitants of this Continent." Later in the letter, in reference to the "French connection" they expressed astonishment at America's continued deference to "a Power that has ever shewn itself an enemy to all civil and religious liberty; and whose offers...were made with a view to prevent our reconciliation, and to prolong this destructive war." Lafayette, as the first French officer in rank in the American army, and as a person not unknown to the British, felt honor-bound to challenge Carlisle. Lafayette challenged Carlisle, as head of the commission, to a duel because of the "insulting words about my country that you have signed." Carlisle demurred, claiming diplomatic prerogatives. Carlisle's reply told Lafayette that the Commission's correspondence with the Congress was not of a "private Nature," and that he thought that "all national Disputes will be best decided by the Meeting of Admiral Byron and the Comte D'Estaing." There the matter rested.<sup>87</sup>

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<sup>86</sup> William B. Reed, ed., *Life and Correspondence of Joseph Reed*, Vol. 1 (Philadelphia: Lindsey and Blakeston) 1847, 383 -6; "Declaration of Congress", Aug. 11, 1778, in Reed, 387.

<sup>87</sup> "Heads of a Declaration by the Earl of Carlisle, Sir H. Clinton, and W. Eden", Carlisle Manuscripts 361-2; Challenge by Lafayette to the Earl of Carlisle, Oct 5 1778, Carlisle Manuscripts 374. My translation. Stanley J. Idzerda, editor of Lafayette's American Revolution papers, translates the phrase as "the insulting sentence regarding my country to which you subscribed your name"—original "*la phrase insultante pour ma patrie qui vous y avès signee .*"; Carlisle to Lafayette, New York, Oct 11, 1778; Lafayette to George Washington, Sept. 24, 1778; Lafayette to Comte d'Estaing, Philadelphia, Oct. 20, 1778, Stanley J. Idzerda et. al, eds., *Lafayette in the Age of the American*

American leaders had united against the peace effort long before the Commissioners arrived. Patriot propagandists were enlisted to ensure that Americans would not forsake independence. Some of their efforts were truly creative. Governor Livingston of New Jersey pretended to be a woman named “Belinda”. “Belinda” reported that mothers in “her” district had promised to disown their sons, and wives and maidens to refuse the caresses and advances of husbands and suitors who showed “the least symptoms of being imposed upon by this flimsy subterfuge, which I call the dying speech, and last groans of Great-Britain.”<sup>88</sup> In addition to this rather Lysistratan appeal, Congress called upon the American people to not be lulled by “fallacious hope of peace”, but to gird for battle.<sup>89</sup> The commissioners were made objects of ridicule. Carlisle was reported to have brought with him “one dozen bottles essence of roses...half a dozen opera glasses—forty boxes of pearl coloured powder for the teeth...ninety wardrobe cases for cloaths...twelve dozen best tooth picks—an abridgement of the history of America, for the use of children...two portable billiard tables...”<sup>90</sup> to name but a few items. Even if the report exaggerated (as it probably did), it is likely that Carlisle’s baggage was rather excessive.

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*Revolution: Selected Letters and Papers. 1776-1790* (Ithaca, NY: Cornell University Press), 1979, 189, 191.

Washington, consulted by Lafayette, had counseled against issuing the challenge, but Lafayette ignored his advice. Washington to Lafayette, Fredericksburg NY, Sept. 25, 1778, in Idzerda, 182-3.

<sup>88</sup> W. Brown, 256-7. “Belinda” quote from New Jersey Gazette, May 6, 1778, in Brown, 257.

<sup>89</sup> *Journals of Congress*, XI, 474 et. seq., in W. Brown, 258-9.

<sup>90</sup> Extract from a London letter of March 9, printed in the North Carolina Gazette, August 21, 1778 in W. Brown, 270-1.

Johnstone returned to Britain on September 23, and Carlisle and Eden returned on November 27, 1778.<sup>91</sup> Their mission had ended in failure and farce. Before looking at the aftermath of the Commission, let us pause to examine why the Commission failed. First, the Commissioners were dealing from weakness, not strength. The disastrous loss at Saratoga had led to French intervention, and the need to consolidate British forces in North America. The sole bright spot of 1777 for the British, the capture of the rebel “capital” of Philadelphia, was being abandoned. The Commissioners had hoped to use the stick of the army as a threat to induce the rebels to accept the carrot of reconciliation on highly favorable terms for the Americans. Instead, they arrived in Philadelphia in time to see it evacuated. Their messages to the Americans were met with contempt. After leaving Philadelphia, they arrived in New York in time to see it virtually besieged. It is little wonder that their mission failed. British prestige was at low ebb; if Britain could somehow achieve a major victory, if they could have, as Carlisle had told his wife, beaten “Washinton” and driven away d’Estaing, then their mission might have had some success. But the Americans seemed unlikely to come to the table unless they were in extremis.

Secondly, the concessions offered, while generous, were “a day late and a dollar short”. The Americans were independent, and wished to remain so. Laurens and the Congress insisted on their independency. The Americans governed themselves as free men; many of them had no desire to return to being subjects, no matter how free—even subjects of a King who constitutionally had been ultimately chosen by the people acting through Parliament<sup>92</sup> — especially when they had no representation in that Parliament. Concessions that would have

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<sup>91</sup> K & H, 7; Van Doren 114.

<sup>92</sup> Or more exactly, his ancestors had been so chosen.

worked in 1775 or earlier were worthless after July 4, 1776. Of course, had the British decisively defeated the Americans, perhaps they might have been willing to reluctantly return to being subjects. After all, many Patriots—including members of revolutionary committees—had taken loyalty oaths to the king on Long Island. But, as Carlisle pointed out, this was probably not a change of heart, but “trimming” to the wind, as the expression of the time went.

Lastly, while the Commissioners tried their best, the Commission was undermined by the foolish actions of one of its members. First, it is highly unlikely that any person, no matter how highly placed, could have swung America to reconciliation with Britain under the terms the Carlisle Commission could offer. So, any bribe would most probably have been futile even if a useful official had been found who was willing to be bribed. Secondly, it is not inconceivable that there were members of Congress or of the state governments who would have been amenable to bribery. As Benedict Arnold would soon prove, there was at least one leading military official who was so amenable. But such a bribe must be approached delicately, a likely target determined, and the target’s willingness to be bought ascertained slowly and surely. Johnstone targeted an extremely unlikely candidate in Joseph Reed, who predictably was gravely offended. The attempt was revealed to Congress, who published the correspondence, embarrassing the Commission and making an impossible task even more difficult. To make matters worse, the Commission’s attempt to overcome the incident created another incident. The Commission foolishly chose to include in their declaration that they were unaware of Johnstone’s actions an attack on the “French connection”. Such an attack, if it was to be made at all, should have waited for a later letter, and should have been expressed more mildly. As it was, the attack on America’s alliance was couched in language which, while mild by today’s

standards, was considered harsh enough by a leading French soldier in America, Lafayette, to induce him to challenge Carlisle to a duel. Carlisle managed to avoid the duel, claiming in effect diplomatic immunity and treating the whole matter with his characteristic humor—but none of this was calculated to increase British prestige or bring America to negotiate peace. These last events may be considered farcical, but they were also a sign of the utter failure of a mission which had been invested with such high hopes.

#### IV

Despite their disappointment at the failure of the Commission, and Carlisle's private belief that the common American hated the British, in a series of letters the Commissioners continued to express hope that reconciliation was possible—but force might be required to effectuate it. They argued that the “defensive and offensive Alliance with France is disagreeable to a great proportion of the People”, and that their terms were highly acceptable. But as long as Washington's army could stay in the field, and “awe the country”, there was no hope that any province would declare for Britain.<sup>93</sup> On July 7 and Sept 21, they argued that force might work against a people they believed were beginning “to recollect the blessings of Peace” and “sensible...that they are kept in Rebellion by their Leaders without either a Grievance or a just

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<sup>93</sup> *Proceedings of His Majesty's Commissioners*, Commissioners to Germain, July 5, 1778, New York; Auckland Papers, Add. MS 34416, from the David Library.

Object.”<sup>94</sup> By October 15, they told Germain that there was good reason “to believe that the spirit of the Revolt is much abated...and that the French connexion is generally disliked.”

Indeed, the crisis was favorable for an attempt to break the entire rebellion.<sup>95</sup>

As discussed above, the Commissioners were not adverse to the use of force in the service of peace. Eden, it appears, was particularly “rankled” by the unsuccessful mission. On returning to Britain, the Commissioners made several oral and written reports. Eden discussed the colonial situation in an audience with the king. On January 9<sup>th</sup>, 1779, Eden and Johnstone testified on American affairs before a cabinet council, and made a written report to Germain dated March 8, 1779. In these reports, they argued that there was “widespread disaffection” with the Continental Congress, and much loyalist strength among the American people. They argued for an offensive to force Washington into a direct battle. If he could not be decisively defeated, his army should be forced to retreat into the New York or New Jersey Highlands. In the territory that he was forced to abandon, they assured their listeners, the people would renounce Congress and return to their former and natural loyalty to the Crown. Then, a civilian administration would be established for New York “to conciliate the affections of the inhabitants...remove apprehensions” and to “extend the benefit of law and police as far as practicable.” They were sure that a civil administration could be easily organized in New York. The success of renewed civilian government in New York would showcase to the other colonies British willingness to restore constitutional government to loyal subjects.<sup>96</sup>

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<sup>94</sup> Ibid., July 7, Sept 21, 1778.

<sup>95</sup> Ibid., Oct 15, 1778.

<sup>96</sup> Brown, 166-7; K & H, 7-8; Commissioners to Germain, Mar 8, 1779, *Doc. Am. Rev. XVII*, 79-83, in K & H, 8.

Germain argued for a new strategy based on the Commissioner's reports:

The principal object of the Main Army [Clinton's New York-based army] in the Opinion of the Commissioners sh'd be the getting possession of the Ridge of High Land wch runs across from the Hudson's River to the Connecticut, and therby cover all the fertile Country brtween that Ridge & the Sea the Inhabitants of wch are said to desirous of returning to their allegiance and w.d gladly receive a civil Gvt. from His Majesty. Shd such an Establishment take place there, Massachusets Bay w.d be unable to draw any considerable supplies or Succour from the Southwards & left to its own Resources might soon be brought to submit to the Kings Authority....<sup>97</sup>

Perhaps the most important phrase in the above letter is "getting possession." In the early part of the war, the army had tried to destroy the rebellion by decisively defeating its armies and gaining control of important cities—while at the same time, they tried to isolate New England. In war, the question whether one's main aim should be to seek to destroy the enemy's army or take territory is perhaps the most important question that has to be made. The two aims are not mutually exclusive; if one seizes or attempts to seize enough territory, or a vital position, such as a city or an important pass, the enemy army will often be forced to offer battle. If an army focuses chiefly on destroying the other army, the danger is that it may neglect to consolidate territorial gains. This question is often quite acute in civil wars or colonial rebellions, where restoring the region to the nation or empire is the goal of one side, and independence is the goal of the other.

In 1776 and 1777, the British had failed to consolidate their territorial gains much beyond southern New York. They had sought to destroy Washington's army and seize

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<sup>97</sup> Germain to North, Pall Mall, 11 Jan 1779, *Sackville-Germain Papers* Vol. 9, 1779 Jan-Aug, Clement Library.



important cities. A broader design of isolating New England existed, but was basically abandoned by Howe when he attacked Philadelphia. Consolidation of territory was an afterthought.<sup>98</sup> The result was the British army marching all across the American landscape, then abandoning its control (and incidentally, leaving Loyalists in a very bad situation). Indeed, Howe's attack on Philadelphia was an attempt to cut off one, and hopefully both, of the two heads of the rebel "beast": the political head by taking the capital, and the military head by destroying the main rebel army when it attempted to defend the political head.

The problem was that the rebellious colonies really did not have a political head; they were decentralized, divided into thirteen colonies, loosely knit together into a confederacy for the purposes of fighting the British. Indeed, the national government, such as it was, was still a revolutionary organization in early 1779—the Articles of Confederation would not be ratified for another two years.<sup>99</sup> Rather than fighting one country, it could be argued that the British were, in some ways, fighting thirteen wars against thirteen countries. While there was a common army, supplemented by state militias, politically there was no head to chop off—there were thirteen, and many colonies had few identifiable places whose capture would mean the capture of the province. Perhaps the appropriate strategy would be to attempt to take the colonies back county by county, colony by colony. And to do this, they must "reclaim to their

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<sup>98</sup> Mckesy 252

<sup>99</sup> The authority that Congress had was thus for the first few years of the war not formalized by a constitution, but by consent of the states. The states accepted Congress as the (rather weak) central government even though the Articles were not yet ratified. The states themselves had formalized their governments by forming new constitutions which did not acknowledge the British connection. There had been a period of transition from revolutionary state government to constitutional government. Under circumstances of invasion or hardship, informal, ad hoc, revolutionary forms of government such as committees still formed in several states (these states included New York and Georgia). In New York there was some revival of the authority of revolutionary committees in 1779 in response to economic conditions. See Countryman, 179-182; Kenneth Coleman, *Colonial Georgia: A History* (New York: Charles Scribner's Sons) 1976, 284-299.

duty” the inhabitants of these counties and colonies. A rudimentary version of the concept was presented in a report on the southern colonies from 1778:

The great point to be wished for, is that the Inhabitants of some considerable Colony, were so far reclaimed to their Duty, that the revival of the British Constitution, and the free operation of the Laws, might without prejudice be permitted amongst them, the superior Advantage and Security, they would then enjoy, above those who lived under a different Dominion, could not fail, to suggest comparison that would daily be productive, of the most important consequences, and an earnest wish, to partake of these Benefits, and Blessing which they saw their Neighbors in the enjoyment of...

By restoring the “blessings of British liberty”, restoring the operation of the British constitution, in short, restoring civilian government (complete with a legislative assembly), an example would be made of British willingness to end martial law and restore British liberties.<sup>100</sup>

Because of the worldwide nature of the war, and secondary status of the North American theatre, Germain was under pressure to reduce military commitments in America, and found the new idea “attractively simple.” The colonies would be reduced “piecemeal”, separately. Such an effort might achieve what the attempt to destroy the political and military centers might not. The main Continental army of Washington would be pushed back and confined to the Highlands; smaller forces would clear areas of rebel militia, eventually gaining back entire colonies. Loyalist militia units would hold and protect the pacified regions from the rebels. Civil government would be restored in these areas, guarded by the loyal militias. This

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<sup>100</sup> McKesy 252; K & H 8; James Simpson to Germain, Sept. 1, 1778, *Sackville-Germain Papers* Supplement 20:10, 165-166, Clement Library.

restoration and reintegration into the Empire would serve to demonstrate the advantages of returning to the allegiance to the Crown.<sup>101</sup>

In short, the idea was to use a field army to seize areas, and then local militia to hold the area while the field army continued into the next area. The pacified region would have civilian government restored, and be reintegrated into the Empire. The Revolutionary War was a new type of war, and demanded new types of strategy and war-fighting methods. The proposed new strategy was quite innovative, and McKesy has described it as “a fledgling theory of counterrevolutionary warfare.”<sup>102</sup>

The proposed strategy also depended on there being many Loyalists in the colonies, willing and able to join and support the militias, and support, staff, and vote for the new Royalist governments. Modern estimates of the amount of Loyalist put the number at one-fifth of the population. (See above). This is still a sizable number, but probably less than the British thought actually existed. Germain was assured by officials from the southern colonies, such as Governor James Wright of Georgia, that there was a sizable body of loyalists in the South. Joseph Galloway was in constant touch with Serle, Germain, and Lord Dartmouth, and assured the British that Pennsylvania and the Middle Colonies were full of Loyalists, and war-weary as well. There was also plenty of evidence, from places like Long Island and New Jersey, that the Americans were willing to sign oaths of loyalty when the British controlled a region. While some

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<sup>101</sup> McKesy 252; K & H, 8. While he realized that farmers and the well-to-do could not serve long periods far from home like regulars, Germain hoped to use the militia in a manner similar to what the rebel Americans did—cooperating with regular troops in their own area, or defending a local strategic location or post. These ideas were outlined in an earlier letter discussing a possible southern campaign. As he stated, “Such appear to be the methods taken by the rebels for strengthening their own army.” Germain to Clinton, March 8, 1778, Stopford-Sackville II, 98.

<sup>102</sup> Piers Mackesy, *Could the British Have Won the War of Independence?* (Worcester, MA) 1976, 3-19, cited in K & H, 8.

of these were no doubt Loyalists, it is likely that many of them were “trimmers”—people who “trimmed their sails” depending on which ways the political winds were blowing for purposes of protecting themselves, their families, and their property. The British assumed the Patriots were a small minority. In any event, listening mainly to questionable sources such as Galloway whose statements fit their preconceived notions, the British and Germain were convinced that there was enough Loyalist strength to make the plan work. They had more than the word of Loyalists and refugees as to Loyalist strength—officials such as Governor Wright, General Robertson (who was Commandant of New York City and who had much experience in America), and the Peace Commissioners were all convinced that most Americans opposed the rebellion (though Carlisle, at least, thought differently in private). Perhaps they misread war-weariness or neutrality as Loyalism; but in any case, the decision was made to attempt to implement a new strategy that depended on a sizable body of Loyalists.<sup>103</sup>

As will be discussed below, such a strategy was already being implemented in Georgia, and would prove rather successful, all things considered. But Georgia was a small and distant colony; if such a policy could be implemented successfully in New York, its demonstration value—its propaganda value—would be immense. Germain set about implementing the new policy. He instructed Clinton, headquartered in New York City, to contain Washington, and allow thereby the loyal subjects of the King in “the open country” to renounce their allegiance to Congress. Once this was accomplished, elections for an assembly were to be called. Germain had come to the realization that the route to victory in this war was political, and only incidentally military:

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<sup>103</sup> Mckesy 253-4; Coleman, 284-6.

Notwithstanding the great exertions this country has made and the prodigious force sent out for subduing the rebellion, I am convinced our utmost efforts will fail of their effect, if we cannot find means to engage the people of America in support of a cause which is equally their own and ours, and when their enemies are drawn away or subdued induce them to employ their own force to protect themselves in the enjoyment of the blessings of that constitution to which they shall have been restored.<sup>104</sup>

The war was to become what it had always been—a war for the hearts and minds of the Americans.

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<sup>104</sup> K and H, 8; Germain to Clinton, Jan. 23, Aug 5, 1779, Docs. Am. Rev. XVII, 43-44, 177, in K & H, 8.

## **Chapter V**

### **The Failed Attempt to Restore Civilian Government to New York**

## I

In October 1775, Governor Tryon of New York received information that he was to be apprehended as “an enemy to America,” made a prisoner, and transported to Connecticut and confined for the duration of the war. Tryon undoubtedly found the source credible, for he soon boarded the British man-of-war *Asia*, which was at the time docked in the harbor. He soon transferred to the *Dutchess of Gordon*. From here, he acted as governor, and met with his Council. Council members such as William Smith would be rowed to and from the ship for the meetings. The Provincial Congress slowly took over the management of the Province, while the official government was literally “at sea”.<sup>1</sup>

Several other governors found themselves “governing” their provinces from warships off the coast, or returned to Britain till they could be restored to office. No longer governing, they still retained their posts, but in a “dormant” state. British authority had vanished across the thirteen colonies, unless one wishes to include the rather pathetic ship-based governors. While a brief period of “dual” rule existed in the colonies from about 1774 to as late as 1776 in some colonies, by May 1776 British authority had vanished in the thirteen colonies. In New York, elections were actually held for the Assembly in January, 1776, but that Assembly never sat. Many colonies were under the rule of provincial congresses, though a few were still under their old government. The court systems still functioned, though Patriots filled many positions

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<sup>1</sup> Jones, I, 61-62; Van Buskirk, 12; Sabine, “Introduction”, 5. See Chapter II for further details of Tryon’s flight to the *Asia*.

abandoned by Loyalists. In May, 1776, Congress recommended that the colonies form new governments that had no ties to the old colonial, British-approved government— in other words, to form revolutionary governments.<sup>2</sup>

The Howe brothers were made Peace Commissioners (as well as commanders of the Army and Navy) in 1776, but their authority was not absolute. The Howes as Peace Commissioners could only offer pardons to those who renounced the rebellion—hostilities could thus not end until the Americans disbanded and dissolved their armed forces and revolutionary governments. As for the restoration of civil government, this would only occur once the rebels had been defeated—the Howe brothers were given authority to restore a colony (or a portion of a colony) to its former government once the rebels had been defeated. The possible advantages (as well as the difficulties) of restoring civil government were not recognized in the early days of the war, and would not be until the aftermath of the Carlisle Commission. The British historian K.G. Davies calls the plan of action the British contemplated in 1775 to have been “in the nature of a large-scale police operation.” At its end, “the ancient forms of civil government would be reestablished as a matter of course.” Some leaders of the rebellion would probably have to be punished, but most Americans (at least outside of New England) were thought to be either loyal or deluded by their leaders, so no major difficulty was contemplated. Secretary of State Germain in late 1775 ordered Clinton, then preparing an expedition against the Southern colonies, to attempt to restore legal government, because

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<sup>2</sup> Milton K & H 5; Andrew Elliot to James Robertson, New York, 19<sup>th</sup> January, 1781, Milton M. Klein and Ronald W. Howard, *The Twilight of British Rule in Revolutionary America: The New York Letter Book of General James Robertson, 1780-1783* (Cooperstown, NY: New York State Historical Association) 1983, 177; Papas, 39-40; Countryman, xviii. These events are discussed in more detail in Chapter II.



reports promised much support and many civilian officials were still in the area and ready to restore British rule. Clinton was to proclaim pardon for those who laid down their arms, dissolve Provincial Congresses and Committees, and reopen the civil courts. In other words, once the rebellion had been suppressed, British government would restore itself.<sup>3</sup>

Davies notes that “Nowhere in the proceedings of the Howe commission is there recognition of the possibility of using restored civil government as a political weapon to advance the British cause and discomfort the rebels. Confirmation of this negative attitude comes from the refusal of the commissioners to contemplate restoring civil government in the only place where in 1776 it was practicable to do so, the part of New York recovered by the British army.” The Howe brothers and Germain agreed the area recovered was too small. In addition, William Tryon, the British governor of New York, wanted a command in the war. This desire reduced the pressure he might otherwise have exerted for the restoration of government to southern New York. Tryon argued that New York was “in the present period too much convulsed for the civil government to act with any good effect...I therefore have kept the executive powers of civil government dormant, leaving everything to the direction of the military.”<sup>4</sup> In December 1777, Tryon informed Lord Germain that “his sphere in Civil Governnt is

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<sup>3</sup> Klein and Howard 4-5, K.G. Davies, “The Restoration of Civil Government by the British in the War of Independence”, in Esmond Wright, ed. *Red, White and True Blue: The Loyalists in the Revolution* (New York: AMS Press) 1976, 111-112; K.G. Davies, ed., *Documents of the American Revolution, Colonial Office Series, 1770-1783*, Vol XI (Dublin, 1976), (henceforth DAR) 203-205, in Davies 112; Higginbotham, 153-4. On February 20, 1775, the House of Commons had promised that no colonial tax (beyond trade regulation) would be levied, if the colonies would contribute “an adequate sum for defence and the expense of civil government.” The Howes were instructed to confer with any colony willing to accept these terms. See Anderson, 150-151.

<sup>4</sup> Davies, 114; Tryon to Germain, 24 September 1776, C.O. 5/1107, fo. 396

not enlarged in this last Campaign.... I can now hardly be said to sit within the shade of my Govern<sup>t</sup>". He told Germain he wished to resign, if he could be given command of a regiment.<sup>5</sup>

So, the possibility and benefits of restoring civil government in British-controlled New York were overlooked or just not seen in the early phases of the war. Now, in the wake of the Carlisle Commission, discussed in the preceding chapter, the possibilities of restoring civil government, not as a follow-up to a military victory, but as a way of achieving a political victory, of winning back hearts and minds and gaining new Loyalist recruits, began to be appreciated. Some success was achieved in Georgia, as will be discussed at further length below. But, Georgia was a tiny and distant colony. New York was another story. It was a major colony, much of it was securely under British control, there was much loyalism, and it was both a commercial center and located at a very strategic location—perhaps the most strategic location on the continent. The new strategy, the "pacification program" as the historians Klein and Howard call it, would be given great credibility if the New York experiment succeeded.<sup>6</sup>

Much would depend on the Governor selected,<sup>7</sup> and the response of the military authorities to his position. The man selected was Major General James Robertson, Commandant of New York City. Robertson, as Klein and Howard state, "is not one of the better known figures of the American Revolution." Over the years, Robertson, like Germain, was viewed quite unfavorably by those few historians who did notice him. Like Germain, much of our information comes from biased sources such as the Loyalists Smith and Jones, and General

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<sup>5</sup> Tryon to Lord Germain, King's Bridge Camp, 1 December 1777, DCH VIII 734.

<sup>6</sup> Davies, 111; Klein and Howard 9.

<sup>7</sup> Tryon advocated attacks on civilian targets, and his harsh treatment of the defeated Regulators has been noted. This probably militated against his being chosen to implement the new strategy of winning back loyalty. After learning in the spring of 1779 of his impending replacement, Tryon engaged in several destructive raids on Connecticut in the summer of 1779. Germain to Tryon, April 1, 1779, Docs. Am. Rev., XVII, 94-95, in K & H, 43, n. 137.

Clinton. Clinton, in his private correspondence, spoke unfavorably of Robertson. Jones despised all Presbyterians and Scotsmen (he saw no difference between the two), and Robertson was a Scot. Jones ascribed Robertson's remarkable rise (described below) to being "a true Scot, assiduous, flattering, and submissive." He accused him of corruption, and said that in his role as Governor, Robertson "was universally despised." After becoming Governor, Jones alleges, "he so often broke and forfeited his word, his honour, and his promises, that the people lost all confidence in him." He also states that Robertson was nearly eighty (not true—he was sixty-two at the time of his appointment), in his dotage, and that he ran after young girls, some as young as twelve. Smith, who was a strong proponent of restoring civil government, viewed Robertson quite favorably in the early days of his governorship when it seemed that civil government would soon be restored. However, by September of 1781, Smith was writing in his journal that Robertson "...is a Dotard and abandoned to Frivolity. He has Parties of Girls in the Fort Garden, in the midst of his own Fears, and the Anxieties of this Hour."<sup>8</sup> This picture has lingered, and often been accepted uncritically. The record shows, however, that Robertson was a good officer, whatever his personal failings may have been. Under eighteenth-century conditions, his rise to the rank of "general" is quite extraordinary. His opinions, especially on America, were respected and sought after. He was a valued staff officer. As commandant of New York City, he saved much of the city from burning in September, 1776. As governor, while he was possibly corrupt, and a "lady's man" (even according to more balanced sources than Jones), his corruption seems to have been within acceptable parameters for the eighteenth century, and his dalliances were probably not as depraved as Jones makes them. Despite the

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<sup>8</sup> K & H 2-4; Jones, I 162-4; William H. W. Sabine, ed., *Historical Memoirs of William Smith*, (New York: New York Times & Arno Press), 1956, III, 441 (henceforth, "Smith").

handicaps he labored under, he did try to exercise the duties of his office and bring civilian government back to New York. This competent if flawed human being was entrusted by the British government with the important task of making British-controlled New York a shining example to the other colonies. He failed in this task, but not all the blame for that can be laid on his shoulders. It is possible that a more favorable picture of Robertson will arise from a review of his career and governorship.<sup>9</sup>

Robertson was a Scottish officer in the British army with much experience in the Americas. Unlike many Scottish officers, he was not a wealthy landed proprietor or titled nobleman, but came from a more “middling” background. Robertson’s family were freeholders. They had a small estate called Newbigging in Fife, near Edinburgh. The family had many community responsibilities and much local status; the family included doctors, lawyers, and ministers. Robertson’s father was trained as a solicitor, and had the courtesy title of the “Laird of Newbigging.” As freeholders in a society where most were tenants, the Robertsons had considerable status in the community, and much responsibility for administering local government.<sup>10</sup>

Born in 1717, by the 1730s James Robertson wished to be an officer. To obtain a commission, one needed political connections and money. Officer’s commissions up to the level of colonel were bought, not earned. Rising in the ranks was as often a result of wealth and station than of skill in battle.. As for generals, they almost always sprang from the titled aristocracy. Loyalty to the king was a “necessary prerequisite for military command.” The army

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<sup>9</sup> K & H 21, 36, 47-9. According to Klein and Howard, “Profiteering by supply officers and regimental commanders was accepted as a quasi-legitimate means of supplementing meager pay and compensating for the hardship of wartime service.” 49.

<sup>10</sup> Klein and Howard, 9-11.

was a force which the entire social order might have to depend upon, and the officers had to be people whose loyalty to the king was “bred into the bone.” Robertson’s rise is a testament to talent and may be considered extraordinary, and may be attributed to his intelligence, “canniness”, and capacity for hard work. Indeed, only two other individuals of modest background seem to have advanced to comparable heights during the eighteenth century. Robertson was unable to afford a commission, and enlisted as a volunteer in 1739 in the hope of securing an officer’s commission for merit. He began as a private, and became a sergeant on merit. He was soon commissioned as a second lieutenant in a marine regiment during the War of Jenkins’s Ear. He eventually gained an important patron, the Earl of Loudoun, who became commander-in-chief of the British Army in North America in 1756.<sup>11</sup>

The Earl of Loudoun had a taste for high living, and Klein and Howard suggest he transmitted this to Robertson. The Earl is reported to have in one week consumed over six dozen bottles of claret, Madeira, and other wines and alcoholic beverages. Perhaps not all had been consumed by the Earl himself; his junior officers (of whom Robertson was one) often dined with him, and these meals were usually attended by women. Robertson apparently picked up some of these habits. On an official trip to New London for the Earl, he is reported to have brought along the wife of one of his fellow officers. To make matters worse, he played cards with her, offending the provincial governor. In Puritan-founded Connecticut, card-playing

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<sup>11</sup> Ibid., 9-10; Higginbotham, 124; Willcox, 124. One of the two individuals who rose to comparable heights was Joseph Guest, who started life as Yorkshire groom, and rose to be lieutenant general and deputy governor of Edinburgh Castle. See James Hayes, “The Social and Professional Background of the Officers of the British Army, 1715-1763” (MA thesis, University of London, 1956) 101, cited in Klein and Howard, 10-11. The other was Major General William Phillips, who was born of humble parents, and had a distinguished career in the royal artillery before his death in America in 1781. Of the 208 army officers who sat in the House of Commons between 1754 and 1790, he was the only “self-made man”. See Namier and Brooke, *House of Commons*, I, 142, in Higginbotham, 144 n.4. So, Robertson was in rare company, and an exception to the general rule.

was illegal. By 1775, Robertson was presiding at his own parties in Boston—which was under siege by rebellious Americans for much of that period.<sup>12</sup>

Robertson served for better than two decades in America, accomplishing much, and learning more than how to live the high life. He made his mark as a staff officer, serving much of the time in the staff of Lord Amherst, the new commander-in-chief, who became his new patron. He served as quartermaster-general and inspector-general. His recommendations concerning quartering troops were very influential in the Quartering Act in 1765. One of his recommendations was creation of the post of Barrackmaster-General to centralize the work of the separate barrackmasters in America. The post was created by the Act and given to him. As Barrackmaster-General, he was responsible for the care of the permanent barracks in America, their furnishing and supply. He supervised the work of twenty-seven barrackmasters in posts from St. Augustine in Florida to Louisbourg on Cape Breton, to Detroit on the frontier. Robertson remained in this role until June 30, 1776.<sup>13</sup>

Working mainly out of New York City, he gained much influence with the merchants of Boston and New York, purchasing the supplies the barracks needed from them (this function later was performed by the Treasury Board in England). As a leading Scotsman, he joined the St. Andrew's Society in 1757. Here, he became acquainted with many of New York's movers and shakers, people who would soon become leading Loyalists or Patriots: Colden, the Livingstons, and John Morin Scott to name a few. He bought a residence in New York City, and acquired lands in Cumberland and Charlotte Counties. It is quite possible that during this time period he engaged in profiteering on the supplies he purchased. What is clear is that he gave himself a

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<sup>12</sup> Klein and Howard 47

<sup>13</sup> Ibid., 9-12, 14-15, 17, 20-21, 26-27.

commission of one percent on cash transferred to local barrack-masters; the Treasury eventually claimed that he owed them ten thousand pounds.<sup>14</sup> These allegations of corruption would haunt him as Governor and helped to diminish his stature among Loyalists—especially those who were disappointed by what they saw as his failures.

In September, 1774, Robertson joined Gage in Boston, acting as a staff officer, licensing dram shops in Boston, and observing (but not participating in) the battles of Lexington-Concord and Bunker Hill. Robertson was appointed a colonel-commandant and battalion commander in January 1776 and with other “old colonels” was soon promoted to major-general, after what seems to have been a bureaucratic error which originally left him off the promotion list. He offered to lead an assault on Dorchester Heights in early March 1776. The fortification of these heights overlooking Boston by the Americans (with guns obtained from the capture of Fort Ticonderoga) made Boston untenable to the British. An assault on Dorchester Heights would probably have involved a frontal assault similar to Bunker Hill, which was a Pyrrhic British victory. Wisely, Robertson summoned a lawyer and wrote a will. Fortunately for Robertson, bad weather intervened, and Howe, who by this time was in command in Boston, reconsidered the proposed assault and decided instead to withdraw from Boston.<sup>15</sup>

The evacuation presented a problem of both policy and logistics. As staff officer, Robertson was in charge of supervising the movement of men and materiel during the

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<sup>14</sup> K & H, 27, 48-9. Charlotte County was to the west of Lake Champlain, while Columbia was mainly in what is now Vermont. Vermont was disputed between New Hampshire and New York in the late colonial era.

<sup>15</sup> K & H 29-30, 32-33.

evacuation. He urged Howe to remove everything that could possibly be of use to the Americans, and destroy the rest. But Howe feared an attack by Washington during the embarkation. He did have a hostage: Boston. Between Howe's army and the naval vessels, Boston could have been destroyed. A tacit understanding seems to have been reached between Howe and Washington that the British could leave unmolested. While attacking the British rearguard might have been gratifying, especially after a long, boring, but occasionally deadly siege, the price—the destruction of Boston—was just not worth it. Robertson, despite his recommendation for destruction, seems to have been one of the chief assurers of Bostonians that the city would not be ravaged. Howe was later accused, unjustly in one historian's view, of dereliction of duty for leaving too many stores in Boston. Robertson, by contrast, was accused of plundering Boston for his own use, though that also seems to have been unjust. In addition, Robertson was not in Boston during the last days of the British occupation, so it would have been difficult for him to engage in pillage. Plundering for his own personal gain would also have been senseless, since it would have been difficult to find a place on the transports to put ill-gotten goods. Room was at a premium on the evacuation fleet, since in addition to Howe's men, the transports also had to accommodate the persons and goods of many Boston Loyalists.<sup>16</sup>

Robertson set sail for Halifax shortly before the evacuation to prepare for the arrival of the evacuating army. Thousands of men would have to be fed, billeted, clothed, and provided with firewood and other necessities in Halifax. Robertson, as Barrack-Master General, was a perfect choice for this mission. This was Robertson's last important assignment as a staff officer

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<sup>16</sup> Anderson, 102-4; K & H, 32-33; Golway, 63.



for General Howe. Robertson was soon informed of a War Office directive which effectively prohibited the office of Barrack-Master General from being held by a regimental commander. To keep his regimental command, Robertson had to give up his position as Barrack-Master in June of 1776. Having been relieved of these duties, Robertson was given his first field command, leading a brigade of four regiments under General Sir Henry Clinton.<sup>17</sup>

Howe's army finally left Halifax, and headed for New York harbor. Originally, they planned to land on Long Island, but Robertson is credited with changing Howe's mind. According to a report by Justice Smith of a conversation Smith had with Governor Tryon, Howe

“was running into the most perilous Temerity, proposing when he arrived from Hallifax to land his little Army at New Utrecht. The Men were in the Boats when he got General Robertson to hold this Language to him: ‘If you beat the Rebels before the Reinforcements arrive, you disgrace the Ministry for sending them. If you are defeated, they will be of no Use when they arrive. Land therefore on Staten Island.’”<sup>18</sup>

As discussed earlier, the delay in attacking Long Island has been criticized by numerous parties. If one holds with the critical view, then Robertson is partially responsible for the British wasting much of the summer. Alternately, Robertson stopped the British from engaging, with less than their full force, in possibly yet another deadly frontal assault against prepared positions.

Robertson's brigade landed on Staten Island on July 3, and spent much of the summer of 1776 on Staten Island. When Long Island was finally invaded in late August, his brigade landed at Gravesend in Brooklyn, and was in the second wave of the Long Island campaign, holding

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<sup>17</sup> K & H, 29-30, 33.

<sup>18</sup> Smith, *Memoirs*, III, 95, Wed. 14 April 1779; Ranlet, 72.

territory for the most part. On August 30, Robertson's brigade was ordered to Hell's Gate to oppose General Lee, who was reported to be landing there. Marching from Gravesend, Robertson and his brigade marched through Bedford and Cripplebush, the town spot of Newtown (in present day northwest Queens). From there, they continued to Hell's Gate, but found no enemy. Robertson took up residence in a local house, while his men billeted for about two weeks at Hell's Gate.<sup>19</sup>

Robertson, a long-time resident of New York City, was convinced, like many British officers and officials, that the rebels were a small minority, and that the majority of Long Island's inhabitants would welcome the British. He therefore urged that the British troops avoid pillage and other actions that could turn the population against them. Not all of Howe's generals agreed with him; they urged that the British and Hessian troops be allowed to "ravage at will" as a lesson.<sup>20</sup> While in Newtown, Robertson took swift action against his own troops who he caught plundering. He even issued a public promise that in the future his troops would "abstain from a crime which disgraces even victory, and defeats the King's intention to protect and reclaim his American subjects."<sup>21</sup> Robertson also offered to personally compensate pillaged Americans, though no evidence exists that anyone took him up on his offer.<sup>22</sup>

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<sup>19</sup> Henry Onderdonk, Jr., *Revolutionary Incidents of Queens County* (New York: Leavitt, Trow & Co) 1846, (henceforth OQ) 100, Aug. 31, 1776 ( <http://books.google.com/books>, acc. May 26, 2010;); K & H, 34. Hell's Gate in Onderdonck is spelled "Hell-Gate".

<sup>20</sup> K & H, 34.

<sup>21</sup> OQ, 100. As will be discussed in Chapter VI, plunder, pillage, and other base and appalling actions by British and Hessian troops negatively affected the inhabitants, disaffecting the Loyalists and further alienating the Patriots and non-affiliated.

<sup>22</sup> K & H, 34

On September 15 Howe invaded Manhattan, and after some battles and skirmishes, he was in control of the entire island with the exception of a fort which fell in November. The next day, Robertson was made military commandant of New York City. The city he took over had been reduced by the flight of much of its populace to a population of about 400 or 500 people, mostly Loyalists,<sup>23</sup> but thousands of Loyalists would stream in during the next few months and throughout the war. The influx of Loyalist refugees would continue throughout the war. But on that September day, those who remained in New York City were overjoyed, pulling down and trampling on rebel flags as a few months earlier the rebels had destroyed the statue of the King.<sup>24</sup> Manhattan was British again, and Robertson was its military ruler.

Five days after taking his position as commandant, Robertson was faced with the major challenge of the great fire, which has been described in greater detail in Chapter III. Its main effects were to destroy a substantial portion of the buildings in the city, making the remaining housing stock rather crowded as more people moved to the city. Robertson tirelessly fought the fire, and even sacrificed his home to ensure that the royal magazine and warehouse were unharmed. General Howe and Governor Tryon both informed the ministry that Robertson's efforts had prevented the total destruction of the city.<sup>25</sup>

Robertson erected barracks and confiscated the vacant homes of rebels to use as officer housing. Many buildings were converted into warehouses, and many churches into temporary hospitals. Fortifications were rebuilt. The city fire watch was reestablished. Ten companies of

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<sup>23</sup> K & H, 36: Ranlet, 74.

<sup>24</sup> Van Buskirk, 21. See Chapter III for a discussion of the British takeover and the "evaporation" of its population.

<sup>25</sup> Smith, II, 53, Dec. 7, 1776; K & H, 36. Here, the number of burned homes is put at 500, about a tenth of the city's housing. It is indisputable that a substantial part of the city burned.

volunteer militia were organized. In addition to its military uses, the militia provided something to do for many of the Loyalist refugees. Municipal services such as street lights and cleaning were reestablished, and a vestry for the poor was established. A police department under Andrew Eliot, former receiver-general of customs, was created. There were no taxes or civilian courts, and prices were set and trade controlled by Robertson himself.<sup>26</sup>

Despite the reestablishment of street cleaning, the streets were often dirty, and the sanitation problem was never solved. “Noisome vapours” arose from the mud and from the crowding. With the housing-stock reduced by perhaps one third by the fire, Loyalists, residents, soldiers and sailors were forced to live in close quarters, increasing friction among the groups. And with no true civil courts, there was little opportunity In New York City, or elsewhere in the British zone, to get redress for the looting and other depredations of the troops. These included drunken rioting by sailors, and even murders by drunken soldiers.<sup>27</sup>

Firm in his belief that most New York City residents were loyal subjects of the King (and, since most were Loyalist refugees during his tenure as Commandant, he was undoubtedly correct), Robertson’s rule was mild. He believed that the purpose of the military was to support “the good Subjects against the bad.” Troops were ordered to avoid taking rebel property without authorization, and pillaging soldiers were dealt with severely—one was even executed. Hoping that acting humanely would help the British among those pre-disposed to British rule, he treated American prisoners mildly, unlike other officials such as Provost Marshal William Cunningham, who treated American prisoners abominably.<sup>28</sup>

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<sup>26</sup> K & H, 36-7.

<sup>27</sup> Ranlet, 79; Van Buskirk, 22. Quote from *Journal of Nicholas Cresswell, 1774-1777*, in Ranlet, 79.

<sup>28</sup> K & H, 37-38.

Robertson retained his post as Commandant till 1778. His tenure was punctuated by several trips to London. His advice and views were sought out on these journeys, and George III was personally notified that Robertson was in Britain in 1777. On a journey to Britain in 1779, Robertson testified at the Parliamentary inquiry of General Howe. This inquiry had been demanded by the Howes to vindicate their conduct of the war, which had come into question. This inquiry was in many respects a battle between Germain and Howe, and Robertson's testimony aided Germain. Robertson thought that Howe on several occasions had allowed Washington to slip from his grasp. Robertson maintained that much additional manpower was not needed in the colonies. He also argued that two-thirds of the Americans were loyal, and that if the point of taxation by Parliament had been abandoned, that would probably have ended the war. The great object of the war, he argued, was "to be the regaining the people, and to do this by letting them see we were their friends."<sup>29</sup>

Robertson's views on the war were outlined in a memorandum he wrote at the behest of Lord Amherst. Lord Amherst had been Commander in Chief in America for much of the Seven Years War; in 1779 he was Commander in Chief of the Forces, which gave him command of the entire British Army and a seat in the Cabinet. He was also one of Robertson's patrons. Amherst forwarded the memorandum to the King on or about January 1, 1779. In the "Memorandums Relative to the Mode of Making War in America," Robertson asserted that his belief was well-founded that a majority of Americans wished to be subjects of the King and were adverse to the revolutionary government, "and it is on this foundation, we should build our hopes of renewing

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<sup>29</sup> K & H, 39-40; Anderson, 322-4. The inquiry was inconclusive, beginning in May 1779 and being overshadowed in June by Spanish entry into the war. It came to its conclusion with the June 29, 1779 adjournment for the summer. Anderson, 323-4.

all the advantages this nation can derive from its Colonys.” The rebellion’s authors were well aware of this, and seduced the people by “artfully” taking “advantages of incidents, which I need not mention in detail...to induce a general beleif, that no alternative was left the inhabitants, but taking arms, or submitting to slavery.”<sup>30</sup>

Robertson continued:

I have proofs in my hands from some of the best inform’d of the rebel councils, and of the state of the peoples minds, dated two years ago—that if the two foundations on which the rebellion stood, were taken away, by an explicit declaration on our part, that the right of taxation by us, wou’d be given up and a general pardon granted, that the congress would not be able to raise a thousand men.<sup>31</sup>

However, Robertson continued that “Circumstances are now much alter’d, the address and management necessary now to bring the people back to their duty... must now be much greater.” What was before easy would now require great talent. One possible method suggested itself; the ambitions of half the rebel leaders had been disappointed, and offices they had sought had gone to rivals. No “very profound management or refined policy” was necessary to induce them to prefer a position of consequence under the British to being mortified by being subject to their rivals—though it would be necessary to understand the state of each colony and the interests and resentments of their leading men.<sup>32</sup>

Here, Robertson is arguing that some appeal to the hunger for office and preferment that existed in both Britain and America should be used to “bring...people back to their duty”.

