from ENGLISH COLONY *to* SOVEREIGN STATE

Essays
on the
American Revolution in Dutchess County,
Province of New York

Richard B. Morris
Jonathan C. Clark
Charlotte Cunningham Finkel

Dutchess County
American Revolution Bicentennial
Commission

1983

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Province of New York

Richard B. Morris
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Edited by
Emily Johnson

Published by
Dutchess County American Revolution Bicentennial Commission

I. Jack Lippman, *Chairman*

VIEW FROM WEST POINT.

LOOKING UP THE HUDSON.

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INTRODUCTION

On the first Saturday of June, 1983, the Dutchess County American Revolution Bicentennial Commission joins in commemorating an event which took place on the first Saturday of June, 1783: the Return of the Colours—the presentation to Governor George Clinton at Poughkeepsie of the "Regimental Colours and Instruments of Musick" of the Second New York Regiment by the officers of the regiment stationed at the New Windsor cantonment. The officers and other soldiers were about to "retire from the Army on Furlough until the definitive treaty of Peace arrives, When by a Proclamation (to be publicly made) They are to consider themselves as discharged from the Service of the United States." Ensign Bernardus Swartwout, Jr., of Dutchess County, one of the officers, entered the words in his diary.

Ensign Swartwout continues, "In this manner is the Army that achieved the Liberty and Independence of the Country dismissed from its Service. The non commissioned Officers and Privates have to leave the Cantonment without a Shilling to assist themselves with to regain their long left homes — a great many of them having several hundred miles to go, in this very distressed situation. Indeed most all the Commissioned Officers were pretty much in the same doleful predicament. All this agonizing and lamentable transaction produces universal and heart rending lamentations and dejection throughout the whole Cantonment."

The Officers proceeded to write to Governor Clinton expresssing their wish to deliver their "Colours" to him personally at Poughkeepsie. The Governor promptly welcomed them and invited them to dinner at his home. Samuel Louden's New York Packet and American Advertiser on June 12th, 1783 reports from Fishkill that following the dinner: "in the evening a very splendid ball was given by his Excellency."

On November 22, 1971, County Executive David C. Schoentag appointed a group of men and women from throughout Dutchess County to the Dutchess County American Revolution Bicentennial Commission. Upon organizing and after deliberating, the Commission determined to "subscribe to ... principles" including the following:

* to encourage a view of the past which gives perspective to our own time and has relevence for the future

* to observe and encourage others to observe the full span of the Revolutionary war years (1775 - 1783)

And so began the series of projects and events, one of which was a conference held at Freedom Plains on May 17, 1975, on the theme: Dutchess County on the Eve of the American Revolution. A second event also held in May was a reenactment by the Brigade of the American Revolution.

Our stated purpose for the Conference was to begin the "study of Dutchess in the years just prior to the Revolution," so that we might know more of the role of Dutchess County in the war.

History of the Revolution speaks of "turning points". The term may also be used in reflecting upon the activities of our Commission—the direction and outcome of our efforts were determined by circumstances which shaped "our destiny." Having reached the end of the "full span," we note that there may be little parallel with Bernardus Swartwout except for a sense of fulfillment of purpose,—and the years added to the lives of us who remain.

The first fortunate circumstance regarding the May 17th Conference was the fact our Commission Chairman, Professor I. Jack Lippman, had been a student at Columbia University under Dr. Richard B. Morris, one of the foremost authorities on Colonial History. In 1975, Dr. Morris had just completed his work, *John Jay: The Making of a Revolutionary, 1740 - 1780.* Dr. Morris accepted our invitation to deliver the keynote address at our Conference.

Dr. Morris's paper, here published, will amply demonstrate our good fortune, especially in the way Dr. Morris relates John Jay, one of the most prominent of the "founding fathers" of our nation, to the communities of Dutchess County. We find Jay in Fishkill village; in the Van Wyck house now visible to all the travellers on Interstate 84 westbound; in Poughkeepsie; and of course along the old Post road — and in our imaginations, we can see him riding from Poughkeepsie northeast through our Pleasant Valley and Amenia en route to Salisbury for iron and then west to Hoffman's ferry in Red Hook, sending the iron on it's way to build the chain to protect the Hudson at Fort Montgomery. While we won't find the hoofprints in the dust, we can, through John Jay, people our villages and hamlets with those who peopled Jay's world — and lay a claim to "cradle of Liberty" as significant as some of the far off capitals.

The second fortunate circumstance or turning point was the fact that Dr. Benjamin Kohl, Professor of History at Vassar College, then Historian of the City of Poughkeepsie, and member of our committee, recommended

Jonathan Clark, then Assistant Professor of History at Vassar, for one of the workshop topics at the Conference: "Rich, Poor, and Slave in Dutchess County; the place of Agriculture, Trade, and Industry."

That conference was the beginning of Jonathan Clark's participation in our "local history" circles, which can be likened to the pebble dropped in water, with the ever spreading ripples.

The second D.C.A.R.B.C. event held in May, 1975, took place on a memorable spring day—blue sky and pale green leaves—on the grounds of the Arlington Junior High School in Poughkeepsie. The Brigade of the American Revolution held a parade, and an exhibition recreating a battle of the War, at the end of which the "soldiers," in their very colorful uniforms, were lying on the ground portraying the wounded and dead of the "battle."

A little boy, watching the spectacle, turned to his mother and asked, "Who won that war, anyway?"

The work of Jonathan Clark, "A Government to Form," which he wrote for the Commission in 1978, for the express purpose of use in our schools, may well help that boy, now a young man, decide for himself "who won that war," and how it was won! On one occasion, answering a question which had to do with his approach to history, Jon quickly replied that the goal for his students is to find "what happened, how it happened, and *get the story straight.*" No Parson Weems or the Cherry Tree myth here!

Barnardus Swartwout fought for Liberty and Independence in the eighteenth-century. Jonathan Clark points the way to Liberty and Independence of a different kind—to intellectual Freedom, uncluttered with puffed-up myths. The "truth" that makes us Free!

Many of Bernardus Swartwout's fellow soldiers left the Army "without a Shilling to assist themselves." We, on the other hand, leave our Commission activities with great wealth—in the essays which we are privileged to publish—through the dedication to purpose of Richard B. Morris, Charlotte Cunningham Finkle, and Jonathan C. Clark, as they prepared their works.

Along the way through these "Bicentennial" years, many have contributed to this end result, this publication, "from English Colony to Sovereign State." It simply is impossible to adequately recognize all those deserving of our thanks. Charlotte Cunningham Finkle, the first appointed

Historian of East Fishkill, merits our appreciation for her initial research on the Jay family in East Fishkill, and her permission allowing us to reprint her paper included here.

Among those who have contributed in ways so numerous as to preclude listing the ways are Judy Clark; Joyce C. Ghee, Dutchess County Historian; Benjamin Kohl; Jack Lippman, our Commission Chairman; Pearl Lippman; Helen Meserve; S. Velma Pugsley, Commission member; Irena Stolarik, Union Vale Historian; Kenneth Toole, Commission member; and the very competent people at Central Press who have enabled us finally to reach our goal, the published "from English Colony to Sovereign State."

And always there has been my husband, without whom this project truly would not have been completed. To Marny Bevier, Jay Colin, Keith, Karyn, and all young people who may have a greater degree of intellectual Freedom because of this publication, we dedicate our effort.

May our young people and their teachers search out the sources which Richard B. Morris has provided in his many fine publications; and the wealth of resources which Jonathan Clark provides in his end notes, especially Peter Force's *American Archives* and other published records. These authors have provided the insight to our heritage through their works.

We have added the illustrations and maps which tie their work to our hometowns, neighborhoods, and Dutchess County Families. May Jonathan Clark's tragically unfinished life be fulfilled through the students' use of the door that has been opened for them.

Emily E. Johnson
(Mrs. J. Edward Johnson)
Member, Dutchess County American Revolution
Bicentennial Commission

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Judy Clark

Charlotte Cunningham Finkle

Richard B. Morris

Dutchess County Historical Society

Museum of the City of New York

N Y S Office of Parks and Recreation

Historic Faunces Tavern

Taconic Press, Inc.

MANOR of LIVINGSTON
Ancram
Palatine Town or the Camp
SCHUYLERS PATENT
THE LITTLE NINE PARTNERS
THE GREAT NINE PARTNERS
BEEKMAN PATENT
Stanfordboro
Kinderhook
Hudson
Claverack
Livingston
Germantown
Rhinebeck
Rochester
THE PALTZ
New Paltz
Wawasink
Milford
Bruynswick
Wilmington
Newburgh
Fishkill
Wallkill
Coldenham
New Windsor
Bethlehem
Goshen
Florida
Haverstraw
Cheesecook
Orangetown
Ringwood
Romuncock
Parramus
Schraleenburg
Tottaway
Horseneck
Tarrytown
Sing Sing
Croton R
Rye
Mamaroneck
Stamford
Bedford
Norwalk
Ridgefield
Danbury
Fairfield
Norfolk
Winchester
Goshen
Cornwall
Torrington
Sharon
Litchfield
Kent
New Fairfield
New Milford
Dover
Takonick
Wyatuck or Salisbury
Camm
Westchester County
Dutchess County
Orange County
Fishkill
Rombout Patent
Phillipps Patent
Manor of Courtland
Philipsburgh Patent
Cornell Hill
Macookpack Pond
Bull's Mill
White Oak Tree
Meagreguad
Hudson River
Long Island Sound
Section: Sauthier, New York, 1779
by order of the Commissioners in 1769

JOHN JAY
and
The Revolution in New York

Richard B. Morris
Gouverneur Morris Professor of History,
Columbia University

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FOREWORD

With the successful conclusion of the French and Indian War, Americans could look forward to peaceful pursuits, relieved of the anxiety of French-inspired incursions against border settlements; danger in the west and from the north was ended. All this had been accomplished under the Union Jack. Statues had been erected honoring the new sovereign, George the Third as Americans testified to their pride in and loyalty to the Empire. Within a dozen years, restive American colonials would be on the brink of armed conflict with the very same forces that had been the source of their pride, Britain; and the seed of independence would be taking root.

John Jay's conversion to the cause of revolution and independence serves as an excellent example of the metamorphosis that transformed the colonies. Jay who sought office under the crown as a loyal subject, emerges as a protector of revolutionary orthodoxy, pursuing fellow colonials who might not be zealous enough or worse yet, who might harbor the same loyalty to Britain that had not too long before activated himself. In the following paper, Dr. Morris chronicles this remarkable transformation. We are shown how the press of circumstances forced Jay to move toward revolution as inexorably as the course of a raging flood-tide. Professor Morris makes us see the turmoil, the doubts, as well as the aspirations, of the men who made our revolution. It is their humanity with its frailties that makes their actions heroic. To make a nation, Jay and his generation had first to conquer their own fears, and Morris makes us realize the awesomeness of such a task. They are due our honor and respect, not because they were supermen without fears or failings, but precisely because they were not unlike us, striving for the things all strive for: freedom, security, peace, and dignity.