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<sup>30</sup> GIII, No. 2494, Lord Amherst to the King, Jan. 1779, Enclosure, IV p. 249-253.

<sup>31</sup> Ibid., 251.

<sup>32</sup> Ibid., 251.

As the historian Gordon Wood notes, while not as developed in America as it was in Britain, a hierarchical, “monarchical” society of patrons and preference did exist in the colonies, a milieu of striving for honors (many of which could only be given by a patron). Indeed, Wood argues that much of the “radicalism” of the American Revolution consisted of the ending of this monarchical society, though this process would take decades. Even that most quintessential American, Benjamin Franklin, had strived mightily as a young man so that he could retire in middle age as a gentleman.<sup>33</sup> A survey of the writings of many British generals shows a striving after honor and an awareness of the slightest slights. This can also be seen on the American side. For example, Nathaniel Greene bitterly resented becoming quartermaster of Washington’s army because he thought it would deprive him of the glory he sought (to his credit, he served in the post well and was eventually awarded with the Southern Command.)<sup>34</sup> Benedict Arnold’s resentments at perceived slights and in not receiving the glory and posts and recognition that he believed he was due (in most cases, quite rightly) led him to treason. However, while there was at least some hunger for office and advancement on the rebel side, it was difficult to find too many rebel leaders who could be turned, as Reed had shown a few months earlier. Disappointed many of them may have been in not getting positions they had hoped for, but personal advancement through obtaining government or military office was probably not the only, or even the main, reason they had supported the rebellion. The vast majority of rebel leaders probably truly believed in the ideals of the Revolution to one extent or another, and could not be seduced back to the Crown by the mere offer of a position. Even those who might have been susceptible to temptation were unlikely to be tempted under the

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<sup>33</sup> Wood, 4-7, 38, 85-6. See also 57-76 for a discussion of patronage.

<sup>34</sup> Golway, 165-8, 178-9, 181-3.

relatively favorable circumstances of late 1778 (when the memorandum was most likely written). It was possible, if not probable, that some rebel leaders would turn or “trim” under conditions of invasion or conquest, as many Long Island patriots had trimmed, but not under the relatively favorable conditions prevailing in late 1778.<sup>35</sup>

As discussed above, there had been much consensus among Americans on the broad outlines of political philosophy and on the injustice and unconstitutional nature of Britain’s policy. Even many who became leading Loyalists had been in general agreement on most of these ideas and ideals. That so many British officers and officials thought an appeal to the desire for office would be generally useful shows a profound misunderstanding of the Revolution, the character of the Americans, and of the leadership of the Revolution. It should also be noted that the Revolution, with its revolutionary committees and new governments and fleeing British and Loyalist officials, had both freed-up and created many new positions for leaders to fight for. For example, there were eleven (twelve if we include Vermont) new governorships now available to Americans (as opposed to Britons, as had been the usual practice), and thirteen or fourteen new state councils.<sup>36</sup> Many “new men” arose through the increase in political participation that occurred during the Revolution. Indeed, Robertson’s soon-to-be- counterpart, Governor George Clinton of “free” New York, is generally considered one of these.<sup>37</sup>

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<sup>35</sup> In December 1778, America was allied with France, and the British had evacuated Philadelphia several months earlier. Prospects looked quite favorable to the Americans. On the downside for the United States, Georgia was invaded in late 1778; the invasion would soon gain control of most of Georgia.

<sup>36</sup> Rhode Island and Connecticut alone among the colonies in the late colonial era chose their own governors through election.

<sup>37</sup> See Ryerson for a general discussion of “new men”, especially 4-6 and chapter 4.



In his testimony at the Howe Inquiry, Robertson had argued that few Americans had returned to their allegiance because British troops had rarely stayed in any place for long.<sup>38</sup> Loyalists were afraid that if they showed their loyalty, they would be punished once the British left—so they kept quiet.<sup>39</sup> In his Memorandum, Robertson told Amherst that the rebels were trying to create a belief “that we are about to abandon our friends and that the country is to be given up to them”. This belief had to be destroyed. He suggested that the government should issue a declaration that “we will not abandon our friends, or quit the country,” and that this declaration should be communicated to the people at large.<sup>40</sup>

Robertson suggested cutting off communications between New England and the other colonies by seizing the Highlands. Possessing this area would not only starve out New England, but result in about six thousand Loyalist troops—a substantial reinforcement. Since “the gros [greater amount] of the respectable inhabitants of a Country are not to be expected to” act as soldiers, the duties of the Loyalist troops would be mainly patrol and defense—and all without costing the government a penny, since they would be local volunteers. With the lower Hudson and northern Jersey in British hands, supplies, provisions, and forage would be greatly

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<sup>38</sup> K & H 40. After the 1778 Battle of Monmouth, Washington soon set up camp at White Plains, where he had briefly been during the retreat from New York in the fall of 1776, and noted that two years of maneuvering had brought the two armies roughly to their starting point. The London *Evening Post* described British maneuvers in a manner reminiscent of a nursery rhyme:

Here we go up, up, up  
 And here we go down, down, downy  
 There we go *backwards* and *forwards*  
 And here we go round, round, roundy.

Higginbotham, 248.

<sup>39</sup> K & H 40.

<sup>40</sup> G III, No. 2494, IV, 251.

improved.<sup>41</sup> Robertson's thinking, we can see, was dove-tailing with the recommendations that the Carlisle Commission had been making, and similar to Germain's thinking of late 1778 and early 1779.

Robertson suggested raids against New England, particularly Salem and Newbury. This would destroy privateers and prevent reinforcements from being sent against the assault on the Hudson. Robertson strongly urged that "The Army shou'd not wander to places that cant be supported nor shou'd we call people into Arms who cant be sustain'd". This would only result in a defeat which would aid the rebels. Those people that could be properly supported by the government should be "put under a civil government the offices shoul'd be fill'd by the most respectable of the inhabitants, every priviledge and advantage even in trade shou'd be given, their State shou'd be made the envy of the neighbours, this wou'd bring numbers under our protection."<sup>42</sup> Again, his thinking was similar to ideas under discussion among the ministry.

Robertson believed that the government of a restored British Province of New York would soon be self-supporting. The example of a restored Royalist New York, plus negotiations and the progress of British arms, would disabuse the other provinces and the rebels of the idea that Britain was abandoning the colonies. Indeed, with civil government restored, trade restored, and leading New Yorkers in most major posts, and with the rebel colonies subject to invasion and raid, they would "regret their condition, and wish for our protection."<sup>43</sup>

Robertson's and Germain's views on America and the possibilities of civil government meshed. Robertson's testimony and his memorandum both asserted that a majority—two

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<sup>41</sup> Ibid., 252. He also believed that possessing the Hudson would open communications with the Indians, who could then act in concert with the British. 253. For a discussion of the strategic importance of the Highlands, see Chapter IV.

<sup>42</sup> Ibid., 253

<sup>43</sup> Ibid.

thirds—of Americans supported the King. The war could be won through persuasion (supplemented by the sensible and effective use of military force). Robertson's memorandum, if not read by Germain, was surely discussed with him by Amherst or the King. The similarity of views of Robertson and Germain in early 1779, plus Robertson's long experience in America and in New York, made him perhaps the perfect choice to restore civilian government to New York. The fact that Robertson's testimony aided Germain in his battle with Howe certainly did not hurt, but the decision may have been made before the testimony. In any event, his royal commission making him governor of New York was signed on May 11, 1779.<sup>44</sup>

## II

In early July, 1779, Robertson was instructed by Germain that "Sir Henry Clinton [Commander in Chief in America] is vested with the powers to restore to Peace the whole, or any part of Province if he shall judge it fitting, in which case the Civil Constitution will revive." Once an area had been declared at peace, then civil government was restored, and Robertson's authority as civil governor of New York would become activated. Germain then informed Robertson as to the "measures...it is wished you should adopt, as Opportunities may offer for carrying them into Execution."<sup>45</sup>

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<sup>44</sup> K & H, 43. Governor Tryon would remain in office until Robertson had arrived and been inaugurated.

<sup>45</sup> Germain to Robertson, No. 1, Whitehall, July 9, 1779, CO 5/1109. This letter was supplementary to the formal instructions which accompanied the letter.

As Governor, Robertson would appoint a Council. Germain stressed that it was of the utmost importance that the loyalties of council members be without a doubt. Germain spoke much of the possibility of calling a new assembly, but acknowledged that it was a matter which would require much consideration. While the King desired to “give Proof” to New Yorkers and other Americans that it was “not His Majesty’s intention to govern America by Military Law,” it was stressed to Robertson that “it would defeat that end, if an Assembly were convened before such part of the Province was restored to Peace.” A loyal assembly was desired.<sup>46</sup>

A declaratory act would be issued annulling all laws and legal proceedings of the rebel government. Robertson was to give free allotments of land to refugees desiring to settle in New York, and to provide for the support of those refugees needing it. Deserted tenements could be used for troops or rented out. Getting to the heart of the dispute between the colonies and the mother country, Germain told Robertson that

The making a permanent Provision for the Provincial Expenses and fixing a ratio for the Contribution of New York to the General Charge of the Empire would be no more than suitable Returns for the Generosity of Parliament in relinquishing all Purpose of imposing Taxes in the Colonies, except as Regulations of Trade, and even in that case suffering the Revenue arising from them to be carried to the Account of the Colonies.<sup>47</sup>

By taking the lead in enacting such a “dutiful and grateful Measure”, Germain stated, that New York would be eligible for particular favor. To encourage this, Robertson could assure the

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<sup>46</sup> Ibid.

<sup>47</sup> Ibid.

Assembly that quitrent arrears would be remitted by his majesty and that future revenue would be spent within the province.<sup>48</sup>

In summary, civilian government was to be restored in those parts of New York that had been pacified. This had clearly been achieved in the three off-shore islands, and New Yorkers such as William Smith had been clamoring for such an action for several years. Some difficulty with Clinton was anticipated. The Howe brothers had feared civilian interference because it was likely to restrain or divert military operations,<sup>49</sup> and Clinton would probably be similarly reluctant. However, it was difficult to see how downstate New York could not be declared at peace. Despite the occasional raid from Connecticut or New Jersey, the area was secured. Outside of Halifax, it was probably the securest British possession on the continent.

Even though he was being sent as a civilian governor, Robertson retained his military rank. To avoid too much friction with Clinton and the other military officers, Robertson was directed not to actively command troops.<sup>50</sup>

Despite the importance of the mission, Robertson did not leave London until September 16, 1779. One of the reasons for the delay was probably the failed Franco-Spanish "Other Armada" that slipped into the Channel and threatened England with invasion in late July and August of that year. The campaign against the Armada did not end until early September.<sup>51</sup> Until then, sailing was hazardous. From London, Robertson sailed to Cork, Ireland. Here he awaited the assembly of a supply fleet, with which he was to sail to North America. He waited

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<sup>48</sup> Ibid.

<sup>49</sup> Davies, 113.

<sup>50</sup> K & H 44, Germain to Clinton, Apr 1, 1779, DAR XVII, 94, in K & H, 44.

<sup>51</sup> See Gill, Nos. 2716-2723, Vol IV, 395-401, which detail the reported operations of the French and Spanish fleets and the British response, and Mckesy, 279-297 for more details, as well as Patterson, *op.cit.*

for an extremely long time. The dangers of attack by the French, Spanish, or the occasional American privateer made trans-Atlantic travel a dangerous proposition requiring much planning. While the Admiralty and Navy Boards did yeoman's service in the immensely difficult task of supplying an army 2000 miles (or two months travel time) away, there were often many delays. Indeed, the British historian McKesy believes that the shipping bottleneck killed British hopes for decisive victory in 1776.<sup>52</sup> In any event, Robertson was delayed by the assembly of the supply fleet he was to sail with. Further delay in reaching New York was occasioned by the fact that the fleet that he sailed with was not headed to New York, but to Savannah, Georgia.<sup>53</sup>

Travelling on board the *Raleigh*, Robertson arrived in Savannah on February 16, 1780. The British army was then involved in an early phase of the so-called "Southern Strategy," and Charleston (or "Charles Town", as Robertson called it) was being besieged. Robertson was soon transported to James Island, opposite Charleston, where the British army was headquartered. General Sir Henry Clinton himself was overseeing operations. Since the *Raleigh* was in much demand for operations against Charleston, and getting to New York would take some time, Robertson offered his services in any capacity in the siege. This was not in violation of his orders, as he was not yet in New York, and it is likely that the general wished one more chance to serve in a military capacity before taking up his civilian duties. While he would probably have been given a staff position, perhaps he hoped for a last chance for the martial glory that had eluded him in an otherwise stellar career. Robertson laconically recorded that "Sir Henry

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<sup>52</sup> McKesy, 62-3.

<sup>53</sup> K & H, 44.

after considering the Matter, next Morning told me that he thought I could be of most Service at New York." Robertson soon transferred to the *Russel*, which transported him to New York.<sup>54</sup>

Robertson, a few months shy of his sixty-third birthday, arrived in New York City on March 21, 1780.<sup>55</sup> The weather was cold, and six inches of snow would fall on March 31 and April 1.<sup>56</sup> A small reception was held for him on the evening of his arrival, attended by a "large company of Ladies and others," including William Smith. Smith noted that Robertson was "thin but sound in Health." Smith and Robertson had known each other for twenty years, and had worked with each other during the Drummond peace proposal.<sup>57</sup> Smith, who was greatly interested in seeing civil government restored, was quite pleased with Robertson's arrival. He stated in his journal that the "multitude" of Loyalists "sighed" for Robertson's arrival. In general, the sentiment among New Yorkers at Robertson's arrival seems to have been favorable. Andrew Elliot, then police chief of New York City and soon to be Lieutenant-

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<sup>54</sup> Robertson to Lord Amherst, *Russel* at Sea, 10<sup>th</sup> March 1780, *Letterbook*, 73. The "Southern Strategy" had been in consideration since 1776. The basic idea was to attack what were considered the relatively militarily weaker southern provinces. Since these provinces were thought to have a large amount of Loyalists, they could be more easily restored to the Empire. In short, the idea was to hit the enemy where it was weakest. Under the circumstances of the later war, where manpower was at a premium for the British, this seemed a better use of manpower than attacking in the north, where the enemy was strongest. As General Prevost told Lord Amherst concerning the attack on Charleston, it would be "a blow to the rebellious colonies which they could not recover, and which might reduce them to reason much sooner than anything that can be effected to the northward." Willcox, 294; Prevost to Amherst, January 18, 1779, WO 34/144, fols. 5-5v

<sup>55</sup> Robertson to Lord Amherst, New York, 25<sup>th</sup> March 1780. *Letterbook*, 77.

<sup>56</sup> Smith, *Memoirs*, III, 247, April 1, 1780.

<sup>57</sup> K & H 45. Thomas Lundin, usually known as Lord Drummond, had spent several years in New York looking after his father's business interests in America, and had here made the acquaintance of, among others, William Smith Jr., the "Triumvirate", and Robertson. Drummond was, like Robertson, a member of the St. Andrew's Society and even served as its President in 1773 and 1774. In 1776 he discussed peace proposals unofficially with representatives of the Congress. Despite the unofficial nature of his discussions, he indicated that he had some backing in London. Prominent among the proposals were a few to solve the question of the provision of revenue in a constitutional manner from the American states (such as an annual perpetual grant by each colony). Long dismissed as a "meddlesome busybody" there is evidence that Drummond had some official backing, and that his instructions were in Lord North's hand. The mission failed when the official proposals out of Britain were far less generous than those Drummond had proposed, thus undercutting the peace mission. See Milton M. Klein, "Failure of a Mission: The Drummond Peace Proposal of 1775," *Huntington Library Quarterly*, Vol. 35, No. 4, Aug., 1972, 343-380, especially pp 347, 359-60, for a discussion of the Drummond mission.

Governor, considered him a sensible and intelligent man with a cheerful temper. However, not all were pleased. It can be inferred from his *History* that the Scots-hating Thomas Jones was not as pleased. Indeed, he described at some length how Robertson, in his old position of Barrack Master, would clip coins called “half Joes” when paying contractors, which they had little choice but to take; the coins, according to Jones, became known as “Robertsons”. Jones then argues that Robertson “was universally despised and execrated by” New York’s inhabitants. Of course, Jones was a man of strong opinions and heavily biased against Prebyterians and Scots.<sup>58</sup> Still, many seemed to view Robertson’s appointment favorably or at least hopefully—and a sizable amount of New York City’s population, as refugees from elsewhere, probably had little memory of Robertson’s alleged corruption. It would soon become apparent that Clinton did not view Robertson’s arrival as favorably as many of the New Yorkers seemed to view it.

Robertson swiftly went to work. On March 22, he summoned the Council.<sup>59</sup> Except for two additions occasioned by deaths, it was the same Council that had sailed to meet with Tryon on board the *Dutchess of Gordon* four years earlier. Among its notable members was Andrew Elliot, former receiver general of revenues and collectors of customs and during the occupation superintendant of police (among other duties); Oliver DeLancey, who as brigadier general was the highest ranking American Loyalist, Roger Morris, a Westchester loyalist who was connected by marriage to the Phillipse family, and William Smith. Smith was made the Chief Justice; he would prove to be the last Chief Justice of the Province of New York.

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<sup>58</sup> K & H 45; Smith *Memoirs*, I, 193, (Sept. 8, 1774), III, 179 (Oct. 20, 1779), 243 (March 21, 1780) ; Jones, I, 162-64. Robertson probably had had a mild stroke in October, 1777, which affected his handwriting; he also seemed to have had a bout with dysentery, kidney stones or a similar illness in 1775, which may have accounted for his seeming “thin” to Smith. K & H, 46, 46 n. 148.

<sup>59</sup>Robertson to Germain, New York, 26<sup>th</sup> March 1780, *Letterbook*, 80.



Governor Tryon seemed to relish his military duties more than his civilian duties and had put little pressure on the military authorities to restore civil government. So New York had remained under martial law, while its nominal governor led several raids on Connecticut and other places. A severe attack of gout afflicted Tryon about the time of Robertson's arrival. As Smith records Robertson's inauguration:

We read the Commission with Tryon's Consent in a Room opposite to his Bedroom, fearing it would be too much for him to hear it and then administered the Oaths in his Presence to the new Governor. On which he delivered the Great Seals and a Number of Papers. We then returned and took the Oaths ourselves. And afterwards proceeded to the Balcony of the City Hall from whence after Proclamation to keep Silence it was read again. The Day concluded in a Dinner at General Tryon's which he could not attend.<sup>60</sup>

Robertson informed Smith that he had "no Authority to set up Civil Government till Sir. H.C. [Clinton] has declared the Country at the King's Peace. But Sr. H will do this on its being asked." Robertson seemed to think that Clinton's declaration was only a mere formality, or at least something that could be obtained fairly easily. Robertson soon asked Smith to draft an "Instrument" declaring part of New York at the King's Peace, plus a letter to Clinton urging the declaration be made without delay. Smith hurried these to Robertson.<sup>61</sup>

In this Smith-prepared letter to Clinton, Robertson informed Clinton that he could "do nothing very material, towards attaining the great Objects of my Civil Commission, until your

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<sup>60</sup> Davies, 114; Robertson to Germain, New York, 26th March 1780, *Letterbook 80*; Smith, *Memoirs*, III, 244, March 23, 1780. Tryon to Germain, New York 25<sup>th</sup> March 1780, DCH Vol. VIII, 787.

<sup>61</sup> Smith, *Memoirs*, III, 243-247 (March 22-April 1), 1780.

Excellency shall have declared such Parts of this Colony, as are within our Lines, at the King's Peace." Military force alone, he said, could not satisfy the Loyalists of downstate New York. In a passage which perhaps reflected Smith's views as much as Robertson, he stated that "I find that they [the Loyalists] have been looking for my Arrival, as connected with the immediate Revival of the Civil Authority, and the Restoration of the Blessings of the Constitution, which it is the King's Wish they should enjoy."<sup>62</sup>

Citing intelligence gathered by Tryon "which seems daily to receive Confirmation," Robertson informed Clinton that there was a "great and favorable Change of Temper" among the rebels. He strongly suspected that the "Usurpers", as he called the rebel leadership, would abandon their arms if they had "Hope of an Act of Oblivion" [a general pardon for political offenses] to shield them from the "vindictive rage of *their own Countrymen.*" An assembly would be required to pass such an act. If an assembly could be called, Robertson said that he would consider the rebellion finished in New York, and sure to end soon in the other colonies.<sup>63</sup>

While Germain had stressed to Robertson the importance of an assembly,<sup>64</sup> the influence of Robertson's "ghost-writer" Smith can be seen in these passages. Smith was a strong supporter of restoring civil government, and clearly was taking the opportunity Robertson had given him to push his own views on Clinton. This was not the first time Smith had been presented with such an opportunity. In December of 1779 he had dined with Josiah Martin II, formerly royal governor of North Carolina, and nephew of the Loyalist Josiah Martin of Rock Hall on Long Island. Martin confidentially told him that he would be joining General

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<sup>62</sup> Robertson to Clinton, New York, 29<sup>th</sup> March 1780, *Letterbook 88-89*.

<sup>63</sup> *Ibid.*

<sup>64</sup> Germain to Robertson, No. 1, Whitehall, July 9, 1779, CO 5/1109; Smith, *Memoirs*, III, 199, December 24, 1779; *Letterbook*, 90, n.6.

Clinton's upcoming Southern expedition and that he was to be the royal Governor of South Carolina. Martin asked Smith what he would advise him to do. Smith advised Martin to convoke an Assembly as quickly as possible for two reasons. The first reason would be to encourage and support loyal militias, and the second would be to encourage the rebels to return to their Allegiance. Smith also told Martin that the "Obstinacy of the Rebellion" was encouraged not by "a Distrust of the King's Clemency nor the Nation's Liberality, but the Wrath of their own Countrymen." Only an Act of Oblivion could save the rebel leadership from private actions for compensation, and only a colonial legislature would be likely to enact one. It seem that the judicially-minded Smith feared civil actions mainly, not more violent forms of "compensation" (or revenge) against the rebels. In the event, both Loyalists and Patriots, particularly in South Carolina but also in the New York City region, often had to worry about violent forms of "compensation." The advice Smith gave in December to Martin was very similar to the wording of the March letter Smith drafted for Robertson.<sup>65</sup>

Robertson told Clinton he was anxious to begin the "Experiment." It would be, if it worked, "productive of the greatest Benefits" and to the Crown's advantage. Even if his expectations were too high, it would still be helpful by "subdividing the Faction" and increasing the number of the King's Friends. He also added, probably aware of Howe's problems with restoring civil government and Clinton's likely similar qualms, that "Civil Government administered by a Friend to the Troops would conduce to their Interest and Accomodation." In other words, as Governor he would not let the civilian government get in the way of military

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<sup>65</sup> Smith, *Memoirs*, III, December 24, 1779, 198-9; Thomas A. Kuehhas, "Reluctant Host, Controlling Company: The Military Occupation of Rock Hall, 1776", *Nassau County Historical Society Journal* XLVII, 1992, 1-11, 1. Martin considered himself to be the Governor of *North* Carolina throughout the war; it is likely that Smith may have misheard or misstated the province that Martin was to be governor of.

operations. He even added his belief that civil government would make the soldiers better soldiers.<sup>66</sup>

Robertson enclosed in his letter a form proclamation drafted by Smith whereby the King's Peace was declared in New York, Staten Island, and Nassau (or Long) Island.<sup>67</sup> While awaiting the positive reply which he expected Clinton to give, Robertson prepared, with the assistance of Smith and others, a proclamation that *promised* civil government in the near future. This proclamation was issued as a broadside on April 15, 1780, and soon printed in newspapers. It was frequently reprinted, and was even printed in German (many tenants in upstate New York were German-speaking). In this proclamation, Robertson informed New Yorkers that His Majesty wished to revive civil government to prove to all that it was his desire to govern America not by military law, but by civilian. He mentioned the steps he had already taken, and stated that as soon as possible, he would reopen the Courts and convene an Assembly. Robertson in the proclamation stated that he took "great Satisfaction in the Anticipation of that happy Day," when "Your Country with your antient privileges, will then participate in an extensive Commerce and be exempted from all Taxations not imposed by yourselves". He stated that Patriot claims that Britain intended to impair American rights and

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<sup>66</sup> Robertson to Clinton, New York, 29 March 1780, *Letterbook*, 88-9. It is also possible that Robertson was hinting that his civil government would, whenever possible, turn a blind eye to military transgressions against civilians, such as the failure to pay for goods the army had taken.

<sup>67</sup> Smith, *Memoirs*, III, 630. The British also controlled part of Westchester (including the modern Bronx), as well as a small section of New Jersey. Much military action occurred in these regions, and these areas were clearly front-lines. In such circumstances, it made sense to not include British-controlled Westchester in the area where civil government was to be restored, as it was a military region requiring military rule. "Nassau" is an old name for Long Island, dating back to at least 1693, when Governor Fletcher proposed it to his Council and they accepted it. His stated purpose was to honor the King, William III, by naming the island after the king's family name. See Flint, 326. As William was of Dutch origin, it is possible that the name change had the additional purpose of pleasing the island and province's sizable Dutch population. The name "was neither popular, nor generally adopted." The act was never repealed, and thus in 1780 the official name of the island was Nassau. However, the act "was suffered to become obsolete by disuse." Thompson, 246-7. The name is preserved in the name of the county formed out of eastern Queens after the western portion was incorporated into New York City in the late 1890s.

privileges were false and malicious, as were insinuations that she wanted to abandon the provinces to anarchy or “the fraudulent and ambitious Views of foreign, Popish, and arbitrary Powers.” Britain, happy under her Constitution which was the envy of her neighbors, wished “to include in one comprehensive System of Felicity, all the Branches of a Stock, intimately connected by the Ties of Language, Manners, Laws, Customs, Habits, Interests, Religion, and Blood.” He warned “the Few who have found Means to acquire a Sway in the Management of your Affairs” to desist, from any future Attempts to restrain and seduce the Loyalty of others.” He promised protection and support to all those who accepted the proclamation of a general pardon (to those who returned to their “duty”) issued in early March by Clinton, who had also been made a peace commissioner. Robertson also promised that those “who shall most distinguish themselves by their laudable Efforts for these good Purposes, will most assuredly best recommend themselves to the Royal Approbation and Favour.”<sup>68</sup>

Again, the Proclamation indicated the common belief of many Britons that the rebellion was by a small few, and that the majority wished to remain under British rule. New York would be returned to its pre-Revolutionary state, and constitutional government under the king would be restored. Pardons would be liberally granted, and commerce restored (this may have been considered particularly appealing to a commercially-oriented state like New York.) And again, the granting of signs of favor—such as positions and perhaps titles—by the King was implied for those who distinguished themselves in “accomplishing the King’s most gracious Design of restoring the Blessings of Peace and good Government.”<sup>69</sup> Robertson would no doubt have

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<sup>68</sup> *Proclamation on the Restoration of Civil Government by His Excellency James Robertson, Esq.*, April 15, 1780, *Letterbook* 91-94; Smith, *Memoirs* III, 244, 246-7, 251-2 (March 24-April 15, 1780).

<sup>69</sup> *Ibid.*, 93-94.

agreed with Serle and others who wanted to make the colonies more like Britain by granting titles and offices, and importing as much of Britain's patronage system as possible.

The April 15 broadside was posted at several places, such as outside the offices of James Rivington, the Loyalist publisher of the Royal Gazette. Smith reports that crowds were "perusing" the Proclamation that had been affixed to Rivington's Corner, and that he had been told by Henry White (a wealthy merchant and a member of the Council) that it went down with the resentful "like chopped Hay". The merchant Will Bayard and the Loyalist Ashfield were reported to have been livid at what they saw as the liberality of Clinton's proclamation. However, years after the event, Thomas Jones remembered things differently: "The Inhabitants within the British lines, long oppressed by the imperious mandates and tyrannical sway of the military, were charmed with the thoughts of being restored to the enjoyment of civil law." These hopes, he goes on to record, were soon dashed by the creation of the Police Courts, which will be further discussed below.<sup>70</sup>

A question has to be asked—why was this proclamation issued at all? It is doubtful that Clinton, then in South Carolina, had even received Robertson's March 29<sup>th</sup> letter, much less had time to reply. It is possible that Robertson—or possibly Smith—was trying to put pressure on Clinton by presenting him with a proclamation that it would have been most embarrassing to reject. Perhaps he wished to remind Clinton that restoring civil government was not only the Ministry's wish, but that of His Majesty himself. Or perhaps he was eager to get on with the "experiment", and, unable to proceed officially without Clinton's blessing, did what he could legitimately do in early April, 1780: tell everyone that civil government would soon be restored.

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<sup>70</sup> Smith, *Memoirs*, III, 253-4, (Tuesday, April 18, 1780); Jones, II, 1-2. The liberal granting of pardons to the rebels promised by the proclamation was a likely cause of the distaste many Loyalists felt at the proclamation.

If so, he probably acted on the assumption that the proclamation that southern New York was “at the King’s Peace” would surely be made by Clinton. It is dangerous to assume. Clinton never certified that any part of New York was pacified—not in April, May, or June 1780, not on his return to New York, not ever. Without that certification, British New York could not be returned to civilian government under the King. Clinton, despite the manifest fact that the region was pacified and acquiescent to British rule, never certified that it was. Civilian government did not return to southern New York until George Washington entered New York City in late 1783.

Why did Clinton not certify southern New York was at peace? There is a strong possibility that certain personality problems of Clinton may have had a major influence on his failure to certify. To better understand his actions of 1780, actions that doomed Germain’s hope to make New York a shining example to the other colonies, this work will now briefly review Clinton’s life and career.

### III

As his biographer William J. Willcox puts it, Henry Clinton, “like most men who rose to be generals in eighteenth-century England, was born with a silver spoon in his mouth.” While England was not an *ancien regime* in the French sense, and its thriving merchant and middle classes did permit some social mobility, such developments barely touched the officer class. The army was the particular sphere of royal influence, “for only men whose loyalty to the

Crown was bred into the bone could be trusted to control the force on which the social order depended.” One had to be a titled aristocrat or a member of the gentry to be an officer. Most of the higher officers of the British army of the time were either members of the peerage, future members of the peerage, or the younger brothers of those in or destined for the House of Lords. Indeed, many British colonels and generals in the Seven Years War and American Revolution were Members of Parliament. While there were rare exceptions, such as James Robertson, they were the proverbial exceptions which proved the rule. To rise in the army, proper ancestry and connections were more important than merit; patronage could be more important than winning battles. Clinton came from a well-connected family that was titled in its own right.<sup>71</sup>

Clinton’s family traced its earldom back to the time of Elizabeth, and another branch of his family had been barons since the 1200s. More importantly, Clinton’s uncle, the Earl of Lincoln, had married a sister of the Duke of Newcastle (who was one of George II’s first ministers); in 1768 the Duke died sonless, making Henry Clinton’s cousin (the Duke’s nephew) the new Duke of Newcastle. Henry Clinton was thus well-connected to a powerful family; in addition, Clinton was in the line of succession for a dukedom as well. Henry’s father used his many connections to gain positions, and had a career at sea. This meant that Henry rarely saw his father.<sup>72</sup>

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<sup>71</sup> Wilcox, 3, 14. In the 1761 election, 64 of the 558 Members of Parliament were serving army officers, including Field Marshal Lord Ligonier, Robert Clive, George Townshend, John Burgoyne, William Howe, and Charles Cornwallis. Indeed, it was considered necessary that the Commander-in-Chief be in Parliament. The Navy was similar, and virtually every famous naval commander of the American Revolution and Seven Years War sat in Parliament, including Rodney, Lord Howe, Keppel, Elphinstone, Cornwallis, and the unfortunate Admiral Byng (who was executed on charges of cowardice “to encourage the others”, as Voltaire cynically described it). Namier, 25-32, 62; Voltaire, *Candide*, (1759) Ch. XXIII.

<sup>72</sup> Willcox, 3-6.



In such a system of patronage, it is necessary that one “put oneself forward,” and indicate to one’s patrons one’s suitability and desire for a position.<sup>73</sup> While one must avoid being over-aggressive and assertive, and must be ever mindful of the niceties of dealing with one’s social “superiors”, one must avoid “bashfulness”. Bashfulness is a harmful personality trait in such a social system. George Clinton, Henry’s father, was bashful, and thought that his less-than-sterling early career had been due in part to “a diffidence, peculiar to my family and self, of my own sufficiency.” He preferred to communicate with his patron, Newcastle, by letter, because of a “family bashfulness”. George Clinton not only seemed to lack self-confidence and be unassertive, but believed his unassertiveness was a family trait. His biographer, while doubting that such a trait was genetic, believes that a belief in this unfortunate “family trait” was transmitted to his son Henry. In short, Henry Clinton, while in many ways gifted, lacked the needed self-confidence to fully use his gifts.<sup>74</sup>

George eventually became Governor of New York in 1743 (staying in that post until 1753), and Henry, who had been born in 1730, spent much of his adolescence in New York province. He attended Reverend Samuel Seabury’s school at Hempstead on Long Island, where he apparently made the acquaintance of Seabury’s son, also called Samuel. This younger Seabury would later become the first bishop of the American Episcopal Church. In 1745, during King George’s War, Henry served in Manhattan as lieutenant of fusiliers, and saw some action on Prince Edward’s Island after the capture of Louisbourg. By 1751, he was commissioned in the Coldstream Guards (then, as now, one of the elite regiments of the British Army) as a

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<sup>73</sup> There is some similarity between the eighteenth-century system and modern “networking,” but there is less of a hierarchical aspect to such networking. While a job-hunter may “work” his “superiors,” and even have a patron or at least a mentor, much of the time a modern job-hunter seeks to connect with those roughly his or her “equal”, as the name “networking” in many ways implies.

<sup>74</sup> Wilcox, 7.

captain lieutenant. He appears to have been a man-about-town during his years in London, and his father, appalled at his expenses, asked Lord Lincoln to obtain for him a “genteel post.” Lincoln got him a position as aide-de-camp to Sir John Ligonier in 1756. Ligonier, of French origin, was Britain’s top soldier, and in 1757 became Lord Ligonier, field marshal, and commander in chief of the army in Britain. By becoming his aide-de-camp, Clinton was now in the highest circles of the army.<sup>75</sup>

In 1760, his regiment was ordered to Germany, and he managed to secure service with the future Duke of Brunswick, nephew of the Prussian king and soon to be one of Europe’s top soldiers. He soon became the future Duke’s aide-de-camp. At the Battle of Friedberg in 1762, Clinton and the future Duke were both wounded. Not realizing that Clinton was injured, the Duke, who was being carried off the field on a cannon, ordered Clinton to bring a report to Prince Ferdinand, the Commander in Chief. Clinton was unable to comply, and had to march two leagues before he was eventually “hacked” by a German surgeon. He never fully recovered from the “hacking”, but did gain a reputation for gallantry from the incident.<sup>76</sup>

After the war, he married, probably from love, as his wife had no major connections. Unfortunately, Harriet Clinton died in 1772, shortly after delivering her fifth child in five years. By all accounts, Clinton was devastated. That same year, he was promoted to major general, and elected as a Member of Parliament for a borough in Yorkshire. In 1774, he was again elected a Member of Parliament for a different district, and in February, 1775, he was ordered to America. In 1775, he was a good soldier, seemingly ready to take on an independent field command, with a keen analytical mind, and good strategic planning skills. However, he was also

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<sup>75</sup> Willcox, 8-11, 13; Smith, *Memoirs* III, 95 (April 14, 1779).

<sup>76</sup> Wilcox, 17-8.

sensitive and “prickly”. Eighteenth century British officers were often prickly; they were ever alert to perceived slights to their honor, were often quarrelsome, angry at rebukes, and saw nothing insubordinate about criticizing their superiors. However, Clinton seems to have been perhaps excessively prickly. He was constantly quarreling and threatening to resign. He had difficult working or getting along with his fellow officers, and this difficulty seemed to increase in proportion to stress.<sup>77</sup>

In the war, Clinton’s plans were sound. In 1776, he urged more aggressive use of British sea power to trap Washington on Manhattan, and the Southern Strategy he tried to implement was in many ways sensible. Like Robertson, he did not agree with moving into an area only to leave again; he believed this was a betrayal of trust. His Hudson campaign of 1777, while it failed and was soon negated by Howe’s ordering of troops away from him, was masterful. Yet, Clinton had difficulty working with his superiors and inferiors. There is evidence that his plans were often rejected because *he* was the source—he had made himself so obnoxious that his suggestions were rejected. His biographer, after looking at these and similar traits, believes that he was at war with himself, had difficulty in sharing authority, and argues that he was neurotic.<sup>78</sup>

In what was perhaps one of the earliest attempts at using psychology to understand the actions of long-dead historical figures, Willcox in the 1950s conducted a “joint investigation” of

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<sup>77</sup> *Ibid.*, 14-15, 25-32, 35, 39. Willcox considers the officer corps to have been, by modern standards, “amateur.” Composed of gentry and aristocrats, there were no military academies, and no experts—and those specialists with expertise in engineering or artillery might find themselves charged with governing a city, not building a fort. Improvisation was far more common than systematic planning. Chain of command and respect for one’s superior officers were not part of their training, and they felt free to criticize superiors in and out of uniform.

<sup>78</sup> *Ibid.*, 492-4, 498-9, 508-512.

Clinton's writings with Frederick Wyatt, then head of the Psychological Clinic at the University of Michigan. Wyatt and Willcox argued that Clinton

as an adult had a particularly intense craving for authority of his own, because at some deep level he was still trying to free himself from that of his parents. In the eyes of the world he succeeded, for at the peak of his career he had authority in full measure and much of the time he used it with apparent self-assurance. But the assurance was precarious. Part of him insisted, at the same deep level, that he was a usurper guilty of intruding on the parental domain...[At times the insistence was so great that...] he was so torn between his craving and his guilt that he could not exercise the authority he had.<sup>79</sup>

Psychoanalyzing a long-dead historical figure is a difficult proposition. Willcox and Wyatt's attempt, however, is impressive and worthy of serious consideration. Wyatt, after all, was the head of a psychology clinic at a major university. Of course, Freudian analysis is not in as much vogue as it used to be, and many schools of psychology compete with it. Still, whether Clinton was neurotic or not (or whether neurosis is even a real or useful diagnosis), the evidence is clear that he had difficulty sharing authority, and had little desire to share any authority over New York with Robertson. On learning of Robertson's appointment, he asked "What do they mean by it?"<sup>80</sup> So, a difficulty in sharing authority, perhaps a neurotic difficulty in sharing authority, may have been one reason he failed to certify New York as pacified. But there may have been other reasons for his puzzling failure.

Recall that the Howe brothers had become peace commissioners in May of 1776. As commissioners, they had the power to declare colonies or parts of colonies "at the King's Peace" assuming several conditions (most noticeably the dissolution of revolutionary

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<sup>79</sup> Willcox, xiv-xv, 510-11.

<sup>80</sup> K & H, 45.

congresses and committees and the meeting of an Assembly which declared its allegiance to the King) had been achieved. They too failed to create a civilian government in New York, Rhode Island, New Jersey or Philadelphia. While the Philadelphia occupation was relatively short, and the Jersey occupation was ephemeral and then minimal (a few port cities guarding Manhattan and Staten Island), the Rhode Island occupation lasted two years, and the New York occupation for the entire war. Yet during the Howe's term as commissioner, they never attempted to achieve civil government in New York or Rhode Island. The Rhode Island failure seems even more puzzling in some ways than the New York failure. In December, 1776, the island of Rhode Island had been captured by Clinton, bottling up the "Continental Fleet" in Narragansett Bay<sup>81</sup>, sealing off the Long Island Sound, and providing a possible base for a move on Boston. The main city of the island was Newport, then one of America's five cities.<sup>82</sup> The province of Rhode Island had long been New England's "Siberia"; a place of exile, either voluntary or through expulsion, for those who disagreed with the Puritan establishments in Massachusetts and Connecticut. In 1776, much of Rhode Island was Quaker. Newport and the island of Rhode Island were mainly Quaker. Quakers were pacifists (those who took up arms were often those who had fallen away from the Society of Friends, such as "the Fighting Quaker", Nathanael Greene). They also believed in obedience to established authority—and many of them thought that meant the British. While mainly neutral during the war, because of their acquiescence to British rule, they were often thought to be Loyalists. Many suffered for

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<sup>81</sup> "...the rebel privateers commonly called the Continental Fleet," as Commodore Sir Peter Parker stated. Parker to Philip Stephen, Dec. 11, 1776, *Gentleman's Magazine*, XLVII (1777), 41, in Willcox, 122.

<sup>82</sup> See Carl Bridenbaugh, *Cities in Revolt: Urban Life in America, 1743-1776* (1955). Baltimore rapidly grew to be the fifth or sixth largest city by the end of the war.

this; for example, in foraging expeditions during the winter of 1777 and 1778, American troops from Valley Forge would often confiscate food from Quaker farms because they were thought to have Loyalist sympathies.<sup>83</sup> But Quaker acquiescence to authority meant that the British had few problems governing Newport and the island. It seems that the island of Rhode Island would have been a good candidate for an experiment in restoring government. But no such experiment was attempted. The concept of creating alternative, loyal American governments and then negotiating with them, as one historian notes, did not seem to occur to the Howes.<sup>84</sup>

With the exception of the Carlisle Commission in 1778, the power to restore civil government was exclusively in the hands of the commanders-in-chief of the Army and Navy. When William Howe left for Britain, the power transferred to Clinton as Peace Commissioner, and after the Carlisle Commission, Admiral Arbuthnot became the Commander-in-Chief of the Navy and a Peace Commissioner. Arbuthnot was an experienced naval commander, twenty years Clinton's elder, and had recently been given the high rank of Vice Admiral of the Blue.<sup>85</sup> Some believed that leaving the power of peace in the hands of the main general and admiral was a problem, and that, as Germain argued in late 1781, "finishing the war should not so absolutely depend upon the decision of those whose interest in continuing it may in some degree influence their judgments."<sup>86</sup> Here Germain seems to imply that the Howes and Clinton did not pursue peace as well as they could have, preferring military victory or glory (indeed, the

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<sup>83</sup> Golway 161-2

<sup>84</sup> Davies, 113

<sup>85</sup> Predictably, Clinton had difficulty working with him as well. Justice Smith reports that Robertson seems to have felt contempt for both Peace Commissioners after a meeting in June. Arbuthnot, for that matter, was not pleased with Clinton, calling him a "blockhead", and repeating "The Fellow is a vain jealous Fool, an Ego et Rex meus—greatly elated, and has done nothing." Smith, *Memoirs*, III, June 21, 1780, 283.