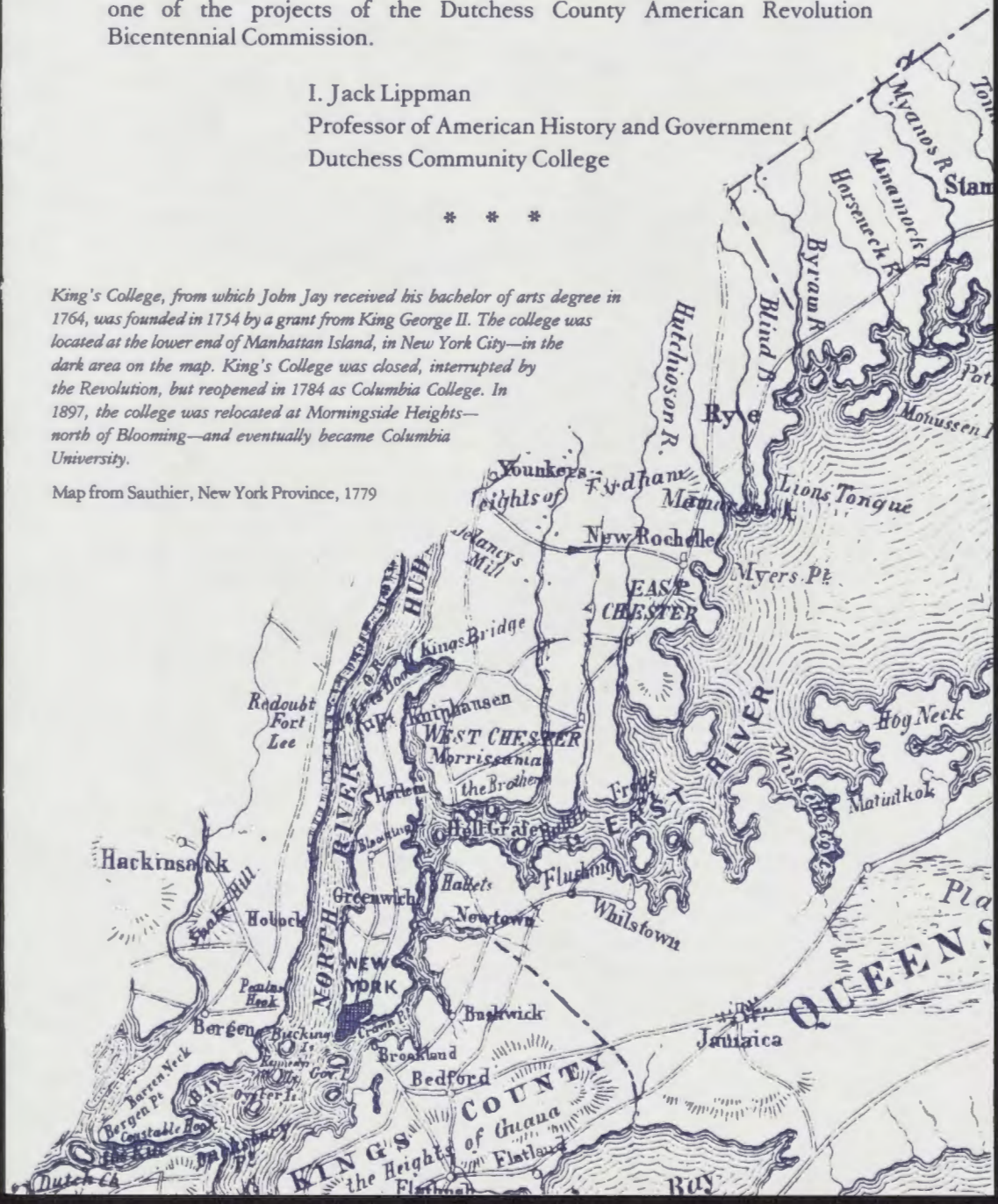
Dr. Richard Brandon Morris, Professor Emeritus of Columbia University, was Gouverneur Morris Professor of American History at Columbia, the author of a long list of distinguished and prize-winning works, the recipient of the Bancroft Prize for History among the many honors bestowed, and is the editor of the John Jay papers. To list his publications, positions, and honors, in detail, is to demonstrate what we, his former students, always knew from our own observations: that he is a most remarkable scholar! To read his works is to reveal the incredible depth of insight, the astonishing grasp of the people, the time, and the circumstances about which he writes. In this brief work, Dr. Morris seems to have stood behind Jay as Jay struggled with the forces swirling about. One feels as though Jay had shared with Morris his very thoughts as he

wrestled with destiny. As his students will testify, this capacity for thorough scholarly integrity and intelligence was awe inspiring. As a former student, and continuing admirer of Professor Richard B. Morris, I am pleased that we can publish this essay.

The paper was delivered before an enthusiastic audience of over three hundred at Freedom Plains, in the Town of LaGrange on May 17, 1975, as one of the projects of the Dutchess County American Revolution Bicentennial Commission.

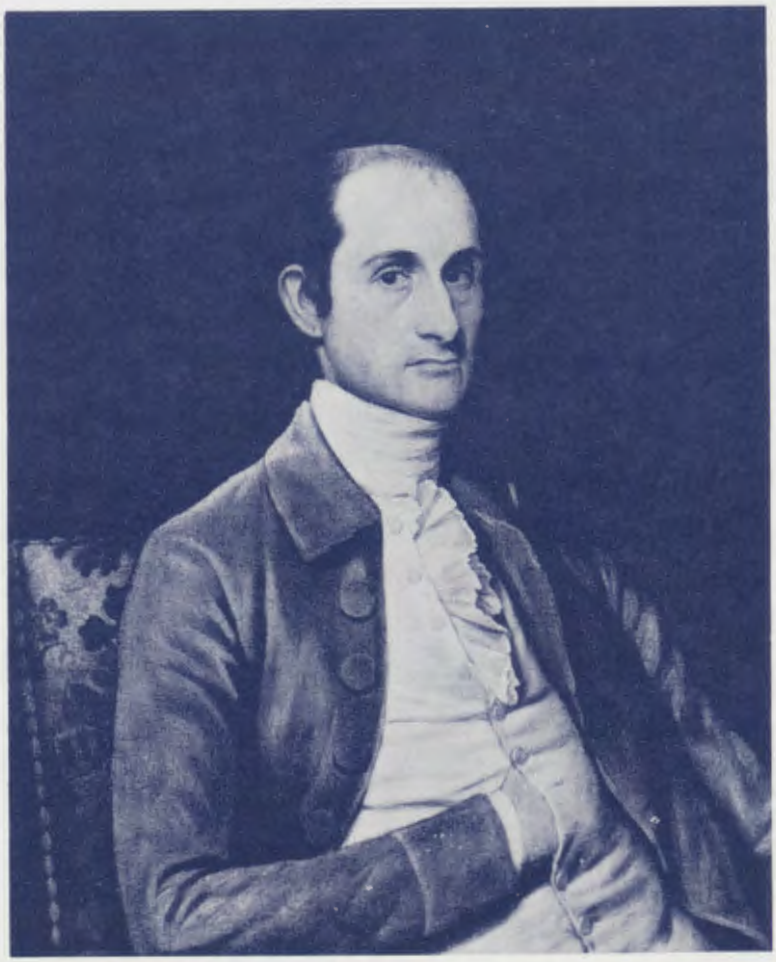
I. Jack Lippman
Professor of American History and Government
Dutchess Community College

* * *



King's College, from which John Jay received his bachelor of arts degree in 1764, was founded in 1754 by a grant from King George II. The college was located at the lower end of Manhattan Island, in New York City—in the dark area on the map. King's College was closed, interrupted by the Revolution, but reopened in 1784 as Columbia College. In 1897, the college was relocated at Morningside Heights—north of Blooming—and eventually became Columbia University.

Map from Sauthier, New York Province, 1779



JOHN JAY 1745 - 1829
Painted by Joseph Wright
Courtesy of the Museum of the City of New York

Deputy, New York Provincial Congress
Deputy and President, Continental Congress
Minister to Spain
Member of Paris Peace Commission
Chief Justice of United States Supreme Court
Second Governor, New York State

John Jay
and
The Revolution in New York

Richard B. Morris

I am honored this morning* to be invited to give this address on behalf of the Dutchess County American Revolution Bicentennial Commission and to participate in the program emphasizing the role of "Dutchess County on the Eve of the Revolution."

To comprehend the problems facing the inhabitants of Dutchess as well as the other lower counties of the State I have chosen to put the spotlight on the activities of a prominent New York statesman whose family lived in Dutchess as refugees during the war and who from time to time dwelt and operated here himself. The man is John Jay, whose papers I am now editing. In fact, volume one of the unpublished Jay Papers will soon be off the press. I have been immersed in his life and problems over the past dozen years and I am persuaded, and perhaps I can persuade you, too, that Jay was typical of the moderate-minded Patriot, wedded to legal procedures and due process, whose avowal of the Patriot cause made such a difference in the character of the war not only in New York but throughout the Thirteen States.

I need hardly remind this historically-minded audience that the eighty-four years of Jay's life were crowded with great events and filled with high offices. Jay was a member of the New York Provincial Congress, the Revolutionary Chief Justice of this state, a delegate to the first and second Continental Congress, served as President of the Congress, then headed a mission to Spain and was one of the three principal negotiators of the Treaty of Peace with England (whose ramifications and background intrigues I have treated in my book The Peacemakers). Following his mission abroad, Jay was elected Secretary for Foreign Affairs during the Confederation, serving as ad interim Secretary of State before Jefferson took over, then became Chief Justice of the United States under Washington, conducted the negotiations consummated by the treaty that bears his name, and ended his political career as a two-term governor of New York. Thereafter in retirement at Bedford he was concerned largely with philanthropic and religious affairs; and his sons and famous grandson were leaders in the antislavery movement and in efforts to preserve the Union to whose establishment Jay had contributed so mightily.