<sup>86</sup> Stopford-Sackville Vol. II, 219, *Memorandum on American Affairs*; Davies 113.

statement follows a paragraph extolling the policy of establishing civil government). This is unfair to Clinton and the Howes, but there is a kernel of truth here. A civilian power could restrain military freedom of action; the Howes and Clinton “feared civilian interference, not because it might put an end to the war and their own importance, but because it was likely to restrain or divert their military operations.”<sup>87</sup> Military men might reject a chance for peace (such as, for argument’s sake, civilian government in New York) in exchange for an opportunity for military victory—which in the long run might not prove as valuable as the peaceful path. And military officers would tend to think that the best way to achieve peace was to beat the enemy decisively, not negotiation. Sometimes, they would be quite correct in thinking this, but in the situation of a colonial rebellion, it is at least arguable that victory is more likely to be achieved through a combination of military victory and winning the people over. Germain argued that “It is much to be wished that some one person should be invested with full power to treat of and conclude peace” in order to avoid “future jealousies and misunderstandings.”<sup>88</sup> So, an apprehension or worry by both the Howes and Clinton as to civilian interference in military operations seems to be another possibility. Indeed, in Robertson’s letter of March 29<sup>th</sup>, 1780, discussed above, he tried to allay these fears.<sup>89</sup>

Thomas Jones had a darker explanation for the failure to establish civilian government. Jones, writing years after the events, was angry at many involved in the loss of New York to the British Empire, British as well as rebels, and tended to believe many were activated by vile, sinister, self-interested motives. The high ideals and expressions of belief in Constitutional

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<sup>87</sup> Davies, 113.

<sup>88</sup> *Memorandum on American Affairs*, Stopford- Sackville 219.

<sup>89</sup> Robertson to Clinton, New York 29<sup>th</sup> March 1780, *Letterbook 89*.

principle of the revolutionaries, to Jones, merely were masks for their real reasons. Jones believed that if civilian government had been restored, the result would be that the restored civilian courts would order compensation for seizures by the military, and punish and prevent much corruption by British military and government officials. He believed that the occupation authorities had no desire to see that happen. Jones must be read with the proverbial grain of salt, especially when he assigns a base motive for an action. Still, there may be more of a grain of truth to his explanation for the British failure to establish civil government.<sup>90</sup> As will be discussed further below, Robertson created three “Police Courts” in lieu of restoring the civil courts. With his usual tendency to see only the worst in people, Jones ascribed this to having “no intention nor inclination” to carry out his orders to restore the courts (if he even had such orders). This was confirmed, for Jones, by the creation of “three more arbitrary, illegal, tyrannical, and unconstitutional Courts of Police.” When Loyalists asked why normal civil government had not been restored, Jones records, they were “given to understand, that the then situation of affairs would by no means admit of a restoration of the civil law.” The reasons or circumstances were never explained to the Loyalists. Only the Governor, General Clinton, and a few other officers and officials knew the reason. The Police Courts used different procedures from civil courts, were limited in jurisdiction, and had no appeals. But the officers and officials, Jones alleges, had

...particular purposes to serve, and the erection of such courts with such abridged, limited, and restricted, powers, answered their designs. It prevented the recovery of large debts justly due, and put it in the power of certain persons to make large fortunes with the use of other people’s money. And it did (which

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<sup>90</sup>See Jones, I, 161-8 for an example of Jones’s belief as to the sinister motives of some British officials.



perhaps was never intended) put it in the power of villains to defraud the poor, the widow, and the fatherless. The abolition of the Courts of civil law, and the establishment of these new ones, entirely answered the purposes of the military, for being courts of a General's or a Governor's creation, the Judges, or Superintendents, were solely in their power, were their tools, and could be displaced at their pleasure. Their salaries were dependent upon them, they were subservient to all their whims, did what they were ordered, behaved as submissively as spaniels, and acted like so many ciphers. No prosecution could be carried on, no trespass punished, nor a debt recovered, where an officer, a commissary, a barrack-master, a soldier, a conductor, a wagon-driver, or any other dependent upon the army, was concerned. Over the military these courts claimed no power, took no cognizance, nor exercised any jurisdiction.<sup>91</sup>

As will be discussed in Chapter VI of this work, the occupying authorities and the troops had committed many questionable acts. Property had been stolen or vandalized. Churches and other buildings had been destroyed, allegedly from military necessity, or just wantonly. Property had been taken in return for vouchers that were not honored. Many people had real and legitimate grievances against the British. Military discipline under Howe had generally been rather lax. If civil government was restored, then officers, barrack-masters, quartermasters, commissaries would have been sued civilly and perhaps prosecuted criminally.<sup>92</sup> Jones alleges that a consultation was held among the main officials and officers of British New York that civil law would not be restored, and that civil and criminal matters would be heard only by military courts or courts of police. He also states that Superintendant George Ludlow (of more below), the head of Long Island's Police Court, had stated shortly after receiving his office, "that [restoring the Courts of Law] would be inconvenient, prejudicial, and

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<sup>91</sup> Jones, II, 17-21.

<sup>92</sup> Jones, II, 23.

injurious to the king's service, that the Governor did not intend to pursue." He also mentioned that the first action brought under the restored civil law in Georgia had been brought against a quartermaster for an act done in his official capacity; this Ludlow held was sufficient reason why civil law should not be restored in British-controlled New York.<sup>93</sup>

Whether or not the alleged meeting took place, the decision was ultimately Clinton's. But, the possibility of the army being hamstrung by constant suits, and the expense of paying out judgments, was a real one, and certainly one that Clinton probably considered. It is likely that the concern that civil government would mean a welter of civil suits and criminal prosecutions was a factor in Clinton's decision to withhold his certification of pacification.

This section has discussed in some detail the issues that most likely impacted Clinton's decision concerning the restoration of civilian government. To briefly recapitulate, the fear that a civilian government might hamper the military's freedom of action was probably the dominant consideration, with Clinton's reluctance (or inability) to share authority second and the fear of civil and criminal actions against the military third. It must be remembered that the King and the government wanted civil government to happen, if the military authorities—that is, Clinton—believed New York at peace. Clinton's failure to certify New York as at the King's Peace was going against the express wishes of the King and his ministers, though it was within Clinton's discretion. Military considerations, the fact that the area was often raided, the large Patriot population in Suffolk, and the possibility, though remote, of a Franco-American attack,

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<sup>93</sup> Jones, II, 23-25. Ludlow became Superintendent of the Police Court on July 12, 1780, so the statement was probably made a few days later. Jones alleges that the quartermaster in Georgia had been sued for billeting troops in private homes without a magistrate's consent, and concluded "For this illegal, arbitrary, and unconstitutional act, was the prosecution commenced, and this...was so far from operating as an objection against reviving the civil law, that it was one of the most forcible arguments that could be adduced in its favor." Jones, II, 25.

at least left cover for refusing to declare the area pacified. This decision was probably based most on the desire to keep freedom of action for the military, combined with the desire to avoid sharing power. The rather venal reasons Jones assigned for the failure to restore civil government, and thus the ruination of Germain's plans to create a showcase to the other colonies of British intentions, were most likely minor factors, though avoiding suits and prosecutions was most likely one of the factors that went into the decision. In summary, a reluctance to share authority, a desire to preserve the military's freedom of action which civil government might have hampered, and a fear of civil and criminal actions hamstringing his army were all probable factors in Clinton's decision. Thus ended the possibility of restoring civil government under the Crown to New York.

#### IV

By May 3, 1780, Robertson appears to have realized that the expected certification that lower New York was at the King's Peace would not be coming anytime soon from Clinton. In a letter to Clinton sent on that date, he told Clinton that he thought that it was proper to hold out the hope of civil government to the people of New York, but that "You [Clinton] are Judge of the time, and probably will think with me, that this is not exactly the hour—If the power was now lodged with me I would not exercise it, till I thought our Arms would thereby derive

benefit.”<sup>94</sup> It is likely that Robertson was adjusting to the realities of the situation, though understandably some eventually thought he had never been for civil government in the first place.<sup>95</sup> This is unlikely; he had called for civil government in his *Memorandum* of January 1, 1779, and this call had been one of the things that had won him the position of Governor. Germain had chosen him to move energetically in the direction of civil government.<sup>96</sup> All of his actions since arriving in New York, especially his April 15 *Proclamation*, had pointed towards getting civilian government restored. Either Robertson had been lying for over a year or a half, or he was adjusting to Clinton’s opposition. In addition to Clinton, many Loyalists and officials, such as Tryon and Governor Franklin of New Jersey, considered civil government to be an attempt to conciliate the rebels, and had little enthusiasm for it. Andrew Eliot, Robertson’s lieutenant governor, also had doubts. Many had disliked the April 15 Proclamation.<sup>97</sup> All indications are that Robertson was adjusting to the opposition of Clinton and of many Loyalists to the restoration of civil government.

Clinton was “utterly opposed” to civilian government according to his private correspondence. Smith noted on June 18, 1780, that Clinton’s former “Expressions to Tryon against Civil Authority shows that we can have little reason to suppose he will consent to it here.”<sup>98</sup> However, it is likely that Clinton, despite his opposition to the policy, realized that he should try to comply with the King’s wishes as much as possible. “At his most rebellious,”

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<sup>94</sup> Robertson to Clinton, New York, 3d May 1780, *Letterbook* 96-7. Clinton was near Charleston at the time, which would surrender to his forces on May 12.

<sup>95</sup> See *Letterbook*, Robertson to Clinton, 3d May 1780, n.1, p. 101 and Smith, *Memoirs*, III, 508 (May 19, 1782). Jones as well doubted it. Jones, II, 20.

<sup>96</sup> *Letterbook* Robertson to Clinton, 3d May 1780, n.1, p. 101

<sup>97</sup> K & H, 56. See also Smith, *Memoirs*, III, May 20, 1781, 412.

<sup>98</sup> Smith, *Memoirs*, III, June 18, 1780, 280. Smith continues, “If the People discover this, General Robertson’s Assurances by the Proclamation of 15 April are worse than nugatory. They are decietful.”

argues his biographer, the King was one person that Clinton “never dared to question.”<sup>99</sup> On June 2, 1780, Clinton wrote Germain suggesting that he be authorized to restore civilian government “partially and by decrees.” One way to do this would be to create criminal courts.<sup>100</sup> It should be noted that the authorization Clinton requested was to be for Clinton, not Robertson, the civil governor.

Despite the appointment of a civil governor, civil government was not to be restored in New York for the foreseeable future. New York remained under martial law. Which brings up an interesting question: What do you do with a civilian governor in a province under martial law?

Clinton returned to New York on June 18.<sup>101</sup> The delicate negotiations between Clinton and Robertson continued. Robertson met with Clinton on June 20<sup>th</sup>, and according to Justice Smith, before the meeting perceived that “Sir H.C. has Jealousies of Inconveniences to the Army.” Admiral Arbuthnot, the other Peace Commissioner, was for civil government as a

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<sup>99</sup> Willcox, 516.

<sup>100</sup> Clinton to Germain, June 2, 1780, *DAR. Am. Rev.* XVIII, 100-101, in Robertson to Clinton, May 3, 1780, *Letterbook*, 96, n.1

<sup>101</sup> Before Clinton’s return, the Hessian General Knyphausen led an expedition into New Jersey against Washington; Knyphausen had learned that Washington only had about 4000 troops at Morristown, New Jersey. Robertson was at least partially responsible for the expedition. On June 6, Knyphausen led about 3000 soldiers (Reverend Schaukirk reported about 6000) into New Jersey. The troops were met by militia, and the attack bogged down. The village of Connecticut Farms near Springfield, New Jersey was burned and looted. Clinton, shortly after his arrival in New York, took over on June 23, decided that the attack had failed and withdrew the troops to New York. One British officer described the expedition as “A very pretty expedition; six thousand men having penetrated 12 miles into the country—burnt a village and returned.” British casualties were 307 dead and wounded to the Americans 146. Loyalists were disgusted, and Robertson and Knyphausen became the butt of Patriot ridicule. Clinton blamed Knyphausen for moving prematurely; he had planned a similar offensive for after his return. Robertson to Germain, New York, 1<sup>st</sup> July, 1780, *Letter Book*, 124-130 and accompanying notes; Smith, *Memoirs* III, 287-289 (June 24, 26-27); Ewald Gustav Schaukirk, *Occupation of New York City by the British* (New York: New York Times and Arno Press) 1969, entry for June 6, 1780, 13; Willcox 322-323. None of this was calculated to improve Clinton’s mood or his opinion of Robertson. It was against this background of failure and recrimination that Robertson would accept Clinton’s offer of June 20, discussed below in the text.

necessary measure to “convince and convert the People,” and put an end to the war.<sup>102</sup> The next day, Robertson sent for Justice Smith. Describing the meeting of June 20<sup>th</sup> to Smith, Robertson told him that Arbuthnot was “violent” for erecting a civil government, but Clinton so much opposed him as to declare that he would go home if it was set up. As Robertson later told Lord Amherst, “Sir Henry after much civil language and polite compliments to me, declared, that if Civil government should take place in a province where military operations were carrying on, he would give up the Command.”<sup>103</sup> Then Clinton made an intriguing suggestion to Robertson.

Clinton was the Commander in Chief in America. He offered to promote Robertson to Lieutenant General, and give him the military command of New York. Clinton told Robertson that he would be authorized to “take the direction of the police of the province” and appoint “the most respectable among the inhabitants to decide all differences”. In short, Robertson would be the highest ranking officer in New York, outranked only by Clinton, with command of the province. In his military capacity, he could set up courts, which would, in some cases, probably be quicker than civil courts.<sup>104</sup>

These courts—the so-called “Police Courts”—while they substituted for civilian courts, were not civilian courts but military courts. If not the “arbitrary, illegal, tyrannical, and unconstitutional” courts that Jones called them<sup>105</sup>, neither were they a revival of the old civilian court system. They were not civil courts; while they might act the part of a civilian court, their

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<sup>102</sup> Smith, *Memoirs*, III, June 20, 1780, 281. The word “jealousy” in the eighteenth century often was synonymous with “suspicious” or “suspicion.” See Richard M. Ketchum, *Divided Loyalties: How the American Revolution Came to New York* (New York: Henry Holt), 2002, 70.

<sup>103</sup> Robertson to Amherst, New York, 1<sup>st</sup> July 1780, *Letter Book*, 131.

<sup>104</sup> Smith, *Memoirs*, III, June 21, 1780, 283; Robertson to Amherst, New York, 1<sup>st</sup> July 1780, *Letter Book*, 131.

<sup>105</sup> Jones, II, 18.

ultimate source of authority was the military. But Robertson believed that a military police was a “judicious” step in the right direction. As Robertson told Clinton in a letter of June 25th, he would “endeavor to adopt the spirit and give the Country all the real advantages of Civil government, free from the loss of time, and the expense of law suits.” He requested an order or letter declaring his command of the troops in the province and his ability to regulate the police. In this and a subsequent letter of the 27<sup>th</sup>, Robertson made it clear that he wished to postpone or avoid “every question about the propriety of establishing Civil government.” On the 27<sup>th</sup>, Clinton told Robertson that he could not consent to civil government, but would give Robertson a “compleat Command”, and asked him draw up papers to that effect. As Robertson told Smith, he would conceal the “Character” in which he acted. Thus, he would create “civilian” courts in his military capacity, not his civil capacity. These “civilian” courts would thus actually be military courts. In many respects, he was like the governors in 1775 and 1776 who “governed” their provinces from warships; his powers as civilian governor were virtually dormant, and what authority he exercised was for the most part in his military capacity. Clinton would soon prepare a letter authorizing Robertson to perform some civil functions, but declined to sign it.<sup>106</sup>

Thus Clinton thwarted the plan to restore civilian government to British-occupied New York, substituting a pale imitation of civilian government for the real thing. This was hardly the

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<sup>106</sup> Robertson to Clinton, 25 June 1780, *Letter Book*, 121; Robertson to Clinton, 27<sup>th</sup> June 1780, 123; Smith, *Memoirs* III, 27 June 1780; K & H, 56. Smith recorded “I ask’d him [Robertson] whether the General meant to be a *Governor Maker*. “What shall I do? Better a Military Police than none. The Admiral and he draw different Ways and the Ministry must decide. It is hard to know which of them the greatest Fool is. I’ll conceal in what Character I act, and get the People to accommodate the Army as well as I can.” Smith, *Memoirs*, III 289, Tuesday 27 June, 1780.

shining example of the blessings of British liberty that the King and his ministers had desired. However, Germain, when he was informed, agreed to the compromise.<sup>107</sup>

Having gained the right to establish military courts to mimic the actions of civilian courts, Robertson soon set out to establish these military courts. The Police Courts, as these courts were called, were established “to take care that the people of the province, may have all the advantages free from the inconveniencys which at this moment would flow from a renewal of Civil government.”<sup>108</sup> A Police Court had been established in May of 1778 in New York City, with Andrew Elliot as Superintendant of Police. The former mayor David Mathews was one of the members of the court, which tried minor civil and criminal cases. Robertson desired to set up a court on Long Island (a court would later be added on Staten Island) because he

...found that the distance from some parts of Long Island, and the expense of living at New York, made most of the inhabitants of that Isle rather suffer wrong than apply to the Courts at New York—for redress—and that the want of Courts on Long Island—left every licentiousness and Crimes unpunished--<sup>109</sup>

Robertson approached Judge George Duncan Ludlow of Hempstead, a major town in eastern Queens. According to Jones, Ludlow was “a gentleman of a liberal education, the eldest son of an opulent merchant, with large family connections, of great abilities, and deeply read in the law.” He was apparently friendly with Cadwallader Colden, who recommended him to the Council to fill a vacancy in the New York Supreme Court in 1769. After September, 1773,

<sup>107</sup> Germain to Robertson, Sept. 1, 1780, in DCH Vol. VIII, 801-2.

<sup>108</sup> Robertson to Ludlow, New York, 7<sup>th</sup> July 1780, *Letter Book* 135

<sup>109</sup> Proclamation on Long Island Police Courts, July 12, 1780, n.2, *Letter Book* 136; Robertson to Guy Carleton, New York, 11<sup>th</sup> April 1783, *Letter Book* 262.



he served with Jones on the Supreme Court. Ludlow, according to Jones, was vexed when Smith became Chief Justice under Robertson, and resigned. Ludlow, it appears, had many important friends, who were annoyed at Smith getting the position, especially as Smith was a Whig. Some suspected Smith of being sympathetic to the rebels, since he still corresponded with some rebels, and had been treated mildly when he was in their territory in the early part of the war (as discussed in Chapter II). Robertson met with Ludlow, flattered and calmed him, and if Jones (a long-time opponent of Smith) is to be believed, expressed his sorrow at Smith's appointment, stating it had been forced on him by powerful friends of Smith in England. It should be noted that if Robertson did express sorrow at Smith's appointment, he was probably lying, as he seems to have had a good relationship with Smith, at least in 1780.

Robertson offered Ludlow the position of Master of the Rolls and Superintendent of the Court of Police on Long Island at least in partial compensation for the failure to be made Chief Justice. Ludlow was a Long Islander and clearly qualified for the positions, and his ruffled feathers were soothed by the appointments. Smith noted that he perceived the appointment to be the first act of Governor Robertson under the military powers of the "Letter of Service" Robertson and Clinton had agreed to about a fortnight earlier.<sup>110</sup>

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<sup>110</sup> Robertson to Ludlow, New York, 7<sup>th</sup> July 1780, *Letter Book* 135; Proclamation on Long Island Police Courts by Lieutenant General James Robertson, July 12, 1780, *Letter Book* 136, and accompanying notes; Jones I, 231-3; Jones II, 10-12; Smith, *Memoirs*, III, 306 (Saturday July 15, 1780.) Jones says that "In short, the hatchet was buried"; he explains in a footnote that this phrase was an Indian term for the conclusion of a peace. Jones, II, 12, n. 2. The Master of the Rolls was the chief judge of the Court of Chancery (which was a court of equity which dealt with certain matters such as trusts and land laws, and whose procedure was looser than the common law courts). In prestige, the Master of the Rolls was just below Chief Justice. Perhaps more important, the position offered a salary of £300 a year, while the Superintendency of the Police Court was 365 guineas per annum. Thus, any ruffled feathers or disappointment on the part of Ludlow on his failure to become Chief Justice was assuaged by being given the almost-as-prestigious position of Master of the Rolls *and* the Superintendency, both of which were well compensated positions.

The appointment, though it may have soothed some ruffled feathers, annoyed Clinton. Clinton believed that appointing a Master of Rolls exceeded Robertson's authority. Smith had advised Robertson that he possessed the power as governor.<sup>111</sup> Questions of leadership and of the division of authority between the civilian and military leaders of New York were becoming increasingly tangled and confused in New York under its military-civilian mixed government.

Robertson's intentions in setting up the Police Court may have been the best, but the establishment of the Police Court in many ways represented a step backwards for civil government on Long Island. After martial law began with the British conquest of 1776, justices of the peace remained on Long Island, but they were limited to cases of petty larceny. Under martial law, they were forbidden from handling civil cases. Cases concerning vandalism and other bad acts by the troops, the failure by British authorities to pay for provisions, questions of ownership of abandoned property, as well as normal civil cases all needed to be handled by civil courts, but all these cases had languished because of the lack of civil courts. However, mortgage-recording offices remained functioning, as did the Boards of Supervisors of the various Long Island counties. This all changed with the establishment of the Court of Police. The justices of the peace lost their power to try petty larcenies. Trial by jury was not restored. The Board of Supervisors in Queens ceased meeting. And, to repeat, the Court ultimately rested on military, not civilian, authority. Superintendent Ludlow remained directly responsible to military authorities. Since many of the cases he would oversee would deal with claims against

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<sup>111</sup> Smith, *Memoirs*, III, 307-8 (Friday 21 July, 1780)

the military, this meant that he and his court lacked, at least theoretically, the independence one would expect a judge and court to have.<sup>112</sup>

Ludlow opened his office at Jamaica, in Queens County (to this day, there is a major working courthouse in Jamaica). While closer to the East End of Long Island than Manhattan, this location still was a hardship for the people of Southold, Southampton, and the rest of the East End, who lived over fifty miles away—Jamaica is only a few miles east of Manhattan. Having a court located in Jamaica was thus not much of an improvement; a more central location like Huntington might have made more sense. Having opened his office, Ludlow appointed an assistant, a treasurer, clerks, and other officers, most of whom were relations, friends, or dependents. He then, according to Jones, proceeded to become “*the little tyrant of the Island.*”<sup>113</sup> Despite Robertson’s assertions that the men he chose as judges had executed “Justice and equity and order,”<sup>114</sup> Ludlow’s actions seem to have fallen short of that standard, as will be discussed shortly.

After the British occupation began, a lucrative smuggling trade had been established between Long Island and New England. Goods (usually from Britain) from the merchants of New York would be carried to the East End of Long Island; from there they would be transported to Patriot-held Connecticut, for “an amazing profit.” Howe issued a proclamation in November 1776 by which no goods could leave New York City without a permit issued by the Superintendent of Exports and Imports. After a short while, permits would only be issued to those who could present a recommendation that they were loyal and honest, and that the

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<sup>112</sup> Tiedemann, “Default,” 51, 59-60. Robertson eventually established a similar court on Staten Island. *Proclamation on Staten Island Police Court*, February 26, 1781, *Letter Book*, 188.

<sup>113</sup> Jones, II, 12.

<sup>114</sup> Robertson to Sir Guy Carleton, K. B., New York, 11<sup>th</sup> April 1783, *Letter Book* 263.

goods that were leaving New York were for the use of Long Island. The permit power upon Robertson's arrival was held by the commander of the King's soldiers on the island, General Oliver Delancey.<sup>115</sup>

Trade between New York and New England was actually in many ways beneficial to the British cause. New York received many provisions from New England, and the Patriots were drained of hard currency (the merchants would only accept hard currency). As long as gunpowder or other military items (including "coarse clothes") were not included in the goods exported to New England, there was little harm to the Empire by winking at this trade. So, trade with New England continued with official connivance. Permits were issued for bringing goods to Long Island, and the goods soon found their way to New England, while rebel coffers were reduced of hard currency. One does not need to be a criminal mastermind to see that there was a way for an enterprising official or two to make some money off this trade through charging fees, under the table, for the issuance of these permits. Whether profiting from this illicit but beneficial trade was the intent of Robertson or not (as Jones alleges), the power to issue permits was soon transferred to the Court of Police, and "if what report said at the time was true, it soon became a most lucrative branch of business, the profits of which were equally divided between Robertson, Elliot, and Ludlow."<sup>116</sup>

In addition to Robertson and Ludlow's alleged involvement in the illicit trade with New England, Ludlow may have found another way to supplement his income. About the same time that the Long Island Police Courts had been proclaimed, Robertson, "in order to give relief to

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<sup>115</sup> Jones, II, 12-13.

<sup>116</sup> Jones, II, 13-15. Robertson issued a Proclamation concerning this trade on October 24, 1780. *Letter Book*, 160. Smith had "hinted" to the Governor of the usefulness of conniving in this trade, *Smith Memoirs*, III, Oct. 30, 1780, 343.

the many loyal subjects who had been driven from their possessions by the Rebels,” issued a proclamation regarding rebel property. Rebel homes and property would be divided and small lots assigned to distressed refugees (except for those needed for the “King’s service”). Philip J. Livingston was put in charge of this program. Livingston was a former sheriff of Dutchess County, and from the Livingston family which had mainly chosen the Patriot side in the Revolution. Like many a family, the Livingston family had been split by the Revolution. <sup>117</sup>

Working with Phillip Livingston in his capacity as the Superintendent of Derelict Properties on Long Island, Ludlow used the power of the court to confiscate rebel lands, and then rented them. The fees were supposed to go to a fund to help refugee Loyalists, but the land was rented at absurdly low values. Ludlow may have just been helping out friends, or was perhaps pocketing a small fee for renting the land way below its worth. Much of the fees and other moneys the Court collected went not to refugees but to salaries. <sup>118</sup>

At a meeting in late 1782 with Robertson, Guy Carleton, and Smith, Ludlow told General Robertson that the Police Courts cost the province nothing. Ludlow responded to a question by Smith as to how court officers were paid, by saying that officers were paid by tavern licenses and a duty on peddlers and hawkers. At the time of the meeting, these measures brought in 1000 pounds sterling, but the number had been as high as 1800 or 2000 pounds. The amount had been reduced by breaking up lesser dram shops. It also “came out” at this meeting that there was also a poor tax on Long Island. It was heaviest in the eastern parts of Long Island; in Hempstead the tax was £1200. Ludlow remarked several times that he was “a King”, and Smith

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<sup>117</sup> Proclamation regarding Rebel Property, July 12, 1780, and accompanying notes, *Letter Book*, 137-8. It should be noted that Robertson felt it necessary to state that the proclamation had the “approbation” of Clinton.

<sup>118</sup> Jones II, 24, 17-25; Robertson to Sir Guy Carleton, K. B., New York, 11<sup>th</sup> April 1783, in *Letterbook* 263; Tiedemann, “Default,” 60—61.

remarked that he appeared to have “acted as he pleased.” This tends to show that Jones’s characterization of Ludlow as a “little tyrant” was, while an exaggeration, perhaps only a slight exaggeration—he seems to have had much power, and few restraints seem to have been put upon him.<sup>119</sup>

Even by the admittedly low standards of the eighteenth century, the actions of Ludlow and the Court were questionable. If Ludlow was not “the little tyrant” of the island, he himself thought that he had the powers of a king. In many ways, Robertson’s attempts to create something resembling civilian government on Long Island had only added to the miseries the islanders faced. And the Police Courts were but a pale imitation of civilian government. There were no true civilian courts, and no assembly. The hoped-for shining example of restored civilian government had been thwarted by General Clinton.

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<sup>119</sup> Smith, *Memoirs*, III Friday November 29, 1782, 558-9. The Huntington Town Records mention an Order from Judge Ludlow dated July 10, 1781 for the “Various Duties set forth in the Order for the Assistance of Government.” At the May, 1782 meeting, the Town Meeting voted that the “Burthens of Government should be equally Bourn by each Inhabitant according to the Poor Rate.” HTR III, Town Meeting, May 7, 1782, 73-4.

## **Chapter VI**

### **The Military Occupation of Southern New York**

Any military occupation will require large numbers of soldiers to coexist with the inhabitants, many of whom are unhappy that they are there. The soldiers will need to be fed and housed, and will need fuel to heat their fires. The occupation will put stress on the resources of the occupied region. And soldiers will often get bored or homesick or even just hungry. All of these may result in acts of vandalism, theft, or even worse. While it is virtually inevitable that a military occupation will be unpleasant for the inhabitants, some occupations may be worse than others. In a situation of a colonial rebellion, regaining the hearts and minds, the love and loyalty, of the populace is vital. Therefore, it is extremely important that the occupiers from the mother country try to minimize objectionable or appalling incidents with the occupied population, and to protect the people from criminals or raids. A violent or even ineffectual occupation could poison the effort to restore a colonial region to the empire.

The British occupation could have been much better. There were many mistakes by the government and bad acts by the troops. These helped poison any chance for reconciliation. This chapter will take a look at the occupation of Southern New York from the “ground level” of soldiers and inhabitants during the seven year occupation. In the next chapter, the chronological discussion will continue, as the final days of British rule in New York will be examined.



## I

In the fall of 1776, General Howe defeated Washington's forces at White Plains. Washington's army retreated towards New Jersey, leaving much of Westchester in British control. While not the decisive battle Howe needed, for southern Westchester at least, the Battle of White Plains was quite decisive. The present-day Bronx and the southern part of Westchester were now under British control. American forces stationed themselves approximately 12 miles north of Tarrytown (the present location of the Tappan Zee Bridge) at Peekskill in the northwest of the county, near the border with Revolutionary-era Dutchess County (the southern part of the old Dutchess County is now Putnam County). Advance posts extended from Mamaroneck on the Long Island Sound to Dobbs Ferry on the Hudson a few miles south of Tarrytown. The British had posts from Kingsbridge (in the modern south Bronx across from the northeast tip of Manhattan) to West Farm, near the Sound in the modern Bronx. The area between the two armies became known as the "Neutral Ground." A better designation would have been "No Man's Land", as historian Jacob Judd notes. The area was a battleground between the armies and bands of raiders. The Americans and British would fight over this area, and it inevitably suffered the worst; however, areas outside the Neutral Ground were also subject to raids.<sup>1</sup>

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<sup>1</sup> Judd, 118-9; Kim 880.

So, unlike Long Island, which while subject to raids was fundamentally behind the lines for the duration of the war, Westchester was a front-line in the war for the duration. As such, it not only suffered from the movements of the armies, but from foraging, raids and the general breakdown of law and order caused by the fact that neither side controlled a large portion of the county. The Hudson River on the west and the Sound on the east provided easy highways for raiders and armies to attack. The fact that the British, after the Battles of Trenton and Princeton, held little of New Jersey beyond two bridgeheads, meant that they had to rely on the limited resources of the area they controlled, especially Long Island and Staten Island, to feed, house, and fuel their soldiers and the civilian population. This situation encouraged foraging expeditions by the British to increase their resources in both New Jersey (using Staten Island as a base) and into Westchester. This resulted in plunder, the disruption of agriculture, famine and malnutrition, and possibly disease among the civilian population. The Americans as well were not averse to seizing livestock and other items to deny their use to the British.<sup>2</sup>

The people of Westchester were also plagued by loosely-organized groups of raiders. Those who supported the Loyalist cause were dubbed “Cowboys”; those who supported the Patriot cause were “Skinners.” For the most part, whatever cause they espoused, the end result was to steal property and terrorize people. The politics of those that were raided often did not really matter. Among the most prominent of these groups were De Lancey’s Raiders, led by James DeLancey. American militia units would indiscriminately plunder from Patriot families,

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<sup>2</sup> Kim, 879, 881.

and in July 1779, Banastre Tarleton destroyed two villages because the residents were uncooperative with his attempt to seize supplies for his troops.<sup>3</sup>

Even the Battle of Yorktown, which led to the end of the war and British recognition of American independence, resulted in suffering for the people of Westchester. Several American units were removed from the area, making DeLancey's raids easier. As late as 1782, when it was common knowledge that peace negotiations were underway, warfare continued in Westchester. The last British regulars were removed from the county on May 13, 1783; but American militia and Loyalist militia, especially the Raiders, continued fighting each other. Finally, in July of 1783, Washington sent some troops into the county to preserve the peace by stopping the fighting between Loyalists and Patriots; eight companies guarded Westchester until the British evacuation from New York City on November 25.<sup>4</sup>

While South Carolina is infamous for its backwoods fighting between Loyalists and Patriots, the northeast also possessed its share of bloody civil war. The Patriots hated the Loyalists, seeing them as representatives of the King who had betrayed them, or even as traitors; to the Loyalists, the Patriots were traitors and even anarchists. Fighting, often low-level but still deadly and frightening to those involved, continued, in Westchester and elsewhere in the New York region. Especially as it became apparent that the Americans would win their independence, an element of spite would enter into some Loyalist and British actions, as will be described below.

The military historian John Shy argues that the Revolutionary War was a "social process" of political education, or more colloquially, a "struggle for hearts and minds." Shy argues that as

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<sup>3</sup> Judd, 119; Kim, 886 . Tarleton would soon become infamous for his ruthless war-fighting in the South.

<sup>4</sup> Judd, 121-2.

British pillaging and plundering increased, and as more men served in the military, many Americans who had been apathetic and averse to the war became patriotic citizens of the United States. They were politicized and nationalized by the war itself.<sup>5</sup> The historian Sung Bok Kim respectfully disagrees. Kim had been a teenager in Korea during the Korean War. According to Kim, "I and many other Koreans resented the war, cursed every ideology of public import as a scourge, and escaped into privatism for the time being." Kim argues that similar suffering occurred in Westchester, and a similar response of privatism, not patriotic enthusiasm, occurred. The war-weary people of Westchester, he argues, ceased to care about the broader picture, and by late in the war, much of America was experiencing some of the misery which Westchester had long endured.<sup>6</sup>

It seems that perhaps both occurred here; increased politicization by some in either a Loyalist and Patriot direction, and political apathy and just trying to survive by many. The raids and armed foraging, while they may have originated from military necessity or political ideology, soon degenerated into naked plunder and pillage with politics providing only a fig-leaf of justification. The lawlessness and the seeming inability of the British to protect people from these raids were hardly examples of the blessings of good government the British had promised. While Long Island was behind the lines, occupation and the occasional raid produced results at least partially comparable to the result in Westchester. Long Island will be looked at

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<sup>5</sup> John Shy, "The American Revolution: The Military Conflict Considered as a Revolutionary War," in Stephen G. Kurtz and James H. Hutson, *Essays on the American Revolution*, (Chapel Hill: University of North Carolina), 1973 in Kim, 868-9; see also John Shy, *A People Numerous and Armed*, *op.cit.*, 7, 191-2, also cited in Kim, 869. Much of the historical writing, especially military, of the years surrounding the Bicentennial was influenced by the then on-going or recently concluded Vietnam War. Shy's argument was based in part on his observation that the Vietnamese opponents of the United States were seemingly politicized by the war itself into an increasingly nationalistic fervor.

<sup>6</sup> Kim, 871.

later in this chapter. For now, let us note that the situation in Westchester was not too conducive to winning hearts and minds for either side, and may have alienated many of Westchester's people from both Loyalism and Patriotism.

## II

The situation in New York City was unusual. The pre-war population had virtually vanished, though many of the Loyalists who had fled the city began to return after the British conquest. There were few, if any Patriots living there. The city was populated by occupation troops, officers, and an increasing number of Loyalist refugees who began flooding into the city; by 1781, the civilian population of New York may have reached 25 to 26 thousand. The population would swell with every British reverse, and it may have reached as high as 33 thousand just before the evacuation.<sup>7</sup> Many of these were die-hard Loyalists, or those who feared retribution from their Patriot neighbors now that the war was over. Many of these would not remain in New York but would leave for Canada or other destinations when the British evacuated.<sup>8</sup> Thus, the capital and great city of colonial New York was populated during the Revolutionary War by thousands of people who for the most part had little connection to either the city or the province (or state) of New York.

The most urgent need, especially after the fire, was housing. Robertson, the Commandant of the city, erected barracks and confiscated the vacant homes of rebels to use as officer housing. Many buildings were converted into warehouses, and many churches into

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<sup>7</sup> Barck, 78-9.

<sup>8</sup> The evacuation and the fate of Loyalist exiles will be discussed further in the next chapter.

temporary hospitals. Fortifications were rebuilt. The city fire watch was reestablished. Ten companies of volunteer militia were organized. In addition to its military uses, the formation of a militia provided something to do for many of the Loyalist refugees. Municipal services such as street lights and cleaning were reestablished. A police department under Andrew Eliot, former receiver-general of customs, was created. There were no taxes or civilian courts, and prices were set and trade controlled by Robertson himself.<sup>9</sup>

Many Loyalist refugees began living in confiscated Patriot homes, but were ordered out of them by November 1, 1777 to provide more housing for troops. A city vestry was appointed by Robertson in late December 1777 to care for the poor, and was given control of homes not used by the military. Rents were collected by the vestry, and the money was used to help the poor and pay for municipal services such as lighting lamps and cleaning the streets. As there were no taxes, the city could not have paid for these services without these rents.<sup>10</sup>

Despite the reestablishment of street cleaning, the streets were often dirty, and the sanitation problem was never solved. "Noisome vapours" arose from the mud and from "such a number of people being crowded together in so small a compass almost like herrings in a barrel, most of them very dirty." The housing-stock had been reduced by perhaps one third by the fire, forcing Loyalists, residents, and soldiers and sailors to live in close quarters, increasing friction among the groups. The housing shortage was so great that soldiers and officers were quartered in private homes, and they frequently ill-treated the inhabitants of these homes. These mainly Loyalist inhabitants were not happy with the treatment they received. They complained to the military authorities, but there was little action by these authorities. And with

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<sup>9</sup> K & H, 36-7.

<sup>10</sup> Barck, 85-6.

no true civil courts, there was little opportunity In New York City, or elsewhere in the British zone, to get redress for the looting and other depredations of the troops. These included drunken rioting by sailors, and even murders by drunken soldiers.<sup>11</sup>

Firm in his belief that most New York City residents were loyal subjects of the King (and, since most were Loyalists during his tenure as Commandant, he was undoubtedly correct), Robertson's rule was mild. He believed that the purpose of the military was to support "the good Subjects against the bad." Troops were ordered to avoid taking rebel property without authorization, and pillaging soldiers were dealt with severely—one was even executed. Hoping that acting humanely would help the British among those pre-disposed to British rule, he treated American prisoners mildly. This contrasts with the actions of officials such as Provost Marshal William Cunningham, who treated American prisoners abominably.<sup>12</sup>

Churches were often used as barracks or hospitals. The British tried to spare Anglican churches that were still standing, but Dutch, Presbyterian, French, Baptist, and Quaker places of worship were all converted to prisons or hospitals. The interiors of these churches were usually destroyed in the process. While the shortage of suitable large buildings was one reason for these actions, the British do seem to have taken particular pleasure in damaging "Dissenter" churches, especially Presbyterian. Many Britons and Loyalists considered the "Presbyterians", by which they meant both the members of the Presbyterian churches of New York and New

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<sup>11</sup> Ranlet, 79; Van Buskirk, 22; Schechter 275-6. Quote from *Journal of Nicholas Cresswell, 1774-1777*, in Ranlet, 79.

<sup>12</sup> K &H, 37-38. Cunningham would starve prisoners by selling their rations, and murdered hundreds of prisoners without orders from the government. See Schechter, 274-5. One example of pillage occurred at City Hall. Jones notes that 60 thousand books and various "Mathematical and Philosophical apparatus" were plundered from City Hall, where they had been removed for safekeeping from the subscription and college library. Soldiers would sell these on the streets. In a rare gesture for Jones, he notes that "To do justice even to rebels, let it be here mentioned that though they were in full possession of New York for nearly seven months...neither of these libraries were ever meddled with, (the telescope which General Washington took excepted). I, 136-7.

England and the Congregationalists, to have been the fomenters of the rebellion. However, it must be remembered that the overwhelming majority of the people of occupied New York City were Loyalists. While most of them were Anglicans, a sizable minority was not. Some, like William Smith Jr., were even Presbyterians. In November of 1779, it was rumored that St. George's, an Anglican church, was to be used as hospital, but the Anglican Parson Inglis objected to that use. The Scottish Seceding Church was used for a Hessian hospital. The pews were removed, and the Presbyterians and Lutherans who shared the building were "disgusted". The Old Dutch Church had been made hospital a few weeks earlier, and the Dutch had shared St. George's. Smith commented that "Neither of their measures yield to Prejudices friendly to the Royal Interest." In short, he believed that such actions would alienate non-Anglicans away from the British cause.<sup>13</sup>

The hospitals were necessary; as has happened so many times throughout the millennia when large populations have gathered together in tight quarters during a war, disease struck. August, 1777, was a particularly bad month. The Moravian pastor Ewald Gustav Schaukirk reported that "many people, especially children died. On many evenings 7 or 8 were buried, and on one in particular seventeen."<sup>14</sup>

The general overpopulation of the city even affected the holding of Anglican church services. Several Anglican churches had been destroyed in the fire. Trinity Church, for example, would not re-open until after the occupation ended, and its ruins were converted by the British into a rather controversial entertainment center called "The Mall". Here, lanterns were hung,

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<sup>13</sup> Schechter, 275; Smith, *Memoirs*, II, Wednesday, 17 November 1779, 184-5; Barck 164. For examples of blame for the rebellion being imputed to Presbyterians or Presbyterian preachers, see Jones I, 5, or Serle, September 27, 1776 (115-116), where he relates Reverend Inglis's opinion that "much of this Controversy has been fomented by Presbyterian Preachers, with a view to the Extirpation of the Church of England from the Colonies."

<sup>14</sup> Schaukirk, Aug 31, 1777, p. 6-7.



benches placed, and bands played on summer evenings as soldiers would promenade with their ladies. Obviously, it was not available for the holding of services. By 1782, St. George's and St. Paul's could not accommodate their flocks, and Governor Robertson permitted worship in the large courtroom of City Hall. Even here, extra seats were required.<sup>15</sup>

Feeding the city and providing firewood was a constant problem. The region under British control was just too small to provide for the thousands of soldiers and civilians needs, despite constant requisitions. Food was transported from Great Britain and Ireland in convoys; this exposed them to enemy attack, especially after French entry in 1778. Delays caused by weather or enemy action often resulted in spoilage and great anxiety in the City as supplies grew low. The arrival of the Cork Fleet—the supply convoy—was “one of the most eagerly anticipated events in occupied New York”.<sup>16</sup>

Foraging was one method the British used to gain the needed supplies; this would result in many small-scale military actions as American forces opposed the foraging parties. In the early months of 1777, British and American troops fought what is called “the Forage War” in New Jersey. Another method of obtaining food and fuel was by trading with the Americans. The Americans had food and wood; the British had British manufactured goods and other trade goods. Much of this activity was between old business associates who were on opposite political sides, or had been neutral, or were family members.<sup>17</sup> As discussed in Chapter V, attempts to regulate this trade would eventually be instituted, making it less illicit—at least from the British point of view.

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<sup>15</sup> Barck, 159-160; Van Buskirk, 33-34.

<sup>16</sup> Barck, 98; Van Buskirk, 106 (quote is from Van Buskirk).

<sup>17</sup> Van Buskirk 107-8.

Some effort was made at achieving a favorable press. Some have called this control of the press, though that may be going too far, at least at the beginning. As the population was mainly Loyalist, the editorial slant of the papers was Loyalist as well. Ambrose Serle helped revive the *Weekly Mercury* and the *Gazette*. He wrote from September, 1776 until July of 1777 news items, essays, and commentaries that espoused the British cause. He did try to keep the news accurate. This contrasted with James Rivington, who filled his paper with baseless stories such as Washington being declared “Lord Protector” (Cromwell’s title) or assassinated.<sup>18</sup>

Martial law remained in place for the entire war, despite efforts to alleviate it with military-controlled courts (the “Police Courts”) or replace it with civilian rule. While better than no courts, there was an obvious conflict of interest with the Police Courts. The reasons for martial law remaining have been discussed elsewhere in this work, but the inability or difficulty in adjudicating disputes—especially with the military—and the harshness of military decisions did not have a positive effect on New Yorker’s views of the British. Indeed, there were signs of disaffection, and by 1781, a fear that some had secretly become rebels. Rivington, perhaps the last person one would think would become a spy for the Americans, became one. High-handed attempts by British officials to control what he wrote or to keep newsworthy items out of his paper seem to have driven him into American arms. The information he sent out was apparently enclosed in the binding of books which he was allowed to send outside the British zone. While rumored for decades, his role was not conclusively established until 1959. Rivington, to the surprise of many, was allowed to stay in New York after the Americans reoccupied. He received some gold from Washington for his services, but his paper soon went

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<sup>18</sup> Tatum, “Introduction”, in Serle, xix; Schechter, 277-278.

out of business—no one wanted to buy a paper written by the king’s former official printer, by a man who had printed such scurrilous anti-American stories.<sup>19</sup>

African-Americans, mostly slaves, had constituted a sizable portion of the pre-war population of the region. Indeed, following the Declaration of Independence, one paper had proudly printed the Declaration on its first page—when but a few days earlier it had ran prominent advertisements offering ten dollars for the recovery of a run-away slave named Jack, and another less prominent one offering twenty to forty shillings for the return of a “negro man named TOM.”<sup>20</sup> Slaves worked the fields in Staten Island and Kings, and often worked as house slaves. One house slave, Jupiter Hammon of Lloyd Manor in Suffolk (north-west of Huntington), had several poems published. This possibly earned him a room with a fireplace in the slave quarters of the mansion, but it did not earn him his freedom.<sup>21</sup> As previously noted, the presence of large numbers of slaves in regions like Staten Island and Kings may have been a factor in the Loyalism of these regions.

New York City and its environs would thus seem an unpromising place for a Promised Land, but it soon became a Mecca for slaves throughout America. Beginning with Dunmore’s

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<sup>19</sup> Ranlet, 84-5; Schecter, 378; Barck, 149. The story of Rivington’s espionage was doubted by Barck, (p. 149), but Morton Pennypacker considered him a spy; see Morton Pennypacker, *General Washington’s Spies on Long Island and in New York*, (Brooklyn NY: Long Island Historical Society) 1939, 5. See Catherine S. Crary, “The Tory and the Spy: The Double Life of James Rivington,” *WMQ* 16 (1959), 68-70 for the tale of his espionage.

<sup>20</sup> *Constitutional Gazette*, # 96, June 26, 1776, July 10, 1776.

<sup>21</sup> Personal communication from guide at Lloyd Manor, July 2011. Hammon is considered one of the founders of African-American literature. His most famous work was probably “A Dialogue: The Kind Master and the Dutiful Servant”, and he is also famous for his 1786 “Address to the Negroes of the State of New York,” which contained the lines “If we should ever get to Heaven, we shall find nobody to reproach us for being black, or for being slaves.” <http://digitalcommons.unl.edu/cgi/viewcontent.cgi?article=1011&context=etas>, downloaded July 29, 2011.

Proclamation in Virginia of freedom for those who served in His Majesty's forces (see above), many African-Americans decided to cast their lot with the British, and many of these eventually came to New York City. Not only were the British offering freedom, but to the horror of many Americans, especially slave-owners, they were offering to arm the African-Americans. A black man with a weapon was the greatest nightmare many a slave-owner could think of. In June of 1779, a new order was given by David Jones, Commandant of New York, that "All Negroes that fly from the Enemy's Country are Free—No person whatever can claim a Right to them--Whoever sells them shall be prosecuted with the utmost severity." This order did not affect slaves already living in New York or "belonging" to Loyalists. Thus, not all slaves were freed; some were, some were not. If a slave's "master" was a Loyalist, one was less likely to be freed—and had to watch walking on the streets of New York freed blacks who had escaped from unoccupied, "free", America.<sup>22</sup>

Not all blacks joined the British; many African-Americans fought on the Patriot side, and the black sexton of the John Street Methodist Church, Peter Williams Sr., was a Patriot. He remained in the city and at his post at the church because he was a slave of a Loyalist tobacco dealer. After Congress lifted its ban on enlisting blacks, many joined the Patriot forces. At war's end, many Loyalist blacks left for Canada and other places.<sup>23</sup>

Unlike Westchester and Staten Island (and increasingly, as the war continued, Long Island's North Shore), New York City was not on the frontline. An attempt to capture it, or even raids, did not seem imminent for much of the war. Hence, the City became a relatively pleasant

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<sup>22</sup> Van Buskirk, 133-9.

<sup>23</sup> Schechter, 277.

place, despite its overcrowding and dependence on a long supply line, with many social activities to help pass the time. Perhaps because it lacked the Puritan background of New England, the relatively cosmopolitan city had in the late colonial era boasted a fairly robust theatre life. While plays were not held on a regular seasonal schedule, and sometimes months would go by without plays, some of the finest productions of the time were staged in New York City. In October, 1774, the Continental Congress forbade shows, plays, and other expensive diversions. No doubt this was to show their seriousness, but perhaps the Puritan background of many of the members of Congress helped create this decision. The Congress moved against plays and the theatre again in 1778, since these were thought to divert people from the Revolution. Such disapproval of entertainment has been seen in other revolutions, such as the French.<sup>24</sup>

The British did not share either Puritan-influenced or revolutionary sentiments, and reopened the John Street theatre in January 1777. The actors were members of the army or navy. At a “gala occasion” on January 25, *Tom Thumb* was performed to good reviews from *Gaine’s Mercury*. The plays continued throughout the occupation, with about eighteen plays a year. The plays consisted of, comedies, tragedies and farces, with musical entertainment between acts. The profits from each performance were given to the poor.<sup>25</sup>

As discussed above in Chapter II, one of the ways the British had created or reinforced love and loyalty (or at least respect) for the royal family was through holidays. The various British royal holidays, such as the King and Queens’ birthdays, became major events in occupied New York. Fireworks, balls, and other entertainment would be used to celebrate these holidays.

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<sup>24</sup> Barck, 170; Van Buskirk 32.

<sup>25</sup> Barck, 170-77.

The celebrations, usually organized by the British, were far beyond anything the Americans were used to in connection with these holidays, and some Loyalists began to be disturbed by the expense of the entertainment in comparison with the suffering in the city of the displaced.<sup>26</sup> Perhaps the ultimate royal holiday occurred in 1781 when a member of the royal family, the future King William IV, visited. This visit will be discussed in more detail in the next chapter.

New York City, and to a lesser extent Long Island and Staten Island, became the scenes of many balls and festivals. Celebrating the capture of the city, General Howe ordered “*Toujours de la gaieté!*” in imitation of Frederick the Great. He attended many balls and feasts. Twice a month, the City Tavern hosted the “Garrison Assembly”, where junior officers mingled with young women. Howe himself had begun a “dalliance” with the Loyalist Elizabeth Loring. Her husband Joshua Loring did not seem to mind; he had been appointed Commissary of Prisoners by Howe, at least allegedly in “exchange” for permitting or not protesting Howe’s dalliance. This provided Joshua Loring much opportunity for corruption, and supplies that should have gone to the care of prisoners-of-war were often sold to others, leaving the prisoners in a terrible state. Howe and Mrs. Loring were often seen publicly together at balls and at the gambling tables. Some at the time and since have argued that Howe’s enjoyable lifestyle prevented him from being sufficiently aggressive in pursuing the war. This view was expressed at the time in a popular ballad written by Francis Hopkinson, musician and a signer of the Declaration of Independence from New Jersey:

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<sup>26</sup> Van Buskirk, 32.

Sir William he, snug as a flea,  
 Lay all this time a-snoring,  
 Nor dreamed of harm as he lay warm  
 In bed with Mrs. L-----g<sup>27</sup>

“Partying” by the British leaders, officers, and common men would continue throughout the war. Governor Robertson was said to be “frolicking” with girls as young as twelve on the eve of Yorktown (see chapter VII). Some entertainment was probably necessary for the morale of both the soldiers and sailors and the civilian populace, but New York City was a city of refugees, of people who had given their all out of loyalty to King and Empire. The actions of the army of the Empire annoyed and shocked many of them. Many of the Loyalists were in many ways more socially conservative and religious than the British seemed to be. The British army did not seem to encourage church attendance, and most of the churches, Dissenter and Anglican, were used as barracks, hospitals, and even stables. Trinity Church, as discussed above, was used as a promenade; the walk was even widened at one point by removing some tombs, perhaps to accommodate the size of women’s dresses. As one Quaker teenager, Hannah Lawrence (aka Mathilda) wryly noted: “The female Size, by hoops increased/Demands a tomb or two at least.” Disaffection and disenchantment grew; as the historian Van Buskirk notes, many things that many Loyalists thought was right and proper were being violated by the representatives of His Majesty. She notes that those like Smith and Jones and Mathilda, who had thought themselves English before the war, when faced with large numbers of actual Englishmen from England found that the English were a “different people” from New Yorkers:

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<sup>27</sup> Schecter, 273-274.

They seemed less respectful of sacred places, more concerned with the pursuit of pleasure, and insensitive to how their pursuit of pleasure appeared to the suffering Loyalists.<sup>28</sup>

As mentioned above, conditions for prisoners of war in New York were horrible. Many lived—and died—in prison hulks. About 12,000 captive soldiers and sailors died in New York's prisons during the Revolution. Some prisoners were recruited into the British military. Many of these probably joined to escape the terrible conditions, and some of the recruits deserted as soon as they had the chance. It is doubtful that many of those who joined British military units had truly had a change of heart. In many ways, this was a more extreme case of what we have already observed on Long Island: Patriots, even committee men, being compelled by necessity into taking oaths of loyalty. Historian Philip Ranlet cautions that “any use of enlistment totals to estimate loyalism must be done with extreme caution.”<sup>29</sup>

Staten Island was much closer to the front lines than Manhattan. It was separated from New Jersey by a narrow channel, the Arthur Kill, which at some points was less than 500 feet wide. It was a staging area for attacks and raids into rebel-held territory, as well as foraging expeditions; conversely, it was a tempting and fairly accessible target for rebel raids. The end result was that its residents suffered from both the actions of warring armies and partisans, and from marauding gangs. In addition, much of its wood and other agricultural resources were used to feed the military and New York's population, often without proper compensation.

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<sup>28</sup> Van Buskirk, 34-5. Rather symbolically and emphatically showing her distaste and disenchantment, Mathilda's poem summons thunder and lightning to avenge the hallowed ground which had been profaned by the promenade.

<sup>29</sup> Philip Ranlet, “British Recruitment of Americans in New York During the American Revolution” *Military Affairs*, Vol. 48, No. 1 (Jan., 1984), pp 26-28.



Historian Philip Papas argues that the experiences of Staten Islanders, “like those of the residents of Westchester County in New York...were similar to those of the residents of the southern backcountry. And by the end of the war, it was these experiences that led many Staten Islanders to question their initial loyalties and to have a political change of heart.”<sup>30</sup>

After the defeats at Trenton and Princeton, the British pulled out of most of New Jersey, retaining a small and thin bridgehead “anchored” at Perth Amboy and New Brunswick. The British left several units on Staten Island, including a brigade of convalescents, a brigade from the Fourteenth Regiment of Foot, the Staten Island militia; and the island served as the headquarters for several Loyalist units. Some British and Hessian units were occasionally sent there to guard against attack. British, Hessian, and Loyalist units made raids into New Jersey from Staten Island. Despite the bridgehead in New Jersey, partisan units from New Jersey would frequently cross the narrow Kill and raid farms, loot homes, and torture victims. They also stole slaves—who were then sold for profit. Not all of the raiders were Jerseymen—some of the raiders were Patriot refugees from Staten Island, seeking revenge for the indignities they had suffered from Staten Island Loyalists.<sup>31</sup>

Because of the British presence, most of these raids on Staten Island were at night, to elude the British. Two favorite targets were a store in Richmond owned by two prominent Loyalist militiamen, and the Bentley Manor estate of Christopher Billopp. One Staten Islander, Peter Houseman, was robbed by partisans who beat him and his son-in-law with clubs; he died, but his son-in-law survived. Another Staten Islander was tortured with heated fire tongs by

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<sup>30</sup> Papas, 81.

<sup>31</sup> Kemble Widmer, “The Christmas Campaign: The Ten Days of Trenton and Princeton”, *New Jersey’s Revolutionary Experience # 22* (New Jersey Historical Commission) 1975, 29, [http://slic.njstatelib.org/slic\\_files/imported/NJ\\_Information/Digital\\_Collections/Revolution/Christmas.pdf](http://slic.njstatelib.org/slic_files/imported/NJ_Information/Digital_Collections/Revolution/Christmas.pdf), accessed August 2, 2011; Papas 83.

Whig partisans. There were also many kidnappings; Christopher Billopp himself was captured in mid-1778 and languished in a New Jersey prison for nine months. He later had to endure another capture, where he was chained to a jail floor for nine months and fed bread and water.<sup>32</sup>

Periodically, large raids were launched by Continental forces, who also plundered farms and homes. The largest Continental raid was in January, 1780, when 3000 soldiers under William Alexander of New Jersey attacked across the frozen solid Kill. The British were alerted, and met the invasion from prepared positions. The Continentals retreated, having accomplished little. Alexander did try to control his troops, and threatened “Instant Death” to any who plundered.<sup>33</sup>

The raids by partisans and Continentals were not the only thing Staten Islanders had to worry about. The occupation soldiers tended to attack and pillage indiscriminately. To the Hessians, all Americans were rebels, so Loyalists were often attacked. Soldiers also got drunk, vandalized, and attacked people. Fences were destroyed for firewood or to help build fortifications. Even Loyalist refugees would join in. And as the war continued, more rapes occurred. And the fact that the island was under martial law meant there was little recourse to the courts for those whose property—or worse—had been injured.<sup>34</sup>

The end result was that the Loyalists of Staten Island began to scorn their liberators as occupiers. Many began to question their Loyalism, and some began to supply information to the Americans, and even commit acts of sabotage. By war’s end, only the most dedicated

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<sup>32</sup> Papas, 84-85.

<sup>33</sup> *Ibid.*, 89-90. Alexander is better known as “Lord Stirling”, as he claimed the Scottish title by virtue of descent. Despite calling himself Lord Stirling, he was one of Washington’s most important generals.

<sup>34</sup> *Ibid.*, 91, 94-5, 99-100, 103.

Loyalists would leave in exile.<sup>35</sup> The lack of respect for the persons and property of Staten Islanders, and the British inability to protect the Island from raids, had turned “that ever loyal island” into an island full of Patriots and of neutrals.

Thus, in both New York City and Staten Island, two very Loyalist locations, British actions and insensitivity had soured much of the population on Britain. British frolicking in the midst of refugees seemed insensitive to many Americans, and their treatment of churches and graveyards seemed terrible to many. As discussed above, one young woman, the Quaker poet Mathilda, even poetically called down Heaven’s wrath on the British. Matters were made even worse in Richmond by its proximity to New Jersey. Staten Island and New Jersey suffered horrors arguably comparable in many respects to the civil war in backwoods South Carolina, of which a modern scholar argues that many “of the acts bordered on the barbaric, and the conduct of those who perpetrated them verged on the sadistic.”<sup>36</sup> In addition, the British seemed incapable of protecting the Staten Islanders from American raids. The British, rather than winning hearts and minds, were alienating their supporters and failing to win over neutrals

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<sup>35</sup> Ibid., 105-7.

<sup>36</sup> Walter Edgar, *Partisans and Redcoats: the Southern Conflict that Turned the Tide of the American Revolution* (New York: HarperCollins) 2001, 2003, 131. In South Carolina, unarmed men on both sides were killed in cold blood. Andrew Jackson, then thirteen, was nearly killed by a British officer when he refused to polish the shoes of the officer (Jackson, who had been with a partisan band, claimed the privileges of a prisoner of war.) His brother, Robert, also refused, and suffered a blow to his head that probably led to his death a few months later. The British Colonel Banastre Tarleton burned down in late 1780 thirty plantations, and exhumed the corpse of a Patriot general. British Major James Wemyss believed instilling fear in the residents of an area was the best way to ensure their support, and burned many a home. Wemyss considered Presbyterians a lesser breed, labeled their churches “sedition shops”, and personally destroyed the Indiantown Church. These examples could be multiplied for both sides many times. Fighting continued until December 1782, when the British evacuated South Carolina. In the final two years, over 1000 Patriot fighters were killed in South Carolina—nearly one-fifth of the total American war dead for the entire conflict. Nearly a third of all Americans wounded during the Revolution were wounded in South Carolina in these years (2,478 wounded in South Carolina). These figures do not include the Loyalists killed or wounded in South Carolina during this time period. Edgar, 131-7.

and Patriots. Indeed, some in both New York City and Staten Island even went all the way from Loyalism to active cooperation and support for the Patriots.

### III

On August 27, 1776, British troops had defeated American troops at the Battle of Long Island. They followed up that battle by rapidly gaining control of Long Island. Long Island represented a source of raw material and food and a place to bivouac soldiers. Its eastern forks provided a sheltered bay for the British fleet, and the sheer length of Long Island, stretching from Manhattan to Rhode Island, provided an excellent base for raids of New England, and even invasions. Protected by the British fleet and the British possession of Manhattan and Staten Island, it was a near impervious sanctuary, safely in British hands. British occupation was never seriously challenged, though at one point the British feared a Franco-American invasion,<sup>37</sup> and the island was subject to sea-borne raids for the length of the war. The island did possess a sizable portion of Patriots, particularly in Suffolk County, but a fairly large proportion of Loyalists as well, especially in Queens and Kings. It presented the British with a golden opportunity to, by wise rule, win back the loyalties, or at least gain grudging acceptance of British rule, of a large population of their rebellious colonists. They failed.

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<sup>37</sup> Staudt, 67.

After the Battle of Long Island, the army closed all civil courts and established martial law. The army began to requisition needed property such as cattle, grain, and other items. Because no good system for obtaining and paying for these items was ever established, many abuses occurred. Property was often not paid for and was often seized without receipts. Despite instructions from Howe and others to treat Loyalists better in obtaining and paying for property, in actuality little distinction was often made between Loyalists and rebels. Enlisted men and junior officers could not tell Patriots from Loyalists, and treated all of them as rebels.<sup>38</sup>

The army's need for both supplies and labor was seemingly insatiable. The army requisitioned all the cattle and sheep in Suffolk, and ordered the residents to help drive them to Jamaica in western Queens. Grain, straw, and hay were requested, and grain, forage, and livestock was seized, and boats, wagons, and horses were impressed. Timber for cooking fires and building materials was in great demand, and much of Long Island's forest and woodlands was cut down, as well as many fences and buildings (especially Presbyterian churches). This may be apocryphal, but it is said that at war's end, "no tree on Long Island over six inches in circumference was left standing except the Great Oak in Lloyd Neck." This is unlikely. In early 1784, a few months after the war finally ended, "the Precursor of South American Independence", Francisco de Miranda, traveled across eastern Long Island and made no mention of such devastation. Still, that much of Long Island's woodland was cut down to feed the needs of the refugees in New York City and the British soldiers and sailors cannot be doubted, despite possible rhetorical exaggeration by the reporters. And it must be noted, the

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<sup>38</sup> Staudt, 67, 70; Eleanor S. Dennis, *The Town of Huntington during the War of Independence: A Political and Social Study*, (1962), unpublished Master's Thesis for C.W. Post, in collection of Huntington Historical Society, 120-22; HTR Vol. III, 13,16; Tiedemann, "Default" 39, 42.

lack of a civilian justice system meant that it was virtually impossible for Long Islanders to seek redress for their grievances in a court. Indeed, the lack of such a court permitted many British officials to line their pockets.<sup>39</sup>

British, Hessian, and Loyalist officers and soldiers made many requisitions, purchases, and outright seizures of property. They often did not pay. Many records of these were made at war's end, in the hope, often vain, of receiving compensation. On June 16, 1783 in Smithtown, fifty-three residents formally swore under oath before Justice Gilbert Smith of Smithtown to having provided goods and services to the British since the occupation began and to having never been paid. For example, Obadiah Smith (as I mentioned before, the town was aptly named) put in claims totaling 90 pounds for three horses taken and never returned, for almost 13 pounds of oats and hay, and five pounds for five blankets taken at the order of General Delancey. The total claim was 112 pounds and 9 shillings, a sizable sum. Joseph Blydenburgh's farm was raided at one point, and he entered a claim for over 20 sheep, valued at 16 pounds, and the loss of a bullock worth 15 pounds. The innkeeper Epenetus Smith entered a voluminous set of claims, totaling about one-seventh of the total recorded in the "Blydenburgh Manuscript", as the record is now known. These included 8 shillings for 16 turkeys, 9 shillings

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<sup>39</sup> Staudt 67-8; Myron H. Luke, "The American Revolution on Long Island" *NCHSJ* 32 (1972): 19-32, 29-30 (reprinted *NCHSJ* 55 2000, 1-11); WW. Munsell, (ed.) *History of Suffolk County*, 39, in Dennis, 110-11; New York Gazette June 16, 1780, in Thompson 313-4; Lois J. Meyer, *Irony of Submission: The British Occupation of Huntington and Long Island 1776-1783* (Huntington Town Board) 1992, 37; Tiedemann, "Default", 42-44; Francisco de Miranda, "County Excursions and Visits on Eastern Long Island, 1784," in Natalie A. Naylor, ed., *Journeys on Old Long Island: Travelers' Accounts, Contemporary Descriptions, and Residents' Reminiscences 1744-1793* (Interlaken, New York: Empire State Books) 2002, 42-52. George Washington's diary of his journey to Long Island in 1790, which includes many notes on the agriculture of the area, does not mention a shortage of thick trees, though by this time, much of the damage might have been repaired by the passage of time. Large trees take some time to become large. This visit went as far east as Smithtown. It should be noted that Washington had made previous visits to Long Island in 1756 (possibly travelling as far east as Greenport on the North Fork), 1776, and 1789, so he was familiar with the area. See George Washington, "Tour of Long Island, 1790," in Naylor, 53-62. Lloyd Neck is located to the north of Huntington Village. The Great Oak finally collapsed one evening in the early 21<sup>st</sup> century.

for sugar cups and salt cellars, 18 pounds for board, 19 pounds for one horse, and 50 pounds for cattle. On November 21, 1777, Lieutenant-Colonel Banastre Tarleton, who would soon gain fame (or infamy) in South Carolina, and Major Cochran arrived in Smithtown with members of the British Legion to forage. In four days, they raided the property of numerous Smiths, as well as the property of Jeremiah Platt, Joseph and William Blydenburgh, and others. They carried away nearly 6400 feet of boards from the Presbyterian Church. Their unpaid bill was 4 pounds, 17 shillings, and 6 pence for food and drink for the officers. Forty gallons of rum valued by Epenectus Smith at 28 pounds was carried off. Tarleton also removed 4 sheets, as well as one new petticoat and one silk handkerchief. The total sum recorded of claims for the town came to over 3400 £. The above-listed claims are merely a sample from one town, one inn, and one church. The examples could be multiplied many times for each town on Long Island. Benjamin Thompson, a mid-nineteenth century historian, estimated that the loss of property to Long Islanders from unpaid requisitions alone was over half a million dollars—in 1840s dollars.<sup>40</sup>

The more elaborate mansions of well-to-do Long Islanders became headquarters for staff officers and their aides. Rock Hall in Hempstead, on the South Shore, was the country seat of the loyalist Martin family, and became the center of much social life. “Graceful minuets and quadrilles” were danced here, and there were perhaps twenty weddings as a result.<sup>41</sup>

Further east, the Queens Rangers, commanded by John Graves Simcoe (later the Governor of Upper Canada), were quartered in Jericho and Oyster Bay. Simcoe and several

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<sup>40</sup> Myron H. Luke, “The Blydenburgh Manuscript”, *Long Island Courant*, Vol. 1, # 1, March 1965, 29-40, 32-35 38-39; John Reynolds, *Long Island Behind the British Lines during the Revolution* (Setauket, NY: The Society for the Preservation of Long Island Antiquities) 1960, 12; Thompson, 318. The Smithtown records eventually were owned by a woman named Vail Blydenburgh, who donated them to the Smithtown Historical Society. Hence the name “Blydenburgh Manuscript” by which they are known. Luke, 30-31.

<sup>41</sup> Myron H. Luke, “Vignettes of Hempstead Town,” in Natalie A. Naylor, ed., *The Roots and Heritage of Hempstead Town* (Interlaken, NY: Heart of the Lakes Publishing) 1994, 113-114.

other soldiers were quartered at the Townshend home in Oyster Bay, one of the finest houses in the area, and now known as Raynham Hall. Its parlor was large enough that small balls or fetes could be held in it, if the furniture was moved out of the way. Samuel Townshend, a leading merchant, was one of the leading Patriots of the town, and was not happy with the occupation of his house. For six months in 1778 to 1779, his home was the headquarters for the Rangers. Simcoe was frequently visited by Major Andre, who would later be Benedict Arnold's contact. Samuel's daughter Sarah, usually known as Sally, was about 19, and is reputed to have been quite beautiful. Indeed, several soldiers were so enamored of her beauty that they carved their initials and her name into panes of glass which are still on display at the Hall. Simcoe himself was also quite taken with her, and sent her a valentine, reputed to be the first valentine in America:

Fairest Maid, where all is fair  
Beauty's pride and Nature's care;  
To you my heart I must resign  
O choose me for your valentine!

It continues in a similar vein for about twelve more verses. It was found among Sarah Townshend's effects when she died at the age of eighty-two, and made it into the hands of that invaluable collector of "Revolutionary Incidents," Henry Onderdonk. Despite her beauty, Sally



never married, and this has raised speculation that Sally had found true, star-crossed love with Simcoe.<sup>42</sup>

Sally's older brother was Robert Townsend, a New York City-based merchant who would often as part of his work walk along the docks, observing the goings-on and comings and goings of ships. He gathered the gossip in the taverns of the city, and would no doubt on occasion have gone home to Oyster Bay to see his father, and perhaps even had the chance to meet with Simcoe and Andre. Townsend had another name: He was Culper Jr., George Washington's chief spy. He would send coded messages (or messages in invisible ink) through a courier, Austin Roe, who maintained a tavern in East Setauket. From here, they would be delivered to Abraham Woodhull (Culper Sr.), who again encoded them, then sent them to Connecticut via whaleboat. There were several "drops" where the information could be picked up. According to the historian Morton Pennypacker, a woman named Anna Strong would set out clothes on her clotheslines, and the number of handkerchiefs on them would indicate which drop to go to. (Unfortunately, the papers which would prove this tale seem to have gone missing). Once in Connecticut, Caleb Brewster, the whaleboat man, would deliver them to Major Benjamin Tallmadge who relayed it to Washington. The system worked for about five years, and about 70 messages were sent.<sup>43</sup>

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<sup>42</sup> Raynham Hall Museum website, <http://www.raynhamhallmuseum.org/History.aspx>, accessed August 2, 2011; OQ, # 390, dated Valentine's Day [February 14], 1779, 214-215.

<sup>43</sup> Raynham Hall Museum website; Peter Luyster Van Santvoord, "Revolutionary Incidents of Oyster Bay Town," *Long Island Courant* 3, March 1967, 18-32, 25-27. This system was put in place after Nathan's Hale's capture. Hale was probably captured in Huntington, in a district now called Halesite, but his death was most likely in Manhattan. Abraham Woodhull played the main spy role for a while, before leaving the front-line work for Townsend. Townsend's role was determined one hundred and fifty years later by careful scholarship and handwriting comparisons. Incidentally, it is thought that Sally knew of Robert's spy-work, and may have been a "passive spy"—passing on whatever she learned from Simcoe, but doing no active information gathering. If so, this makes the question of the Valentine even more interesting—and her story more tragic. See Vincitorio, 72. According to Morton Pennypacker however, Sarah eavesdropped on a whispered conversation between Andre and Simcoe in

There was much improper and even appalling behavior by British and Hessian troops. In Southampton, British and Hessian troops committed many acts of vandalism, such that the word “Hessian” became a local epithet. Indeed, one historian, writing about the time of World War I, noted that young boys in Southampton “not yet in their teens would fling the word [Hessian] at one another as an expression of opprobrium.” These acts of vandalism were despite the fact that the local commander, Major Erskine, tried to restrain his troops. Bridgehampton and Sag Harbor were overseen by the “notorious” Major Cochrane, who according to historian J. T. Adams, “seemed to love cruelty for its own sake.” Throughout Long Island, “meaningless atrocities accompanied by petty abuses of all kinds were visited upon a helpless population” as Myron Luke put it.<sup>44</sup>

While some incidents, especially those relating to raids (see below), were reported in the papers of the time or otherwise contemporaneously recorded, others were not, but passed down as oral history. Most of these were not written down until the 1840s, 1850s, or even a century after the events recorded. While some of these were no doubt embellished (especially in the dialogue), and need to be taken with the proverbial “grain of salt”, they do provide a clear and consistent account of troops and raiders abusing the population of Long Island, and

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which West Point was mentioned several times. She then sent a message to Tallmadge that allegedly resulted in Andre’s arrest. That such a letter was sent is possible—but there is much dispute as to whether it had that effect. Simcoe was in Oyster Bay in August, of 1780, so it is possible Sarah heard a conversation relating to the negotiations, but as Arnold did not escape until September 24, the causality is hardly direct. See Morton Pennypacker, *General Washington’s Spies on Long Island and in New York* (Brooklyn, NY: Long Island Historical Society) 1939, 113-117, 124, 232.

<sup>44</sup>J. Truslow Adams, *History of the Town of Southampton* (1918) 172; Luke, 29. “Hessian” seems to have been a local epithet in more places than Southampton, and its use to have lasted at least into the 1960s. The present author has a distinct memory of one child saying to another child “You’re a Hessian” after a playground infraction in Farmingdale, New York (on the Nassau-Suffolk border) during a recess in elementary school. This would probably have been in 1966, 1967, or 1968.

are consistent with stories reported from Staten Island, Westchester, and other areas. As Natalie Naylor, formerly of the Long Island Studies Institute, argues concerning one oral history recorded about 1881, “Although these oral histories were not written down for more than a century, they do have the mark of authenticity.”<sup>45</sup>

The home of Francis Lewis, a prominent resident of Whitestone, Queens and a signatory of the Declaration of Independence, was attacked shortly after the Battle of Long Island by British soldiers who ransacked his home, destroying his extensive library and papers. He was not there, but his wife was taken prisoner and held for months without a change of clothes or a bed. She died shortly after her release was secured. One resident of Flushing in Queens, Thomas Kelley, did not remove his hat when Captain Archibald Hamilton, aide *de camp* to Governor Tryon (and after December, 1778, Commandant of the Militia of Queens County), entered the house where Kelley was. Hamilton beat Kelley over the head several times. In Black Stump near Flushing, several Tories entered the house of a Quaker named Willet Bowne. They tied him to his bed, and tortured him with a lighted candle in order to get him to reveal where he kept his wealth. Bowne refused to divulge the whereabouts of his wealth, and they finally fled. Perhaps from mercy, perhaps from fear, Bowne never revealed the names of his attackers, although he recognized them.<sup>46</sup> In the winter of 1778-79, one poor woman in Amagansett (in East Hampton) had to place her grandchildren in the brick oven of her house for safety when British soldiers fired through the doors and windows of her house.<sup>47</sup>

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<sup>45</sup> Naylor, 20.

<sup>46</sup> Louis H. Schneider, “The British Occupancy of Flushing” *Long Island Forum* 29, Dec. 1966, 232-236.

<sup>47</sup> Madeline Lee, *Miss Amelia’s Amagansett* (Amagansett Historical Association) 1976, 22.

Food was a major concern of many of the soldiers quartered on the island. Supply difficulties and the relatively small area under British control made officially-sanctioned foraging necessary (and officially-unsanctioned pilfering common). One incident in East Hampton occurred during a foraging expedition by British soldiers quartered in Southampton. Mrs. Joseph Osborn was making some Indian berry pudding for her lunch. The smell of the boiling attracted the foragers, who went to seize it. What allegedly happened next was recorded in verse by a woman named Fannie Elkins:

“Oh no you’re not,” she made reply  
 Then seized the boiling pot,  
 Ran with it through another door  
 And threw it, blazing hot,  
 Pudding and all, adown the hill  
 And left it in the sand,  
 Amid curses, loud and deep,  
 Of all the hungry band.

The hill is still known as Pudding Hill, and some Revolutionary era British uniform buttons have been found there.<sup>48</sup>

Not even Anglican churches were immune from theft by hungry troops. The Loyalist Anglican cleric James Lyons resumed services at Caroline Church in Setauket after British rule was restored. One day, while he was giving a sermon to some British officers, he spied through the window some Hessian soldiers stealing potatoes from his garden. In exasperation, he ceased the sermon and is reputed to have said “Here I am preaching the blessed gospel and there are your damned Redcoats in my garden stealing potatoes.” During the war, Caroline

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<sup>48</sup> Edna Howell Yeager, “Long Island Women in the Revolution”, *Long Island Forum* 40 (January 1977): 10-11.

Church also suffered the loss of communion sets and silver linens. Setauket was also raided by 500 Patriots from Connecticut; bullet holes are still visible on the church, and (in the form of a weather vane) the Union Jack still flies over the church. The Church after this raid was used as a hospital, while the Presbyterian meeting house was fortified by Col. Hewitt.<sup>49</sup>

Femmetie Hegeman Leffert's homestead in Flatbush was destroyed a few days before the Battle of Long Island, probably by American forces, though her account (written decades after the incident) accused the British of this action. She was about 16 at the time. The Dutch Reformed Church she attended became a barracks, and the old school-house became a hospital. An epidemic struck the British and Hessians stationed nearby in the fall of 1776, and more homes became hospitals. Femmetie reports that pro-American papers managed to reach them and were passed around to everyone, from neighbor to neighbor. *Rivington's Gazette* and other pro-British papers also reached Brooklyn, but, as she put it, "The last mentioned of these papers left us in doubt about everything, except the loyalty due to the King of England."<sup>50</sup> The Hegeman family was Dutch-speaking, and Femmetie reports that her education was in Dutch; she taught herself to read English. Like many Dutch families of Kings County, the family had a few slaves. One of the family slaves, Caesar, had managed to hide a few cows in the woods, and the milk and butter from the cows was sold to the British, providing the family with much needed income. The family lived with friends as the house was rebuilt.<sup>51</sup>

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<sup>49</sup> Robert F. Bauer, "Effect of the American Revolution on the Anglican Clergy on Long Island," *Nassau County Historical Journal* 30 (1970) 22-34, 29.

<sup>50</sup> Femmetie Hegeman Lefferts, "Home Life During the American Revolution, 1776-1783", in Natalie A. Naylor, ed. *Journeys on Old Long Island: Travelers' Accounts, Contemporary Descriptions, and Residents' Reminiscences 1744-1893* (Interlaken, New York: Empire State Books) 2002, 19, 23-5. According to John J. Gallagher, American forces burned down the houses Femmetie Lefferts attributed to the British. John J. Gallagher, *The Battle of Brooklyn, 1776* (New York: Sarpedon) 1995, 91.

<sup>51</sup> *Ibid.*, 24-6.

Caesar was rather enterprising, and he managed to provide the family with additional income by arranging for cavalry officers to pasture their horses on some of the wood-lots the family owned. One of these wood lots was known as, for some reason, “Nova Scotia”. One day, an officer requested his horse from Caesar, and Caesar told him it was in Nova Scotia. The officer, thinking Caesar meant the far-away province, asked him how he dared send his horse there. The officer stormed to the house to protest, and Femmetie met him at the door. The officer struggled between his anger and his desire to be a gentleman. While he was losing this struggle, the horse was brought up, and the officer profusely apologized for his rudeness and became a fast friend of the family, providing them with many acts of kindness. This did not prevent Caesar from spreading the story, and the officer was teased for months by his fellow officers. And it also did not prevent soldiers and prisoners being billeted with the family, or soldiers from stealing their chickens or other food.<sup>52</sup>

Many of the above incidents have involved interactions between women on Long Island and soldiers and officers loyal to the Crown. But one unfortunately relatively common “interaction” between soldiers in war-time and civilian women is conspicuous by its absence. It should be noted that, unlike Staten Island, there seems to be no reports of rapes on Long Island. Perhaps this was a function of better discipline or restraint by the British on Long Island than on Staten Island. But it must be noted that the troops on Long Island were for the most

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<sup>52</sup> Ibid., 26-7. African-Americans are often invisible in the records of Long Island from this time period, except as run-away slaves or in manumission records. Caesar, and his wife Dian, are exceptions. According to Femmetie, Caesar had a low opinion of the British troops, “seeing the trouble their coming had given.” Femmetie believed that Caesar had thought the cavalry’s officer’s conduct was remarkable, as “there was no better pasture than Nova Scotia lot for miles around.” That is certainly a reasonable conclusion. But perhaps Caesar was in his own small way performing an act of resistance. It is not inconceivable that Caesar was quite aware that Nova Scotia was also a province hundreds of miles away, and that he would cause a British officer great distress by telling him his horse was there. Certainly, the fact he spread this story is evidence for this interpretation.

part the same troops that had reportedly committed rape on Staten Island. It is thus more likely that some rapes did occur on Long Island, but were not reported. Many rape victims may have felt shame, humiliation, horror or reluctance to report what had happened, and the dismissive attitude of officers like Lord Rawdon may also have discouraged reporting. Many military men of the time, both officers and soldiers, thought that rape was just an ordinary part of war, and even a tactic or strategy of war. There is also a strong possibility that rapes were treated as minor crimes, and tried by informal regimental courts. The proceedings of these courts were often not recorded. Nonetheless, while there are many tales of vandalism and pillage and even torture by soldiers on Long Island, there are no references to sexual attacks on Long Island women. "Of course," cautions local historian Edna Howell Yeager, "it must be remembered that little was ever written of women's lot anyway."<sup>53</sup>

There were sporadic attempts to improve discipline by British, Loyalist, and Hessian troops. On April 3, 1777, Delancey issued an order prohibiting the taking of horses or carriages without his permission. He also issued an order in March of that year prohibiting civilians from selling rum to soldiers, "As the Rum allowed by his Majesty to his Troops in these quarters is full sufficient for them—It is Expected from the Inhabitants that they will not sell to a soldier Rum under any pretence whatever as the Certain Consequences are involving men into Scrapes & Disgrace unfitting them for Duty & Leading them into acts of Disorder they otherwise would avoid." One suspects this order was more obeyed in the breach.<sup>54</sup>

Despite these efforts, the situation on Long Island was grim for many. There was little recourse for the depredations of the troops and the army. The Loyalist Reverend Leonard

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<sup>53</sup> Papas, 100; Yeager, 10.

<sup>54</sup> De Lancey's Brigade Orderly Book, Oyster Bay, March 29, April 3, 1777, in Reynolds, 12, 13.

Cutting of St. George's Church in Hempstead described in a December 1781 letter how his church and his personal property were used and abused by the army without permission or restoration. His home was twice commandeered by the army. Cutting wrote that "Where the army is, oppression (such as in England you have no conception of) universally prevails. We have nothing we can all our own, and the door of redress is inaccessible. What a state must people be in who can find relief neither from law, justice, nor humanity, where the military is concerned! This is the case of the inhabitants within the King's lines." It should be stressed that this was written by a Loyalist. Cutting left his parish, and most likely America, in 1783 or 1784.<sup>55</sup>

Some mention should be made of the German troops serving with His Majesty's forces. These were not mercenaries in the present-day sense of "soldiers-of-fortune", but tough and disciplined regulars serving in the militaries of their small German principalities. Their rulers would sell their services to provide income for their tiny states (perhaps their *rulers* may be considered mercenaries). Their officers were veterans who had been "trained in the school of Frederick the Great and Ferdinand of Brunswick." Without their aid, Britain would not have had the manpower to attempt to reconquer America. Britain signed treaties for 18000 German troops in January, 1776. Most of these (about 12500) came from Hesse-Cassel in the Rhineland, and the term "Hessian" was used generically to refer to all German troops serving in America during the Revolution. Nine hundred soldiers also came from nearby Hesse Hanau. In addition, 4000 came from Brunswick in northern Germany and 750 from Waldeck (near Hesse Cassel).

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<sup>55</sup> Bauer, 28-9, 32; Reverend Cutting to the Society for the Propagation of the Gospel in Foreign Parts, December 9, 1781, in Bauer, 28-9.



More contracts were signed in 1777 with Ansbach-Bayreuth, (1285 men) and in 1778 with Anhalt-Zerbst (1160 men). The total number of Germans sent to North America during the war was a little over 29000.<sup>56</sup>

While fierce fighters, they were often more disciplined than the British Regulars or Loyalist militias. While in some regions they became “a local epithet” (see above), in other regions they were more liked. They were more popular in Oyster Bay than the Loyalist units, as they were quieter, and their crimes were usually confined to pilfering, not to the violence and bloodshed that was often attributable to the Loyalists. Long Island, especially the western parts, was actually not a bad posting for the “Hessians”. Most of them came from the Rhineland and were Calvinists. The German spoken in the Rhineland was close enough to Dutch as to make the Hessians able to converse with Dutch-speaking inhabitants and understand Dutch church services, and many of them would often attend Dutch Reformed Church services. One Hessian unit, the Jaeger Corps, was stationed throughout eastern Queens. One area where they were stationed was Westbury. They set a guard to protect the Quaker Meeting House from damage, but the pacifist Quakers asked them to withdraw it. On occasion, the officers would attend the Meeting, where it is said they “sat very commendable.” Several Hessians are buried near the Westbury Meeting House.<sup>57</sup>

One Hessian chaplain, Chaplain Coester of the Hesse-Cassel von Donop Regiment, was stationed at Brooklyn Ferry, across from New York City, shortly after the Battle of Long Island. Here he baptized the five day old child of an English-speaking Long Islander on Sept 9, 1776. He was asked to do this because the local pastor had left to join “the rebels”. Coester did

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<sup>56</sup> Mckesy, 62, 62 n.1.

<sup>57</sup> Van Santvoord, 22-3.

not want to do this, as his English was not very good, but he relented before the parents' entreaties. Lacking anything to pay him with, the joyful parents shared a glass of wine with the chaplain.<sup>58</sup>

Coester and other Hessian chaplains performed confirmations and marriages as well as baptisms. In addition to soldiers, large numbers of women and even children seem to have come over to America. For example, Coester notes that "On 20 October 1782, I confirmed Elisabeth Lentz, from Volmarshausen, a legitimate daughter of Johannes Lentz, private soldier in the D'Angelelli Regiment. According to the testimony, this Elisabeth was fifteen years old."<sup>59</sup> The mention of legitimacy underlines the fact that, as happens in all wars, some of the Hessian soldiers entered into consensual non-marital sexual relations with the local women. Some of these liaisons produced children. For example, Coester records that

Andreas—an illegitimate son, was born at New York on 17 April 1780 to Barbara Rheider, born at Rhode Island and the daughter of an Anabaptist by the name of Rheider. The mentioned Barbara said Lieutenant Dietzel of the Hessian Artillery was the father and added that she had a child by him previously which was still living. N.B.—She calls herself Mrs. Dietzel, because she says, her marriage was made in Heaven...Therefore another pair of wretched boys and girls more in the world! Therefore, take care and do not be fooled by a man who promises to marry you!<sup>60</sup>

Hessian chaplains also performed marriages between Hessians and local New Yorkers. For example, Coester married Casimir Theodor Goerke, lieutenant of artillery, to Elisabeth

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<sup>58</sup> Bruce E. Burgoyne, ed. *Enemy Views: The American Revolutionary War as Recorded by the Hessian Participants* (Bowie, MD: Heritage Books) 1996, 569-70.