* *Lecture given on May 17, 1975 at Freedom Plains, Dutchess County.*

SARAH LIVINGSTON JAY
From an original pastel by James Sharpless
New York State Office of Parks and Recreation

WILLIAM LIVINGSTON
By John Wollaston the Younger
Historic Faunces Tavern

Born in New York City but reared as a child in Rye in Westchester County, to which county he was to return and dwell for the last three decades of his life, Jay, like many of the people of this county, did not claim English ancestry. He came from an affluent French Huguenot mercantile family, claiming Dutch Van Cortlandt blood on his mother's side. According to tradition Jay was unbending, bloodless, overly prudent, and ever-inhibited lawyer, granted his zest for controversy and his considerable self-esteem. Despite his being a part of the New York Establishment and despite his innate conservatism, Jay was ultimately won over to the cause of Revolution. All sorts of new insights on why Jay turned Revolutionary, along with other New Yorkers of his generation, are provided by Jay's correspondence and fragmentary diaries. The record shows that Jay would, if provocation warranted it, turn against established authority even as a youth. A few weeks before he was to receive his bachelor's degree in the spring of 1764 at King's College (now Columbia) Jay was present in the college hall when some of his fellow students began to break up the dining table. President Myles Cooper came to investigate, lining up the students and interrogating each in turn. None admitted any knowledge of the identity of the vandals until Cooper came to Jay. When asked who the culprits were, Jay replied, "I do not choose to tell you, sir." Cooper expostulated and threatened in vain.

When the students were hailed before a faculty committee Jay presented their defense. Like all other students he had been required to sign a pledge of obedience to the college statutes, but he contended that his refusal to identify the students who had destroyed the table did not violate that oath "and that the president had no right to exact from him anything not required by the statutes." The faculty disagreed, and Jay and his companions were suspended. Nonetheless, President Cooper relented and permitted Jay to return to King's in time to receive his degree. Jay's copy of the college regulations, signed by him and Myles Cooper, and now in the Jay Papers, bears out Jay's contention that the conduct for which he was suspended was not even indirectly forbidden by them.

As a youngish Secretary of the New York - New Jersey Boundary Commission, Jay first demonstrated that rigid insistence on technicalities which would ever characterize his long public career. Pressing a claim for back pay for his services upon both New York and New Jersey, he stood out against both governors, the New York Assembly, and even the British Secretary of State for the Colonies in refusing to release a copy of the proceedings of the Commissioners, and obliged only after being so instructed by a directive from the Board of Trade and an act of the New York Assembly. What proved most important for Jay and his country was not the accumulated irritations running over several years but the good grounding he had received in just how a mixed commission operated, a device that he was to innovate in the adjustment of international disputes at a much later time in his career.

Early in his career as a lawyer he had the affrontery to denounce the royal attorney general of the province, John Tabor Kempe, for not consulting him about a case where both were associated as counsel for the plaintiff. His temper usually may have been held in check, but he was prepared to fight a duel with a candidate for membership in a dancing assembly over which he presided and whom he had rejected out of hand as not possessing the proper connections.

Conservative by both inclination and connections with affluent Tory families, Jay inched reluctantly toward revolution. Yet the kind of grievances he had against the royal government were shared by many other New Yorkers. Take land, for example. All the leading New Yorkers of the time had aspirations to acquired ungranted lands. In 1771 Jay joined a group of New Yorkers who were granted a patent in the modern towns of Pittsford and Rutland, Vermont, territory which New York claimed as a result of an award by the Crown in 1764. Lord Dunmore had been generous in disposing of such lands. Governor William Tryon who assumed office in

July of 1771 proved more niggardly. Somewhat earlier Jay's rival, John Tabor Kempe, had been granted, along with some associates, a huge tract of land. When Jay and associates sought an additional grant he was flatly turned down.

In fact, the issue of the Vermont lands united many who were later to choose sides as Whigs and Tories in criticism of the Crown and in opposition to the claims of New Hampshire and, of course, the assertions of proprietorship and independence by the upstarts from Vermont. The controversy simmered on the eve of the Revolution, only to erupt again when the inhabitants of the disputed land had declared themselves a separate state. Prominent New Yorkers like Egbert Benson, James Duane, and George Clinton were alarmed by what they considered a secessionist movement, and to win the support of the Continental Congress, Jay was dispatched there in 1779. He did so in accord with Article XXV of the New York State Constitution which authorized the Chief Justice to hold the post of delegate to Congress "upon special occasions" without resigning his judicial post. And so Jay doubled as the state's Chief Justice in absentia and a delegate to Congress, and that's how he happened to be elected President of Congress in December, 1778, when that body was split down the middle over the conduct of foreign affairs. Neither Jay nor any of his New York friends were able to settle the Vermont controversy to their personal satisfaction, but it was not for the want of trying. At least, that controversy once more propelled Jay onto the national stage at a crucial time and to the advantage of the Revolutionary cause.

Like other New Yorkers, Jay clung tenaciously to the Vermont claims, even when it seemed clear as the Revolution progressed that Vermonters would go to any lengths, even to entertaining treasonable proposals, in order to secure recognition of their ambiguous claims which only separate statehood or incorporation in the British Empire could confirm. In a rare moment when he lapsed into coarseness, Jay, on receiving bad news about the progress of New York's claims against Vermont, remonstrated to New York's Attorney General Egbert Benson, in a letter written from Paris in 1782: "From your account of the Vermont business, it appears to me a vulgar expression, to have been bitched in its last as well as its first stages." The Vermont claims touched the jugular.

Jay was closely identified with a prominent New Yorker from these parts, Robert R. Livingston, Jr. of Clermont, whose mother was at this time suffering all kinds of indignities at the hands of riotous tenants. Jay and Livingston entered into a law partnership which endured for a number of years, and continued their very close relationship even after the

JOHN JAY

ROBERT R. LIVINGSTON

Engravings, Benson J. Lossing,
Pictorial Field-Book of the Revolution
Courtesy of Dutchess County Historical Society

partnership was terminated. The two owners came up with a proposal some time in 1772 to add legally trained judges to the common pleas bench, which was manned largely by rustics. To raise the standards of that bench they proposed that two skilled lawyers should serve as itinerant justices, travelling to various sessions of the common pleas courts at the county seats. Jay and Livingston knew the two men best qualified for such posts. Themselves, to be sure. Jay was prepared to serve in Orange, Westchester, and Richmond counties, while Livingston was willing to sit in faraway Tryon, as well as in Albany, Ulster, and Dutchess. The issue raised a storm in the Council, and Oliver DeLancey, fearing the influence of an opposition party in courthouse politics which he regarded as a DeLancey preserve, saw to it that the proposition was turned down, even though the two candidates offered to serve without pay.

That was not the end of the matter, however. Tension with England was rising to fever pitch. Jay himself, after serving on one pro-Revolutionary committee after another, was sent as a New York delegate to the First Continental Congress. At that very time he was in correspondence with two Tory friends, William Laight in New York and the Reverend John Vardill in London, both cronies of King's College days, and both seeking to pull such strings as they could in England to win Jay over to the royalist cause. Jay

had not yet closed the door to a royal judgeship if it could be had on his terms. Writing from New York in May, 1774, the New York delegate informed Vardill that he would not accept such a post unless it carried a salary apparently regretting his momentary enthusiasm of some years earlier when he had offered to serve without pay. Should such a post be proffered to him he "would cheerfully resign the toil of my profession for ease with dignity," he said using the Latin phrase. Again, from Philadelphia on September 24, just four days before the conservative plan of union was proposed to Congress by Tory-to-be Joseph Galloway and supported by Jay, the New York delegate thanked Vardill for his attention to "certain other matters," apparently referring to the judgeship project. However, bound by the injunction of secrecy laid upon the members of Congress, Jay could say nothing about what had transpired to date in Philadelphia. "God knows how the contest will end," he declared. "I sincerely wish it may terminate in a lasting Union with Great Britain."

This was 1774, not 1776. Loyalty oaths were not yet in style, but would soon be. People could straddle, and many in Congress and many New Yorkers like Jay did just that. Vardill later made a claim as a loyalist to the British government for his efforts to win over these two members of the Congress, Jay and Livingston, adding, perhaps unfairly, "But the negotiation was quashed by the unexpected fray at Lexington in April, 1775."

If Jay moved toward rebellion in part because of disappointments at the hands of the royal authorities as regards both lands and public office, there were other good and substantial reasons why he should have espoused the Patriot cause. His father and brothers already were pronounced Whigs, and, like other merchants concerned with overseas trade, indignant at the new revenue measures launched back in 1764, when young Jay had just begun his law clerkship. He also had won eclat in Whig circles by successfully defending Mayor Underhill of the Borough Town of Westchester in April, 1773 in a contested election case brought against him by Attorney General Kempe. The government sought to upset the election by insisting that unqualified voters had voted. But Jay, while ultimately not prevailing, managed to give his client another three months of his term and to postpone the admission to office of certain pro-Royalist aldermen. This suit marked him as a potential leader of the anti-administration forces.

More important, Jay forged a bond to the Whig cause by marrying the daughter of the Whig lawyer-intellectual William Livingston, who not only was among the most prominent of the Whiggish-leaning Livingstons but was soon to supplant Tory governor William Franklin as the Revolutionary chief executive of New Jersey. This was a love match. Jay was never happy

away from Sally. He was inconsolable when she died toward the end of his political career, with many years of retirement before him, and, being a strong family man himself, kept the closest ties with William Livingston and his kin.

A combination of newly formed ties to the politically activist Livingston clan and an upsurge of civil unrest nudged Jay ever so gently into the opposition camp. Happily married, looking forward to a judicial post, the court dockets bulging with his cases, hobnobbing with New York's elite at the Dancing Assembly, the Debating Society, and the Moot, where bright legal minds argued legal propositions of an evening, Jay was hardly a frustrated revolutionary. In his case, events took a hand. A few days before his wedding, a group of radicals calling themselves "the Mohawks" dumped a cargo of tea in New York harbor as a protest against the closing of the port of Boston by act of Parliament. This disciplined demonstration provided proof of the re-emergence of the old Sons of Liberty with working-class support, and it touched off a renewed battle between radicals and conservatives for control of the protest movement. The movement came to a head when on May 12th news reached New York of the enactment by Parliament of the bill closing the port of Boston. The conservatives showed themselves adept at political maneuvering by bringing about the election of a Committee of Fifty-One, in which they had a slight majority. It is on this committee that John Jay, along with some nineteen future Tories, including such friends as Edward Laight, made his initial bow in provincial politics.

Conservative or no, Jay's role as a political activist propelled him by almost imperceptible stages into a role of leadership of the revolutionary movement in New York. At the start it was as a penman that his talents were enlisted. The Committee picked him to draft a diplomatic reply to the Bostonians who had demanded complete nonintercourse with England. Jay's reply carefully sidestepped the boycott that New York merchants would have found so painful, while stressing the necessity of immediately assembling a general Congress. That latter step ultimately proved the more radical course. His reply characterized that judicial temper that was the hallmark of a John Jay paper. First, he sounded a note of caution. "What ought to be done in a situation so truly critical, while it employs the anxious thoughts of every generous mind, is very hard to be determined." Certainly a general Congress must be assembled "without delay," but pending such action, it would be "premature" to make a commitment on the "expedient" proposed by the Bostonians. Caution was still Jay's watchword. Did sponsorship of a call for the convening of a Continental Congress mean that Jay had crossed his Rubicon? Clearly not, for the very

day the Committee endorsed his letter he wrote to Vardill in London reporting what had happened and indicating that he would accept a judicial post.

With conservatives maintaining a checkrein on the contagious "levelling trend" which might be picked up from New England, and after much jockeying for control between radical and moderate factions, a delegation to the first Continental Congress was elected on July 28th, a delegation that included Mr. Jay. Jay's election was a victory over the radicals, who had made what Lieutenant Governor Colden described as a "Violent effort" to substitute for the moderate Jay and John Alsop, the radical John Morin Scott and that "Wilkes of New York," Alexander McDougall, who would prove to be one of Jay's closest advisors and most active correspondents.

In that memorable session at Philadelphia's Carpenter Hall, which first convened on September 5, 1774, battle lines were quickly drawn between radicals and conservatives, with which latter bloc Jay was quickly identified. His forces were defeated on the choice of a hall, defeated in their picking a secretary, preferring Silas Deane to the more openly acknowledged radical Charles Thomson of Pennsylvania, but proved their tough fibre in contesting Patrick Henry's proposal that the votes of each colony be apportioned on the basis of population. With characteristic impetuosity Henry declared: "Government is dissolved.... We are in a state of nature, sir." In a calm rejoinder Jay reminded the delegates that "the measure of arbitrary power is not full, and I think it must run over, before we undertake to frame a new constitution." Rather, the task was to endeavor "to correct faults in an old one." Jay gave a glimmer of the future revolutionary in conceding that the British Constitution which derived its authority "from compact" could impliedly be renounced by compact, but he still steered a cautious middle course, epitomized in a quotation John Adams attributed to him. "Negotiation, suspension of commerce, and war." War, he is reported to have said, was "by general consent to be waived at present." "I am for negotiation and suspension of commerce." While by no means agreeing with Jay, Adams, in a retrospective comment on Jay's performance in the Congress, conceded that he, along with Dickinson, had "eloquence" but lacked the "chaste", "pure", "nervous" style of Samuel Adams. To Adams, Jay would show himself to be "a man of wit, well-informed, a good speaker and an elegant writer." These latter talents Jay would speedily demonstrate, although the conciliatory cause that he had initially pursued earned him "a horrid opinion" in Patrick Henry's judgement, one which the Virginia Lees fully shared. Jay's arguments against proportionate voting prevailed, and the

delegates decided to vote by provincial units, each province having one vote (a rule that prevailed throughout the history of the Continental Congress).

For the radicals the setback was at most a temporary one. On September 17th they succeeded in winning Congress's endorsement of the Suffolk Resolves, declaring the Intolerable Acts unconstitutional, advising the people to arm and form their own militia, and recommending stringent economic sanctions against Britain. Rebounding from this stunning defeat, Jay, Duane, and Edward Rutledge of South Carolina, along with other conciliationists, rallied behind Joseph Galloway's plan of union, levying as it did so heavily upon Franklin's Albany Plan of 1754. By the margin of a single vote that plan was defeated, and the radical forces gathered enough momentum to have the vote expunged from the record.

For the propaganda battle which Congress now proceeded to wage against Britain the most talented penmen among the moderates were enlisted. John Dickinson drew the petition to the King, when Patrick Henry's draft proved inept, and John Jay, who had, perhaps grudgingly signed the Continental Association, won the acclaim of both factions for his draft of an address to the people of Great Britain. The story of that address comes to us from Jefferson second hand. Richard Henry Lee prepared a first draft, which, when it was read, "every countenance fell and a dead silence ensued for many minutes." Then on the following day, October 19th, William Livingston suggested that his son-in-law read the draft he had prepared. When it was read, as Jefferson reported it, "there was but one sentiment of admiration."

Jay's "Address to the People of Great Britain" propelled him at once into the front line of Whig propagandists and survives as proof of the fact that, if you associate with radicals long enough, some of the radical rhetoric is bound to rub off on you. So indeed the Tories felt and, though Jay's role in the Continental Congress had been that of a moderate, his authorship of the "Address" and his signature on the Continental Association caused raised eyebrows among bitter-end partisans of the Ministry.

The Tories were now ready to write him off, quite prematurely in fact. "You will be surpriz'd, my dear Vardill, as well as affected," wrote William Laight to his London correspondent toward the end of March 1775, "when I tell you of the loss of that once steady, honest Protestant Jay. He is, in the opinion of almost all of our friends, turned, in politics, a rigid Blue Skin." The only way that Laight could account for the switch was Jay's "too sudden elevation to a popular character." To Laight, Jay was

obviously courting popularity, "and to please the populace he must have thrown aside his old principles." Imagine, only a few nights back, he presided over a meeting where Lamb, Sears, Garret Roorback, and other activists were the principal speakers! As further evidence of Jay's "defection," Laight cited the fact that "the Blues trumped his merits and patriotism at every corner of the streets." When once Jay charged McDougall with demagoguery, he now applauded his zeal and supported his measures. Don't let him know how we feel, Laight counseled. Rather, congratulate him on his re-election and tell him how pleased we are to "have a writer and speaker of his abilities among us, who heretofore has, and doubtless continues to counteract the views of our ambitious, Republican demagogues. He may, and 'tis the prayer of his friends that he should, see his error." By this date there is no evidence that Jay and Vardill were any longer in communication with each other, although as late as October, 1775, William Laight, from the security of London, was writing an unsolicited letter, admonishing Jay about the prudence of being contented with "a moderate share of civil liberty" rather than of "aiming at visionary schemes of perfect freedom," which the British army, preparing to descend upon the colonies in the spring and to "cover the face of the whole country," would most certainly crush.

Moderate though he had been in the First Congress, Jay found that his prestige had risen among the Whig activists and they in turn, as the Tories found to their chagrin, embraced him as one of their own. On his return to New York he, along with his brother Frederick, was elected to the newest extralegal governing body, the Committee of Sixty, as well as to the Committee of Inspection appointed to police compliance with the Continental Association. A stickler for the rules, Jay quickly won a reputation as a zealous inspector. Tories whispered that he informed the Sons of Liberty of the names of ladies and gentlemen who drank tea at the dancing assembly over which he presided. Various signs indicated that Jay was more and more being propelled to a position of leadership of the moderate wing of the protest movement. It was he who drafted the letter from the New York Committee of Sixty to the Committee of Boston, assuring the latter that they should have no cause for fearing "a defection" on the part of "the bulk of the people." As a moderate he still sought to have some control over city-wide elections. Rather than have the election of delegates to the Provincial Convention conducted at an unsupervised mass meeting, Jay proposed that the elections be held in the wards under the supervision of the vestrymen and sub-committees of the Sixty, the voting to be confined to freeholders and freemen. The radicals conceded this point, and with their support, the slate, including John Jay, was declared duly elected.

Aside from his lawyer-like repugnance to unsupervised elections at large mass meetings, Jay made it clear that he preferred to have the delegates to the Continental Congress elected by the Provincial Convention rather than by the voters directly, a preference which he asserted again at election time the following year. That is precisely what was done. The Provincial Convention, assembling in New York City on April 20th, elected a slate of delegates to the Second Continental Congress which included Jay but substituted, for two conservatives, men of more radical complexion. In the wild demonstration that broke out upon news of Lexington and Concord, the Committee of Sixty recommended that a Committee of One Hundred be elected with enlarged powers and that a Provincial Congress be summoned, as the Tory Assembly had already adjourned. In the enthusiasm of the moment it seemed an effortless task to secure a thousand signatures to a new Association, in whose drafting Jay was prominent, pledging obedience to all acts of the Continental and Provincial Congresses. Before Jay left for Philadelphia in early May the new governing committee commanded most of his time.

In the Second Continental Congress Jay, along with John Dickinson and Edward Rutledge, quickly assumed the leadership of the moderate wing. Still he allowed himself to be drafted to prepare a "Letter to the Oppressed Inhabitants of Canada," in the course of which he turned a complete idealogical somersault. In his "Appeal" Jay had charged the British government with backing "our Roman Catholic neighbors" against the English Protestant colonists to reduce them to a form of slavery by unconstitutional taxation. Now, in seeking support from Catholic Quebec, Jay, perhaps with tongue in cheek, reminded the people of Canada that "the fate of the Protestant and Catholick Colonies" was "strongly linked together," and invited their support in breaking "the fetters of slavery."

Throughout the spring and summer of '75 Jay continued to perform a neat balancing act, skimming along the narrow wire of conciliation while allowing himself to be utilized by the forces that were prepared for direct confrontation. The spring of '75 marked the climax of the final conciliation effort. The hour was late. Congress, upon convening in May, learned that its petition of October, 1774, had been virtually ignored by Parliament, that the ministry intended to use troops, and in fact a shooting war had already broken out in New England. Against the burgeoning opinion that any further conciliatory moves were fruitless, the conciliatory party in Congress centering on Jay, Duane, and John Dickinson, made one last desperate stand. The opportunity arose on May 15th, when Congress adopted a resolution instructing the inhabitants of New York "to defend themselves and their property and repel force by force." It was at this time, with a view

to obviating any decision that might invite attack or close the door to reconciliation, that Jay made a motion for a second petition to the King, which Dickinson seconded. To win over the war hawks the two moderates pointed out that any delay would give the colonists needed time for military preparations, while a rejection of the appeal by the home government would serve only to unite the colonies. Congress, despite the diehards, saw the force of their argument and authorized such a petition, naming Jay, along with Dickinson, Franklin, Thomas Johnson, and John Rutledge as a committee to draft it.

The petition as finally adopted is indisputably from the pen of John Dickinson, but Jay's original draft suggests how much more conciliatory he was prepared to be than his fellow committeemen. Jay asked that "every irritating measure be suspended," while Dickinson proposed the repeal of distateful statutes. With his fondness for commissions, Jay proposed that George III "commission some good and great men to enquire into the grievances of her faithful subjects" while Dickinson contented himself with leaving it to his Majesty to "direct some mode" by which reconciliation could be achieved. Jay explicitly disavowed independence as an end, a commitment which Dickinson shrewdly sidestepped. Jay suggested that, should the royal government prefer not to deal with Congress, negotiations might be conducted with the colonial assemblies. Dickinson realized that Congress could not be expected to adopt a self-denying ordinance and avoided including the proposal, while at the same time arranging that the petition be signed by individuals to offset the fact that it was adopted in a general Congress, a body so unpalatable to George III. In short, Dickinson's final draft scrupulously avoided ruffling the sensibilities of Congress by making injudicious and even unnecessary admissions or concessions. In view of the heated opposition in Congress to so watered-down a version as the final Olive Branch Petition, it is obvious that the Jay draft never had the slightest chance of adoption.