<sup>59</sup> *Ibid.*, 570

<sup>60</sup> *Ibid.*, 568

Roosevel of New York , in July of 1783. Coester also married soldiers to women who had come over from Germany, such as Maria Elisabeth Wiederhold to a musketeer named Johannes Sustmann in November 1776, and a grenadier from Hesse Cassel to a young woman from Hesse-Hanau in December, 1777.<sup>61</sup>

In January, 1779, one Hessian officer named Feilitzche commented in his diary on the pillage the Hessians engaged in:

The cost of living has increased sharply and for a lot of money, nothing is to be had. It is especially true with bread. The common soldier has it the worst. His pay is not sufficient to buy bread. Complaints are heard daily and it is necessary to feel sorry for the men. The frequent crimes which occur create problems for the officers. The jaegers steal and slaughter their landlords' cattle at night. Such complaints arise daily. We check them out every day but to no avail...<sup>62</sup>

This officer several times noted in his diary what can only be called war-weariness. In his entry for July 11, 1778, he prayed to God that his unit be sent to Germany, and stated that the entire army was dissatisfied. On the seventeenth of July, he stated that he would "always hate this life." On May 28, 1779, before the beginning of the campaign against Stony Point, he noted in his diary "How happy I would be if this were our last campaign. However, I will have patience

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<sup>61</sup> Ibid., 562-3.

<sup>62</sup> Ibid., 324. A memorandum found in the Sackville-Germain papers from about this time notes "This extensive trade [of the Middle Colonies] must naturally be very much affected by the War;...we hear Complaints from all Parts of a great Scarcity, and from some places even of a Total Want of Bread; For these Provinces having been the principal Seat of the War...there is scarcely a sufficient quantity of flour raised for their own Consumption..." "Observations on the Trade of America with its Effects in the Present Rebellion" (dated New York, 1779), *Sackville-Germain Papers* Vol. 9 January-August 1779, Clement Library.

and give myself over to the higher will and to Him, who has protected me during two campaigns and other great perils.”<sup>63</sup>

This work has noted the supply difficulties the British and their allies labored under. The relatively small area they controlled limited the local resources that they could muster to feed, clothe, house, and heat their troops and the refugees in New York City. This resulted in foraging raids into American-controlled territory, and heavy requisitions of food and fuel from the areas under British, as well as unauthorized supplementation by soldiers. By the middle of the war, as Feilitzche’s diary indicated, war-fueled inflation was hitting the common soldier hard, driving some to pillage and rob. The officers had difficulty controlling their troops.

Historian Myron Luke believes that the conduct of the troops depended on their commanding officer. Some gave swift punishment to troops who stole or otherwise acted criminally, others were lax. Some lay down strict rules, others did not. The historian Joseph Tiedemann suggests that the ultimate responsibility for the soldier’s conduct lay with General Sir William Howe, army commander in chief during the initial years of the war. He was quite lenient, and often pardoned or commuted court-martial sentences involving crimes against civilians. Luke notes that while robbery and the like by soldiers are to be expected in an occupied area, the “enmity incurred by responsible officers who deliberately went out of their way to incite the population is scarcely excusable.”<sup>64</sup> Fort Golgotha, perhaps the most egregious of these incidents, will be discussed below.

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<sup>63</sup> Ibid., 271-2, 326.

<sup>64</sup> Luke, 29; Tiedemann, “Default,” 40.

Luke makes an important point concerning robbery by soldiers. Occupations are generally unpleasant, even the most model occupation. In some ways, the British occupation was relatively insignificant. While towns and farms were burned in enemy-held regions, this was generally not the case behind the British lines. Churches were damaged by conversion to military purposes, sometimes maliciously so, and fence-rails were destroyed, and there was petty vandalism, and grain and livestock were often fair game for plunder, but in comparison with the brutality of some modern occupations, it could have been much worse.<sup>65</sup>

The poor behavior of the British and their officers on Long Island failed to win the hearts and minds of patriots and neutrals, and disaffected, disheartened or just annoyed the loyal. Loyalists were not immune to pillage by British or Allied troops, or other questionable acts. Parson Lyon's potatoes were stolen as he preached. Reverend Cuttings' home was twice confiscated. The people were subject to requisitions and were often not paid for the property taken, even if they possessed a receipt. There was no means of legal redress for years. There was no civil government outside town meetings. There were no civilian courts by which redress could be found; only military courts or courts which seemed civilian but were ultimately military. But one more factor beyond these truly made conditions on Long Island miserable: the raids.

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<sup>65</sup> It must be noted, that, as mentioned above, Banastre Tarleton did destroy two villages in Westchester in 1779. Kim, 886.

## IV

Staten Island, with its proximity to American-held territory, was particularly vulnerable to raids. But Long Island also suffered from raids launched from American-held territory. The raiders arrived on Long Island, mainly from Connecticut, on whaleboats:

The whaleboats were sharp at each end, the sheathing often not over half an inch thick, and so light as to be easily carried on men's shoulders, either to be hid in the bushes or relaunched in the South Bay. Some were thirty-two feet long, and impelled by from eight to twenty oars, and would shoot ahead of an ordinary boat with great velocity, and leave their pursuers far behind. They were always on the lookout, and in a calm would row out of their lurking places, and board market boats, or even cut off the detached vessels of a convoy.<sup>66</sup>

The raids began in 1777 as fully-authorized (by the governors of New York or Connecticut) military harassment of British installations on the North Shore and disruption of British supplies and movement. The whaleboat men would attack cargoes of wood or other products moving along the coast and either seize or destroy them. Both sides recognized this as fully legitimate "hit-and-run" warfare under the rules of war of the time. While hardly typical, the most famous of these raids was the Sag Harbor or Meigs Raid of May, 1777. This was in retaliation for General Tryon's April raid on Danbury Connecticut. Sag Harbor is located on Peconic Bay (the bay between the two forks), on the northern shore of the South Fork, and was a major regional port. Leaving Guilford Connecticut, Meigs and his 170 men landed at Southold

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<sup>66</sup> Thompson, 316.

on the North Fork, carried their whaleboats about five miles across the Fork to Peconic Bay, re-embarked, and landed near Sag Harbor. They then captured the fort guarding Sag Harbor and destroyed much of the supplies and shipping that could be found there. They then returned to Connecticut, and Meigs was later voted a sword by Congress for his “enterprise and valor.”<sup>67</sup>

Authorized raids of this sort continued across the Sound for the duration. But, “the whaleboat warfare at length degenerated into downright robbery.”<sup>68</sup> Lawless “brigands”, claiming to be Patriots (or occasionally Loyalists) engaged in these raids. Men were murdered and houses ransacked. Many in northern Queens, fairly close to Connecticut, abandoned their houses at nightfall. Many of the raiders were refugees from Long Island, and would often try to settle a few old scores during these raids.

In July, 1780, raiders from Connecticut landed in Setauket, and kidnapped two men, Doctor Punderson and William Jayne, Jr. The raiders told Mrs. Punderson that they were taken to exchange for two rebels who had been taken at Smithtown. In 1781, Simon Flint and Gilbert Flint’s homes in Oyster Bay were plundered, and Gilbert was hung until he was nearly dead. The same thing occurred to Richard Thorne and Esquire Couline of Great Neck. The father of Phillip Hewitt of South Huntington (modern Babylon) had his store robbed several times. He finally pursued the robbers across the Sound to Norwalk Connecticut. Kings County was on occasion raided from New Jersey; a rebel whaleboat landed near Flatlands and carried off,

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<sup>67</sup> Tiedemann, “Default,” 46; Luke 30; Mather 225-8.

<sup>68</sup> Thompson, I, 316.

among other things, much specie and two slaves. These examples could be multiplied many times.<sup>69</sup>

Even legitimate, authorized whaleboaters pillaged private property. Such pillage actually had a military purpose: denying the enemy the use or potential use of the property. American officers even promised a share of the plunder soldiers took from the enemy, though attempts were made by Washington to stop this. However, there seems to have been much public approval for these raids in the unoccupied regions of America. Kidnapping could even be said to have a military purpose. As the example of Doctor Punderson shows, Loyalists were often kidnapped to exchange for prisoners held by the British. But the Sound acted as a lawless “No Man’s Sea” between the two sides, and many of the raids as time went on became mere piracy, with the war and politics providing only a mere fig-leaf of an excuse for naked free-booting. The situation was analogous in many ways to the situation in Westchester. Political persuasion made little difference; the raiders were increasingly un-selective about who was attacked. In September of 1781, the inhabitants of Southold and Shelter Island (two Patriot towns) even made a formal protest to Governor Clinton of independent New York against the raids.<sup>70</sup>

The British had hoped to re-establish not just legitimate, civilian government but good government in America. According to most theories of government (including those common at the time of the Revolution), one of the main functions of government is to protect the lives and property of the people against attack. The British were doing a poor job at this. As in the

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<sup>69</sup> *New York Gazette*, July 27, 1780, in Thompson, 314; Mather 205; “Memoirs of Philip Hewett: Excerpts of a Huntington South Boyhood 1768-1783,” in *Suffolk County Historical Society Register*, XXIV, # 1, Summer, 1998, 4-5; *New York Gazette*, Aug. 13, 1781, in Thompson, 316.

<sup>70</sup> Mather, 204-5.



“Neutral Ground”, as on the Arthur Kill, anarchy reigned. Three battalions of militia had been raised by the British early in the war to defend Long Island. Rather than staying on Long Island to protect the people from raiders, two of them were sent to Georgia in the fall of 1778, angering many on Long Island who thought they should be defending the lives and property of Long Islanders. Whaleboat raids increased after this. Long Islanders argued that warships should patrol the coast to guard against the raiders. A few did, but not enough. In the early 1780s, General Sir Henry Clinton, now commander-in-chief of British forces, twice complained that the Navy was not providing enough ships for this important service. The Navy was highly pressed worldwide, and its ships were in demand everywhere. Still, one would think that Southern New York should have been a priority, if one wished to regain the loyalties of the population of a major region that the Crown wished to reincorporate into its empire. The whaleboat warfare intensified at approximately the same time as the effort to restore civilian government to southern New York. The historian Joseph S. Tiedemann, speaking of Queens, argues

It apparently did not dawn on the British that to win the minds and hearts of county residents they needed to defend the local population from such attacks. Failure to do so underscored Britain’s military weakness and undermined the legitimacy of her continued rule over New York.<sup>71</sup>

There were some bright spots in the occupation: Hessian soldiers whittling toys for children, “glittering” military balls and fetes, and some commanders tried to rule with restraint.

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<sup>71</sup> Tiedemann, “Default” 46-7, 47n. The climax of the whale-boat warfare, or “perhaps the most celebrated action” was the Boat Fight, which did not occur until December 7, 1782. This was part of a major raid by Major Tallmadge planned against British units quartered in Huntington. See Mather, 237-8. It should be noted that by 1782 and 1783, some Long Islanders in Suffolk County began forming vigilante groups to protect themselves, and that the British did not interfere. Staudt, 71.

Town meetings were allowed to continue and local officials continued to be elected (though higher civil government functions and much of the court system existed in only martial forms). But the wanton property destruction, either authorized or unauthorized, of the occupation left an indelible impression on the people of southern New York beyond New York City. As late as the 1960s, perhaps later, the term “Hessian” was a youthful epithet on Long Island. The shame of submission still haunted descendants over a century later. And very importantly, the British failed in what many consider the first duty of government, as it failed to protect Long Islanders from freebooting and piracy.<sup>72</sup>

In addition to this failure to protect, the actions of some of the officers were most egregious. Many viewed the colonists as social inferiors and as most likely Patriots, even in areas where most were (at least initially) Loyalist. Some apparently sought to relieve boredom by bullying defenseless citizens. Tiedemann argues that “It is impossible to state how many acted this way, but the number was sufficiently large to alienate inhabitants, and the entire officer corps shared responsibility by failing to punish offenders.”<sup>73</sup> Loyalists like the Reverend Cutting began to argue that they were living under a tyranny; Thomas Jones called George Duncan Ludlow of the Police Court (see Chapter V) “*the little tyrant of the island*”.<sup>74</sup> The continuing misrule, the destruction of property, the vandalism of churches, the various indignities of oaths and the like, the continuing inability to seek redress, the forced labor, and the inability of the government to protect the people of Long Island and the other regions from brigandage (whether naked or disguised as “military” action) failed to win the hearts and minds

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<sup>72</sup> Luke 29-30; Adams, 172.

<sup>73</sup> Tiedemann, “Default”, 49.

<sup>74</sup> Jones II, 12.

of Patriots and neutrals, and disaffected many Loyalists. Some Loyalists went as far as actively aiding the Patriots; others were more passive, merely failing to evacuate in 1783, but remaining behind and accepting the rule of the United States. As Tiedemann argued in regards to Queens, many of the non-Patriot inhabitants, especially those who had been non-aligned before the war, became “patriots, less by choice or conviction than by British default.”<sup>75</sup>

But this is probably not the whole story. As Kim notes from personal experience of war, many of the people of Korea in the Korean War were depoliticized by the war, retreating into “privatism”, a lack of concern with public issues; in short, they cared little for the great political questions of their day and just wanted to be left alone. Kim argues quite persuasively that a similar reaction to the horrors of war occurred in Westchester. Events in Staten Island and Long Island may have had a similar effect—indeed, “patriotism by default” could in many ways be merely another variety of privatism. What is evident is that the misrule, the abuse, and the failure to protect doomed any chance to bring the region willingly back into the British Empire. After the province had crossed the psychological “Rubicon” of declaring independence, the chances that they could be persuaded to willingly return to the Empire were probably quite slim, but perhaps better rule could have altered things; this question will be discussed further in the concluding chapter. But it is clear that the British fumbled away even this small chance by their occupation, which rather than engendering loyalty alienated the people of Southern New York, even driving some Loyalists all the way into the arms of the Patriots.

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<sup>75</sup> Tiedemann, “Default” 63.

One final incident should be included as a coda to this chapter, for in many ways it symbolizes many of the errors of the British occupation. This was the building of Fort Golgotha.<sup>76</sup>

Churches and the like were often abused during the occupation. As discussed earlier, churches were used as barracks, stables, and hospitals. Not even Church of England buildings were immune; for example, St. George's in Hempstead was seized by the military several times. While some of this may have been the result of the grim necessities of war and occupation (churches were often the largest buildings in town), some of it was not. Many Loyalists and Britons associated Presbyterianism with republicanism and rebellion, and their churches seem to have been singled out for special attention. They were habitually abused and desecrated; Presbyterian churches as far away as Islip in southwest Suffolk were dismantled and sent to Hempstead for the use of their lumber.<sup>77</sup>

To dismayed Americans of every political persuasion, literally nothing seemed sacred to the British. Not even the graves of the dead seemed immune. In New York City, the ruins of the *Anglican* Trinity Church had been turned into a promenade known as "The Mall", and gravestones had even been removed to widen the promenade (see above). British and Hessian troops were sometimes quartered in the burial grounds of churches. Many felt rather uneasy about that; as one Hessian told his brother, "We were also obliged to spend a night...among the

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<sup>76</sup> Some of the following appeared in a much different form in "The View from Fort Golgotha: Losing the Hearts and Minds of Long Islanders during the British Occupation," a paper the present author presented at the Conference on New York State History at Skidmore College, New York, in 2008.

<sup>77</sup> Vincetoro, 79, 79n.45; Vielbig, 17.

tombstones, as we were unable to find another place for our equipage or any other shelter for ourselves—if a night in a graveyard could be called by that term. This experience gave us our first conception of what is meant by war in America!” Gravestones were used for fire bricks, hearths, and oven bottoms. There are stories from both Huntington and Hempstead that the “inscriptions [from the gravestones] had been baked onto the bottom of the bread.” One can only imagine how uneasy that made the soldiers who had to eat the bread.<sup>78</sup>

Under these circumstances, it is not surprising that a British or Loyalist officer would feel little compunction about building a fort in the graveyard of Huntington’s Presbyterian Church. In late 1782, such a fort was built by Benjamin Thompson, for reasons that may have had more to do with spite than military necessity.

Benjamin Thompson<sup>79</sup> was a Loyalist from New Hampshire, born in Massachusetts in 1753. In the autumn of 1775, he carried dispatches from Howe in Boston to the Secretary for America, George Germain. He so impressed Germain that he was made his secretary. After Germain and the North ministry fell from power, Thompson attained a commission as a colonel of cavalry, and came to Huntington in 1782 as commander of a Loyalist unit known as the King’s American Dragoons.<sup>80</sup>

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<sup>78</sup> Hessian soldier’s letter, June 24, 1777, in William L. Stone, ed. and translator, *Letters of Brunswick and Hessian Soldiers During the American Revolution*, (Albany, NY: Joel Munsell’ Sons) 1891, 203, in Meyer, 35; Meyer, 34-5; Veilbig, 17; HTR III, 76.

<sup>79</sup> Not to be confused with the Benjamin F. Thompson who wrote the *History of Long Island* in the 1830s and 1840s.

<sup>80</sup> Reynolds, 20. Thompson wrote Germaine of his interest in engaging in the whaleboat warfare: “I am now going to carry on a little War of my own—the only war permitted here—against the Rebel whaleboats, which absolutely swarm in the Sound. I have raised a company of Boat men from among the Lloyd’s neck People, and I intend fighting the Rebels with their own weapons. Nothing but a Whaleboat can catch a whaleboat. If they com on Shore I shall be ready to receive them—If they put to Sea my Boats will have fair play with them.” Benjamin Thompson to Germain, Oct. 7, 1782 Huntingdon (Huntington), Sackville-Germain Papers, Vol. 16, Aug. 1782-1785 & undated,

In November, 1782, Thompson ordered the local residents of Huntington to assist in building a fort. The fort was to be built in the graveyard of the Presbyterian Church. A small army of carpenters were ordered to assist in building the fort and dismantling the church. These orders were dated November 5 and 26<sup>th</sup>, 1782. A further order on December 3 ordered “all the Waggon in your District To appear at the Fort tomorrow morning by 7 O Clock to cart provisions from the Vessels” to the fort. Thompson compelled forced labor to create this fort, a fort made on the graves of the ancestors of many of those who were compelled to work on it, out of at least in part the gravestones and the lumber of the church (other sources were also used). It is likely that, as local historian Lois Meyer argues, “The location and manner of obtaining the materials however struck all as inconceivable and they were horror stricken at having to participate themselves in the act.”<sup>81</sup>

The fort soon became known as Fort Golgotha, after the site where Jesus is said to have been crucified. It is likely that this name was given it by the Huntingtonians. The Huntington Town Records contain a short description of the fort by a person known only as “D.M.”, most likely an American spy:

On the 1<sup>st</sup> Dec., he was at Huntington passing for an inhabitant, and passed within 4 rods of the front of the Fort which faces the north. It is about 5 rods in front with a gate in the middle, it extends a considerable distance north and south; the works were altogether of earth, about six foot high, no pickets or any other obstruction to the works, except a sort of ditch, which was very

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Clement Library. Lloyds Neck is located to the northwest of Huntington village. A Loyalist fort, Fort Franklin (named after the Loyalist governor of New Jersey, Benjamin Franklin's son) was built here, and it became a major base for Loyalist privateers. Mather, 219.

<sup>81</sup> HTR III, 76-8, 81-3; Meyer, 33.

inconsiderable some brush like small trees fixed on the top of the works, in a perpendicular form; he was told it encompassed near 2 acres of ground. It is built on a rising ground, and takes in the burying-ground; the Meeting house they have pulled down...some [of the troops] hutted along the sides of the Fort, which makes one side of the fort. The inhabitants of Huntington do suffer exceedingly from the treatment they receive from the troops, who say the inhabitants of that Country are all Rebels, and therefore they care not how they suffer.<sup>82</sup>

In Thompson's defense, the graveyard was not a bad location for a fort. The graveyard was on a hill, thus easy to defend, and a fairly good view of Huntington Harbor could be had from it. Huntington was a major population center, and nearby Lloyd's Neck had been subject to attack by American forces. The graveyard and church were in the center of town, near the "town spot", Platt's Tavern, the armory, and other important locations (it is currently about a quarter-mile from the present Town Hall, and directly across from the Huntington Historical Society). The area was a likely candidate for major raids or even invasions from across the Sound, hence fortifying a major defendable hill made sense. And Thompson had to put his troops somewhere. Had the fort been built several years earlier, such as 1776 or 1777, one could at least argue that it was built out of military necessity.

But, it is often said that timing is everything. The orders for building the fort date back to November or December 1782. The siege of Yorktown had ended with an American victory over a year earlier. While there still was some small-scale fighting, in modern parlance, most "major combat operations" had ended in the thirteen former colonies. The preliminary peace treaty had already been signed, and the final peace treaty was only a few months away. This

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<sup>82</sup> "Description of the Fort," Dec. 8, 1782, HTR, III, 83. Golgotha means "the place of the skull" and is also known as "Calvary".

was arguably not the time for the British to be building forts, especially forts which desecrated graveyards.<sup>83</sup>

Against this must be countered that small-scale fighting was still continuing in the region, as it was in the South. Indeed, an attack on Huntington was planned by Major Tallmadge of the Americans for early December, but cancelled after the Boat Fight on December 7, where the raiders surprised and defeated some British ships.<sup>84</sup> It should also be noted that the preliminary treaty was signed November 30, 1782 in Europe, and it would be months before that fact was known on this side of the Atlantic.

The nineteenth-century historian Benjamin Thompson argued that Colonel Thompson had the fort built, “without any assignable purpose, except that of filling his own pockets, by affording the ground of a claim on the British treasury for the expenses.” More recently, historian John G. Staudt argues that it was possible that Thompson built the fort for military reasons, to discourage raiders from Connecticut. And, had the raid planned on Huntington actually occurred, the fort might have proved quite useful to Thompson’s troops. But it was likely there was another explanation. Thompson, as he would soon show, was a rather intelligent man, and could clearly see that the war was lost and coming to an end. Exile from America was his probable fate. Like many, perhaps he blamed the Presbyterians for the revolt. This explanation makes much more sense, especially when viewed against the pattern of abuse, desecration, and destruction that had been “habitually” directed against Presbyterian churches on Long Island. Indeed Staudt, while seeing a possible military purpose for building the fort, is

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<sup>83</sup> Dennis, 32; HTR, III 76; Mather, 222-223, 237-8.

<sup>84</sup> While this battle was an American victory, some of the British ships escaped, thus warning the British an attack was imminent. Having lost the element of surprise, the attack was then cancelled.



inclined to a less innocent explanation. Thompson had gone out of his way to have the locals participate in building the fort, ordering them to aid in destroying the church where many of them worshipped, and the graveyard where many of their parents, grandparents, deceased friends and loved ones were buried. Staudt argues that the sheer “ruthlessness of his actions...suggests that he was seeking retribution against Huntington’s Presbyterian rebels for Britain’s defeat in the war.”<sup>85</sup>

In other words, Fort Golgotha was built from spite.

This chapter has spoken of an occupation. In Staten Island and other places, such as New York City, the British were seen at first as liberators. But what could have potentially been a liberation turned into an occupation—a very different thing. For seven years, the British ruled southern New York. This gave them a golden opportunity to win over the unaffiliated and win back the loyalty of the Patriots in not just the region, but throughout America. After independence, this was probably a difficult if not impossible project, but one well-worth pursuing if Britain had any hope of regaining its empire in North America. The effort to restore civil government in British-controlled New York was abortive. Even if it been achieved, whatever chance of success it might have had was doomed by seven years of misrule. Some of

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<sup>85</sup>Thompson 317; Staudt, 71. Colonel Thompson’s later career is rather interesting. Thompson had a scientific mind, and engaged in various scientific experiments on gunpowder. After the war ended, he visited the historian Gibbon on the Continent, and met the Elector of Bavaria, who was so impressed with him that he was made Minister of War, Minister of Police, and Grand Chamberlain. He became a count of the Holy Roman Empire, taking the name Count Rumford (or *Graf* Rumford) after his wife’s township in New Hampshire (it is now Concord, NH). In Bavaria, he wrote a paper on the effects of friction on heat, which was read to the Royal Society in 1798. He founded the Royal Institution and the Rumford Medal, and he has a crater on the moon named after him. And, as recounted above, he forced people to help destroy their church and graveyard to build a probably useless fort. Reynolds, 21.

this was probably unavoidable; occupations are generally not pleasant, and some petty crime by bored troops is probably expectable. But some of the crimes were not petty, and some of the officers, such as Thompson, seem to have gone out of their way to make life miserable for the New Yorkers. Even Loyalists were appalled by some British actions, and some even became Patriots and even spies.

New York City was crowded and malodorous, but relatively safe and pleasant, and here the people were mainly pro-British refugees—but even here British actions seemed high-handed and disaffected people. Things were worse in the rural regions. The people of the rural regions of southern New York suffered seven years of bad government (as did the refugees of New York City). Their persons were not safe and neither was their property. They were compelled to labor against their will. They had little redress for their grievances, and were subject to arbitrary military rule. They were subjected to petty abuses and the desecration and destruction of sacred places. As for the British, the British ended the war with a useless fort built from spite in a graveyard.

## **Chapter VII**

### **The Waning of British Rule**

The attempt to restore civilian government in Southern New York was abortive. The region, however, still had to be governed. The attention of the government turned to the mundane but vital matters of providing firewood and ensuring the population could be fed. While the war shifted to the south, New York was still intimately involved in the war. Partisan activities continued, and occasionally there were events in the North which led to the maneuvering of troops and fleets, and which could have led to major fighting.

Despite the shift of the war, New York, with its harbor and geographic position, was still the most important point in America for Britain. Much of the commerce between Britain and the American colonies, and amongst the American colonies, passed through it. There had even been proposals as early as the 1720s to build a canal to connect it with the Great Lakes, which would have resulted in much of the trade of the Great Lakes region passing through New York City (as eventually did occur with the building of the Erie Canal). Thus, for both military and commercial reasons, the British wished to hold onto New York. Thus, while the British pursued the “Southern Strategy” of fighting in Georgia and the Carolinas, a region believed to have many Loyalists and where American forces were generally weaker than in the North, they maintained large ground and navy forces to protect New York City. Washington greatly desired to seize the City if he could, but never was able to. After the post-Yorktown consolidation of British forces, the British still retained their hold on southern New York.

Some Britons, such as Germain, hoped to retain the City and its environs even if America was granted independence.<sup>1</sup> New York City was important to Britain, and they did not want to lose control over it.

The war in America climaxed with the American victory at Yorktown. New York and its military masters were greatly affected by the fallout of the Battle of Yorktown. Surprisingly, one of these effects would be a final attempt to restore civilian government to New York.

## I

In the latter half of 1780, much of Robertson's time and correspondence was taken up with military matters; from late August to mid-September, 1780, Robertson was temporary military commandant of the City.<sup>2</sup> It is possible that he spent much time socializing: Smith noted that "the Hurry and Dissipation of his over charged Hours has prevented his Attention" to a matter Robertson had already approved (and added the comment "How detestable this Military Government.")<sup>3</sup> In 1780, the main military front in America was located in South Carolina, but some important military events occurred—or perhaps it would be better to say "did not occur"—in the New York region which are worth a brief mention.

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<sup>1</sup> Sackville Germain Papers, Vol. 15, July 16, 1781, July 1782, *1782 Propositions*, Clement Library. Both before and after Yorktown, there were several peace proposals that would have left the British with the control of areas they possessed, such as New York City and much of Georgia, while recognizing American independence. Even after Yorktown, a civilian assembly petitioning to remain in the British Empire may have been a powerful voice—and war weary Americans may have possibly accepted the loss of New York.

<sup>2</sup> Answer to "the humble Address of the inhabitants of Queen's County", Aug 9, 1780, *Letterbook*, 145, n. 2

<sup>3</sup> Smith, *Memoirs*, III, 343, Oct. 30. 1780.

Benedict Arnold, who had been passing information to Clinton through the soon-to-be unfortunate Major John André (Clinton's adjutant) for several months, had passed on some information that French troops would be landing in Rhode Island (which had been evacuated by the British in 1779). There was even a report that Long Island was to be invaded. Clinton hoped to attack the French, and put together a 6000 man force. They embarked eastward through the Sound in late July, 1780, arriving at Huntington Bay on July 28th. However, the French had gotten to Rhode Island first, dug in, and Admiral Arbuthnot, sailing off Rhode Island, informed Clinton that the French defenses, reinforced by American militia and artillery, were too strong to be carried. There were also disturbing reports from the Highlands that Washington was prepared to attack. Clinton convened a council of war (a rarity for him), which determined that Huntington was too far from New York to respond rapidly to an invasion. They advised him unanimously to fall back on Flushing in northern Queens (about ten miles from Manhattan) and he agreed.<sup>4</sup>

Shortly after the failed attack on Rhode Island, Robertson felt it necessary to remind New Yorkers of the importance of militia service in a set of militia regulations he published in *Rivington's Royal Gazette* in September. All were to enroll in the militia, except Quakers, firemen, and those already in volunteer companies. After some early success in gaining Loyalist military support, there had been some slippage in support. The difficulties would continue. After receiving authorization to issue letters of marque against the Dutch (against whom Britain had declared war on in December, 1780), Robertson found it difficult to get privateers fitted

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<sup>4</sup> Willcox, 323-330; Smith, *Memoirs*, III, 313 (July 29, 1780); Robertson to Amherst, 25<sup>th</sup> July 1780, Letter book 138; "Regulations for the Militia", New York, 9<sup>th</sup> September 1780, *Letter Book* 150-51.

out. One reason was the forced impressment of 300 sailors (possibly including some American prisoners) by Admiral Arbuthnot in May, 1781.<sup>5</sup>

The second important event of 1780 was the defection of Benedict Arnold in September. While Arnold successfully defected to the British, his main contact, the popular and well-liked Major André, was apprehended just north of Tarrytown and soon hanged as a spy. His capture resulted in a furious exchange of messages between the British and American camps. Robertson vigorously pled for André's life, arguing (as did Clinton) that André had traveled under a flag of truce and therefore "could not be considered as a Spy." Robertson, William Smith, and Elliot traveled to the American camp at Dobb's Ferry, a few miles south of Tarrytown, to plead for André's life. The Americans would not permit Elliot and Smith to come ashore; only Robertson was permitted to meet with Nathanael Greene. Greene, one of Washington's favorite generals, had presided at André's court-martial. Greene met Robertson "in civility as a Gentleman", but could say nothing officially. Robertson "soothed and threatened civilly and even begged" but to no avail. André was hanged on October 2, 1780. Robertson forwarded to André before his execution various personal items, including a letter from his mother. Robertson lamented André's death as the loss of "a good son, a good officer, and an amiable man," and consoled himself that he had done his utmost.<sup>6</sup>

Despite the grief Robertson and many others felt at André's death, the defection was quite a coup, and even at this distance one can feel the excitement Robertson must have felt; as Robertson wrote Lord Amherst, "Arnold the boldest and most enterprising of the rebel

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<sup>5</sup> "Regulations for the Militia", New York, 9<sup>th</sup> September 1780, *Letter Book* 150-51, and accompanying notes; Robertson to Germain, New York, 6<sup>th</sup> May 1781, *Letter Book*, 190-191.

<sup>6</sup> Robertson to Lord Amherst, New York, 6<sup>th</sup> October 1780, *Letterbook* 155 and accompanying notes; Van Doren 364-369; Mather, 57.

Generals, lives with me and sits by me while I write...".<sup>7</sup> The people of New York "exulted" at the defection, and Smith opined that "This Desertion must have good Effects."<sup>8</sup> Arnold would soon be deployed on raids in Virginia and elsewhere. But his defection was in many ways a failure. While Arnold had successfully defected, a good man had died, and West Point, which Arnold had promised to deliver into the hands of the British, was still in American hands. The Highlands, perhaps the most strategic region in the independent states, the one spot Washington could not afford to lose, remained in American hands. The chance to take it without a shot had been lost.

Whether or not André was a spy, the Revolutionary War was tailor-made for espionage; both sides spoke the same language, and there were many Loyalists behind American lines, and many Patriots behind British lines. The British employed a large network of spies to give them both military information, as well as a "feel" for the opinion of the Americans. Many Loyalists would send information as well. One of the more famous British spies was the Connecticut-based "Mr. Heron". In September, 1780, he reported on the difficulties the Americans had in filling their ranks; he had been told by a reliable source that only 800 of 2500 drafted in Connecticut had been sent to Washington. He also reported that Washington's army had about ten thousand men, many of them ready to desert.<sup>9</sup> An earlier

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<sup>7</sup> Robertson to Lord Amherst, New York, 6<sup>th</sup> October [1780], *Letterbook* 155.

<sup>8</sup> Smith, *Memoirs*, III, 334, 26 September, 1780.

<sup>9</sup> "Mr. Heron's Information in a Conversation at New York," Monday 4 Sept. 1780, DCH VIII 804.

Heron was William Heron, who had been born in Ireland, and local historian Charles Burr Todd argues that he was actually a double agent, working for Washington, and passing on much stale or useless information. Charles Burr Todd, *History of Redding*, Vol 2, (1880, 1905) cited in *History of Redding.com*, [http://www.historyofredding.com/HRrevwar\\_spies.htm](http://www.historyofredding.com/HRrevwar_spies.htm), retrieved July 28, 2010.



report, furnished by a Loyalist, had reported that western Connecticut was ready to revolt against the “Usurpers”.<sup>10</sup>

While there was clearly unrest and war-weariness in New England, especially in a region on or near the front-lines of the war, this report most likely exaggerated the dissatisfaction of Western Connecticut. Like all intelligence reports, the reports of spies were sometimes accurate, sometimes partially accurate, and sometimes very, very wrong. Those that described the tenor and opinions of Americans (especially as to their desire to return to British rule) seem to modern eyes to have been suspect, or colored by the opinions of the reporters. But the fact that so many spies reported dissatisfaction with the “usurpers” and even willingness to revolt against them helps to explain why so many Loyalists and Britons truly believed the revolt was the work of a small minority, and that reconciliation was a legitimate possibility. They received so much information that fit this view (a view which jibed with their preconceptions) that it is not surprising that they ignored or discounted conflicting information, or that many accepted “trimmers” as truly loyal. If these Loyalists and Britons had known of Carlisle’s private belief that “the common people hate us in their heart,” no doubt they would have disagreed with him. The Americans also had their spies, and many of them were naturally centered in the New York region (as it was military headquarters for the British). The most famous American spies of the Revolution, Nathan Hale and the Culper Ring, were active in the New York region and have been discussed in Chapter VI.

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<sup>10</sup> “Information furnished by Loyalists” Intelligence by Ensign John Pell of the Queen’s Rangers, given 5 Feb. 1780, DCH VIII 783.

## II

Throughout 1781, the attention of New Yorkers and their military masters were focused southward. Benedict Arnold in the spring led a highly successful raiding operation in Virginia, which nearly captured Thomas Jefferson (his home was briefly captured, but Arnold ordered that it be spared from destruction or pillage). At the same time, in the Carolinas, Cornwallis was engaged in a series of battles with Nathanael Greene and many partisans. To a reader of London newspapers, it would have appeared that Cornwallis was conquering South Carolina, driving Greene's small army backwards. Technically, Greene lost virtually every battle, but Cornwallis's supplies and army were slowly whittled down. Ignoring the advice of Robertson and others, South Carolina was not secured—Cornwallis' army travelled across the state, marching north and south, east and west, but failed to establish a permanent presence. Many Loyalists suffered for this.<sup>11</sup>

Robertson almost became intimately involved in the Southern campaign. In May, 1781, Clinton ordered Robertson to take over the command of Virginia. Clinton had received word that General Phillips, in command of the British Army in Virginia, was ill. Robertson was on board a British frigate ready to sail south, but Clinton's orders were countermanded when word was received that Lord Cornwallis had reached Petersburg, Virginia, and joined Phillip's army (Phillips had died a few days earlier). Robertson returned to his duties as New York governor on May 29<sup>th</sup>. The possibility of Robertson having a field command did not exactly worry the Americans, or comfort the British. Upon hearing that Robertson was to be commander,

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<sup>11</sup> See Golway, cs. 11 and 12, for a description of this campaign.

Washington wrote Lafayette that “You may have something to apprehend from his age and experience but not much from his Activity.” The letter was leaked, and one British officer opined that it was “a just description”, that Robertson wanted “firmness and decision.”<sup>12</sup>

While Robertson was at sea, Andrew Elliot was sworn in as acting governor, but hesitated at the oath to see the laws of trade executed, as there was no civil government, and the source of his authority was military. After some insistence by Judge Smith, Elliot took the oath.<sup>13</sup> The strange nature of New York’s pseudo-civilian government, neither fish nor fowl, neither civilian nor military, had once again caused difficulty, as both military and civilian personnel questioned their authority and powers.

To Robertson’s disappointment, a planned raid on Philadelphia for the summer of 1781 by Clinton did not occur. French armies appeared with Washington’s at White Plains (in American-held Westchester County, and the site of a major battle in 1776). The appearance of several French ships in the Sound in July drove all small craft into Huntington Bay, and two frigates were ordered into the Sound to counter them, but the French ships had left by the time the frigates arrived. Robertson assured William Knox (an undersecretary of state under Germain) that the militia was ready to defend the city and thus free the King’s troops to attack the enemy.<sup>14</sup>

New York and its British masters were not total bystanders to the climactic events of Yorktown. Cornwallis established his ill-fated base at Yorktown in August, and on the

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<sup>12</sup> Robertson to Germain, New York, May 17, 1781, 13<sup>th</sup> June, 1781., *Letter Book*, 199 and notes.

<sup>13</sup> Smith, *Memoirs*, III, 411-413 (May 17, 1781-May 23, 1781).

<sup>14</sup> Robertson to William Knox, Near New York, 12th July 1781, *Letter Book* 209.

nineteenth of that month French and American troops began their march from the Hudson to the Chesapeake. Robertson reported that the French and rebels were at Paramus, New Jersey, with the “declared Object” to attack Staten Island (no such attack occurred). Clinton in New York also received news of major French fleet movements toward the Chesapeake, but discounted the news. Soon, a sizable French fleet of about thirty six ships of the line were in the region of the Chesapeake. Clinton, Robertson, the Hessian general Knyphausen, and others decided to send 5 or 6 thousand men south to support Cornwallis. In early September, Arnold sailed to raid New London, Connecticut.<sup>15</sup>

Smith noted many troops embarking. While they were publicly stated to be headed to Virginia (and that was their actual destination), Smith suspected that they were headed instead for the Highlands; he had urged such an action to Robertson as a diversion to aid Cornwallis, and later tried to suggest this second-hand to Clinton. Smith complained that “There is no Spirit of Enterprize. The general Dullness kills the Spark that happens to rise in the Mind of any Man...” Preparing the relief expedition would take till early October. Smith and others were quite anxious as to the fate of Cornwallis’s army, as it was by now surrounded and under siege. In mid-September, Clinton was reportedly more confident than Robertson, who was “in Terror” at rebel accounts of 28 French ships of the line. Smith had slowly been losing faith in the military leadership; he had long had a poor opinion of Clinton, and his former high opinion of Robertson was in tatters. It was on September 13 that he wrote, “General Robertson talks in

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<sup>15</sup> Robertson to Amherst, N York 25<sup>th</sup> Sept 1781, *Letter Book* 214-217; Willcox 418-9; Smith, *Memoirs*, III 439, Sept 5, 1781.

this pitiful Strain. He is a Dotard and abandoned to Frivolity. He has Parties of Girls in the Fort Garden, in the midst of his own Fears, and the Anxieties of this Hour.”<sup>16</sup>

In the middle of this anxious time, and as preparations for the relief exhibition continued, a welcome diversion occurred. Admiral Arbuthnot had been relieved of his duties several months earlier, replaced temporarily by Admiral Graves, who was in the Chesapeake region in September, 1781. Arbuthnot’s replacement, Admiral Robert Digby, arrived on Sept. 24 with three ships, and a rather important midshipman: Prince William-Henry, the third son of King George III (and eventually, in 1830, King William IV). William was sixteen at the time of his visit, and spent some time in New York. The Prince landed on the 26<sup>th</sup>, and was received by “Sir H. Clinton, the Governor, and a Crowd behind Kennedy’s House on the North River”. The Prince dined with the Admiral that evening (not a normal occurrence for a midshipman!), and lodged at General Birch’s, who gave up the house he had been using. An address was prepared for the prince by the Council. At noon of the next day, Prince William Henry walked with Clinton and his officers from Headquarters to a fort called Bunker’s Hill. He returned by the Bowery, and turned in at Queen Street. A great crowd of people, both old and young, watched. On Friday, the 28<sup>th</sup>, the Prince held what can best be described as a court at Governor Robertson’s house. For the first and last time, a prince of the blood held court in America as a representative of the ruling monarch. Smith describes the scene:

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<sup>16</sup>Smith, *Memoirs*, III, 438-441, Sept. 3, Sept 5, Sept 13, 1781.

At 10 o’Clock we went with the Governor, and were called up and introduced at the Head of the Stairs to Admiral Digby who brought us in to the Prince...The Passage all thro’ was lined with General and other Officers of the Army and Navy, waiting to be introduced. The Prince stood at the Right of the Fireplace with a Paper in his Hand, and up at his Breast, and bowed as we entred. Digby was at his right Hand, a little behind. General Robertson advanced and took out the Address, but not having Spectacles got thro’ with great Difficulty. The Prince then read his Answer. After which the Governor named us several as we stood on his Right and down to the Bottom, ending with the Mayor and General De Lancey. On this he bowed and retired, and so we did severally.<sup>17</sup>

Many monarchs and members of royal families, British or otherwise, would visit New York in the centuries to come. They would often be well-greeted by many otherwise republican Americans eager to meet with a king or queen or prince. Many New Yorkers and Americans have, at least figuratively, bowed before these royals since that September day in 1781. But these royals were all visitors to an independent, *republican* country, one that had rejected monarchy, and one where such fawning displays would be decried or mocked by many fellow citizens. As John Adams had said, “the Idolatry” felt toward monarchy had rapidly dissipated in the newly independent states. For many, the loyalty and even love that they had felt for the king was gone, dissipated by what was seen as a betrayal, and by the actions of the soldiers sent to enforce the king’s will. The monarchism that was displayed on the 28<sup>th</sup> of September would soon be wiped away by a republican and democratic tide, except for the occasional, almost atavistic, exceptions discussed above, or nostalgic remembrances of a “simpler” time (such as Renaissance festivals or films about monarchs). The thought that one should bow to a

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<sup>17</sup> Smith, *Memoirs*, III, 446-7, Sept. 24, 26, 28, 1781.

sixteen year old merely because he outranked you in a societal hierarchy was dying rapidly in America and would soon seem to many to be ridiculous, though it was not yet dead. For a short while, just before the “world turned upside down”, the tiny enclave of British New York was deeply integrated into the empire.

William’s visit was almost the last gasp of the British monarchy and the Empire in America. Unknown to any of the “courtiers,” less than two weeks earlier, the French had driven off Admiral Graves’s fleet at the Battle of the Chesapeake, preserving the encirclement of Cornwallis’s army. Within three weeks, Cornwallis would surrender. In a little more than two years, New York would be evacuated. But for now, Prince William would receive addresses and walk in the streets so that the loyal subjects could see him.<sup>18</sup> In a little more than two years (and for some, a little less), many of these loyal subjects would be gone from America as well.