Still an empire man, still loyal to the King, Jay throughout the greater part of the summer and fall of '75 was hopeful of the petition's favorable reception. As late as October 17th he wrote Alexander McDougall, "No news as to the effect of our petition. God grant it may be a means of restoring the peace and I may add the prosperity of the Empire now rent by unnatural convulsions. But we ought not to rely wholly on it, lest it prove a broken reed and pierce us." Jay's sober conclusion proved amply justified, for on November 9th Congress learned of its rejection by the King.

In the weeks and months following the adoption of the Olive Branch Petition Jay found himself in an increasingly ambivalent position, very

much as Congress itself, in John Adams' impatient view, was suspended "between hawk and buzzard." Even after the rejection of the Petition Jay continued to hope, vainly as it proved, for a conciliatory gesture from the Crown, and in a speech in March of '76 criticized the wording of a privateering bill because it indicted the King as the author of colonial miseries instead of putting the onus on the Ministry.

A do-nothing policy would in the longer run be insupportable to Jay, who was by temperament an activist, a believer that government must be infused with energy. He was coming to take a Continental approach to the distribution of war powers, an approach which would not too long thereafter stamp him as a leading nationalist. Thus, he no longer believed that the states should retain the initiative in making separate proposals for conciliation, but that such matters be left to the Congress. He and his fellow delegates from New York realistically abstained from presenting to Congress a plan of accommodation adopted by the Provincial Congress of New Jersey. It was altogether fitting that he, along with such other legal lights as John Dickinson and George Wythe of Virginia, should be dispatched to Trenton by Congress to talk the New Jersey Assembly out of their plan to send their own petition to the King. He told the Jerseymen that "we had nothing to expect from the mercy or justice of Britain," that petitions were no longer the means, rather vigor and unanimity were "the only means." Only the petition of "United America presented by Congress, ought to be relied on," he insisted; all else was "unnecessary."

Whether Jay willed it or no, there was a war on, on being waged on several fronts, and it was up to the states and the Congress to carry it on effectively. Jay served on such crucial Congressional committees as the Committee of Secret Correspondence to secure aid from abroad, an assignment which provided him with a cloak-and-dagger encounter with the French secret agent Bonvouloir and an active correspondence with the American agent to France, Silas Deane, using an invisible ink according to a formula provided by Jay's brother Sir James. On a committee of Congress to deal with disaffection in Queens County, New York, he drafted a report urging the arrest of subversive persons, the detention of those who voted against sending delegates to Congress, and the disarming of dissidents—in all, strong medicine for a moderate. Constantly now he prodded Patriots back in New York to begin exercising essential governmental functions. To Alexander McDougall he wrote on December 23, 1775, "It appears to me prudent that you should begin to impose light taxes, rather with a view to precedent than profit." He went on to suggest that saltpetre and wool might be accepted in payment, a step which would "encourage manufacture." Then, pointing out that such measures were

essential "to the support of the poor," he added this revelatory comment: "It keeps people easy and quiet. By being employed they gain bread. When our Fellow Mortals are busy and well fed, they forget to complain." Learning that the Provincial Congress had emitted more paper money, Jay admonished, "Will you never think of taxes? The ice must be broken, the sooner it is begun and more insensibly performed the better. I tremble for the delay." McDougall soon persuaded Jay that New York City under its existing stresses and strains should not have to bear a disproportionate share of the state's tax burdens.

A reluctance on the part of Jay to move toward independence combined with an enthusiasm for the assertion by the Thirteen Colonies of the governmental powers of autonomous states epitomizes his ambivalent frame of mind throughout the spring of '76. As the groundswell for independence seemed to be carrying all before it, Jay inched toward overt resistance. At McDougall's suggestion he applied for a military commission and was duly appointed colonel of the Second Regiment, New York City militia.

With the spring of '76 Jay's own province had first call upon his time. Elected a delegate to the New York Provincial Congress in April, Jay was not present in the Continental Congress when some of the crucial decisions of the spring and summer of '76 were made. Thus, on May 11th James Duane wrote to apprise him that the day before Congress had adopted a momentous resolution recommending the colonies "to adopt such government as shall, in the opinion of the representatives of the people, best conduce to the happiness and safety of their constituents in particular, and Americans in general." Jay took his seat in the new Provincial Congress on May 25th, and was at once placed on one committee to draft a law relating to the perils to which the colony was exposed by "its intestine dangers" and on another to act on the Congressional mandate to form a new government. On the one hand Jay was convinced that a new government must be formed as the old colonial one would "no longer work anything but mischief." On the other, he was opposed to a precipitate move toward independence. On June 11th, four days after Richard Henry Lee had offered in Congress a resolution affirming that the United Colonies "are, and of right ought to be, free and independent states," Jay moved that it was the sense of the Provincial Congress "that the good people of this colony have not, in the opinion of this congress, authorized this congress, or the delegates of the colony in the Continental Congress, to declare this colony to be and continue to be independent of the crown of Great Britain." Jay might well have made this proposal on his own initiative, but he had been constantly prodded by James Duane in

Congress to see that New York did not follow the precipitate action urged by "the orators from Virginia." Jay was prepared to "take a solitary ride to Philadelphia" when he was so charged by the Provincial Congress, but since his presence was urgently needed in New York he was, perhaps conveniently, absent on July 2nd when the decisive vote on independence took place in Congress. Since he did not find an opportunity to return to Congress for the rest of the year his signature was never affixed to the Declaration of Independence.

Would Jay have signed the Great Declaration had he been present in Philadelphia that summer? The signs are none too clear. Bear in mind that it was his resolution of June 11th which withheld from the New York delegates the power of voting for independence. Remember that Jay had long hoped for a conciliatory resolution of the issues between colonies and empire. Even as late as April, 1778, Jay confided to his friend Gouverneur Morris, a man of like views on many political subjects though lacking Jay's balanced judgment and prudence, "the destruction of old England would hurt me. I wish it well. It afforded my ancestors an asylum from persecution." Even at that date Jay would have been content with independence and a treaty affording the new United States commercial advantages - in other words, a negotiated peace that would let England withdraw from the war with honor. Evidently his friend Edward Rutledge felt that Jay's vote, had he been in Congress, would have been cast with "the sensible part of the house," opposing Lee's motion for independence. "I wish you had been here," he wrote on June 8th disconsolately. On the 29th he wrote again to urge that Jay attend the Congress "on Monday next" when the Declaration of Independence, a draft of the Articles of Confederation, and a scheme for a treaty with foreign powers were to be laid before the house. "Whether we shall be able effectually to oppose the first and infuse wisdom in the others will depend in a great measure upon the exertions of" what Rutledge called the "sensible part of the members." Alas, Jay could not come, as he explained in a letter of July 6th. He was engaged "by plots, conspiracies, and chimeras dire." State business came first. "We have a government, you know, to form; and God only knows what it will resemble."

Jay was not only a convert to independence, but one imbued with perhaps false optimism about the cause. By July of '76 he had assumed leadership in two areas which would irrevocably stamp him as a rebel - that of organizing the military defenses of his state and of constitution-maker. On July 2nd the British launched their conquest of New York, with Sir William Howe's unopposed landing of some ten-thousand troops, followed ten days later by the arrival of brother Lord Richard Howe's powerful fleet

and transports, along with huge reinforcements. On July 16th the New York Convention appointed Jay to a committee charged with obstructing the channel of the Hudson River and harassing the enemy's shipping. They were authorized "to impress carriages, teams, sloops, and horses, and to call out detachments of the militia."

The committee operating from Fort Montgomery, named after General Richard Montgomery, hero of the ill-fated expedition to Quebec, and then out of Poughkeepsie, included, in addition to Jay, Robert Yates, Robert R. Livingston, Christopher Tappen, and Gilbert Livingston.

Specifically, Jay was commissioned to secure cannon at a foundry in Salisbury, Connecticut, for Fort Montgomery in the Highlands. Jay sped over to Salisbury, learned from the proprietors that the cannon and shot could only be released by authorization of Governor Trumbull, then dashed across the mountains to Lebanon, where the governor summoned his council to act upon Jay's request. With the authorization in his pocket, Jay turned back to the Furnace, managed to round up teams to carry four twelve-pounders which were quickly made ready, then pushed across the state boundary to Livingston Manor to secure trucks and shot from Colonel Gilbert Livingston. On his return journey he overtook the convoy of cannon and shot moving toward Colonel Hoffman's Landing, and was able to oversee the cargo being put aboard ship for transport across the river to Fort Montgomery. A triumphantly breathless journey which Jay managed to record in a diary fragment that has survived.

Thus the Revolution came to Jay rather than vice versa. When his commitment was made he entered into the cause with all the zealotry of a recent convert. No appeasement for him even when the hour seemed darkest. Howe's forces were readying for the amphibious landing on Long Island and the Battle of New York was soon to follow. The British threat to Westchester forced Jay's elderly parents from their home at Rye to find a retreat in Fishkill, where Jay joined them when the New York Convention was forced to find safety, one step ahead of the Redcoats, first in White Plains, then in Poughkeepsie, and then across the Hudson at Kingston.

In short, from a wishy-washy appeaser Jay had been transformed into a hard-line insurgent. As early as the spring of '76 he had counseled McDougall as to the expediency of removing to less sensitive places "such as are notoriously disaffected." Already on June 16th, prior to Howe's appearance, the Convention on motion of Jay had prescribed the death penalty of treason for those giving aid or comfort to the enemy. Jay was made chairman of a Committee to Detect Conspiracies, with power to

seize, try, and sentence disaffected persons. The Committee held daily sittings until the arrival of the British fleet sent them scurrying. The committee investigated an alleged plot, against the life of Washington, sentenced Thomas Hickey, one of Washington's soldiers to be hanged, and threw Mayor David Matthews into jail, along with some thirteen other disaffected persons, aside from a sizable number who were banished.

Late in September Jay was put on a reorganized committee which operated out of Fishkill. This committee was authorized not only to stamp out disaffection but to call out the militia to suppress counter-revolutionary activities, to make drafts on the state treasury, and to raise and officer two hundred and twenty men to use as they saw fit. Along with Jay were William Duer of Charlotte County, Charles DeWitt of Ulster, Leonard Gansevoort of Albany, and Zephaniah Platt and Nathaniel Sackett of Dutchess.

Sitting at Conner's tavern in Fishkill, the committee day after day examined prisoners under guard. Minutes of the hearing were kept by Jay, who, besides acting as secretary, assumed the permanent chairmanship after a few meetings. The suspects were interrogated and then asked to take the oath of allegiance to Congress. When they refused, Jay, with that stern sense of duty of a Roman patriot, sentenced them to be jailed, transported to New Hampshire, or allowed to remain at home under parole. Some of those sentenced were good friends like Jay's classmate Peter Van Schaack whom he sent to Boston on parole.

Others with whom Jay and his fellow committeemen had to deal included Jay's own first cousin, Augustus Van Cortlandt, a reputed Loyalist but holding office as a clerk of the City and County of New York, and Beverly Robinson, proprietor of Beverly, the mansion then in Dutchess County across the Hudson River from West Point. Robinson, despite his professions of neutrality, left the area and organized a Loyalist regiment, playing a role in the delicate negotiations between Major André and Benedict Arnold.

Jay's inexorable performance of unpleasant duties earned him the vituperation of the enemy. Major John André attacked him in Rivington's Royal Gazette as "remarkable for a mixture of the lowest cunning and the most unfeeling barbarity" and for enforcing statutes "that destroyed every species of private property and repose."

By recent criteria André's censure was far off the mark. Jay was no Saint-Just. A sense of fairness, a strong humanitarian impulse, and a

vigilant concern for the maintenance of civil liberties and due process tempered his rulings toward the disaffected. In defending his treatment of Van Schaack, Jay asserted toward the end of the war: "I have adhered to certain fixed principles, and faithfully obeyed their dictates without regarding the consequence of my conduct to my friends, my family, or myself," and Van Schaack chivalrously conceded that he had been treated justly. Jay distinguished between Tories who had acted an honorable part and those whom he deemed despicable. To Van Schaack, a refugee in England in 1782, he confessed, "I considered all who were not with us, and you among the rest, as against us; yet be assured that John Jay did not cease to be a friend to Peter Van Schaack." To Colonel James DeLancey, a prisoner of war in Hartford jail, he sent one hundred pounds so that his situation might "be comfortable and easy," but when in post-war London he encountered Colonel Peter DeLancey, who commanded the lawless Tory cowboys of Cooper's Spy, he cut him dead.

To ferret out hidden enemies at least one or more intelligence operations were set in motion. Nathaniel Sackett organized a group of local agents who alerted the Committee to the activities of Loyalist sympathizers and recruiters for the British army. Another seems to have been organized by Jay himself. Readers of historical novels are bound to speculate about the extent to which plot and character development are based on actual people and events, and this was notably true after James Cooper's The Spy: A Tale of the Neutral Ground was published in 1821. Several claimants to being the character therein described were brought forward, but the one whose credentials seemed most authentic was Enoch Crosby (1750-1833), a resident of Carmel who had posed as a Tory during the Revolution in order to collect information about persons suspected of aiding the British in and near Westchester County, wherein the action of the book took place. Cooper's introduction to the 1831 edition of The Spy revealed that the idea for his protagonist had in fact been suggested by an anecdote told to him years previously by "an illustrious man, who had been employed in various situations of high trust during the darkest days of the American Revolution." While acting as chairman of a secret committee to root out pockets of subversion, this gentleman had employed a shrewd, fearless agent who gave the impression of being a Loyalist in order to learn as many secrets of the enemy as possible. It was clear from Cooper's description that John Jay, one of Cooper's close friends, was his source, although Jay himself declined to reveal the name of the spy; but Susan Cooper, the novelist's daughter later said that Jay was the sole foundation for the character of Harvey Birch. Despite attacks mounted on Crosby's claim, it seems clear from the federal pension application which Enoch Crosby filed in 1832 that his activities are confirmed by entries in the Minutes of the

Committee for Detecting Conspiracies, records which were not published until 1924, and to which Crosby could not have had access. In short, Crosby was unquestionably the most effective of the secret agents employed by the Committee for Detecting Conspiracies, and the first volume of the Jay Papers, now in press, will, I trust, document his role quite convincingly.

When the revolutionary legislature turned to the adoption of a constitution for the new state, the naming of Jay to a select drafting committee seemed an obvious choice. Work on it was interrupted by Jay's more compelling duties in fortifying the Hudson, checking subversion, and running an intelligence service, but by March of 1777 a draft in Jay's hand was submitted to the Provincial Congress. Jay's draft underwent minor amendments and alterations, mainly introduced by Jay himself, along with Duane, Gouverneur Morris, and Robert R. Livingston.

Elitist though he was, Jay recognized how essential popular participation was to the stability of republican government. He would have extended the franchise to all who had paid both state and county taxes - a proposal very close to universal manhood suffrage. During the debates over the draft he succeeded in having voting by ballot substituted for the viva-voce method of electing representatives, and provided a means whereby illiterate voters could indicate their choices. All in all, his constitutional innovations, motions, and amendments hardly support the anti-democratic label that historians have attached to his name.

One of Jay's most significant efforts was his endeavor to have a clause inserted into the Constitution of 1777 forbidding the continuation of slavery, an institution which he held in deep abhorrence. He was to become president of the New York Manumission Society in the postwar period, and his sons were later renowned leaders of the antislavery movement. In light of his lifetime aversion to slavery, it was fitting and proper that during Jay's term as governor of New York he was to affix his signature to a bill providing for the end of slavery in the state.

Appropriately, the Convention rewarded Jay for his heroic labors on the new constitution by naming him the state's Chief Justice, a post far more elevated than the one he had sought from the Crown scarce three years before. Finding judicial duties more congenial than executive ones, Jay accepted, declining to have his name advanced for the governorship. Although the cases before him did not concern large constitutional questions, Jay went out of his way to criticize the impressment of horses, teams, and carriages "by the military, without the intervention of a civil magistrate" as violative of due process of law, and urged the legislation to

curb this "extraordinary power." Again, as a member of the Council of Revision, he wrote the veto of an excess profits tax levied upon war profiteers on the ground that it was violative of the equal protection of the law to which all citizens were entitled.

In short, Jay brought to his revolutionary commitment a deep concern for civil liberty, property rights, and a sense of justice rooted in the English constitutional system. An empire man and a moderate, he had traveled the long road by the winter of 1776-77. At the nadir of the Patriot's military hopes he stirred the delegates to the New York Convention with an address "to their constituents" which they enthusiastically adopted before the heartening news of the Trenton victory and which the Continental Congress ordered translated into German. In words that might have come out of Tom Paine's contemporary American Crisis pamphlet Jay declared, "we do not fight for a few acres of land, but for freedom - for the freedom and happiness of millions yet unborn." To Jay and to the other Founding Fathers these words were no mere rhetorical outpouring. Now embattled in a struggle not of his choosing, Jay felt that the fight must go on until independence was achieved. "War must make peace for us," he was to tell John Adams, "and we shall always find well-appointed armies to be our ablest negotiators."

Gone were the ambiguities, the hesitancies, the political trimming. Jay now stood at the center of the great events of the Revolutionary and early national years, a committed nationalist, an agitator for energetic government, whose career exemplifies that very special kind of revolutionary mentality that was the stamp of men of wealth and talent in New York who shared a common dream while declining to stoop to demogoguery or extremism to achieve its fulfillment.

* * *

ABOUT THE "JOHN JAY" HOUSE (opposite)

In 1967, Charlotte Cunningham Finkle wrote "The 'John Jay' house was greatly altered in 1870 to conform to the Victorian-Gothic taste of the time and bears little resemblence today to the Colonial house shown (on page 42). The interior was converted into three apartments about ten years ago (1957). However, the house is structurally sound. It is brick lined and the massive beams in the cellar generally measure 9" x 11" x 30 feet. There are two original fireplaces in the west wing, as well as some original panelling."

THE JAY FAMILY IN FISHKILL (NOW EAST FISHKILL) 1776-1781

Reprinted courtesy of Charlotte M. Cunningham [Finkle]

Photo — Helen Meserve

THEODORUS VAN WYCK — JOHN JAY HOUSE, 1983, EAST FISHKILL viewed from the end of Corporate Park Drive, off Route 52. Interstate 84 is in the distance beyond the house.

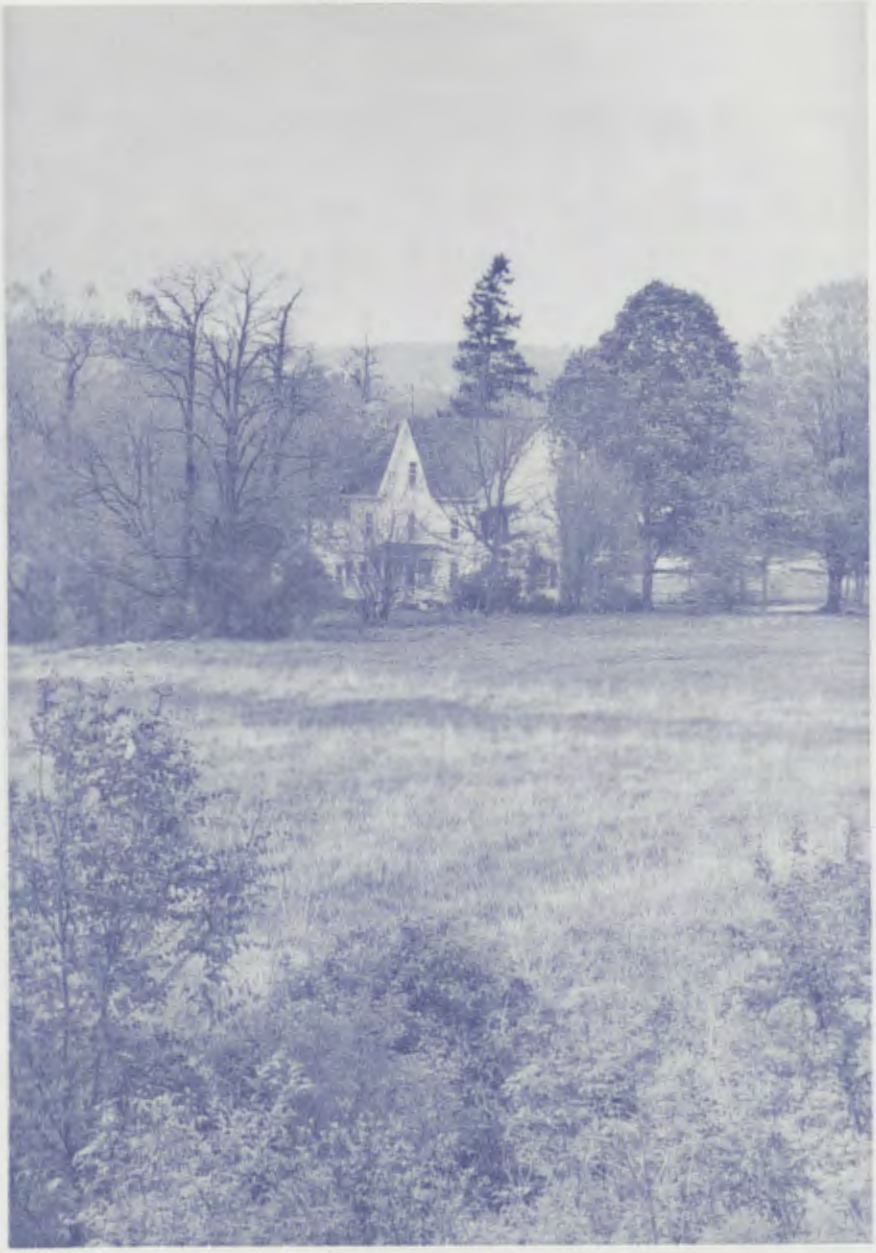


Photo — Helen Meserve

THEODORUS VAN WYCK — JOHN JAY HOUSE, 1983, EAST FISHKILL as seen from the west bound lane of Interstate 84 between Lime Kiln interchange and Route 9, at green mile marker number 8202, 1089.