Before leaving for Virginia, the admirals, Sir Henry Clinton, and the prince attended service at St. Paul’s. This visit by Clinton was rumored to be the first time he had been in a church—this was highly unlikely, though perhaps he had rarely been to church in America during the war. Certainly, the less-than-reverent attitude towards places of worship and graveyards the British had shown over the course of the war may have contributed to this rumor (see Chapter VI). The relief expedition was originally scheduled to leave on October 5; it did not leave until October 12. Despite the urgency of the situation, it takes time to launch any major expedition, but perhaps more speed could have been shown. Many were anxious at the delay. In addition to time, relief expeditions also require men, preferably trained. Robertson

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<sup>18</sup> Smith, *Memoirs*, III, 447-8. Sept 28<sup>th</sup>. It is reported that there was a plot to kidnap the Prince and bring him to Congress, but it failed or was never attempted. See Smith, *Memoirs*, III, 446, n. *i*. Schaukirk, 21 (September 27, 1781).

asked for volunteers solely for the mission, promising them that they would be discharged and able to return to their lives or their ships after the completion of the mission. They would receive certain privileges for volunteering, including a certificate which would give them partial protection from a future “press” for sailors. They would also be paid; the New York Chamber of Commerce offered a bounty of three guineas per volunteer.<sup>19</sup>

The expedition, led by Clinton with almost seven thousand men, sailed about the twelfth of October towards Yorktown. Robertson, having been promised a place with the expedition, was ordered to remain, to his evident disappointment. On October 24, much gunfire was heard from New Jersey, which many believed to be sounds of rejoicing, making many apprehensive that Cornwallis had been captured. That same day, New Yorkers were shocked by a hand bill out of New Jersey which stated that Cornwallis had surrendered at Yorktown on the seventeenth. Smith dismissed it as an “Artifice” to prevent a Loyalist insurrection. Robertson, however, believed it. Definite word arrived on the 26<sup>th</sup> that Cornwallis had surrendered. The relief expedition arrived at the entrance to Chesapeake Bay on Oct 24, only to learn that Cornwallis had surrendered 5 days earlier. As in 1777, Clinton’s relief expedition had arrived too late. The world had turned upside down, and Yorktown would lead to the fall of ministers, ministries, and British rule. But many, such as Germain and Smith, did not seem to realize that, as will be discussed further below. In Britain, former Peace Commissioner Lord Carlisle could barely bring himself to comment, writing his friend George Selwyn (a Member of Parliament and a member of the infamous Hellfire Club), “Everything that

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<sup>19</sup> Schaukirk, 22 (Oct. 13, 1781); Proposal for Raising Volunteers for the Navy, Oct 4, 1781, *Letter Book* 219; John Austin Stevens, Jr., ed., *Colonial Records of the New York Chamber of Commerce 1768-1784*, (New York: Burt Franklin) 1867, 1971, 365-6.



can be said upon this cursed event in America has been said by this time a thousand times, by those who lament and by those who rejoice at our misfortunes. I shall therefore spare you my melancholy reflexions. As for speculations, I have long since left off making any, seeing that when I indulged any I very seldom was right.”<sup>20</sup>

The news of the surrender reached London on November 25, 1781. Germain went to North with the news, which had arrived by packet. According to Germain, North took the news “as he would have taken a ball in the breast.” North paced up and down the room, saying “Oh God! It is all over.” This was a universal feeling; the news had arrived shortly after news of an attack on British-held Minorca (in the Mediterranean) and of French and Spanish fleets again threatening the channel. The *London Gazette*, “published by authority”, tried to bury the story on the second page (or “below the fold,” in modern parlance) in its late December paper. The first page dealt with a knighting ceremony and with news of a battle in India with Hyder Ali. Cornwallis’ letter to Clinton, informing him of the surrender, followed.<sup>21</sup>

Clinton was soon relieved of his command, to be replaced by Sir Guy Carleton, the former Governor of Quebec. It also seemed necessary to relieve Germain of his position.

Relieving Germain was more complicated. The policies of Germain and of the King were

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<sup>20</sup> Schaukirk, 22 (October 24<sup>th</sup> and 27<sup>th</sup>, 1781); Robertson to Amherst, New York, 17<sup>th</sup> Octr. 1781, Letter Book 220; Smith, *Memoirs*, III, 461-2; Robertson to Clinton, New York, 2d Novr, 1781, n. 1, Letter Book 223; Carlisle to Selwyn, Dec. 4, 1781, Carlisle Manuscripts 544-5. According to legend, “The World turned Upside Down” was played by the British band during the surrender. The band played an instrumental, of course, but the lyrics are partially as follows: “If buttercups buzz’d after the bee/If boats were on land and churches at sea/If ponies rode men and grass ate the cows....then all the world would be upside down.” For a discussion of what song was played at the surrender of Yorktown, as well as the complete and alternate lyrics, see Dennis Montgomery, “If ponies rode men and grass ate the cows”:Just What Tune was in the Air when The World Turned Upside Down?”, [Americanrevolution.org, http://www.americanrevolution.org/upside.html](http://www.americanrevolution.org/upside.html), accessed June 29, 2010.

<sup>21</sup> Mckesy, 434-5; *London Gazette*, Dec 15-18, 1781.

essentially the same, and Germain's removal from his post would reflect badly on the King, who had not yet abandoned all hope of retaining the colonies. The King, perhaps looking for a face-saving way to let Germain go, noted to Lord Stormont, the Secretary of State for the Northern Department, that Carleton would "certainly not accept this Command if He is to correspond with" Germain. Germain and Carleton had clashed over military policies in 1777, there had been many intemperate remarks, and they were still feuding. Germain hoped for a peerage, and the King, noting that Germain and Carleton were incompatible, thought that Germain would surely retire if he obtained a peerage. Of course, such a peerage would distress those who remembered Germain's role at Minden without fondness.<sup>22</sup>

Germain still continued making plans for North America. In his 1782 *Propositions* (probably prepared in December 1781), he argued for keeping what Britain still held, and fighting for a settlement on a basis of *uti possiditis* (keeping what each side had). The continued possession of New York, Charleston, and Savannah by Britain after a peace settlement with America would help safeguard Britain's extensive trade, and help with launching winter operations in the West Indies.<sup>23</sup> There was even a possibility, Germain thought, that suspicions might arise among the rebels and "shake to pieces their ill formed constitution", and if the British were still in a position to "receive and protect them", they might be inclined to return to their former connection (at this late date, he still clung to that increasingly fantastical hope). He suggested using some troops for raids, and even attempting to liberate the "Delmarva" Peninsula. However, on this, he warned:

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<sup>22</sup> King to Lord Stormont, Windsor Decr. 23d, 1781, G III No. 3478, 319; Valentine, 183-8; King to North, Windsor, Dec. 26<sup>th</sup>, 1781, G III No. 3485, 326.

<sup>23</sup> McKesy, 461.

The sending a force there, or into any other part where there are Loyalists, will rather disserve than promote our cause, if better Order be not kept among the troops, for the relaxation of Discipline which has prevailed throughout the prosecution of this war, has been universally complained of, has disgraced the Army and alienated the affections of the Inhabitants from the Royal Cause. Plunder has been the common Object, and in the pursuit of it, no Distinction have been made between the well-affected and the notorious rebels. This grievance calls aloud for redress, and some officers much to their credit have shewn that discipline may be restored by proper attention and firmness.<sup>24</sup>

This paper was for all intents and purposes his last official statement of the war, and McKesy notes that it was “only the wearied repetition of a formula which he still believed to be right.”<sup>25</sup> His advice concerning discipline was quite good but also quite late; better treatment of the civilian population in the earlier years of the war could only have helped the British cause.

Clinton was relieved of his position on December 23. The King still was in basic agreement with Germain and opposed to independence; replacing Germain would be a change of personnel, not policy. It was not until February 9, 1782 that Germain left, to be replaced by Welbor Ellis. Germain would soon be awarded with a peerage, dying in 1785 as the Viscount Sackville. The North Ministry itself fell on March 27<sup>th</sup>, 1782, replaced by the Rockingham Ministry. They desired to end the war with America and transfer the troops to the Indies.<sup>26</sup>

Shortly after the battle, Robertson wrote Germain that there were 40 thousand men stationed in America, and that if better use were made of them, all would be well. To Amherst, he wrote that Clinton was saying that Clinton was “sorry for Lord Cornwallis because he *loved*

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<sup>24</sup> Sackville Germain Papers, Vol. 15, July 16, 1781, July 1782, *1782 Propositions*, Clement Library.

<sup>25</sup> McKesy, 462.

<sup>26</sup> *Ibid.* 464-6, 471-4, 521

him and had a great regard for his army—but the evil like any other great evils may be productive of good. It will produce a new Minister...”, one who would listen to Clinton, and give him the army he needed. Robertson told Amherst that “I hope it has not escaped You, that I have tried on every occasion to give Activity to the War, and to cease making war on the treasury by reducing at least half our expence.” This letter was read to Smith, who believed that Robertson was hoping to receive Clinton’s command in the shake-up that would probably follow the disaster of Yorktown.<sup>27</sup>

While ministries tottered and positions were angled for, more mundane matters exercised New Yorkers. The troops sent to aid Cornwallis returned to New York by early November, 1781, and Robertson issued a proclamation on fire-wood, of which the Moravian cleric Schaukirk hopefully wrote that it would “afford much relief, for the distress and extortion has been great already.” Unfortunately, by December 11, Schaukirk would write that the “Weather very cold; great distress for want of wood, the proclamations of no avail.” The winter was very cold, and to add to the miseries of the city, rents went up to “extravagant figures.”<sup>28</sup>

Despite proclamations, there was a shortage of firewood. The soldiers in the barracks got what fuel was available, but the city-dwellers suffered. Smith blamed a lack of ships in the Sound to guard the shipments of fuel, which were mainly transferred by water, as well as an order prohibiting any fuel leaving Staten Island until the garrison there was supplied. According to Robertson, wood coming to town was seized and given to favorites. To make matters worse, in mid-November, two New Jersey whale boats seized a victualler in New York harbor. The

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<sup>27</sup> Robertson to Amherst, New York, Nov. 7, 1781, *Letter Book* 224; Smith, *Memoirs*, III 468 (November 29, 1781).

<sup>28</sup> Schaukirk, 22-3 (Nov. 17, 1781, Dec. 11, 1781, January 30<sup>th</sup>, 1782, February 1, 1782).

whale boats and victualler were pursued, and the rebels burnt the ship on the shore. The ship contained 1000 barrels of pork and seven thousand pounds of wine.<sup>29</sup>

In late 1781 and early 1782, an important matter which had exercised much attention among the leadership came to a head. The Green Mountain region had long been disputed between New Hampshire and New York. The area was often called Hampshire Grants, as New Hampshire had granted land to settlers there. Many claimed a freehold tenancy with only a minimum quitrent (a quitrent was a payment made in lieu of performing feudal duties). However, New York also claimed the area, and had granted land in it to speculators. If the area was found to belong to New York, then the New Hampshire freeholders were New York tenants with a high quitrent. Unsurprisingly, the Vermonters preferred to be part of New Hampshire. In 1764, a British court declared the area part of New York. New York organized the area into counties, but many of the Vermonters refused to accept New York authority, and a small-scale civil war broke out. Both the colonial and revolutionary governments of New York were unable to maintain control of the region. Vermont in 1777 declared itself an independent republic; New York did not acknowledge their secession and still claimed the area to be part of New York.<sup>30</sup>

What had happened in Vermont was not an isolated incident. Although details differed, similar situations had occurred in Vermont, the Hudson Valley, New Jersey, and other places. In all these regions, there was a dispute between the allegedly “legal” owners of the land and the actual possessors. Those who lived on the land, who worked and improved the land, were told

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<sup>29</sup> Smith, *Memoirs*, III, 464 (Nov. 14, 1781).

<sup>30</sup> Countryman, 154-7, 175-7, 335 n.63; Paul R. Huey, “Charlotte County”, in Joseph S. Tiedemann and Eugene R. Fingerhut, *The Other New York: The American Revolution beyond New York City, 1763-1787* (Albany, NY: State University of New York), 2005, 201.

that someone else, perhaps someone they had never seen and who had never seen the land, was considered the owner—and that they had to pay him onerous quitrents, rents, or other fees. In most cases, the law and the courts were on the side of the proprietors, landlords, and absentee owners. The law—by which is meant the “black-letter law” of statutes, common law and cases, not just the possibly biased judges and judicial systems—would usually consider the proprietor or absentee owner or landlord to have the better claim. The actual inhabitants of the land considered that they had made the land their own by the “Lockean” method of improving the land, often supplemented by purchasing from Indians or by a donation or “patent” from a governor. However, in places like New Jersey, there were often conflicting patents and grants. Many settlers refused to follow court rulings, or suspected the courts of being biased against them. These problems would not disappear with the Revolution. Large tracts of land would be granted or purchased, only to have the legal owners find the lands occupied by “squatters” who claimed ownership of the land by the Lockean means of improving the land. This was a common occurrence in America throughout the colonial era and early nineteenth century. In New York, landlord-tenant disputes would persist into the 1840s, until the great Hudson Valley estates finally began to break up.<sup>31</sup>

New York, the other states and the Congress were reluctant to recognize Vermont as an independent state. Ethan Allen and other Vermont leaders, including Governor Chittendon, began to conduct tentative negotiations with Governor Haldimand of Quebec. While ostensibly prisoner –exchange negotiations, the possibility of Vermont becoming a loyal province was a major topic of discussion. If Vermont “returned to its former allegiance” in return for

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<sup>31</sup> See Brendan McConville, *These Daring Disturbers of the Public Peace: The Struggle for Property and Power in Early New Jersey* (Ithaca, NY: Cornell University Press) 1999, especially 12-27; Bonomi, 200-3, 206.

independence from New York, this would be a major victory for the British cause (especially after Yorktown). It is possible that the Vermont leaders hoped to use the possibility of returning to British control as a “bargaining chip” in their negotiations with New York and the other states, as they continued to press their claim to independence from New York in Congress. The negotiations with the British were secret, and Vermont’s legislature was kept in the dark about them. In December 1781, Haldimand sent to Clinton an “express” containing “proposals made by the inhabitants of Vermont for returning to their allegiance and putting themselves under the protection of the Crown.” Clinton, unsure of the extent of his legal powers in this matter (he was, after all, being asked to divide one of the King’s provinces in two), sought legal advice from Smith who told him he had no authority, and should forward the express to Britain. But in February, 1782, Governor George Clinton of independent New York laid before the Assembly a series of documents concerning the negotiations. These included affidavits proving the proposed treaty, and even included Smith’s advice.<sup>32</sup>

The exposure of the negotiations to the light of day doomed them and any possibility of Vermont becoming a loyal British province. Someone had provided the documents to Governor Clinton. The most likely candidates were Vermonters who opposed the negotiations; in January, they warned Clinton of an “intrigue with Canada.” Jones, who detested Smith, believed that Smith had leaked them. Governor George Clinton had been the pupil of Smith, who had been Clinton’s patron. Smith had been a youthful radical and was a Presbyterian, which in the mind of Jones and many Anglicans made him seem more inclined to rebellion. Smith also had much

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<sup>32</sup> Jones, 210-11

land in Vermont, under New York grants, as did many of his friends. All of these claims would have to be given up if Vermont became a separate province.<sup>33</sup>

Any reader of Smith's *Memoirs* would realize that Smith was a dedicated Loyalist, and thus it is highly unlikely that he would deliberately do anything that would harm the British cause, such as leaking the documents to Governor Clinton. If Smith, rather than Vermonters or others who had access to the documents, did leak the proposal, it was to preserve Vermont for New York—but a *royal* New York. Perhaps he did not see that his actions greatly harmed the British cause, or that his loyalty to his province had to be outweighed by the greater good to the Empire that Vermont's return would bring. If he did leak the documents, perhaps he did not think that his actions could be considered treasonous, though many would consider them treasonous (a similar statement may be made about Ethan Allen and the other Vermonters engaged in the Haldiman negotiations). In any event, whatever chance Britain had to retain Vermont was lost by the leaking of the documents.

### III

Thanks mainly to the opposition of Clinton and a substantial portion of the Loyalist community, civil government had not been restored to British-controlled New York. Smith had tirelessly pushed for it, but little had come of his efforts. New York's government during the occupation was neither fish nor fowl, being partly civilian and partly military. Civilian officials were so unsure of the extent or source of their authority, that when Lt. Governor Eliot was

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<sup>33</sup> Frederic Van de Water, *The Reluctant Republic* (New York: John Day) 1941, 292; Jones, II, 210-12.



sworn in as Acting Governor, he hesitated to say parts of the oath because he was not sure he had the authority (see above). The absence of much normal taxation under martial law was definitely a factor in the desire of many Loyalists to remain under military rule.<sup>34</sup> Despite this, civilian government had some advantages, even for those inclined to prefer martial law. For example, certain offices received fees based on taxes and duties that were not being collected under military rule, and certain actions could only be performed by civilian governors. In July of 1781, Clinton “begged” Robertson to assume the powers of a civil governor so that some vessels seized in Virginia by Arnold and brought to New York could be “libeled” as prizes to the King. A libel is the formal declaration or statement of claim in an admiralty case. The vessels here were being libeled as prizes to the Navy. A compromise was eventually reached with the King’s intervention.<sup>35</sup>

Surprisingly, the most serious attempt to restore civil government to New York since the failure to certify of 1780 was made shortly after Yorktown. The impetus for this new push for civil government arose out of the surrender at Yorktown. The Tenth Article of Capitulation at Yorktown provided that “Natives or inhabitants of different parts of this country at present in York or Gloucester, are not to be punished on account of having joined the British Army.” The intent of the article was to protect Loyalist troops from being punished by the Americans as traitors; they would be treated as prisoners instead. Washington refused to accept this

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<sup>34</sup> According to William Butler, an assistant deputy commissary general to the British Army, “The Inhabitants, from the arrival of his Majesty’s Troops till the evacuation of New York in November, 1783, were freed from the payment of taxes of any kind either for the purpose of lighting the lamps, or cleaning the city, repairs of the pumps, streets or roads, or other public works, as well as the maintenance of the poor.” Mercantile Library, *New York during the American Revolution*, 153, quoted in Smith, *Memoirs*, III, viii.

<sup>35</sup> Robertson to Knox, Near New York 12<sup>th</sup> July 1781; *Letter Book* 209 and notes.

provision, believing the status of these Loyalists to be determinable by civil authorities only. Washington's interpretation created a great uproar among the Loyalist community.<sup>36</sup>

The first intimations that civil government might be revived were made by Chief Justice Smyth of New Jersey, who informed Smith in mid-December that the Council in a few days would be consulted on it. Smith spoke at length with Clinton on the topic, but at that time to little avail. Clinton on January 14, 1782, called a council to discuss the matter and see how to "pacify" the outraged Loyalists. Here, he expressed a desire to reestablish civil government so that rebel prisoners could be, "as Washington does," left to "Civil Resort." In other words, if civil government was reestablished, then rebels could be tried as traitors in civil courts—just as the British believed Washington wanted done. Clinton apparently hoped that the threat of such civil courts would probably act as a deterrent on both sides to trying prisoners as traitors.<sup>37</sup>

Robertson proposed in response the issuance of a proclamation threatening retaliation against American prisoners of war should Loyalists held by the Americans be treated as anything other than prisoners. Such a proclamation was not issued; instead, Governor Franklin of New Jersey suggested that Clinton send an order to all posts that no distinctions were to be made between regular and provincial troops in any future surrender. Clinton's correspondence to this effect was published in Rivington's *Royal Gazette* and Gaine's *New York Mercury* in early March. While Clinton had been relieved, he was still in command pending Carleton's arrival, which did not come until May 5, 1782.<sup>38</sup>

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<sup>36</sup> Robertson to Germain, New York, 22d March 1782, *Letter Book* 239 n. 2.

<sup>37</sup> Smith, *Memoirs*, III, 470-472 (Dec 16, 1781, Dec 21, 1781); Robertson to Germain, New York, 22d March 1782, *Letter Book* 239 n. 2.

<sup>38</sup> Robertson to Germain, New York, 22d March 1782, *Letter Book* 239 n. 2; Smith, *Memoirs*, III, 477 (January 28, 1782).

At a February 20 headquarters meeting, the question of civil government came up again when Smith noted that taxation would be useful. Clinton made a pointed observation to Robertson that he had no objection to reviving civil government whenever Robertson thought it fitting. This apparently prompted Robertson to review his instructions and consult Justice Smith in Smith's professional capacity. Robertson, in accordance with Smith's views, found that civil government could not be erected until Clinton had freed the port from the Restraining Act. In short, the first action to civil government had to be with Sir Henry Clinton. Elliot disagreed, believing that civil authority could be recreated while the port remained closed.<sup>39</sup>

Discussion continued on the topic. On March 14, Clinton wrote Robertson that he would not oppose the restoration of civil government if Robertson thought it absolutely necessary. Robertson called his Privy Council to discuss the matter on March 21, 1782. That civil government was being discussed at all provoked astonishment. Everyone Robertson consulted, he would soon report, were surprised "that, after a measure had been so long suppressed while it might have been of service to the King...should be proposed under circumstances similar to those which induce other governors to declare military law." Robertson thought that now was not the moment, and so did his Council. Most surprisingly, Smith, who had long been a tireless advocate for restoring civil government in New York, agreed that now was not the time.<sup>40</sup>

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<sup>39</sup> Smith, *Memoirs*, III, 485-6 (Feb 20, 1782; February 23, 1782; February 26, 1782).

<sup>40</sup> Robertson to Germain, New York, 22d March 1782, *Letter Book* 240 n. 3; Robertson to Germain, New York, 22d March 1782, *Letter Book* 238; Smith, *Memoirs*, III, 490-2, (Thursday, 21 March, 1782); Davies, 132-3: Robertson to Shelburne, 9 May 1782, C.O. 5/175, fo. 154, quoted in Davies, 133. Robertson expressed himself more strongly in a letter to Lord Amherst as to what he thought of Clinton's suggestion: "Doubtless Sir Henry forgets, that this would be throwing a Slur on His friend Lord Cornwallis, and that the revival of Civil government and the opening Courts and calling Assemblys would create differences and confusions, to avoid which, under Circumstances like ours, in other parts of the King's dominions military law is always declared.—That I might not be subjected to the odium of preventing Civil government which till this moment I always wished for I called the Council, who gave an Opinion that this was not the eligible moment for restoring Civil government..." Robertson to Amherst, New York, 22 March 1782, *Letter Book*, 241.

The March 21 meeting was held a few short months after the surrender of Yorktown; indeed, it was partially in response to a problem created by that surrender. Many agreed with Lord North that “it was all over” after that battle. Even the most optimistic recognized that the loss at Yorktown, coming after six years of war, meant that British options were limited. At the very least, news of a new ministry—perhaps a peace ministry—was expected, and the best that could be hoped for was a peace based on *uti possendis* (possession). The Council surely remembered the dark days of 1778, when Philadelphia was abandoned by the British, and there was a real possibility in the spring of 1782 that New York would soon be abandoned. What sense would it be to reestablish full civilian government, complete with an assembly, if the British were planning to abandon New York? The Council argued that, in general, restoring civil government under the king was the “direct Object of all Military Operations against the Rebellion.” However, none of the good effects of calling an Assembly would occur if it was “his Majesty’s Pleasure” to remove his forces now here. They thought it best to defer the measure until there was better word as to the king’s intentions. Smith agreed, but also thought that the Prohibitory Act needed to be repealed first.<sup>41</sup> In short, the Council thought it senseless and useless to restore civilian government in southern New York if the region was soon to be abandoned.

In addition to there being general agreement that now was not the time to restore civil government, there was also much concurrence on the procedure to be followed in restoring civil government (if the time ever came). The entire Privy Council agreed that before civil courts could be opened, an Assembly would need to be called. The Assembly in 1775 had been

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<sup>41</sup> Smith, *Memoirs*, III, 491 (Thursday 21 March 1782).

composed of 31 members, with sixteen making a quorum. The area under British control did not reach 16 representatives; thus an Assembly drawn from only downstate New York would not have a quorum. Several suggestions were made to correct this, generally involving Robertson creating new boroughs or increasing the representation of the areas included so that the numbers reached sixteen. Robertson sent a letter to Germain requesting advice as to the legality and advisability of these proposals, should civil government be again contemplated.<sup>42</sup>

The proposal was again brought up briefly before the council on May 4, but the Council rejected the proposition. Carleton, the new Commander-in-Chief, in mid-June argued that an “assembly would render us ridiculous beyond the lines”. Smith continued to press for it, arguing that restoring civil government was the only way to punish crimes not punishable under the Articles of War.<sup>43</sup> But it was clear that barring an unexpected change in fortunes, the last hope of restoring civil government was ended, mainly because of its execrable timing. Thus ended the attempt to restore civilian government in British-occupied New York.

Why had civilian rule not been restored in New York? Several factors must be looked at. First, the virtually tax-free nature of the occupation undoubtedly made the Loyalists, many of whom were in tight financial straits as refugees, desirous of keeping martial law. Many Loyalists feared that restoring civilian government would result in the pardon of rebels, and they had no stomach for that. Oliver Delancey, a member of the Council, declared that he would not pardon any of the rebels.<sup>44</sup> The possibility that the civilian government would cause obstacles to military operations was one held by both Howe and Clinton, and Robertson had made a special

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<sup>42</sup> Robertson to Germain, New York, 22 March 1782, *Letter Book* 238-39. Germain, unbeknownst to Robertson, was at this point no longer Secretary of State for the colonies.

<sup>43</sup> Smith, *Memoirs*, III, 503, 512, 521.

<sup>44</sup> K & H, 57.

effort to ensure Clinton that he would not interfere with Clinton's military operations. This was especially important, as the possibility always existed that the British zone would be subject to a Franco-American assault, and cooperation between the military and the civilian government in such circumstances would be vital.

The military concerns detailed above seem like legitimate concerns. However, less legitimate concerns also seemed to be an important factor to both Howe and Clinton. The British and Hessian soldiers had committed many crimes, ranging from petty theft and vandalism to rape and murder. Officers had taken property without leaving a receipt, or had left receipts and never paid. Petty corruption had governed the necessary trade with the rebels that was conducted on Long Island. In short, many people in the British zone, Loyalist, neutral, Patriot or trimmer had many legitimate claims against the British army and government which the absence of a civilian court system prevented them from pursuing (the Police Courts alleviated this somewhat, but not entirely). For many members of the British army and government, it was very important that martial law continue so that the civilian court system would not be revived. As long as martial law continued, they would probably not have to pay for their questionable actions.

The British zone also consisted of five counties and part of a sixth. One county, New York, was mainly occupied by refugees from many of the colonies. There were significant constitutional questions that would have to be answered about how an assembly that only included part of the state (albeit its richest and most populous part) would be constituted. As Robertson noted, the area under British control did not produce a quorum of the old Assembly.

Some alteration of the rules governing the Assembly would probably have been necessary.<sup>45</sup>

One other county, Suffolk, had had many Patriots (including a signer of the Declaration of Independence). Could they even produce a loyal Assemblyman?

Despite all these reasons, perhaps the primary reason for civilian government not being instituted was Clinton. While there were some arguably legitimate reasons (and illegitimate reasons) for not instituting civilian government, the decision had been made at the highest levels of the British government that British-controlled New York was to be restored to civilian government. Communication problems made it difficult to know in London what was happening in New York; information was often months out of date. Therefore, rather than ordering that civilian government be automatically restored, some discretion had been given to Clinton; Clinton had to declare the area under the King's Peace before civilian government could be restored. As discussed above, southern New York could reasonably be considered pacified. Indeed, the area *was* pacified, and the certification that it was should have been given. The conclusion must be made that the failure to certify by Clinton was an abuse of his discretion.

As discussed above, Clinton was reluctant to—or incapable—of sharing authority. This personality quirk may very well have been the main reason he did not give his certification. He did not want to share authority, did not wish to, and found it difficult to cooperate and work with Robertson. But, the restoration of civilian government to New York was the wish of His Majesty's government. Clinton would only have been justified in blocking this if the area had

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<sup>45</sup> Faced with a similar problem, independent New York's Convention, on adopting the state constitution, had provided by resolution for the seating of delegates for the missing region, and their replacement. Arguably, this was a violation of the new constitution, but it did provide representation for the missing counties. *Journal of the Provincial Congress, Provincial Convention, Committee of Safety and Council of Safety of the State of New York: 1775-1776-1777*, (Thurlow Weed: Albany, NY) 1842, I, 918, May 8, 1777.

been suffering a major revolt or was under sustained attack by enemy forces. These circumstances did not exist in 1780 or 1781. Clinton blocked a major policy initiative of his government without a legitimate justification.

Some blame must be placed on Germain, and perhaps Robertson. The restoration of civil government in New York was Germain's policy, and Robertson was his main agent for implementing it. Germain and Robertson should have vigorously pushed it, and pressured Clinton to give his certification. This was a high-ranking military officer flouting the wishes of the civilian government of his nation. While circumstances differ, this is a situation that has occurred several times throughout history. One thinks of the problems Lincoln had with McClellan, or Truman with MacArthur. McClellan and MacArthur were soon relieved of duty; Clinton stayed on. Germain was thousands of miles away, and perhaps believed that he had no choice but to accept the decision of the military commander on the spot. Or perhaps he was reluctant to push Clinton. Germain, it must be remembered, was under a cloud because of his questionable actions at Minden; giving orders or pushing his views on a general of unquestioned courage (whatever his other flaws) may have been something he wished to avoid. In that case, however, Germain was in the wrong position, because his role as *de facto* Minister of War required him to do just that.

Of course, the question remains whether the restoration of civilian government in British New York would have made any real difference in the Revolutionary War. This question will be looked at further in the conclusion. For now, it is clear that what many thought was a promising new strategy that had the potential to positively impact the British cause was not attempted. Indeed, it was thrown away. The military master of New York refused to cooperate



and work with the new civilian governor, and only requested civilian government at the worst possible time. However, it must be noted that the experiment of restoring civilian government was attempted in Georgia with some success. This work will now take a brief look at events in Georgia, and contrast them with events in New York.

#### IV

Georgia was the youngest of the thirteen colonies, not having been founded until 1733. The economy was similar to its neighbor South Carolina, with rice and indigo as its main exports. It had a large servile population; in 1773, its population consisted of 18000 whites and 15000 slaves. The population was mainly found along the coast between the Savannah River and the Altamaha rivers (about 50 miles from the Florida border), but colonists had moved northwest along the Savannah River to the vicinity of Augusta. The frontier had recently begun to be settled by second-generation Americans from the Carolinas and Virginia, many of Scots-Irish ancestry. Their rough manners often appalled the earlier settlers based at the capital of Savannah. Many of these frontiersmen would become the leaders of Revolutionary Georgia.<sup>46</sup>

The colony long acted as a buffer between South Carolina and Spanish-held Florida, until Florida became British at the end of the French and Indian War. In the 1770s Georgia still desired British protection from Indians (as well as its own slave population). Begun as a proprietary colony by idealistic Englishmen, by 1752 the colony had become a royal colony. Like

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<sup>46</sup> Ronald G. Killion, Charles T. Waller, *Georgia and the Revolution*, (Atlanta: Cherokee Publishing Company), 1975, 3-6. A map of colonial Georgia may be found in the appendix.

New York, it was governed by a royally-appointed governor, an appointed Council which acted as the upper house of the legislature and as an advisor for the Governor, and a popularly-elected assembly known as the Commons House of Assembly. Like New York's Assembly, which reached the grand total of 31 members in the 1770s, the Commons House of Assembly was also small, never reaching more than thirty members (at least in Georgia, there was the excuse that the colony was new and not too populous). These members were elected by all Georgians—if they were free, white, male, and owned fifty or more acres of land. In 1765, the colony was divided into 12 parishes for administrative purposes.<sup>47</sup>

Georgia had been blessed with one of the King's most conscientious and competent public servants as governor. Appointed in 1760 by King George II, James Wright was to govern Georgia until 1782 (with the exceptions caused by his exile during the Revolution). Wright was a native of South Carolina, educated in law in England. Early in his administration, he achieved a major settlement with the Indian nations of Georgia, ensuring peace as well as a large cession of land from the Creeks. Wright was universally admired in Georgia in the early 1760s.<sup>48</sup>

As in the other colonies, there was much opposition to the Stamp Act. Thanks to Governor Wright's influence, Georgia sent no official delegates to the Stamp Act Congress, but did send an official observer. Georgia's agent in London was instructed to oppose the act, but did not, finding nothing wrong with it. As in New York and other colonies, a group calling itself the Sons of Liberty formed and opposed the act. Wright was perhaps the only governor to succeed in enforcing the Stamp Act.<sup>49</sup> The Liberty Party, a Patriot party, controlled the assembly

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<sup>47</sup> Killion, 3-4

<sup>48</sup> Ibid., 6, 8.

<sup>49</sup> Ibid, 9-13.

from 1765. As in the other colonies, the Boston Tea Party resulted in the formation of committees. However, the Georgians, perhaps because of the relative newness and small population of the colony, were very reluctant to get too involved. No Georgian delegate appeared at the First Continental Congress. By January, 1775, Georgia, upon learning of the non-importation agreement passed by Congress, formed a Provincial Congress. The Congress was mainly composed of delegates to the Assembly. The Congress ran the anti-British movement and prepared the beginnings of a revolutionary government, while its membership (in their capacity as members of the Assembly) continued running the official colonial government.<sup>50</sup> This was reminiscent of events in Massachusetts, where the Provincial Congress was also largely formed of members of the legislature there. As in New York, as in 1917 Russia, as in many revolutions, there was a period of dual or competing government between the official government and a rising revolutionary government. In Georgia, the revolutionary government and the official government were virtually the same for a time.

While Georgia initially failed to send delegates to the Second Continental Congress, it began to take more and more revolutionary actions. In January 1776, the Provisional Government arrested Governor Wright. On February 11, Wright escaped from house arrest. It is possible that he was permitted to escape, as he had many friends and admirers who did not want him to be harmed.<sup>51</sup>

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<sup>50</sup> Ibid., 26.

<sup>51</sup> Killion, 36-7.

After independence, a turbulent period of self-government occurred. Two constitutions were rapidly produced (a temporary constitution and one meant to be permanent), and the state of Georgia's first governor, Button Gwinnett (a signatory of the Declaration of Independence) was killed in a duel with another patriot. In contrast, for the first few years, the war was fairly quiet in Georgia. Every year, Georgia would launch an expedition against the loyal British colony in East Florida, and every year, disease or other factors would force it to return short of the St. Mary's River, which is roughly the border between Georgia and Florida. This all changed in December of 1778. Georgia's exiled British governor, James Wright, along with South Carolina's governor Lord William Campbell, had agitated since their arrival in England in 1776 for the recapture of their provinces. Both believed their colonies included a substantial number of Loyalists. About 3000 British, German, and Loyalist troops under the command of Colonel Archibald Campbell invaded and quickly seized Savannah, the main city of colonial Georgia. Squabbling among the Patriot defenders was a major contributor to the successful British attack. About one hundred eighty eight defenders of Savanna were captured. Savannah would remain British for the duration of the occupation.<sup>52</sup>

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<sup>52</sup> Killion, 44, 47, 174; Coleman, 284-299. Mordecai Sheftall, who had arrived on the second ship to Georgia and risen to be chairman of the Savannah Parochial Committee, was among the captives. Sheftall, who was Jewish, had been cited by Governor Wright as an example of the "Parcel of the Lowest People" who comprised the majority of the Parochial Committee (others cited included carpenters, shoemakers, blacksmiths and "many of the Inferior Class"). In short, he was one of the "new men" that Ryerson and others argue were raised up to positions of prominence by the Revolution. Because he was an important rebel, he was placed under special guard. After angering a guard, he was transferred from his special confinement to confinement with "drunken soldiers" and others, where he suffered abuse and his life was threatened. Fortunately for him, a Hessian officer named Zaltman, "finding I could talk his language", took pity on him and got him much better quarters. The German of the Rhine region where the Hessian states are located is closely related to Yiddish, which Sheftall probably spoke. "The Capture of Mordecai Sheftall", No.53, Killion, 186. It should be noted that Article VI of the 1777 Georgia Constitution required members of the state legislature to be Protestants, which would have disqualified this

At about the same time as the assault on Savannah, a small army from Florida under William Prevost, a Swiss soldier serving in the British army, invaded Georgia from the South.

According to a memorandum in the Sackville-Germain papers:

The conduct of Wm Prevost in Georgia is much more obnoxious to the friends of this Country [Britain] than to its Enemies and is likely to prove fatal to our interest there...His progress from the Southward was attended with a wanton destruction of Property which has never yet marked *even the Retreat* of any our Armys and had more the appearance of a plundering Party, whose Stay in an Enemy's country was to be very short; than that of a Royal Army come to occupy the Province for the defence and Protection of the kings Subjects.<sup>53</sup>

According to the memorandum, on his march Prevost destroyed thirty seven houses in Georgia, plus grain and provisions of all kind. After this small-scale but Shermanesque "March through Georgia", he continued his plundering ways in South Carolina. The memorandum writer blames his actions on the "ignorance natural to a foreigner of the ideas which British subjects entertain of the right of private property, even in the midst of war as far as it can be maintained."<sup>54</sup> In short, what Governor Wright no doubt considered "liberation" began as a plundering invasion; the British repeated the same mistakes they had up north, making themselves obnoxious to the people whose loyalties they needed to preserve or win over.

The British forces soon gained control of coastal Georgia, extending their control inland as far west as Augusta, which changed hands several times during the occupation. By February,

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particular "new man" from being a member in the new government. Constitution of Georgia, February 5, 1777, Avalon Project, [http://avalon.law.yale.edu/18th\\_century/ga02.asp#b1](http://avalon.law.yale.edu/18th_century/ga02.asp#b1).

<sup>53</sup> "Memorandum on Georgia, beginning The conduct of Wm. Prevost", 1779, Sackville Germaine Papers Vol. XI, Clement Library, Nov. 15, 1779-Feb. 15, 1780.

<sup>54</sup> Ibid.

1779, only Wilkes County, a mainly frontier county, was in Patriot hands. The government situation for independent Georgia was quite confused; at one point there were competing Patriot governments. In the British-controlled zone, military officers ruled for four months, until the Governor and other officers of the old colonial government returned. Campbell in January proclaimed to the people of Savannah that he came to protect Savannah, not punish those who had sided with the rebels. All who swore loyalty to the King and renounced the state government would be fully pardoned if this was done within 3 months of the proclamation. Many Georgians accepted; some may have been Loyalists, some trimmers, and others may have been Patriots who thought the American cause was lost. A loyal militia was formed, but some left to rejoin the Whigs when Whig military fortunes improved. General Prevost assumed the role of Governor in March, and reestablished partial civilian rule. Loyalist Georgians were appointed as provincial officers and all laws in effect when the British left in 1775 were declared still in effect.<sup>55</sup>

Wright returned to Savannah on the fourteenth of July, and while he did not find the province as secure as he had hoped it would be, he did believe that it had been restored to the King's Peace. However, he found it imprudent to issue election writs because he thought the military hold on the province weakened by the expedition into South Carolina. He also found that "several of the Leading Rebels are very busy in keeping up the Expiring Flame of Rebellion & that there yet Many here who if they had an Opportunity would adhere to the Independent Scheme." By the end of July, 1779, he was again the governor.<sup>56</sup>

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<sup>55</sup> Coleman, 289; Killion 59

<sup>56</sup> Wright to Germain, Savannah in Georgia, 31<sup>st</sup> of July 1779, No. 55 in Killion, 193; Killion, 59.

Hoping that the province would become more secure, Wright delayed calling an Assembly for almost a year. An Assembly was finally called and met from May to July of 1780. At the opening of the Commons House of Assembly, Wright contrasted the “War, Imprisonments, proscriptions, oppression, attainders, and confiscations” that he said the rebels had brought, with the “Peace, happiness, true liberty and the enjoyment of property” which had long been “banished from this land.” He added that “it will evidently appear that Great Britain never meant to oppress or injure the Colonies, but that they should return to the mild, just, and benign government, they formerly enjoyed.”<sup>57</sup>

It is instructive to look at the actions of this Loyalist Assembly, to understand what a Loyalist Assembly could have accomplished in New York. The Assembly worked hard to restore Georgia to its pre-Revolutionary status. The acts of the Patriot state government were declared illegal, and 151 prominent rebels were disqualified politically. The legislature attempted to attain (basically, permanently strip from them and their heirs their property) 112 rebels, and eventually attainted 24 rebels (pending royal approval—though there is no evidence this was ever received). The Royal Assembly in the spring of 1781 added new parishes and a court, though the parishes probably never functioned as the region they were located in soon became Whig again. The court definitely never functioned. Perhaps most importantly, the colony granted the King a permanent revenue, as their share of imperial expenses (Parliament had foresworn colonial taxation).<sup>58</sup>

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<sup>57</sup> Coleman 289-2, 297; “Governor Wright’s Speech to the Commons House of Assembly”, Savannah the 9<sup>th</sup> of May, 1780, No. 62 in Killion, 212.

<sup>58</sup> Ibid., 297-8. Killion and Waller note that the list of disqualified persons in the Disqualifying Act of 1780 has become “for Georgia an honor roll of its heroes of the Revolution.” Introduction to No. 63, “Disqualifying Act of 1780”, in Killion 213.

British forces in Georgia were soon greatly reduced as units were transferred to the fighting in the Carolinas. Wright's forces were reduced to 500 men in Savannah, 371 about 35 miles upriver, and four regiments of suspect Georgia militia. Wright lost his sense of security, as rebel raids kept the capital in disorder, and Wright constantly harangued London for more troops. His plantations on the Ogeechee River were unprotected and often raided. The laws the Assembly passed could not be enforced, and inflation was pushing food prices to unheard of levels. Warfare on the frontier was vicious. American military success in the South and British lack of troops eventually forced the evacuation of the British and the end of Loyalist Georgia by July of 1782.<sup>59</sup>

The contrast between Georgia and British New York is instructive. British rule over Long Island and New York City was relatively secure (though it is not inconceivable that a French expedition could have seized part of Long Island). Despite this relative security, the region remained under martial law for the length of the war (though there was a civilian governor). In Georgia, four months after the invasion, the civilian government was restored. About seventeen months after the invasion, a loyal assembly met. All this occurred despite a fluid military situation and a shortage of troops—the opposite of the situation in New York. The Assembly created courts and parishes and passed laws. The Assembly voided Patriot laws and attainted rebels—and would probably have attainted more if it had not squabbled. However, a

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<sup>59</sup> Killion, 69-71. Things were also not going well for the revolutionary government. An Assembly was called in January 1780 which declared the Supreme Executive Council (an ad hoc committee which had tried to run Georgia) to be unconstitutional. There was then a series of short-termed governors. As was becoming customary, one governor, George Wells, was killed in a duel with another patriot. His replacement resigned after two days, and Steven Heard became acting governor. The "capital" of Georgia during his administration was a small retreat in the Wilkes County woods known as Heard's Fort. Heard was later captured, but was rescued by a house slave known as "Mammy Kate". Offered her freedom after the war, she refused. Killion, 70-71.



true assembly will often squabble amongst itself as different viewpoints and interests clash. . Perhaps most importantly, the Georgian Assembly passed laws to help solve the imperial revenue problem which had been a central cause of the Revolution. All of this occurred in Georgia, a small province at the fringe of American society. It is not difficult to imagine the propaganda value such actions could have had had they been made by a Loyal Assembly freely elected by the people of a sizable portion of a major province such as New York.

This is not to underestimate the dangers such an approach would have presented to the British. Kings and Staten Island were notably Loyalist and Manhattan was filled with Loyalist refugees, but Queens was mixed in its loyalties, and Suffolk was Patriot. A Royal Assembly in British New York could at times have worked at cross-purposes to the British effort. It would probably have contained one or two members whose sympathies were not wholly with the British. It would have undoubtedly been “factious and contentious” even in the best of circumstances. But even a difficult Assembly would have been evidence that the British—the legitimate government, at least in British eyes—were in New York to stay, and that the British respected the rights and liberties of the people of New York. This, it may be argued, was a risk worth taking.