THE JAY FAMILY IN FISHKILL (NOW EAST FISHKILL) 1776-1781

Near the southern border of Dutchess County — just east of the hamlet of Wiccopee — is the house built in 1740 by Judge Theodorus Van Wyck (1697-1776), on a nine hundred acre tract of uncleared, rather swampy land purchased by him from Madam Catharyna Brett. As Judge Van Wyck was a man of marked ability and industry, he succeeded through the years in draining the land and in developing a farm of notable fertility and richness.[1] When he died, September 15th, 1776, the farm was divided between his two sons: to William Van Wyck — whose house still stands in Warren Lane — fell the southern end of the farm and the mill stream. Dr. Theodorus Van Wyck inherited the homestead and surrounding four hundred acres; though, as he and his family were living with his wife's father, Col. John Brinckerhoff, in the handsome stone and brick house still standing in Lomala, the Judge's house became vacant.

At the time of Judge Van Wyck's death, the N. Y. Provincial Congress had just moved to Fishkill. New York City, where the delegates first met, was in the hands of the British, and Westchester County was in effect a "no man's land". Prominent among the delegates was John Jay (1745-1829) — destined to hold many important public offices in the early years of our Country's growth and to be the first Chief Justice of the United States (1789-1795) and governor of New York (1795-1801).

With the Provincial Congress, as well as an important semi-secret committee on which he was serving[2], meeting in Fishkill, John Jay was in need of a residence here. Also, he was greatly concerned for the safety of his aged parents then in Westchester County. Apparently he at once applied to Dr. Van Wyck for the late Judge's homestead. John's father, Peter Jay (1704-1782), wrote him September 22nd, "We approve of the proposal to hire Doctor Van Wyke's Farm, which I would have you agree for immediately . . . I am extremely obliged to the Doctor for giving us the preference."[3]

But the move was a difficult one for elderly people in declining health and a month passed before they left Westchester. Then John's youngest brother, Frederick, was able to write him, "Papa has directed me to have all the stock removed from Rye to the Fish Kills — at foot you have a list of those now sent. He intends to sett off this Day or tomorrow with Mama & Nancey & some of the Servants — I could wish you was here to go with them . . . . They mean to take the Crompound Road, if you could meet them it would be a Satisfaction. . . . ."[4]

The list of stock Frederick gave:

61 sheep marked with red paint on the neck
1 gay mare — 2 years old
1 Bay horse colt
1 do mare do
1 sorrel do do
1 Sorrel Mare & Bay mare Colt by her side
22 horned cattle

The Crompound Road ran from what is now Yorktown Heights through the mountains to Fishkill Hook, terminating at Judge Van Wyck's farm. John went down to meet them[5] and was shortly able to write his wife's sister, Kitty Livingston, at Elizabeth, N. J., "My father's family with such of their effects as have escaped the ruin to which the Property of the Whigs in that part of the country (Westchester) was exposed, are now here".

John's wife, Sarah Livingston Jay (1756-1802), had also joined him and he added in this letter to her sister, "Sally took as little *thought for the morrow* as to bring only one pair of Shoes with her. They are almost worn out and Shoemakers are as scarce here as Saints were in Sodom. Be so obliging as to get a couple of neat Pair, at any Price, made for her, & send them by the first good opportunity."[6]

The family living on Judge Van Wyck's homestead was now a large one. Beside John's elderly parents, his wife and baby son, Peter Augustus, there were his older, unmarried brothers and sister — Peter and Nancy, both of whom had been permanently blinded in early childhood during the severe smallpox epidemic of 1739, and the retarded Augustus; his younger brother, Frederick, with his wife Margaret (Peggy) Barclay Jay; and occasionally his older brother, Sir James Jay[7], and sister, Mrs. Eve Jay Munro. There were also a dozen or more servants.

The house was isolated as well as crowded and there is a believable local tradition that the Jay ladies, accustomed as they were to the social life of New York City and Westchester, were quite discontented. Their discontent must have deepened when the Provincial Congress moved from Fishkill to Kingston in February, 1777, and John look lodgings there. Sarah wrote him, "(your) Mama frequently says that if she had thought you would not have staid at Fishkill, she would never have come here".[8] Two days later she wrote him, "Mama is very ill", and April 17th, John Jay's mother, Mary Van Cortlandt Jay, died in the Van Wyck homestead. Jay hurried home from Kingston and was absent from the Convention almost three weeks.[9]

The early spring of 1777 had been a time of alarm because of British activity in the lower Hudson River. Sarah Jay, her son

and her sister, Kitty Livingston, were now staying in the home of Dr. Theodorus Van Wyck, at Col. John Brinckerhoff's. She wrote John, "This very instant the Doctor came into the room his looks bespeaking the utmost discomposure, bad news Mrs. Jay, Aye, Doctor, what now? The regulars Madam are landed at Peekskill, my own and other waggons are pressed to go instantly down to remove the Stores. Wherever I am I think there are alarms, however I am determined to remember your maxim, prepare for the worst & hope for the best."(10)

This proved to be a British foraging expedition and John wrote Sarah, ". . . if the Reports we have heard be true, the Enemys force is not sufficient to penetrate the country . . . remind (Peter) of Sending to Capt. Platt's for the Barley . . . Let not the fear of the Enemy deter him from pursuing the Business of the farm. The same Providence which enables us to sow, may enable us to reap. Present my Compliments to our good friend the Doctor and Mrs. V. Wyck".(11)

However, concern about the intentions of the British continued. In July, Frederick wrote John, "I have been to Kent & provided accomodations for the Family in case of a Retreat. I have done everything in my power to get your Books removed but in Vain, not a waggon or cart to be hired at any rate The People here being Busy with their Harvests"(12). He also proposed purchasing property for the family in Kent. About this from their father,

"My thoughts have been much imployed of late abt removing from hence in case of need, but the more I consider of it the more I am perplex'd, for my present State of health admits of my undergoing no fatigue, besides I conceive my going to Kent will be attended with an immense expense, for there I can hire no Farm to raise necessarys for my Numerous Family, but must lodge them in different Houses and buy daily food for them, I suppose at the same exhorbitant rate that is extorted from the distress'd in other parts of the Country, so that unless I can get a Farm in order to raise so much as will in some measure answer the Expense of the necessarys of life, I am very apprehensive it will have too great tendency to our ruin, for we may long continue in our present distress'd situation before a Peace takes place. Hitherto my present abode appears to me as safe as elsewhere and it may be most prudent to continue here . . ."(13)

Then General Philip Schuyler wrote Jay offering the use of one of his farms(14), to which Jay replied, "Your offer of a farm, &c., is very obliging . . . I am at present at a loss how to determine . . . This place, at which all the family now reside, is by no means agreeable or convenient, if secure, which is also doubtful"(15) Two months later he wrote, "My father's in-

firmities have so increased as to render a removal to Saratoga so inconvenient and painful, if practicable, that he cannot prevail upon himself to undertake it . . . filial obligations will constrain me to continue in this neighborhood . . ." [16]

John Jay had been appointed Chief Justice of the State of New York, May, 1777 — a position he held until 1779. Therefore, Judge Van Wyck's homestead is identified as "Judge Jay's" on the Erskine-Dewitt military maps of 1777-78, numbers 35, 37 and 38, in the New-York Historical Society Collections. Opposite Judge Jay's is shown "Swartwouts T" (tavern) — now owned by the Jay Snook's — where it is believed members of the Commission for Detecting and Defeating Conspiracies meet[17] and before which Enoch Crosby appeared, 1777, at Jay's invitation[18]

Late in July, 1778, John Jay spent in Fishkill his first vacation since the War began. He wrote his wife, "The country here has not enjoyed so much Tranquility as at present since the War. Robberies have ceased, neither army is near us, the militia chiefly at Home and every Body pleased with an Expectation of seeing the Devastation & miseries of war speedily succeeded by the Blessings of Peace, Liberty & Plenty".[19] During this time General George Washington conferred with Jay in Fishkill about the proposed expedition to Canada.[20] But where they met is not presently known. Jay later resumed his seat in the Continental Congress in Philadelphia and was elected its President, December 10, 1778.

The following spring, Frederick wrote him, "I am very sorry to inform you that Mr. Will V. Wycks had his two young Horses with your mare stolen last week. It is suspected they are still in the mountains"[21] Later, "The Tories are again troublesome in this Quarter. Mr. Annin,[22] son in law to Mr. W V W, was robbed of everything he had on Thursday evening last, by six villians, one of them a McKeel, who told Annin that he had Stolen your mare & Mr. V.W. two Horses — They treated Mr. Annin very ill, ty'd a rope about his neck, hoisted him up & after letting him hang for several minutes cut him down. He is like to do well. The same party shot a man last night near the Same place. I am informed that Search is making after these Hell hounds. Farming goes well considering all things."[23] Jay's horse was eventually recovered and sent down to him in Philadelphia[24].