Why the differences in the approaches taken in the two provinces? The relative success of the Georgian experiment is probably because Governor Wright was dedicated to reestablishing civilian government in Georgia, and because he had the cooperation of the military authorities (though he clearly needed more troops to protect his province). This situation was clearly lacking in New York. Tryon, the governor for the first years of the occupation, had not pushed for civilian government. When Robertson arrived, Clinton refused

to certify Southern New York as pacified, as Germain's orders required before civilian government could be restored. Clinton had difficulty working with Governor Robertson. Had the military authorities been more cooperative, a true civilian government could perhaps have been created. Instead, Robertson was forced to institute half-measures like his Police Court.

One thing is clear—New York was a lost opportunity for the British to restore civilian government in an area where the propaganda value, the opportunity to win over hearts and minds, would have been great. Whether such an action would have helped change events will be discussed in the concluding chapter. But the attempt should have been made.

## V

Robertson remained Governor of New York until April, 1783, and carried on the necessary duties of his office. Robertson was briefly Commander in Chief until he was relieved of these duties by the arrival of General Guy Carleton. During Robertson's brief turn in the top position, he corresponded in May, 1782 with George Washington (doing him the courtesy of referring to him as *General* Washington) concerning what the British considered "acts of Barbarity" committed against Loyalists by Continental and militia troops.<sup>60</sup> This was to be a major problem of the last days of British rule: the violence unleashed against both the British/Loyalist side and the Patriot side. While palling besides that of South Carolina, they were bad enough.

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<sup>60</sup> Robertson to Washington, New York, 1<sup>st</sup> May, 1782, *Letter Book*, 242.

As briefly mentioned above, at Yorktown the Tenth Article of Capitulation provided that ““Natives or inhabitants of different parts of this country at present in York or Gloucester, are not to be punished on account of having joined the British Army.”<sup>61</sup> This article, intended to protect Loyalist troops from being treated as traitors by the Americans, was not accepted by Washington, who believed the status of such Loyalists could only be determined by the civil authorities.<sup>62</sup> While the deference Washington showed to civilian authority is admirable and one of his finest qualities, the result was outrage among the Loyalists.

The Associated Loyalists, a militant group of Loyalist irregulars who would often raid Connecticut (some would argue that they were pirates and freebooters) were angered at the Tenth Article and its interpretation. On April 12, 1782, one of them, Captain Richard Lippincott of New Jersey, killed Captain Joshua Huddy, a Patriot prisoner, on the grounds he had killed the Loyalist Philip White. Lippincott did not act on his own, but under the orders of the Board of Directors of the Associated Loyalists. This created a major incident. Washington wrote Clinton complaining of the killing, and demanded that Lippincott be surrendered to the Americans for punishment. Robertson supported proceeding against Lippincott as a murderer. The Council decided to court-martial Lippincott. Robertson informed Washington of this, and urged Washington to join with him in preventing or punishing breaches of the rule of war. Washington replied on May 4, and agreed on the need to conducting the war in a civilized manner, but again insisted that Lippincott be extradited. Of far more significance, Washington threatened retaliation on a British officer in American custody. This was not an idle threat; an

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<sup>61</sup> *London Gazette*, Dec. 15-18, 1781.

<sup>62</sup> Robertson to Germain, New York, 22d March 1782, *Letter Book* 239 n. 2.

officer was actually selected by lot to be the victim of retaliation, one Captain Charles Asgill of the First Regiment of Foot Guards. The British proceeded with the court martial, and threatened to hang Henry Brockholst Livingston, then a prisoner, should Asgill be harmed. Livingston was the son of William Livingston, the Revolutionary governor of New Jersey. Lippencott was acquitted of murder by the court-martial, on the ground that he thought his actions were under official orders from the Associated Loyalists, an organization authorized by Clinton and Germain. Fortunately for Lippencott, Henry Livingston, Charles Asgill, and the reputations of Washington and everyone involved, Washington backed off from his threat.<sup>63</sup>

Guy Carleton, the new Commander-in-Chief, arrived on Sunday, May 5, 1782, after a surprisingly short passage of only 25 days. He got straight to work, and less than four hours after his arrival, he was being briefed on the Lippencott matter.<sup>64</sup> Carleton (Known as Sir Guy after 1776, and as Lord Dorchester after 1786) had been governor and captain-general of Quebec in 1775. He had been born in the County Down, Ireland, of Scots-Irish stock to a local landowner in 1724. He had been commissioned an ensign in 1742, and had risen in the ranks. Part of this rise was owed to the friendship of James Wolfe, who secured him a position as quartermaster general of the army which captured Quebec in 1759. He served in Canada, Europe, and against the Spanish at Havana, and was thrice-wounded. In 1766, he became the Governor of Quebec. Carleton realized that the large French Catholic population of Quebec made Canada a very different province than one which had been peopled by British Protestants. He developed this realization into the policies included in the Quebec Act of 1774.

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<sup>63</sup> Ranlet, 80, 164; Jones, I, 303; Robertson to Washington, New York, 1<sup>st</sup> May 1782, *Letter Book* 242 and accompanying notes.

<sup>64</sup> Smith, *Memoirs*, III, 503 (May 5, 1782).

This, as one biographer notes, developed into the conception of “a larger ‘British’ liberty of non-English people to retain their own distinctive character” within the British Empire.<sup>65</sup>

The actual implementation of these policies proved difficult. The interests of English-speaking settlers, many of them merchants, often clashed with the French-speaking majority. Carleton believed that because of these conflicting interests, it was best that there be no assembly.<sup>66</sup> Carleton, aided by a council, would govern Quebec as a benevolent despotism. In the actuality, he was impatient with opposition, disliked the English merchants, eliminated from the government many who opposed him and stifled free discussion of his decisions. After a four year return to England, he returned with an eighteen-year old French-educated wife, the Lady Maria Howard, daughter of the Earl of Effingham. Not only did this help him in the patronage and connection society of Britain, but her enjoyment of things French was no doubt an aid to his administration of the French-speaking province. On his return, he hoped to make Quebec a bastion against the increasingly rebellious colonists. He was disappointed at the lukewarm response of the populace to the American invasion of 1775. Few took up arms, and some even joined with the invaders. While the American invasion ultimately failed, it did reach the gates of Quebec City. In 1776, Carleton defeated on Lake Champlain a small flotilla commanded by Benedict Arnold, but failed to take Fort Ticonderoga.<sup>67</sup>

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<sup>65</sup> Paul H. Smith, “Sir Guy Carleton: Soldier-Statesman”, in George Athan Billias, ed., *George Washington’s Opponents: British Generals and Admirals in the American Revolution* (New York: William Morrow and Company) 1969, 103-105.

<sup>66</sup> Paul H. Smith, 106-7. One could argue that Carleton was mistaken, that an assembly would have been quite useful as a place for peaceful conflict between the various groups (as it served in the ethnically and economically diverse province of New York). However, Quebec’s French population had only recently been enemies, so Carleton’s opinion was understandable and perhaps even wise.

<sup>67</sup> Paul H. Smith, 104, 108-110 According to Paul H. Smith, Carleton “did not recognize, or refused to believe, that the bulk of the habitants sullenly acquiesced in the recent restoration of ancient clerical and seigniorial privileges directed against their liberties, and accepted British occupation with a measured loyalty that bordered on passive resistance.” 109. Carleton’s misreading of the *habitants* resulted in over-optimistic hopes for *Quebecois* resistance

Carleton was criticized for his conduct of the campaign, especially his failure to take Fort Ticonderoga. Germain questioned his actions, and Carleton replied intemperately. The king criticized both men for their immoderate, angry correspondence, but noted that Carleton was wrong to “convey such asperity to a Secretary of State.” Thus began a long-standing feud between the two men. Carleton returned to England in 1778, and his name was oft-mentioned as a possible successor to Clinton. He was finally appointed.<sup>68</sup>

Unfortunately for Carleton, the position of Commander-in-Chief offered little chance for glory in 1782. As he left Britain, it was made clear to him by Rockingham’s peace ministry that his task would be to arrange for the withdrawal of British troops from New York, the South, and even St. Augustine in Florida. Carleton hoped to bring the southern troops to New York, and would even divert some ships bound for Halifax to New York. He hoped to strengthen the New York garrison so as to give the British more leverage to bring the Americans to the bargaining table. It is doubtful that this would have succeeded, and the question was moot, as discussions in Paris were headed in the way of recognizing American independence. Carleton would later be the governor of Canada from 1786 to 1796, where he gained a reputation as one of Canada’s founders.<sup>69</sup>

Carleton infused some energy into British rule. One of his first acts was to review the Lippincott case, and he also quickly forwarded copies of Parliament’s resolution to suspend all offensive military operations in America to Washington. He rose early and rode around Manhattan, familiarizing himself with the city and its problems. Prisoners were released from

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to the American invaders. Carleton thus joins the long list of Britons and Loyalists who overestimated the willingness of North Americans to take up arms for the Empire.

<sup>68</sup> Paul Smith, 126-7, 129. These letters arrived about the same time Carleton learned that General John Burgoyne, not Carleton, would lead the northern army in the 1777 campaign.

<sup>69</sup> Paul Smith, 126-7, 129-31, 135.

their ships during the summer onto Blackwell's Island (now Roosevelt Island). He attacked corruption and instituted reforms, and initiated a long overdue inquiry into the September, 1776 fire (See Chapter III). Clinton left New York a week after Carleton's arrival. He spent much of the following years trying to rehabilitate his reputation.<sup>70</sup>

With Carleton's arrival, New York learned of the change of the Ministry which had occurred on March 27. Among the changes was the elimination of Germain's old position, Secretary of State for the American Department. The Earl of Shelburne, William Fitzmaurice Petty, was made Secretary of State for Home, Irish, and Colonial Affairs. This essentially gave him Germain's old duties (along with other responsibilities). Shelburne corresponded with Robertson as to why civil government had been not instituted. Robertson politely blamed Clinton, stating that he had "never failed to urge Sir Henry Clinton in whose power this lay," and laying out the reasons for the recent rejection (see above). Perhaps Germain and Robertson should have pushed harder for civilian government; even Rockingham's Ministry wanted to know why it had not been tried. Having assured Shelburne of his zeal to serve with Carleton, Robertson also requested to be relieved of his Governorship.<sup>71</sup>

Robertson's relations with Carleton were problematic. As discussed above, Carleton and Germain had a long-standing feud. Robertson was considered a confidant of Germain, who was not only out-of-favor with Carleton but with the new government. Carleton also believed that Robertson had obstructed plans for civil government despite the desire of Clinton for it (!). The probable source of this highly erroneous belief was Clinton. Robertson protested that he had

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<sup>70</sup> Schechter, 364-5.

<sup>71</sup> Robertson to Shelburne, New York, 9<sup>th</sup> May 1782, Letterbook, 245, and n.2; Robertson to Amherst, New York, 12<sup>th</sup> May 1782, Letterbook, 249.

pushed for civil government only to meet a stone wall in Clinton. Carleton failed to believe him, and Smith, by now disappointed with Robertson, reinforced his disbelief.<sup>72</sup>

In a May 9, 1782 letter to the Earl of Shelburne, Robertson replied to a letter sent him by Welbore Ellis, Germain's replacement as Secretary of State for the American Department (and the last to hold that position). Ellis wished to know why Robertson objected to civil government. Robertson argued that

I came to America possess of a belief, that by restoring Civil government I might have the honor of being instrumental in restoring His Majesty's Authority—This belief was confirmed by observation, and I never failed to urge Sir Henry Clinton in whose power this lay—to make the people happy in their wishes by restoring their Constitution—I pressed this so earnestly, that Sir Henry declared he would Quit his Command if ever Civil government took place in a province where he carried on War—<sup>73</sup>

Robertson ended the letter by requesting leave to return home, for reasons of his health and his family's situation. In a letter to Lord Amherst, he told him that he wished to see the "remains" of my family, and he told Lord Haldimand that his wife's grief (over their daughter who had died recently) made him anxious to return to support her.<sup>74</sup>

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<sup>72</sup> Schechter, 363; K & H 63-64; Robertson to the Earl of Shelburne, May 9<sup>th</sup> 1782, *Letter Book*, 245, Smith, *Memoirs*, 517, June 3, 1782. In his memoirs, Smith called Robertson a "vehement" advocate for military power, and opined that Robertson "must have felt great Restraints from having hidden his real Sentiments from the Ministry and the Pains he has take to mask them before me." *Memoirs*, III, 517.

<sup>73</sup> Robertson to Shelburne, New York, 9<sup>th</sup> May 1782, *Letterbook* 245; n. 16, 249. See Ellis to Robertson, Mar. 6, 1782, in DAR. XIX, 248, 263-4, XXI, 33.

<sup>74</sup> Robertson to Amherst, New York, 12<sup>th</sup> May, 1782, *Letterbook* 249; Robertson to Haldimand, Aug. 26, 1782, Add. MSS 21734. F. 536, British Museum, cited in Robertson to Shelburne, New York, 9<sup>th</sup> May 1782, *Letterbook* 245, n. 19.



It would be several months before Robertson's request would be granted, and Robertson would not actually leave New York until April, 1783. Robertson carried on his duties. In June, 1782, he issued a proclamation requiring virtually all "persons" (presumably all men) except for ministers and a few other exceptions to perform militia duty, or provide a substitute if they were old or infirm. Proclamations concerning carts, horses, and wagons used for supplying the wants of the city and military were issued in July. Robertson also pardoned a pirate on condition that he served in the fleet, and issued a proclamation of public thanksgiving on the occasion of the successful relief of Gibraltar.<sup>75</sup>

Robertson left New York for England on April 16<sup>th</sup>, 1783. He held a final Council meeting on April 10.<sup>76</sup> Before leaving, he wrote two letters, one to Carleton, the second to Lieutenant Governor Elliot, which may be considered a "Valedictory", or summation of his governorship. In his letter to Carleton, Robertson discussed his establishment of Police Courts on Long Island. Robertson seems to have been quite proud of his establishment of the Police Courts, and to have considered them one of the major accomplishments of his administration. The picture Robertson painted of the Court of Police of Long Island is greatly different from that painted by Thomas Jones:

I found that the distance from some parts of Long Island, and the expence of living at New York, made most of the inhabitants of that Isle rather suffer wrongly than apply to the Courts at New York—for redress—and that the want of Courts on Long Island—left every licentiousness and Crimes unpunished—

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<sup>75</sup> Smith, *Memoirs* III, 582, April 19, 1783; *Proclamation regarding the Militia*, June 22, 1782, *Letter Book*, 253; *Proclamation regarding Carts*, July 3, 1782, *Letter Book* 255; *Proclamation on Horses and Wagons*, July 31, 1782, *Letter Book* 255; Robertson to Philip Stephens, New York, 2d Novr. 1782, *Letter Book* 259; *Proclamation of a Day of Public Thanksgiving*, January 14, 1783, *Letter Book* 261.

<sup>76</sup> Smith, *Memoirs*, April 19, 1783, 582.

These Considerations led me to institute a Court of Police on Long Island...Happily the Gentlemen who were chose for Judges—have executed whatever I could hope from them—Justice and equity and order have taken place there—and a want of the rules which are instituted for guarding liberty—have been little felt—while delay and expence have been entirely avoided--.<sup>77</sup>

This contrasted with the picture drawn by Jones, who considered the court to have been “an arbitrary and despotic court.” Jones called Ludlow, the Superintendent of the Court, “The little tyrant of the Island”. Robertson perhaps was aware of criticisms of the courts, and argued to Carleton that the lack of juries and the other “rules which are instituted for guarding liberty” had been little felt, while delays and costs had been avoided. Even if Ludlow did not act tyrannically (and there is evidence that he was corrupt or at least arbitrary, as discussed above), the court by its very nature was only a pale shadow of a true British court. The truth is probably somewhere between these two pictures.<sup>78</sup>

His April 14 letter to Elliot seems to indicate some sadness and depression over his Governorship, though perhaps that is reading too much into an official communication. As he informed Elliot, his successor as governor and the last Royal Governor, he had “exercised few Acts in the Character of a Civil Governor.” All of his authority had been derived from the Commander of Chief—and under it he had tried as a general “to supply the want of Civil Government.” This truly showed the oxymoronic nature of New York’s occupation government.

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<sup>77</sup> Robertson to Carleton, New York, 11<sup>th</sup> April 1783, *Letterbook* 262.

<sup>78</sup> Jones, II, 2, 17; Robertson to Carleton, New York, 11<sup>th</sup> April 1783, *Letterbook* 262.

Robertson advised Elliot that he would gain more “advantage” from his “private Character and the regard people have for your person, than from your Office.”<sup>79</sup>

Robertson returned to relative obscurity in England. His friendship with Smith was resumed in 1784, when the exiled Smith arrived in London. Robertson had a small circle of friends, former officers who had served in America, who regularly met for conversation, cards, and wine, including Lord Amherst, General Gage, and Frederick Haldimand. Smith joined this group. Smith also aided him in certain land claims Robertson had in America, but to no avail. Robertson was dunned for receipts and vouchers from his years in America. He became ill and passed away on March 4, 1788.<sup>80</sup> His obituary in the *Gentleman’s Magazine* was brief:

In Wimpole Street, Cavendish Square, Lieutenant-General James Robertson, colonel of the 16<sup>th</sup> regiment of foot, and late governor of New York.<sup>81</sup>

## VI

Robertson had left New York for the last time on April 16, 1783. By this time, provisional articles for peace had been signed between Britain and the United States, and between Britain, France and Spain. In February, George III had proclaimed a “Cessation of Arms”. This was read in front of City Hall a few days before Robertson left, on April 9, 1783. The mainly Loyalist

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<sup>79</sup> Robertson to Elliot, New York, 14<sup>th</sup> April 1783, *Letterbook* 265.

<sup>80</sup> Klein and Howard 65-67

<sup>81</sup> *Gentleman’s Magazine*, LVIII (Mar. 1788), 275, cited in Klein and Howard, 67.

crowd “groaned and hissed”, and their faces were full of despair. In the next few days, some would take their lives.<sup>82</sup>

Prisoners of war were released on April 6 and 9. Patriot Americans began to return to British-occupied New York—at least 2000 by one estimate. In early May, George Washington, George Clinton, the Governor of American-controlled New York, and the British commanders, General Guy Carleton and Admiral Robert Digby, met at Tappan (just north of the border with New Jersey) to discuss the arrangements for a British evacuation. William Smith, Chief Justice of British New York, attended. He was no doubt a little pleased to meet with Governor Clinton, who had once been his clerk, but he also stated that he felt some humiliation as well. Washington was concerned that the British not destroy or steal American property, especially slaves. Carleton would not return slaves who were leaving or had left for Nova Scotia, but agreed to a registry for compensation. Many blacks would leave for Canada.<sup>83</sup>

Loyalist refugees from throughout the thirteen colonies flooded into the city, as Patriots began to return. Daily auctions were held as wealthy loyalists liquidated their possessions. In October, 1782, a fleet with 500 refugees had left; larger fleets left in April and September 1783. About 29,000 left New York City, and about 70,000 left the entire United States. While some were exiled to Britain or the West Indies, about 50,000 of them went to Nova Scotia or Quebec. Many of them did not go to Halifax or the other relatively small towns in Nova Scotia, but to an unsettled frontier: Saint John on the Bay of Fundy. One New York Loyalist, Sarah Frost, described it as “The roughest land I ever saw... But this is to be the city, they say. We are all

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<sup>82</sup> Smith, *Memoirs*, April 19, 1783, 582; Schechter, 368-70.

<sup>83</sup> Smith, III, April 22, 1783; Schechter 372, 374.

ordered to land tomorrow and not a shelter to go under.” The winter was harsh; many lived in tents with the frozen ground as a floor—and many did not live through the winter. Not mixing well with the older settlers, they petitioned for the Loyalist-settled regions to be made separate colonies from Nova Scotia. This request was granted, and New Brunswick (where Saint John is located), Prince Edward’s Island, and Cape Breton were all made separate colonies.<sup>84</sup>

On the Ontario peninsula (then part of Quebec), many Loyalists from disbanded regiments were settled. Their descendants formed the bulk of the forces that stymied American invasions of what is now Ontario during the War of 1812. Also settling in Quebec was New York’s William Smith, who became the Chief Justice of Quebec. In 1789, the Loyalists of modern Quebec and Ontario and their descendants were honored by being allowed to affix “U.E.” after their name. This stood for “United Empire”, and was awarded for their adherence to the principle of unity of empire. Their descendants refer to themselves as United Empire Loyalists.<sup>85</sup>

Rather ironically, while they had left America, they were still characteristically American. As has been argued earlier in this work, there was much agreement between Loyalists and Patriots as to many political issues; the difference was in what methods should be employed, and eventually in the loyalty that should be given the king. Arguably, even the Loyalists could be considered Whigs, and a bit more “left-wing” or “progressive” than many of the British. Harvard historian Maya Jasanoff notes that Loyalists, wherever they went, promptly expressed an “uncannily American desire for greater political representation.” The transplanted Loyalists

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<sup>84</sup> Schecter, 373-4; Anne Mackenzie, “A Short History of the United Empire Loyalists” <http://www.uelac.org/PDF/loyalist.pdf>, 1998, 2008, accessed August 15, 2011, p. 3. Cape Breton was re-incorporated into Nova Scotia in 1820. Prince Edward’s Island was originally called St. Johns Island until 1798. It is presently the smallest province of Canada, in both population and area.

<sup>85</sup> Mackenzie, 3-5; Schecter, 374.

agitated for freehold tenure to be instituted in Quebec, rather than the semi-medieval *seigneurial* system used in Quebec. They also agitated for elected assemblies. This eventually resulted in the 1791 Canada Act, by which Quebec and Ontario were separated into two colonies, each with an elected assembly, and with freehold tenure in Ontario (then known as Upper Canada).<sup>86</sup>

But their experiences and reactions to the American Revolution also marked them. They had seen what they saw as “mob-rule” in their old homes. They had seen arms seized by committees with no legitimate power to seize them (at least in the eyes of the Loyalists); they had seen these weapons taken from those who disagreed with the committees. Their distrust for republicanism and fear of mob rule helped influence the “gradual, ‘paper-strewn’ path to nationhood” of Canada. And their ties to Britain and their antipathy to the United States helped create a separate Canadian identity, and no doubt helped preserve British rule during the War of 1812.<sup>87</sup>

Carleton in November gave the Americans precise dates for the withdrawal of British troops from New York. Eastern Long Island and northern Manhattan would be evacuated on November 21, and New York City and Brooklyn at noon on the twenty-fifth, weather permitting. The weather was acceptable, and the evacuation occurred on the twenty-fifth. The last piece of occupied soil in New York (indeed, in the United States—not counting some frontier forts the British failed to evacuate for several years) was Fort George, at the very southern tip of Manhattan. Here, British soldiers had “helpfully” greased the flag-pole. After a

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<sup>86</sup> Maya Jasanoff, “Loyal to a Fault” *New York Times Magazine*, Sunday, July 1, 2007; Mackenzie, 4-5.

<sup>87</sup> Mackenzie, 5.

brief delay to overcome the greasing, the American flag flew over the city.<sup>88</sup> While the Revolution was in many ways not over, the war was definitely over.

After the Battle of Yorktown, the band at the surrender is said to have played “The World turned Upside Down.” The reoccupation of New York, symbolizing the American victory over Britain, was a truly momentous, earth-shattering occurrence. As if to accentuate this, a few days after the British evacuated, the earth in New York literally shook, as the Moravian Reverend Schaukirk recorded in his diary:

In the evening about 8 o'clock, we felt a slight shock of an earthquake; and about eleven, there was a more violent one, which shook all the city in a surprising manner. We felt it in bed—enough to arouse us from our first sleep.<sup>89</sup>

## VII

The Anglican Church struggled to find its footing in the new republican world, but it eventually reestablished itself as the Episcopal Church. Reverend Cutting recorded in 1783 that offending passages (most likely prayers for the king) in prayer books were pasted over with strips of white paper writing invocations for the President of the United States. This is curious, as no such officer existed in 1783; it is likely he meant the president of Congress. The Presbyterians rebuilt their churches. The records of Oyster Bay show many manumissions of slaves in the 1780s. This was probably the result of an intensification of economic trends that

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<sup>88</sup> Schechter, 375-6.

<sup>89</sup> Schaukirk, Saturday, November 29<sup>th</sup>, 1783, 28.

had been making slavery less common in the region; but it is possible that the ideology of freedom and the incongruity of slavery may have been a factor. Quaker manumissions seem to have had an influence on Long Island.<sup>90</sup>

On Long Island, about one of every six inhabitants fled. The state legislature deprived many Loyalists of civil rights, attainting some, depriving others of voting rights; a violation of the spirit if not the letter of the peace treaty. The exile of many leading citizens, and the republican and democratic ethos that had swept and were continuing to sweep the colonies, finally reached the southern district of New York. New people, new names, and new families began to be elected to local and state wide offices. The oligarchic control of a few families in Long Island towns began to broken. The governor of the state was considered a “new man”, who would probably not have reached such a height if there had not been a revolution. While Loyalist estates such as those of Frederick Philipse were forfeited and broken up, other great estates remained; the tenancy system would last until the 1840s.<sup>91</sup>

The district had suffered greatly during the war. Rather unfairly, shortly after the war, a tax was imposed on the area by the state legislature, because they allegedly had not

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<sup>90</sup> Bauer, 30-31; Vincitorio, 73-4; Staudt, 73-75. In 1785, the legislature passed a bill giving town meetings the authority to manumit slaves. For example, Jack Willis, the “Man Slave” of Townsend Willis, “disirious to be set free and his ... Master Consenting thereto” was duly examined, and appearing to be under fifty years of age, and of “sufficient ability to get his own living”, was freed on April 4, 1786. The manumission was witnessed by two justices and three Overseers of the Poor. At least two other slaves were freed that day in Oyster Bay. In addition, a woman named Nancee who had previously been freed by her master was also freed in accordance with the new law. In August, two more slaves named Dirk Jones and Caleb Vallentine were freed, and a Thomas Cook was freed in October of that year. In 1787, Peggy Rumpus, who had previously been freed, was also freed under law. There are many more examples. John Cox, ed., *Oyster Bay Town Records* (New York: Tobias A. Wright) 1916, Book H, Vol. 7, 82, 84-6, 89. While no doubt ideological considerations may have had something to do with the increase in manumissions, it is also likely that changing economic circumstances were a cause as well; slavery in the Mid-Atlantic was ceasing to be economically viable. The new law appears to have facilitated and rationalized the procedure; hence several slaves who had been informally freed took advantage of the new procedure to be declared legally free.

<sup>91</sup> Tiedemann, “Queens County”, in Tiedemann and Fingerhut, 54-7; Rossano, 12-19; Judd, 122-3.



contributed to the war effort. The trees slowly recovered from their devastation, and the returning refugees sought compensation from the British. They were generally unsuccessful, but much of our information on the actions of the British and Hessian troops comes from the documents and affidavits they prepared in connection with these attempts. The Blydenburgh Manuscript, discussed in an earlier chapter, is one of these documents.<sup>92</sup>

The Earl of Carlisle became the viceroy of Ireland in 1780, and later became a strong supporter of the war against Revolutionary and Napoleonic France. He became the guardian of the great Romantic poet, Lord Byron, who later satirized him in a poem. William Smith, Jr. became the Chief Justice of Canada, while Thomas Jones spent a few years in exile in Britain before penning his acerbic history. Robertson spent his final years quietly back in Britain. Germain became the Viscount of Sackville, dying in 1785. General Howe after the inconclusive Parliamentary inquiry saw some limited action in the French Revolutionary wars. Historians still debate his actions during the Revolutionary War. His brother served with distinction in European actions during the Revolution and in the French Revolutionary wars. General Sir Henry Clinton served in Parliament and in several distinguished posts, and blamed Cornwallis for the disaster at Yorktown.

The spies of the Revolution faded into obscurity until their secrets were uncovered in the 1930s. John Graves Simcoe, who had penned what may have been America's first valentine to Sally Townsend, became the Lieutenant-Governor of Upper Canada in the 1790s, and is considered one of the founders of Canada. Sally Townsend, unbeknownst to Simcoe, was the

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<sup>92</sup> Tiedemann, "Queens County", in Tiedemann and Fingerhut, 55.

sister of America's top spy, Robert Townsend, and probably a bit of a spy herself. She died unmarried in the 1840s, despite the great beauty she is said to have possessed. The valentine was found amongst her possessions after her death.

Banastre Tarleton, who had taken many items from the inn at Smithtown, and burned down two villages in Westchester that refused to cooperate in their plunder, later served in South Carolina. Here he gained a reputation for ruthlessness, such that the term "Tarleton's Quarter" became synonymous for "No Quarter." He later served in Parliament, where he became well-known for supporting the slave trade. Benedict Arnold went to Canada for a few years, engaged in business dealings involving the West Indies, and eventually moved to Britain where he died. His important role in the Battle of Saratoga was eventually honored by a statue; because of his later treason, the statue was of a boot, and the person honored was not named (Arnold had been wounded in the leg during the battle). Benjamin Thompson, the builder of Fort Golgotha, gained a reputation as a scientist and gained the title Count Rumford. Fort Golgotha was eventually dismantled, and the hill where it stood became once again a graveyard, and remains so to this day.

## Conclusions

## I

Before concluding this work, let us briefly summarize it. The Imperial Crisis was triggered in the mid-1760s by a dispute over the right of Parliament to tax Americans. Most Americans, including many who eventually became Loyalists, believed that Parliament did not have the right to do that. This was basically a constitutional question, and could probably have been solved by giving the Americans some say in determining the taxes they had to pay.<sup>1</sup> A broad-based protest against the Stamp Act and other British-imposed taxes began. Resistance took a form ranging from formal motions by colonial assemblies respectfully outlining their differences with British policy to violent street actions. New York was a fairly reluctant participant in these activities.

Of New York's two main political factions, the great merchants, who had many commercial and other ties with Britain, tended to be cautious in their opposition to British policy, while the great landlord faction strongly supported the anti-British movement, and eventually independence. The rather conservative, elite-based political system of New York was altered and destroyed by the Patriot movement. A new faction, the Sons of Liberty arose, that represented a rising group of newly-rich merchants as well as the "mechanicks", the working class of New York. There was a general consensus among all three factions that the British

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<sup>1</sup> This is not to say that the Revolution was solely caused by a constitutional dispute. There were many differences between the colonials and the British that could and did lead to tensions. However, the proximate cause, the triggering event that set the thirteen colonies on the path to independence was a constitutional question.

Parliament did not have the right to impose taxes on the Americans. The factions differed mainly on stridency and methods, with the Sons of Liberty the most strident and most likely to prefer violent street actions or political vandalism.

British intransigence and provocative actions such as the various “Tea Parties” led to actions by the British which appeared tyrannical, such as the Intolerable Acts. It did not help that many of the Livingstons were Real Whigs, a political tendency which argued that those with power are constantly seeking to enlarge it and for vigilance against tyrannical actions—the Intolerable Acts only confirmed them in their beliefs. A system of committees, often chosen by local governments, began to develop to coordinate the anti-British movement. These committees began taking on governmental powers, and provincial and Continental congresses arose from the committees. The Continental and provincial congresses began to move in the direction of armed conflict with Great Britain. Many Patriots, opposed to this direction, left the movement, becoming Loyalists. In New York and other colonies the provincial congresses began to take control of the government, and in New York and other colonies the governor fled the capital and tried to govern from onboard a British ship.

Even after fighting began, the movement was not necessarily a movement for independence. There was a long Anglo-American tradition of violent action and even armed rebellion whose purpose was not independence or the overthrow of the government, but to force the government to do what the rebels saw as sensible or constitutional. But the British and the King refused to listen, and the King declared the Americans to be rebels. The Americans, who believed the King was the guarantor of their liberties, felt betrayed, and their loyalty and love began to turn to hate. An influential pamphlet, *Common Sense*, ridiculed the

whole notion of monarchy, and argued for independence. Independence was eventually declared by the Continental Congress, and the revolutionary government of New York, which had been in virtual control of the province for months, reluctantly declared independence. This news was greeted by symbolic acts of regicide, such as the destruction of King George's equestrian statue in New York City.

Southern New York was soon occupied by the British, who remained there until the very end of the war in November, 1783. While in many ways a mild occupation, there were enough appalling incidents and breakdowns of law and order as to alienate many Loyalists and make the task of restoring loyalty difficult. Churches and graveyards were desecrated; while some of this was military necessity, some may have been done from spite. The Carlisle Commission and others believed that restoring civilian government in the British-controlled territory would have many beneficial attempts, such as signaling that Britain desired not tyranny but liberty in its colonies. An attempt to restore civilian rule in the British zone was thwarted by military opposition (particularly that of General Clinton). It is arguable that this was a major lost opportunity for the British; this will be discussed below.

## II

The basic question of this work was stated in the introduction thusly:

*Would the restoration by the British of full civilian government have had the beneficial effects the British desired from it? Would it have returned large*

*numbers of individuals, counties, colonies, or regions back to British allegiance, or was the attempt too late to have any such effect? If the latter, at what point was reconciliation not possible, and what factors made this failure to achieve reconciliation more likely?*

One way at looking at the idea of restoring civilian government is to look at it as an attempt to restore loyalty. Restoring civilian government would, it was believed, showcase the benefits of remaining in the empire, and highlight to the Americans that it was not Britain's desire to create a tyranny, but to create free provinces within the British Empire, to restore the blessings of liberty and the British Constitution to the rebellious provinces. This, it was hoped and believed, would bring many Americans back to "their former allegiance." If one wishes to evaluate the success or failure of an attempt to restore loyalty, then one must understand how that loyalty was gained—and how it was lost. One must also understand the factors that drove the actors, what their interests and beliefs were. Hence, before discussing the question of restoring civilian government, this work examined the history of colonial New York, the factions of New York, and the break with Britain in New York.

Loyalty to a king is not "natural"—it must be taught and encouraged. This is especially so in a colony such as New York, where many of the colonists were a conquered people, and many of the rest come from a suspect religious minority. Many methods, detailed above, were used to turn the inhabitants into loyal subjects. By the mid-eighteenth century, these efforts had borne fruit, and many Americans and New Yorkers were quite fond of the king. What is more, he was seen as the guarantor of the

people's liberties. His name and the word "Liberty" was sewn together on flags flown from liberty poles.

He was more than a guarantor of liberty—he was the leader of a vast trans-Atlantic (indeed, worldwide) trading empire from which many New Yorkers benefitted greatly. There were those who benefitted directly from this, while there were others where the benefit seemed more abstract—indeed who found the British connection constraining. The economic and other interests of New Yorkers greatly influenced the path New York took towards independence, and the positions individuals took. To help understand the loss of loyalty of many New Yorkers, as well as its retention by others, this work examined the nature of its factions, as well as the various divisions to be found in rural regions such as Long Island. This is briefly summarized below.

Colonial New York at the end of the French and Indian War was dominated politically by two factions, representing the interests of two great economic elites: the Livingstons, who represented the landed interest, and the Delanceys who represented the interests of the great merchants. Both factions would seek to gain the favor of other groups, and would constantly jockey for power. Ideologically, both groups may be classified as Whigs, believers in what would become known as liberalism, in the principles of 1688, and in constitutionalism.

Whigs believed that property and liberty were inextricably linked. Property gave one independence and hence liberty. Indeed, the whole purpose of men "entering into Society" was to create a government that would preserve property. A tax imposed without one's consent was a seizure of property, of one's independence, of one's liberty. Many Whigs would argue



that such an action was tyrannical, though they might differ as to the appropriate response. The Livingstons came from the more extreme branch of the Whig continuum. They were “Real Whigs”, and they believed that those in power would constantly try to expand their power beyond its lawful limits. Thus, one had to be constantly vigilant against those in power. A Real Whig was thus sensitive—perhaps overly sensitive—to the actions of government. Even an innocent-seeming action could, to a Real Whig, be the harbinger of tyranny.<sup>2</sup>

The Delanceys for the most part were not Real Whigs, and while they opposed the Stamp Act and similar taxes, resisted any characterization of British actions as tyrannical or of the Empire as a tyranny.<sup>3</sup> Much of their trade was with Britain, and they saw the Empire as a vast trading network. Their personal fortunes would have been directly threatened by a break between American and Britain and the disruption it would cause. They thus were a moderating influence in the Imperial Crisis. In general, they worked for reconciliation and opposed measures they thought would worsen the situation. In the various committees of 1774-76, they played a major role, even dominating important revolutionary committees.<sup>4</sup>

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<sup>2</sup> Maier, 28, 31-36; Locke, Second Treatise, §§ 222, 225, pp. 412, 415.

<sup>3</sup> Perhaps they thought that such a characterization would merely inflame a situation that could be peacefully settled through negotiations and the normal processes of government.

<sup>4</sup> The landed interest was thus the more revolutionary or radical of the two traditional factions. While they had an affinity for English lifestyles, their direct connections to England were often slight. The Livingstons were much less likely to suffer direct harm from a break or even temporary breach with Britain than the great merchants. This of course assumes that no full-scale social revolution occurred concurrent with a political revolution. Then, the Livingstons would probably have been the targets of land-reform measures (at the very least) by their tenants. The Delanceys, however were risking the entire trading system from which their wealth derived when they opposed Britain, and they suffered real economic losses with the various boycotts. Despite this, they would often go along with such boycotts. It should also be noted that, as discussed earlier in the text, that some of the Delancey leaders would curry favor with the “common people” by mixing with them in the common people’s taverns. The Livingstons rarely did that. Rather ironically, the more elitist-seeming of the two elite factions was the one that tended to support independence when the time came

So, in New York, there was arguably a rather confounding situation. The great landlords, generally a conservative group in many polities (in the sense of wanting to keep things the same as much as possible), were actually rather radical and would be among those who led the province to independence. Merchants are also often quite conservative, but for much of the next century, in many countries some often believed that revolution

As discussed above, the two-faction system based on economic interests which had dominated the province for decades was joined in the Stamp Act Crisis by a new faction which represented not only a new economic interest but a determined opposition to British tax policies. The Sons of Liberty (also known as the Liberty Boys) were led by newly-rich merchants many of whom had started out in the “working class”, gaining their fortunes in the French and Indian War, and often engaged in a “North-South” with the West Indies or other colonies, rather than with England. Their commercial activities thus differed from the “East-West” trade with Britain that the Delanceys mainly engaged in, and they were thus much less vulnerable to direct economic harm from boycotts or a break with England than the Delanceys. Coming out of the working class, they understood its concerns and language, and often led mobs and groups composed of the “common” people. This gave them an advantage over both elite factions in appealing to the common people. Despite their wealth, by virtue of their plebian origins, the leaders of the Liberty Boys were not quite accepted into the elite. Therefore, unlike the other factions, they were in many ways not an elite group. They desired a more egalitarian, meritocratic society, one with more democracy. They differed thus from the more classical republican ideas of the Livingstons and Delanceys. They were more strident in

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(against the remnants of feudalism or a mother country) was in their best interests. Not so in New York. Here revolution and rebellion was against their interests. Surprisingly, sometimes revolution or rebellion is actually the best way to maintain the status quo—or seems to be. In a colonial revolt, the local elite leadership (or elements of it) may revolt against the mother country to preserve their privileges and positions if they think they are threatened by the mother country. Arguably, this happened in New York. Similarly, Robert A Gross argues that the people of Concord, Massachusetts had “gone to war not to promote change but to stop it...They rose in fury against the assault on their autonomy, and at the peak of the Revolutionary movement they were attached more strongly than ever to the ideals and values of the past. They would restore order to their lives by clinging to custom---and making revolution.” Gross, 190. He goes on to say, however, that “the strains of war deflated their hopes.” The American Revolution, at least in New York, was a most conservative revolution. However, the elite of New York split on this issue; unlike the landed elite, the merchant elite believed that staying with the mother country would be the best way to preserve their positions. Hence, many of them chose not to rebel, and would find themselves on the Loyalist side of the ledger.

their opposition, and more inclined to direct action and symbolism, such as riots, liberty poles, and acts of political vandalism such as the New York Tea Party.

The Livingstons in this political continuum seem almost to have been the moderates. The Delanceys shied away from armed rebellion and independence, and the Liberty Boys moved towards them. The Livingstons moved towards independence to preserve their privileges and rights, which they saw as threatened by the British. But, they did not desire the more egalitarian society the Liberty Boys desired. The Livingstons dominated the new state's government. Perhaps influenced by classical republicanism, they produced a constitution for New York that limited the people's power, with many checks and balances.

The maneuverings, actions, and ideologies of the various factions affected both the pace and nature of both the movement towards independence, and the nature of the permanent government that was formed after independence for decades (the Constitution of 1777 was in effect until the 1820s). While the Imperial Crisis was at first merely another issue the elite factions could use to jockey for power, it soon began to morph into something out of the ordinary run of political disputes, out of the ordinary factional give and take. The Sons of Liberty in New York and elsewhere constantly pushed the movement in a more radical, less accommodationist direction. The factional dispute between merchants and the landed was subsumed by the split between Loyalists and Patriots. Soon, the Patriots were running a war with Britain, and eventually declared independence. Those who disagreed with the Patriot position were under suspicion, had their arms confiscated, and were occasionally arrested. This was far beyond ordinary politics; it was revolutionary. Indeed, many Loyalists thought it was mob rule—or even tyranny.

When discussing Loyalists and Patriots, one important point should be stressed, and bears repeating. Both the Patriots and Loyalists were Whigs. Most Loyalists were distressed by Britain's policy of imposing taxes that most Americans considered unconstitutional, and with Britain's failure to understand what the Americans thought were legitimate complaints against the policy. The difference between the two groups was stridency, protest methods, and how far each side was willing to go. The Patriots found themselves willing to go as far as armed rebellion to change the British government's mind. When that failed, they found that they were willing to take the final step and declare independence. Those who became Loyalists wanted to change British policy through persuasion and the ordinary processes of colonial governance, such as Assembly resolutions and lobbying through colonial agents. Many disliked the committees even where they were appointed by town meetings, as they were "a thing unknown to the constitution."

While Loyalists had many interests tying them to Britain, it is also probable that they could not break the emotional and other ties that bound them to the monarch. When push came to shove, they chose the British Empire and the King. But, as the later actions of the Loyalist refugees in Canada and elsewhere showed, at the same time, they believed in liberty, and they pushed the regions where they settled towards that. Liberty was their desire, and this they believed could best be accomplished within the Empire. Georgia, it may be argued, showed that both were possible, and that liberty could be had within the Empire and under the rule of the King. Had civilian government been restored in New York, it could also have shown that.

The reality and intensity of the emotional bond many felt to the King and the Empire is evidenced by the many who remained Loyalist, as well as by those who became rebels. The attacks on symbolic targets such as statues and effigies of the king, as well as on those who remained loyal, helps show the intensity of the feeling that had been overthrown by those who chose the Patriot side. Love had turned to hate.

In the rural counties surrounding New York, local factors were quite important in determining whether the area was mainly Loyalist or Patriot. Economic ties to New York City seem to have influenced some counties to be basically Loyalist, as did a high degree of slave ownership, or a desire to remain a distinct community (such as with the Dutch). Those areas with fewer direct ties to New York City, or with a cultural affinity to New England (such as Suffolk County) were more likely to be Patriot. Similar to events in New York City, after news of the Intolerable Acts arrived, in most of the towns of the rural regions committees were formed to coordinate the protests against British actions. Showing the rather conservative nature of the Revolution, for the most part these committees were usually formed by legal town meetings. Despite this seeming legal imprimatur, virtually each committee in each town was faced with a written protest, usually published in a newspaper, signed by a sizable number of citizens denouncing the committees as extra-constitutional, among other things. These committees would form the revolutionary structure that would lead the way to independence and the eventual establishment of more permanent governments. This is quite remarkable: the revolutionary government, at least in New York, grew out of committees which in many places were formed by elements of the officially recognized government.

Two other groups should be mentioned: tenants and the workers. Tenants often resented their lords, and if their lord was Patriot, they would often become Loyalists. The “mechanicks” and other artisans (the working class of eighteenth century New York, concentrated mainly in the City) tended to support the Patriot cause, accepting many of its ideological arguments and accepting the leadership of the Sons of Liberty, many of whom had risen from their ranks. They also had their own agenda; they wanted more political power in New York, and the Revolutionary movement with its multiplicity of positions was one way to get it. They hoped for a more democratic constitution than was actually produced, and their pleas to submit it to the people were ignored.

Lastly, many made no choice, but remained unaffiliated. The number of unaffiliated, of neutrals, may have actually increased as the war went on, as Kim suggests in regards to Westchester. And there were those who either from a lack of conviction or from necessity, “trimmed” as the winds blew, depending on who controlled their area. And for those who chose Patriotism or Loyalism, while economic, philosophical, religious, ethnic, or other considerations would in general indicate what choice an individual would make, it was an *individual* choice. The choice was individual and idiosyncratic, depending on a myriad of conditions. Many whose background would indicate that they would probably be Patriots could not bring themselves to break with the Mother Country, and there were Patriots among those one would assume would be Loyalists.

Having examined the development of New York’s political system, and the long complicated process by which loyalty was lost, the work then turned to the attempt to restore loyalty and to win the hearts and minds of Americans through the establishment of civilian

government in New York. Let us briefly review this attempt and the reasons for its failure. We shall also attempt to answer certain subsidiary questions, such as the question of the effects of personality, mistaken assumptions, the effect of some appalling (if not atrocious) behavior by occupation troops and officers, and perhaps most fundamentally, the question of timing.

### III

As detailed above, French intervention totally changed the nature of the war for the British. The colonies were now a secondary front, and the sugar-rich West Indies had priority for troop deployment over them. Faced with a world war, Britain tried to achieve peace with the Americans, dispatching a peace commission authorized to concede virtually everything except independence. Arriving in Philadelphia in time to see it evacuated, it was met with contempt. However, from the ashes of the failed mission arose at least in part a new “counter-insurgency” strategy. As part of this strategy, civilian government was to be restored to British-controlled New York.

The man chosen for this position was General James Robertson, a staff officer with much experience in New York. Robertson arrived in New York in 1780 and attempted to restore civilian government. However, before Robertson could fully restore civilian government, the commanding military officer General Sir Henry Clinton had to declare southern New York “at the King’s Peace”. While the region was subject to raids, the region was overall peaceful and secure. Despite this, Clinton failed to issue the required declaration. There were several reasons for this, ranging from a legitimate military concern to preserve the army’s freedom of action, to

a desire to avoid claims against the army for unpaid goods. But perhaps the most important reason was the difficulty, if not inability, Clinton had in sharing authority; a difficulty that his biographer believes was neurotic. In 1782, a few months after the disastrous British defeat at Yorktown, there was one final attempt at restoring civilian government. The general consensus was that the time was not right, and the attempt was abandoned. Robertson returned home in the spring of 1783, and southern New York was evacuated by the British a few months later. Only then was civilian government fully restored—by the Americans, not the British.<sup>5</sup>

In many ways, restoring civilian government was an excellent idea. The British prided themselves on their liberty, and had no desire to be tyrants; indeed in some ways the whole colonial dispute could be boiled down to the question as to whether the British were acting as tyrants or not. The British would strenuously argue that they were not tyrants, nor did they have any desire to be tyrants. Restoring civilian government in a portion of a major province could go a long way to proving that, and perhaps restore many Americans to allegiance to the Crown.

What would have happened if Clinton had acquiesced in 1780 and allowed civilian government to be restored? If there had been none of the impediments to restoring civilian government that there actually were, if civilian government had been restored, if courts had functioned in accordance with civilian rules and the ancient liberties and rights of Englishmen, if an Assembly had been formed and granted the King a revenue as a free gift, and performed all the other functions of a free assembly, would it have had the desired positive effects? Would thousands, dazzled by the gleaming example of restored British liberty in one of the most

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<sup>5</sup> Willcox, xiv-xv, 510-11.



important colonies, have flocked to join them? Would thousands of Loyalist volunteers have arisen to garrison regions, thus freeing up the British and Hessian regular troops to “liberate” more territory from the “Usurpers”? Would areas or counties or entire provinces have clamored to return to British rule? Could this restoration have led to British victory over the Americans, or at the very least to southern New York and perhaps other areas remaining within the Empire when peace was declared?

It is highly probable that in 1780, such an outcome was extremely unlikely. Restoration may very well have made southern New York’s occupation far pleasanter for southern New Yorkers, but it is unlikely it would have had any of the beneficial effects the British wished it would have had. The time was just too late.

Consider the following. Two years earlier, in 1778, the Carlisle Commission had presented extremely generous peace terms to the Americans, granting virtually every American demand except independence. In the summer of 1778, the Americans had a powerful new ally, France, and the Carlisle Commission arrived just in time to see the British evacuate Philadelphia. British fortunes were at perhaps their lowest point of the war. The peace proposals of the Carlisle Commission were, under these circumstances, met with contempt. In many respects, in 1778 the Americans held the upper hand, and under such circumstances they would not give up independence for even the highly favorable terms offered by the British.

In 1780 and much of 1781, while the British situation was slightly improved from 1778, not much had truly changed. The British, having consolidated their forces, had re-launched offensive operations by seeking to “liberate” the South, and nearly succeeded in taking West Point through Benedict Arnold’s treachery. For a few months in 1781, it seemed the British

were on the verge of conquering the entire Deep South. A royal government operated in Georgia, and had one also operated in New York, it may have had a strong effect on the war-weary and waiverers. At the same time, however, bitter partisan warfare in both the north and the south continued, showing the resolve of many to not return to British rule. If the British had managed to hold onto the South and had crushed the American army, then perhaps returning to the Empire may have seemed an option to some. But, the Americans in 1780 and 1781 were still allies of France. This reduced the size of the force Britain could devote to the war in America, as they had to divert forces to other theatres, and also gave the Americans naval support. In short, while the American situation in 1780 and 1781 may not have been as good as in 1778, it had not changed enough to alter the fundamental situation. Short of crushing defeat, the Americans would not return to their former loyalties. A restored civilian administration in New York may have had propaganda value, but probably not enough to have materially changed things.

After Yorktown, of course, the possibility of military defeat of the Americans seemed remote. While raids and bitter partisan actions continued, the war was winding down. The 1782 attempt to restore civilian government seemed senseless even to many who had earlier pushed for civilian government. Had a civilian government been restored in 1782, it would only have lasted a few months before the region was abandoned to American control. Had civilian government been restored in 1782, it would not have changed anything; the restored government would have been at best an historical curiosity.

It seems clear in hindsight that by the 1780s, the attempt to restore civilian government was just too late. This is not to argue that it should not have been tried; it was an enlightened

policy well-worth the effort. Not only would it have provided better government for those in the British zone, but it would have had some propaganda value, and perhaps drawn a few Americans to the British side. If the British had achieved military success, the example of New York may have helped a sullen Patriot population reconcile themselves to their defeat. And there are plausible scenarios where the United States achieved independence, but where lower New York and possibly other areas (such as Georgia) remained British. In such a case, a functioning civilian-run Royal New York, complete with an assembly, may have helped Britain retain the area (perhaps even formally petitioning to remain). So, there were many upsides to the effort, and the British were right to attempt it. If not a tragedy, it was still unfortunate from the British point of view that the attempt was aborted.

If the 1780s were too late, would an earlier time have been better? The short answer is no. In the American Revolution, as in many wars and revolutions, a point was reached where proposals that might previously have been acceptable and have defused the crisis (or ended the war) were no longer acceptable. Changing circumstances may foreclose options previously acceptable. At a certain point, certain options, once reasonable, become out of the question. This point for America was *independence*. Before that, proposals such as the British offered in 1778 might have been acceptable. After that, they were the proverbial “day late and a dollar short.” After independence was declared, anything short of independence was unacceptable to many Americans. Restored civilian government in a major province would have done nothing to change that.

In brief review, in 1763, the overwhelming majority of Americans were satisfied with British rule. The Stamp Act shook this satisfaction, but the desire to remain connected with

Britain seems to have been strong. What was desired was some form of “taxation with representation”. Rather than come to some kind of accommodation, such as American representatives in Parliament or a Continental assembly, Britain insisted that its Parliament had the right to tax Americans; some even insisted that the American colonies were “virtually represented” in Parliament. Years of frustration with this impasse resulted in the Boston Tea Party. The British reaction to this, the Intolerable Acts, was seen as tyrannical, and many joined in the protests. By the spring of 1775, the situation had resulted in open fighting between Americans and Britain. But even at this point, many longed for reconciliation, and pinned their hopes on the king. In July—a month after the bloody Battle of Bunker Hill—the Olive Branch petition was sent to the king in the hopes of negotiating a peaceful sentiment.

In late December 1775, many Americans still clung to their loyalty to the King, despite the fact that American blood had been shed by the British in such battles as Lexington-Concord and Bunker Hill. But reconciliation was still possible. Many longed for it. A hint of compromise, any gesture of reconciliation, of a desire to find a compromise that gave America a place at the table, might have averted full-scale war and independence. Instead, news arrived in January, 1776 that the king rejected their professions of loyalty and considered them rebels seeking independence. He would crush them, and was willing to hire foreign troops to do so.

Americans felt betrayed. The king who was supposed to guarantee their liberty was seeking instead to extinguish it, and was even hiring foreign troops to do so. The fig-leaf had fallen; they were at war not with the King’s ministers but with the King himself. Love and bonds of loyalty to the king began to turn to hate. At this moment, Tom Paine’s pamphlet *Common Sense* was released, mocking and ridiculing the very notion of monarchy. Paine even argued

that God Himself was opposed to monarchy. Many Americans began to cross the psychological “Rubicon” of independence, as their love and loyalty for the king became hatred and ridicule. A few months later, the country as a whole crossed the political Rubicon of independence. When this happened, the King was symbolically decapitated, hung, burned in effigy, and otherwise executed throughout the newly-independent states. And not just the king was attacked; for in the months preceding independence, those who still clung to their loyalty, the Loyalists, were harassed, arrested, and otherwise affronted and endangered. To Patriots, they were the king’s proxies—and the hate they now held for the king was expressed against the Loyalists. As the war continued, and even after, the hatred for the King, the hatred for the Loyalists, would result in savage fighting and ill-treatment of Loyalists.<sup>6</sup>

The final months of 1775, therefore, were probably the last chance for a peaceful reconciliation between the two sides. Once the King’s rejection of the Americans became known, once Tom Paine’s words fell upon the now receptive soil of American minds and poisoned many Americans against the very concept of monarchy, reconciliation was almost impossible, even if the British had been inclined to offer it. Love and loyalty for the king were replaced by hatred and ridicule. And something else was happening. The Americans, as South Carolina historian David Ramsey noted in 1789, were no longer *subjects*, but becoming *citizens*, and

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<sup>6</sup> The Loyalists, for their part, saw the Patriots as traitors, as anarchists, and saw the colonies as falling under mob rule, led by a small cabal of usurpers. The Patriots were seen as tyrants, seizing Loyalist arms and destroying Loyalist presses. That savage warfare between the two groups broke out in many places is not surprising.

...the difference is immense. Subject is derived from the latin words, *sub* and *jacio*, and means one who is under the power of another: but a citizen is a unit of a mass of free people, who, collectively, possess sovereignty. Subjects look up to a master, but citizens are so far equal, that none have hereditary rights superior to others.<sup>7</sup>

In short, a subject is *subjected* to the rule of another, while a citizen rules himself—though this sovereignty is shared with the other free citizens of his polity. The Americans during the Revolution had at the very least begun this internal transition from subjects to citizens, and some had completed it. John Adams was astonished at the suddenness of the change, as “Idolatry to Monarchs, and servility to Aristocratical Pride” was swiftly eliminated.<sup>8</sup> Once an American had become a citizen, could he willingly go back to being a subject? Once he had been a free citizen, could he return to being subjected to the rule of another? The answer became apparent that for many Americans, the answer was no. Even if they had to “trim”, even if they signed loyalty oaths to the king, many switched back to the American side as soon as possible. Hence, nothing short of crushing military victory could have induced free, independent, self-ruling American citizens to become subjects to the rule of a king they felt had betrayed their trust and love. Even then, such a rule would have been tentative at best. Many Britons and Loyalists came to the conclusion that such rule would last only a few short years, and that rebellion would re-occur at some point. Such a victory would have required many soldiers and sailors to enforce, would have likely ended in another revolt, and the “peace”

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<sup>7</sup> David Ramsay, *A Dissertation on the Manner of Acquiring the Character and Privileges of a Citizen of the United States* (Charleston, 1789), 3; cited in Wood, 169

<sup>8</sup> John Adams to Abigail Adams, 3 July 1776; Adams to Richard Cranch, 2 Aug. 1776, Lyman H. Butterfield et al., eds., *Adams Family Correspondence* (Cambridge, MA) 1963, II, 28,74.

would perhaps have been punctuated by violent episodes. Such a victory would not have been worth the cost.<sup>9</sup>

Compromise solutions acceptable to both sides may have been possible. The Galloway Plan and many other plans that would have preserved British rule and given the American colonies a voice in their own affairs were proposed before and during the war. Britain eventually developed a dominion system which accomplished the same thing for other colonies. While the dominions are in the early twenty-first century functionally independent (and have been for decades), this process was gradual and for the most part “paper-strewn”, not violent. To this day the Queen is the ultimate head of state of the dominions, and Canadian coins and stamps, for example, bear the Queen’s image. Such reconciliation could have occurred in America. But timing is everything. Solutions acceptable in 1765 or 1770 or 1774 or 1775 would not have been acceptable after July 4, 1776—indeed, it is unlikely that the Americans would have accepted such a plan in April or May, 1776. They hated the king, and were becoming self-ruling citizens, not subjects. As John Adams said many years later, “The Revolution was effected before the War commenced. The Revolution was in the minds and hearts of the people...”<sup>10</sup>

Thus, it was unlikely—no, impossible—that the British after July 4, 1776 could have devised any acceptable plan to peacefully re-unite the colonies with the Empire, or for that

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<sup>9</sup> The possibility also existed that Americans unreconciled to British rule might have left the seaboard and formed small republics in the interior beyond the reach of British arms. Such a scenario actually occurred in nineteenth-century South Africa, where Dutch “Boers” dissatisfied with British rule, headed north from Cape Town Colony in the 1830s and 1840s. They formed small Boer republics, which were eventually destroyed and incorporated into the Union of South Africa after the Second Boer War.

<sup>10</sup> John Adams to Hezekiah Niles, Feb. 13, 1818.

matter to turn large amounts of Patriots and non-aligned into Loyalists. Only crushing military defeat might have brought the Americans to the table. Such a defeat of the Americans never occurred. Instead, the British lost two armies, one at Saratoga and one at Yorktown, and the war.

#### IV

British policy towards their rebellious colonists, including the restoration of civilian government in New York, was in many ways based on mistaken assumptions. British misassumptions made the restoration policy seem more promising than it was. If one's assumptions are wrong, actions based on those assumptions may very well turn out to be wrong as well. The most important misassumption was their misassumption as to the loyalty of the local population. The British received a constant stream of questionable information, all of which reinforced their erroneous preconceptions concerning the loyalties of the people.

The British did not realize the extent of dissatisfaction with Britain. While there were many Loyalists in America, they were not the majority. Indeed, one scholar put the number at no more than 20 percent. In the mid-seventies, there was broad dissatisfaction with British policies, even among those who would soon be known as Loyalists. As discussed above, disputes between the Loyalists and Patriots groups were at first mainly over methods and tone. Loyalists were opposed to the use of committees and meetings, and were appalled at the



language that many resolutions contained, such as calling British actions tyrannical. In many towns they issued their own documents, finding the meetings unconstitutional and the congresses an insult to the lawful, Constitutional government. Many seemed to want to be on record as opposing all of these actions. Perhaps fearful of a British crackdown, they registered their protests, so that it would be clear that they had nothing to do with their neighbors' actions, and had in fact opposed them. Oyster Bay even declared at one point that they "wanted nothing to do with congresses and committees". It is also probable that the Loyalists feared that the disruption of dissent and revolution would threaten their property and destroy civil order. But the Patriot movement began to move in a direction that could—and did—lead to armed resistance. This expanded the Loyalist ranks, as some, appalled at this, left the Patriot movement. It was from the Loyalists that the British got much of their information about colonial attitudes. As the war continued, they received information from Loyalists such as Galloway and others, British officials considered American experts such as Robertson, and the reports of spies. All argued that most Americans were Loyalists. They may very well have believed this, but it must be noted that such an argument was very much in their own self-interest.

The information the British received reinforced their preconceptions. They expected most Americans to be loyal, and the information they received from their sources all indicated that most Americans were. Reports of war-weariness were misinterpreted to match these preconceptions. The evident fact that a sizable number of Americans opposed them enough to go to war was discounted by considering the rebellion to be by a small group of "Usurpers" who had gained power in the colonies. Perhaps an expansion of their information sources, or a

more skeptical attitude towards at least some of them, might have helped to give them a better picture of the number of Loyalists and Patriots. But as it was, the British were in a vast echo chamber, only hearing what they wanted and expected to hear.

Loyalists such as Galloway and Smith seemed incapable of realizing the extent of hostility to the British. Confined for much of the war to British-controlled areas, they lost whatever “feel” they might once have had for public opinion in the unoccupied areas. Spies like Mr. Heron mistook war-weariness for Loyalism. And the British did not seem to understand the phenomenon of “trimming”. In New Jersey, on Long Island, in Pennsylvania, and elsewhere, many signed loyalty oaths. Many of these were no doubt trimmers, trying to protect their families and property by declaring loyalty to the occupiers. Many of these would renounce these oaths as soon as they felt safe to do so. Some Britons, such as Carlisle and Serle, began to sense the truth. Carlisle saw how those who had recently signed oaths of loyalty to the king had returned to fighting him as the tide turned in Pennsylvania. He realized that for many, declaring loyalty to the Crown was merely expediency. Carlisle in private wrote that “the common people hate us in their heart”. He kept this opinion private, and joined in arguments for a policy that would help win hearts and minds. Whether he thought that would work is questionable, but perhaps he thought the effort was worthwhile.

If the British assumptions as to the numbers of Loyalists were wrong, their estimates as to the numbers of Patriots were also wrong. Many British believed small groups of “Usurpers” were leading the colonists. Every colony had its “ins” and “outs”, groups of families and individuals, who would fight for power in the colonial assemblies and governments. It was believed that a “cabal” of some of the “out” factions had used the dispute to curry favor with

the common people and gain control of power in the colonies. They had disarmed their foes, and declared independence. This belief explains some of the “reforms” of the colonies suggested by Serle and Robertson among others. It was thought that by multiplying offices and places of honor, by granting titles, by increasing patronage opportunities in the colonies, the hunger for office, power, and distinction that had led to the armed conflict could be satisfied. The Revolution was thus reduced to a coup by a cabal of disappointed office seekers. The solution to this, it was argued, was to replicate the patronage-based system of Britain as much as possible in the colonies.

Needless to say, this view of the causes of the Revolution ignores the many ideals and beliefs in rights that helped animate the Revolutionaries. While the Revolutionaries were not immune to the desire for honors and distinction, there was more to the Revolution than a desire for office. And even on that level, the Revolution greatly increased offices and brought new men into politics. For example, offices usually held by British officers, such as governorships, were now held by Americans. People from lower down the economic or social scale were in government. It is unlikely that George Clinton, while he may have achieved some local distinction, would ever have become governor of a royal New York. Mordecai Sheftall and the carpenters and other workers of Savannah would probably never have held the power they did in a non-revolutionary situation.

The British believed there were more Loyalists than there actually were, and fewer Patriots. They misunderstood the motives that animated the Patriots, reducing what the Patriots believed was a struggle for freedom into a struggle for office and distinction. Thus they proposed increasing offices and patronage as a partial solution for the Revolution. In their

overestimation of the number of Loyalists and gross underestimation of the number of Patriots, and of their motives, the British displayed an appalling misunderstanding of the Revolution and what was animating the rebellious Americans.

There were more Patriots than Loyalists, but many in the colonies could be considered non-aligned. The Quakers, for example, accepted the rule of the British as accepted authority and acquiesced to their rule when Quaker-dominated regions such as the island of Rhode Island were conquered, but they were in general non-aligned (with obvious exceptions such as “The Fighting Quaker”, Nathaniel Greene). And in regions such as Westchester, many probably escaped into what historian Sung Bok Kim calls “privatism”, a political apathy and non-concern about the war and Revolution. But the Americans were able to put much larger armies and militias in the field than the Loyalists, and that a sizable number of Americans supported the Revolution cannot be doubted. This was not an uprising by a cabal of “Usurpers” overthrowing their governments so that they could rule; the Revolution was a broad-based movement supported by, if not a majority, a substantial part of the population.

Their misconceptions greatly harmed the British cause. The British were slow to recognize the need to win back the loyalty and love, the hearts and minds, of the Americans; the British thought they already had them, for the most part. Hence measures which could arguably have brought more people back into the British fold, such as the restoration of civilian government in a region, were not tried in the early part of the war. The counterinsurgency strategy of the later war was also based in part on the idea that the conquest of part of the Hudson Valley region and the restoration of civilian government in southern New York would produce many Loyalist militiamen who could hold the area while the field army conquered new

territory. In the event, neither the conquest nor the restoration occurred, but it is doubtful that it would have produced enough Loyalist militiamen to fulfill the role intended for them. Hence, the counterinsurgency strategy would have failed or been not as successful as hoped.

These misunderstandings of the number of Loyalists in the colony, and for that matter of the very nature of the Revolution and the Revolutionaries, had a strong negative impact on British actions. Their intelligence sources supported their false beliefs. Their misconceptions made the new strategy of which restoration was part seem more promising than it actually was. Those who saw things differently seem to have kept quiet about their opinions. The plans and strategies of the British were based on false assumptions about the loyalties of the Americans and the motivations of the American leadership. It is not surprising that the British failed.

The personnel and the personalities of the British helped influence the sad result for the British. Had different persons been in charge, different decisions might have been made and different results ensued. This begins at the very top: the King. Americans felt loyalty to the king; it was Parliament's right to tax them that they disputed. Had the King been willing to "bend" a little, if he had given some indication that a compromise was possible, war and independence could have been avoided. The "Olive Branch" Petition of July 1775 was a clear indication that even after fighting had occurred between British and colonial troops, many Americans desired reconciliation. Instead, the petition was rejected and the king soon declared the Americans to be in rebellion. A king more willing to compromise might have resolved the Anglo-American dispute.

Lord Germain, Secretary of State for the Colonies and the *de facto* minister of war during the American Revolution, had been under a cloud ever since the Battle of Minden in 1759, suspected of cowardice and even declared unfit to command British troops by George II. He had been somewhat rehabilitated since then and even risen to a very high position in His Majesty's government, but suspicions remained. As the Secretary of State for the Colonies, he had to coordinate the actions of generals such as Howe and Burgoyne, and lay down the policies they would follow. Whatever their other faults, Howe, Burgoyne, Clinton, and the other commanders had distinguished war records and were considered brave. It is not surprising that Germain, a man suspected of cowardice, may have felt some compunction in trying to command these men. Hence, the disastrous operations of 1777 were executed with Germain's blessing (or at least acquiescence). Thus, Howe sailed to Philadelphia and his forces were unable to give aid to Burgoyne when his army got into trouble at Saratoga. Similarly, Germain did not push Clinton to give his consent to civilian government, even though the British government desired it. Germain, while he had many virtues, may not have been the best man for his job.

Perhaps the most important personality for the question of New York was of course Clinton. There is much evidence that Clinton had difficulty sharing authority and working well with others. He had difficulty working with Arbuthnot, his fellow peace commissioner, with Robertson, and there is evidence that sound plans he created were rejected because he was the source. His biographer, with the assistance of a trained psychologist, believed that this was more than just a personality defect; it was actually a neurosis.<sup>11</sup> Whether one accepts this

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<sup>11</sup> Willcox, xiv-xv, 510-11.

explanation or not, that Clinton had difficulty sharing authority is evident. Restoring civilian government to New York would have forced him to share his authority and work with a civilian government. A more affable general who had no difficulty with sharing authority would probably have been more amenable to restoring civilian government.

There were reasons, legitimate or otherwise, for what seems like an abuse of Clinton's discretion, as restoring civilian government was the clear desire of the British government. These have been discussed above. But the overriding factor seems to have been Clinton's difficulties with authority. This made him highly resistant to the desire of the British government to restore civilian authority. Because of the limitations of eighteenth-century communications technology, much discretion had to be left to the commanders on the spot by the authorities in London. Thus, Clinton could reject the policy of the government for highly questionable reasons and get away with it. Robertson, for his part, had spent his entire career as a staff officer, and had no martial glory, while Clinton had shown bravery under fire and led men into battle. Robertson could only push Clinton so much. It is possible that Robertson tried to force Clinton's hand with his proclamation of the imminence of civilian government, but this may merely have been a sign of his eagerness to get to work. In the event, Robertson decided to compromise and accept what Clinton offered rather than engage in a power struggle with him.

Thus, "a perfect storm" of personality defects combined to doom civilian government restoration. Clinton's difficulties with authority combined with Germain's reluctance to press brave officers to do what they did not want to do. Robertson was unable to exert too much

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pressure on Clinton. The result was Clinton avoided sharing authority at the expense of Germain's policy. A more forceful war minister might have been able to compel his views on a reluctant general. Germain, with the cloud of Minden over him, was unable or unwilling to force the issue. Clinton made his decision and it was accepted. A promising British policy was thereby doomed, and the personalities involved were a large part of the reason for this. Had Germain's position been held by another man, had Robertson been more forceful with a more martial military record, had another general held Clinton's position, it is possible the outcome might have been different.

## V

An occupation by its very nature is often a dreadful, miserable situation for the occupied. Even the mildest occupation will have requisitions of needed supplies, martial law, and often petty vandalism or theft—or worse—by the troops. Even where the occupying troops are hailed as liberators, there can be tensions between the occupiers and the occupied. Where the occupying power is seeking to win the loyalty (or win back the loyalty) of the region, appalling or dreadful acts can have the additional effect of making this task harder, as it increases tensions. As discussed above, there were numerous appalling actions by the British and their allies, ranging from petty theft to home invasions to rape. Churches and burial grounds were desecrated or disrespected. Staten Island, Long Island and Westchester were particularly susceptible to raids by small parties of raiders, thieves, and kidnappers. While some



of these raids were legitimate acts of war under the standards of the time, many of these actions were basically piracy or brigandage, with politics providing but a bare fig leaf of justification for crime. Many of these raiders, no matter their alleged side, attacked Loyalists or Patriots indiscriminately. The British, stretched on all sides particularly after French intervention in 1778, were unable to provide the needed ships or troops to stop the raiders. To make matters worse, of the three regiments of militia raised on Long Island to protect the island, two of them were sent to Georgia. The British were *not* protecting their subjects; indeed, their troops were stealing from them, vandalizing them, and even raping them.

Being a known Loyalist was not a guarantee of better treatment. Loyalists were as likely as Patriots to have property taken with the only payment a chit that might not be honored, or to have property requisitioned. It was a fateful irony (or perhaps a *fatal* irony) of the Revolution that at the level of policy planning, the British believed and acted as if the vast majority of Americans were Loyalists, or at the least not actively with the rebels, while at the level of policy implementation, the troops and local commanders acted as if everyone was a rebel.

There was often a lack of discipline, leading to numerous appalling acts. That these acts put Britain in a bad light and were harmful to the British cause was recognized several times. For example, in Germain's plans for 1783, he suggested an invasion of the "Delmarva" Peninsula, but urged that the troops be better disciplined. While some incidents, such as the Pudding Hill incident, were rather amusing (at least in retrospect), some were most decidedly not. It all added up to a picture of a region where life and property were not safe, even for those who loyally supported the King.

There were many opportunities for corruption, and many British officials and soldiers found ways to make some money on the side. Even the Police Courts, set up to allow a means by which claims could be processed, also provided opportunities for corruption. Rather than the blessings of good government, the residents of the British zone received corruption. In addition, as detailed in prior chapters, churches were often disrespected and dismantled, especially Presbyterian churches. None of this was calculated to win hearts and minds.

High-handed or insensitive actions could alienate even Loyalists. The entertainment center and promenade at the ruins of Trinity Church disquieted many, especially when gravestones were removed to accommodate the wide dresses of the time. The newspaper publisher Rivington was so annoyed by high-handed British treatment that he became a spy for the Americans. In Westchester, many escaped into privatism, and many on Long Island seem to have become Patriots, if not actively so, or at the very least neutral. Some Staten Islanders followed Rivington into acts of espionage.

The occupation of southern New York gave the British a superb opportunity to win back the hearts and minds of New Yorkers. But the numerous appalling, atrocious, or corrupt actions of the British and their auxiliaries helped poison these chances.

## VI

The British of the eighteenth century were basically a free and decent people. But they made many mistakes in their occupation and their conduct of the war. Basically free and decent countries to this day will sometimes find themselves having to conduct an occupation. They

sometimes find themselves tasked with having to win “hearts and minds,”<sup>12</sup> the loyalty and even love of the occupied. While eighteenth century New York has many differences from the world of the twenty first century, there are some broadly applicable lessons that can be learned from the occupation and the war that it was part of. While not exhaustive, here are some lessons that may be gleaned from the war, the occupation, and the peace effort.

The first lesson is the vital need for cooperation between civilian and military authorities. Especially in a situation where the objective is to restore civilian government in a war-zone or an area just behind a war zone, then the military and civilian authorities must cooperate. In New York, Clinton refused to allow civilian government, even though it was the clear desire of the British government to do this. By contrast, in Georgia the military and civilian leaders worked closely together. Realizing that a major purpose of the invasion of Georgia was the restoration of civilian government, the military handed control over Georgia’s government of Governor Wright within four months of the invasion. Restoring or establishing civilian government show that an occupying government and its army intend to restore or establish liberty, and be liberators, not occupiers. So, a second lesson is that this should be done whenever possible.

A third lesson is the need to understand one’s opponents, and the nature of the war. For example, the British commonly believed that the Revolution was largely by a group of conspirators or usurpers. This was manifestly wrong. This showed a terrible misunderstanding

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<sup>12</sup> The phrase “hearts and minds” dates back at least as far as John Adams, who in a letter to Hezekiah Niles dated Feb. 13, 1818, said “The Revolution was effected before the war commenced. The Revolution was in the minds and hearts of the people.” It was later used by the British in referring to their anti-insurgency program in post-World War II Malaysia, and was often used by President Johnson in discussing America’s task in Vietnam, where he often spoke of needing to win the hearts and minds of the Vietnamese. The ultimate source of the phrase may be the King James Bible: “And the peace of God, which surpasseth all understanding, shall keep your hearts and minds through Christ Jesus.” Philippians 4:7.

of the war and the motives of the opponents. The fourth and fifth lessons are closely related. They are the need to gather information from a broad number of people, and the need to be prepared to change one's preconceptions concerning the loyalty or political views of the people. British policy was based on the erroneous belief that there were many more Loyalists than there actually were. The sources of information the British listened to for the most part argued this, and it fit with their preconceived notions. The British needed to listen to a much broader range or so than a few upper class Americans or British generals, and needed to base their opinions and actions on how reality was, not how they wanted to be.

A sixth lesson is the need to negotiate from strength. The Carlisle Commission was sent to negotiate peace at a time when Britain was in retreat, abandoning conquests in the face of French entry into the war. They were met with contempt. If their proposals had come on the heels of a major victory, then perhaps things would have been different. The seventh and eighth lessons are that, in counterinsurgency operations, areas should be secured before one attempts to expand the area under control, and that allies should not be abandoned. While retreats are an inevitable part of war, a careful policy of expanding the area under one's control will minimize the possibility of retreat. Part of the occupier's job is to win, or win back, hearts and minds, and to reintegrate the region back into one's empire (or for a modern power, to integrate the country into a country that is friendly to yours). Retreat means abandoning those who cast their lot with you—or turning them into refugees. In New Jersey and in Philadelphia the retreat of the British swelled the refugee population of New York City. Cornwallis's failure to secure his Carolina gains caused great harm to Loyalist Carolinians.

The ninth lesson seems rather obvious. You should have enough troops, supplemented with local militias. However, generals rarely get enough soldiers. They must use them wisely in a way that maximizes the ability of the limited amount of troops you have. The proposed use of the British and Hessian forces as a field army attacking rebel armies and areas, while Loyalist militias held the newly-seized areas, would have maximized the forces the British had. The many atrocious incidents committed by the British and Hessian troops shows the need to keep control of one's forces (the tenth lesson). Occupiers should also leave receipts for what they take, and pay for the items eventually. It is difficult to win loyalty from people who are angry with you. Indeed, not only did these acts fail to win hearts and minds, but probably helped lose the loyalty of some. Indeed, the eleventh lesson is the need to treat one's friends well—they should not be treated like enemies.

The twelfth lesson is the fact that a country may actually be several different entities loosely connected—one may have to fight the equivalent of several wars. The revolting colonies were highly decentralized, thinking of themselves as thirteen (or fourteen, if Vermont is included) independent states united in a “firm league of friendship” as the Articles of Confederation described it. Thirteen or fourteen separate but interconnected revolutions took place in these colonies. There was no political “head” whose elimination would bring swift victory at either the Continental or state levels. The British finally began to recognize the decentralized nature of America and began to support a strategy based on taking the colonies back county by county, state by state. Similarly, many areas where wars and occupations may occur are groupings of different political entities that may be considered a country by courtesy

only. If that is the case, then it must be factored into strategies for fighting the war and occupying the region.

## VII

Several specific contributions are made by this work to the study of the American Revolution in general and in New York. First, this work has tried a more global approach which integrates events in the counties that surrounded New York City with events there. This work has tried to examine events in all the rural counties and integrate the story of the “suburbs” with the story of the City. While New York City was the capital of the province and much of the “action” occurred there, important events occurred in the rural regions. Declarations of rights, denunciations of British actions as tyrannical, and statements of opposition to the committees and their pronouncements all occurred in the rural counties surrounding New York City. Indeed, despite some local differences, a clear pattern of similar actions can be seen when one looks at all the surrounding counties. One thing that emerges is how, in Staten Island, in Queens, even in Brookhaven (in Suffolk County), Loyalists were subjected to similar treatment by the Patriots: suspicious observation and eventually an attempt to disarm. Loyalist Staten Island was subjected to economic pressure. And in many areas, such as the towns of Queens and Westchester, formal statements denouncing and rejecting Patriot statements and actions were made by Loyalists.

Secondly, this work highlights the effects of what I have called “The Evaporation of New York”. New York City’s population disappeared as British invasion came closer. When the British arrived, there were only a few hundred New Yorker’s left, virtually all of them Loyalists. The Sons of Liberty, the mechanics, all were scattered. The state government was in a small town on the Hudson, trying to run a war and write a constitution. The government was freed from the pressure to write a democratic (as opposed to a republican) constitution that would have been exerted by the Sons of Liberty, the mechanics, and others if New York City’s population had never fled and New York City remained the capital. The constitution that was produced, while it had some democratic elements, for the most part was a republican document full of checks and balances, and was not submitted to the people for ratification as the Committee of Mechanics had requested. This constitution was in effect from 1777 until the 1820s, when it was finally replaced. Had the population of New York City not “evaporated”, had the mechanics, Sons of Liberty, and other democratic elements not been scattered throughout New York and America, it is possible that the pressure exerted by the mechanics and other democratic elements would have produced a more democratic constitution, and that it would then have been submitted to the people for ratification. Hence the basically classical republican John Jay and the other framers of New York’s constitution were able to work and ratify the constitution they wrote without such pressure. Thus, the British attack and occupation of New York City and the surrounding region had a long-lasting effect on the government of New York State.

This work has examined from both the perspective of the British and Loyalist leadership and the ordinary person the British occupation, with especial attention to the attempt to

restore civilian government to New York. This is an important story for an understanding of the Revolution, New York history, and indeed the entire question of military occupations. It traces the genesis of the idea, and the failed attempt to restore civilian government, and the reasons for that failure. It thus takes a good look at the Carlisle Commission, whose mission was one of the catalysts for the policy of restoring civilian government. It highlights the rather fascinating character of the Earl of Carlisle. His early wastrel days and obvious sense of humor concealed an insightful mind. As did Ambrose Serle, Lord Howe's secretary, he saw that the love and loyalty of the average American was lost. Perhaps because of (or despite) this insight, he helped push for a new strategy that would hopefully win back these loyalties. Besides the Commission members, several were thinking in the same way, and the restoration strategy was adopted.

This work highlights an oft-neglected figure, General James Robertson, the man selected to implement the restoration strategy. Despite the publication in the 1980s of Robertson's gubernatorial letterbook, little has been written about him since. His attempt to restore civilian government, its failure (mainly because of the opposition of General Clinton), and Robertson's actions as governor, are a fascinating and important story that needs to be told but which has been largely neglected. Robertson, if somewhat flawed, was an excellent staff officer and suffered great personal loss fighting the 1776 fire. He was one of the few from his relatively low social station to rise to general ranks in the British Army of the Georgian era. Arguably, he tried to alleviate the miseries of southern New Yorkers with his Police Courts and other actions. He may have prevented with his advice to General Howe a deadly frontal assault. Unfortunately for the British, he was unable to persuade Clinton to permit the full restoration of civilian government in New York. Robertson, his governorship, and his battles with Clinton, are all



worth studying. This work at the very least begins the work of studying him, or of building on the work of the 1980s.

The occupation of southern New York was compared and contrasted with events in Georgia by this work. This is an instructive comparison, as it shows the differences in approaches, and helps show what could have been. In Georgia, there was good cooperation between the civilian government and the military. Civilian government was restored, complete with an assembly. This assembly formed new parishes and courts, attainted rebels, and perhaps most significantly, voted the King a revenue. All this was achieved despite a shortage of troops and a fluid military situation. This contrasts with New York, where civilian government was not restored despite a stable and relatively secure military situation, and helps highlight what could have been achieved in New York—an achievement which would have been far more visible to the other colonies and perhaps more fruitful.

But the most basic question of the work is whether the beneficial results the British hoped for would have occurred if the “experiment” was tried and civilian government restored. Could it have won over a significant number of colonials back to the British? Could it have materially affected the war enough to have improved British chances, or even helped win the war for the Crown? At the very least, could it have resulted in a substantial portion of a major province desiring, perhaps even proclaiming through an Assembly resolution, their desire to remain in the empire even after independence was acknowledged by Britain? The short answer is most likely no.<sup>13</sup> The love and loyalty for Britain and the king built up over generations had been lost. A decade of protest had resulted in war and revolution. Even before independence,

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<sup>13</sup> Since this a counterfactual situation, what follows is speculation, but informed speculation, based on my research and many years of thinking of the problem.

many began, in their hearts and minds, to become self-governing citizens, not subjects. Having taken this step, it was difficult to step back from it. By July 4, 1776, the nation as a whole took this step.

Once the nation crossed these psychological and political Rubicons, nothing short of crushing military defeat could have made them return to their old allegiance (and even then, it would merely have been bowing to expediency, not heartfelt). In the summer of independence, the King was symbolically executed numerous times. As the war continued, people under British occupation took oaths of loyalty to the monarch only to drop their allegiance at the first opportunity. The very generous offers of the Carlisle Commission (which gave in on virtually everything except independence) were met with contempt.

While there were many Loyalists, there were not enough. The Patriots were a sizable minority of the population, and seemed to gain more adherents from the non-aligned and even Loyalists as the war dragged on, while the British seemed to lose adherents. Indeed, in those areas occupied by the British, there is evidence that their presence actually turned Loyalists into Patriots.

For numerous reasons, the experiment should have been tried. It was promising, it would have at the very least made the occupation less onerous, and there are plausible counterfactual scenarios where it would have eased the reintegration of the region into the empire after a peace treaty or British military victory. But would it have brought the great benefits the British hoped for it? Would the restoration of civilian government in New York have helped the British win the war and ease the way to the willing return of many Americans to their old allegiance? The short answer is No.

## VIII

As part of a new strategy following French intervention in 1778, the restoration of civilian government in occupied New York was proposed, but was not instituted, mainly because of the opposition of the military commander, General Sir Henry Clinton. It had been hoped that there would have been great propaganda value to such a restoration, and that it could have led many individuals, regions, and even states back into the British fold. While in many ways not a bad policy, it would have not succeeded in its goals. After independence was declared, little short of overwhelming victory by the British would have restored the colonies to London.

So, therefore, was the British occupation of New York a failure? Could wiser occupation policies, particularly the restoration of civilian government, have led to greater success—to victory in the war, to retention of at least part of New York for the Empire, or at least a pleasanter occupation for the denizens of down-state (and produced perhaps a few more Loyalist troops)?

Wiser occupation policies, such as decreasing theft and plunder, protecting people from rebel raids, paying for requisitions, and restoring civilian government so that a court system could properly protect the people of the region from British and Hessian actions would all have made the occupation a better experience. More Loyalist troops (though probably less than desired), a pleasanter occupation for southern New Yorkers, and even (under some scenarios) retention of the area might have followed. But the biggest problem for the Empire was that

everything the British did in America after July 4, 1776, was too late. Once independence was declared, the war was lost. Even crushing military victory by Britain would probably only have delayed independence by a few decades.

Americans in general, and New Yorkers in particular, for a long time wanted to remain in the Empire. While they rejected Parliament's right to tax them, they respected the King as their ruler and gave him their loyalty and even love, and considered him the protector of their liberties, even putting his name on their liberty poles. But their love turned to hatred when they found he had (in their eyes, at least) betrayed them. They began to reject monarchy as a concept and embrace republicanism and even democracy. From subjects, who, despite their assemblies and town meetings, were ultimately subjected to the rule of another, they were becoming and thinking of themselves as self-ruling citizens. Even if their armies had been crushed, their surrender would merely have been bowing to military reality, and their oaths of loyalty would not have been heart-felt. There were numerous incidents during the Revolution where loyalty oaths were taken by Americans, only to be thrown off at the earliest opportunity.

The Revolutionary War was, in addition to a war of armies and generals, fleets and admirals, a battle for the hearts and minds, the love and loyalty of the American people. There were many instances before July 4, 1776, when the British could have offered a solution to the Imperial Question that would have satisfied American aspirations for a place at the table and retained their membership in the Empire. Even after the Battle of Lexington-Concord, there was still a slim chance for reconciliation. But what the Americans saw as the King's betrayal, and the independence that followed, shut that door. By the time General Robertson arrived in New York, it was far too late. Even if he had been permitted by Sir Henry Clinton to restore civilian

government to New York, such an action would only have ameliorated life in the occupied area. While it may have had many beneficial effects, it would not have changed the fundamental fact that, outside of the Loyalists (more and more of whom were being gathered in New York), the “common people”, as Lord Carlisle wrote, hated the British “in their hearts.”

Certainly, the British occupation could have been better. The property and persons of southern New Yorkers could have been protected more. The rule of law and even an assembly could have been created. So, in this respect, it was a failure. But even if the occupation had been a model one, even if civil government had been restored, it would not have mattered. Even the scenario discussed above, where the United States became independent but the New York City region remained in the Empire, was unlikely, and if it had occurred, it may not have lasted long. America was independent. Even New York’s reluctant revolutionaries had crossed the Rubicon of independence. Nothing the British could have done, including military victory, would have changed the fact that in their hearts and minds, the Americans had achieved independence. Even military victory would only have delayed political independence for a time.

In conclusion, the occupation was a failure. It could have been much less harsh for those in the occupied territory. Wiser policies, such as civilian government, could have been instituted. Better cooperation between civilian and military leaders would have helped to institute civilian government. But it would not have mattered. British New York, even under civilian rule, would not have been a shining example to the other colonies that they should return to British rule—at least, not an effective one. Few individuals, much less colonies or regions, would have returned to British rule because of its example. Even restoring civilian government would thus have been a failure, and not have helped the British win the war. The

occupation was a failure—indeed it would not be too much to say that it failed before it even began.

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