The grain crops were excellent the summer of 1779 but harvesting was a problem[25]. Peter Jay wrote a joint letter to his sons, James and John, ". . . our present situation grows daily more and more very distressing. I am unfortunately too much reduced to attend effectually to Business. Peter does as much and more than could be expected from a Person in his

condition, but I am nevertheless destitute of necessary assistance. My Hay is now almost cut, I've imploy'd several mowers & pay'd the exhorbitant wages of 15 Doll per Day to each Man, and I Pay in proportion for everything else I want to have done. I've not yet got an inch of ground plowed for wheat . . . I have no prospect yet of getting any Salt for salting my Beef & Pork this Fall, nor have I any Body to look out for me. Hard Times! God Grant us speedily more happy times."[26]

John Jay wrote Frederick that if neither he nor James would "undertake to attend constantly to our good old father and his unfortunate family" he himself would return for that purpose.[27] But the end of September, Congress appointed Jay "Minister plenipotentiary to negotiate a treaty of amity and commerce and of alliance" between the U.S. and Spain. John and Sarah Jay left their little son with her father, William Livingston, and embarked for Spain Oct. 20th, 1779. Before leaving, Jay paid a visit to his father and his family. A daughter of Mr. William Van Wyck was present when he parted from them, "she happened there the afternoon that he left 'to make the peace'. It was a bright, sunny day, she remembered, and quite a large number of ladies and gentlemen were present. She recollected distinctly that Mr. Peter Jay, who was something of a wit, made a joke upon John which convulsed them all and he left amid the cheerful excitement which followed."[28]

Due to great storms and damage to the ship on which they originally sailed, the Jays did not arrive in Spain until Jan. 22nd, 1780. Here they remained for two years of discouraging negotiations with the Spanish government during which they endured many personal hardships.[29] Added to these problems was the distress occasioned Jay by lack of news from his family in Fishkill. In November, he wrote Egbert Benson, of Poughkeepsie, that he had had no word from his brothers since leaving America. "I have a favor to ask of you; it is that you would make a visit to my father, and send me a minute account of his health, and that of the family. Make a dozen copies of your letter . . . to be forwarded in different vessels. Don't neglect to do me this friendly office. You can easily conceive how painful it is to be so long in ignorance and suspense about the situation and welfare of persons so near and dear to me"[30]

However, mail was often lost or intercepted and destroyed. Jay wrote Benson again in March of the following year, "Not one letter to me, dated in our State, has reached me since I left America"[31]

Then he finally learned that his father and family had suffered a great robbery, April 12th, 1781, and had moved to Poughkeepsie. Susan Livingston wrote, "Mr. Jay was plundered of everything useful and valuable by a party of robbers, to the

amount of near 3000 pounds"[32] and from Robert Morris, after commiserating with Jay regarding the difficulties he and Sarah were experiencing in Spain, ". . . But you must comfort yourself with the reflection that still more cruel things might have happened, had you remained in your own country. Suppose you had been with your father, when some of the enemy's ruffians broke into the house, and after satisfying themselves with plunder, they carried you, my dear friend, a prisoner to New York . . . happy that you have escaped such an event."[33]

John Jay at once wrote Frederick authorizing financial assistance [34], and to his father, "I thank God, however, that you lost nothing but property — your lives were spared."[35] He continued for some months to ask for complete details of the robbery, but letters from Frederick were lost. Finally there was mention of "the loss we sustained . . . by a party of Delancy's Corps and that I had moved the Family to Poughkeepsie as a place of greater security."[36] And eventually, from Frederick,

". . . from several letters received from you I find to my great Mortification that you had not received from me any Account of the Robbery we met with at Fish Kill, tho I wrote you a long letter on that Subject soon after it happened. I will now relate to you the particulars of that cruel affair. On the 12th April a Party of thirty armed men surrounded the House, twelve of them entered with fixed Bayonets and So silent that I did not discover them 'till they had me in Custody. This done they seized all the Arms & then fell a plundering every thing they could lay hands on. All the Plate that we had (except one Tea pott which Mrs. Jay put into the stove) together with every farthing of hard & paper money they could find (of which they got the greater part) they took from us. They left me but one shirt, which I had on — my shoes buckeles, hatt &c did not escape them — in short they completely stripp'd me of almost everything I had. They took no Cloathing from any other Person, except a waistcoat from Peter & a few Shirts from Sir James. They continued with us from 8 oclk 'till near One in the Morning, & happy was we to get rid of such Company. A few days after a Party of ours fell in with them near Dobbs Ferry, killed one & retook the greater part of the Plate, a Sword and some small articles which we again got after paying nearly the Value. None of the Family received any personal insult from them, Mrs. Jay received a slight wound in her Arm by a Bayonet and I believe by accident — we lost no papers.

". . . as Papa, Peter & Nancey did not rest easy . . . we accordingly purchased the place of Mr. John Davies, about two or three Acres of Land, & here we are pretty comfortable & happy. We have got rid of some of our servants . . . Papa Peter & Nancy enjoy their health as usual, Peggy never more hearty,

and was my situation such as would admit of my doing business I should be happy."(37)

John Jay wrote Egbert Benson, December 8th, 1781, from Madrid, "When you see Doctor Van Wyck, assure him that my father's leaving his farm and neighborhood does not in the least abate the attachment and gratitude I owe him for his kindness to the family, but that, on the contrary, I shall rejoice in every opportunity I may have of being useful to him and his".(38)

Peter Jay died in Poughkeepsie, April 17th, 1782. John and Sarah Jay left Spain and removed to Paris where Jay had been summoned by Benjamin Franklin to serve on a commission for negotiating peace between the United States and Great Britain.

ACKNOWLEDGMENTS - REFERENCES

The writer wishes to express appreciation to Professor Richard B. Morris for his kindness in permitting use of letters in the Jay Family Papers, Columbia University Special Collections. The letters cited below are in this Collection, original or photostat, unless otherwise noted. Some were published in Henry P. Johnston's, *Correspondence & Public Papers of John Jay*, 1763-1781, 1890. *Permission to print the direct quotations from letters marked below with an asterisk (*) MUST be obtained from The John Jay Papers Project, Butler Library, Columbia University, N.Y.C.* The writer is also indebted to Miss Mary-Jo Kline, associate editor of the John Jay Papers, for much helpful documentation, and to Miss Edith Van Wyck for friendly encouragement through the years.

(1) Van Wyck, Ann *Descendants of Cornelius Barentse Van Wyck*, New York, 1912, pages 59-65
(2) Committee and first Commission for Detecting and Defeating Conspiracies in the State of N.Y. See *Minutes*, New-York Historical Society Collections, 1924, Dorothy C. Barck, ed.
(3) PJ to JJ, Harrison's Purchase, Sept. 22, 1776
(4) FJ to JJ, Harrison's Purchase, Oct. 19, 1776
(5) JJ to SJ, Fishkill, Oct. 19, 1776
(6) JJ to KL, Fishkill, Nov. 8, 1776
(7) James Jay was knighted during a visit to England in 1763
(8) SJ to JJ, Fishkill, Mar. 21, 1777
(9) Monaghan, Frank, *John Jay - Defender of Liberty*, New York, 1936, p. 95
* (10) SJ to JJ, Fishkill, Mar. 23, 1777
* (11) JJ to SJ, Kingston, Mar. 25, 1777
(12) FJ to JJ, Fishkill, July 18, 1777
(13) PJ to JJ, Fishkill, July 29, 1777
(14) PS to JJ, Saratoga, Nov. 6, 1777
* (15) JJ to PS, Fishkill, Dec. 11, 1777
(16) JJ to PS, Fishkill, Feb. 26, 1778
(17) Conversations the writer had with Miss Dorothy C. Barck. Hugh Connor leased a tavern from the Swartwouts.
(18) Ref. (2), Vol. I, p. 163-5; also, Enoch Crosby's pension application, Oct. 15, 1832.
(19) Ref. (9), p. 105

(20) Jay, William, *Life of John Jay*, Vol. I, p. 83
(21) FJ to JJ, Poughkeepsie, Mar. 7, 1779
(22) Daniel Annin, married to William Van Wyck's oldest daughter, Lavinia
* (23) FJ to JJ, Fishkill, May 10, 1779
* (24) FJ to JJ, Fishkill, June 16 and July 7, 1779
(25) FJ to JJ, Fishkill, July 7, 1779
(26) PJ to James and JJ, Fishkill, July 29, 1779
* (27) JJ to FJ, Philadelphia, Sept. 16, 1779
(28) Judge Anthony Van Wyck, Fishkill Weekly *Times*, May 29, 1895
(29) An excellent account is in Prof. Richard B. Morris's, *The Peacemeakers - The Great Powers & American Independence*, New York, 1965
(30) JJ to EB, Madrid, Nov., 1780
(31) JJ to EB, Madrid, March, 1781
* (32) SL to SJ, Elizabeth, N.J., May 10, 1781
* (33) RM to JJ, Philadelphia, June 5, 1781
* (34) JJ to FJ, Madrid, July 31, 1781
* (35) JJ to PJ, Madrid, Aug. 1, 1781
* (36) FJ to JJ, Philadelphia, Nov. 8, 1781
* (37) FJ to JJ, Poughkeepsie, Nov. 18, 1781
* (38) JJ to EB, Madrid, Dec. 8, 1781

CHARLOTTE CUNNINGHAM FINKEL
October, 1967

Homestead of Theodorus Van Wyck, as built in 1740 at Wiccopee, Dutchess County, N. Y. Remodeled in 1870. Occupied by the Jay family during the Revolutionary War.

ELECTED DEPUTIES TO THE FOURTH PROVINCIAL CONGRESS
FROM THE COUNTIES OF THE PROVINCE OF NEW YORK

ALBANY
Abraham Yates, Jr.
Robert Yates
Robert Van Rensselaer
Matthew Adgate
John Tayler
John Ten Broeck
John James Bleecker
Jacob Cuyler
Leonard Gansevoort
Peter R. Livingston

CHARLOTTE
Alexander Webster
John Williams
George Smith
William Duer

CUMBERLAND
Joseph Marsh
Simon Stevens
Jacob Sessions

DUTCHESS
Zephaniah Platt
Nathaniel Sackett
Gilbert Livingston
Doctor Crane
Henry Schenck
James Livingston
John Schenck
Anthony Hoffman
Robert R. Livingston
Jonathan Landon

GLOUCESTER
Peter Olcott
Jacob Bayley

KINGS
Theodorus Polhemus

RICHMOND
Not represented

NEW YORK
John Jay
James Duane
Philip Livingston
Robert Harpur
Francis Lewis
Garret Abeel
Isaac Stoutenburgh
Daniel Dunscomb
William Denning
Abraham Brasher
Henry Remsen
John Morin Scott
James Beekman
Evert Bancker
Isaac Roosevelt
John Broome
Abraham Lott
Peter Van Zandt
John Van Cortlandt
Anthony Rutgers
Thomas Randall
William Scott

ORANGE
William Allison
John Haring
David Pye
Thomas Outwater
Isaac Sherwood
Joshua H. Smith
Archibald Little
Jeremiah Clark

QUEENS
Jacob Blackwell
Jonathan Lawrence
Waters Smith
Samuel Townsend
Cornelius Van Wyck
James Townsend
Abraham Kettletas
Benjamin Sands

SUFFOLK
Nathaniel Woodhull
Ezra L'Hommedieu
John Sloss Hobart
Mathias Burnet Miller
Thomas Dearing
David Gelston
William Smith
Thomas Tredwell
David Hedges

TRYON
Volkert Veeder
William Harper
Isaac Paris
Benjamin Newkirk
John Moore

ULSTER
Christopher Tappen
Matthew Cantine
George Clinton
Henry Wisner
Matthew Rea
Charles De Witt
Levi Pauling
Arthur Parks

WESTCHESTER
Lewis Graham
Pierre Van Cortlandt
Ebenezer Lockwood
William Paulding
Jonathan Platt
Samuel Haviland
Zebadiah Mills
Gilbert Drake
Jonathan G. Tompkins
Lewis Morris
Gouverneur Morris
Benjamin Smith

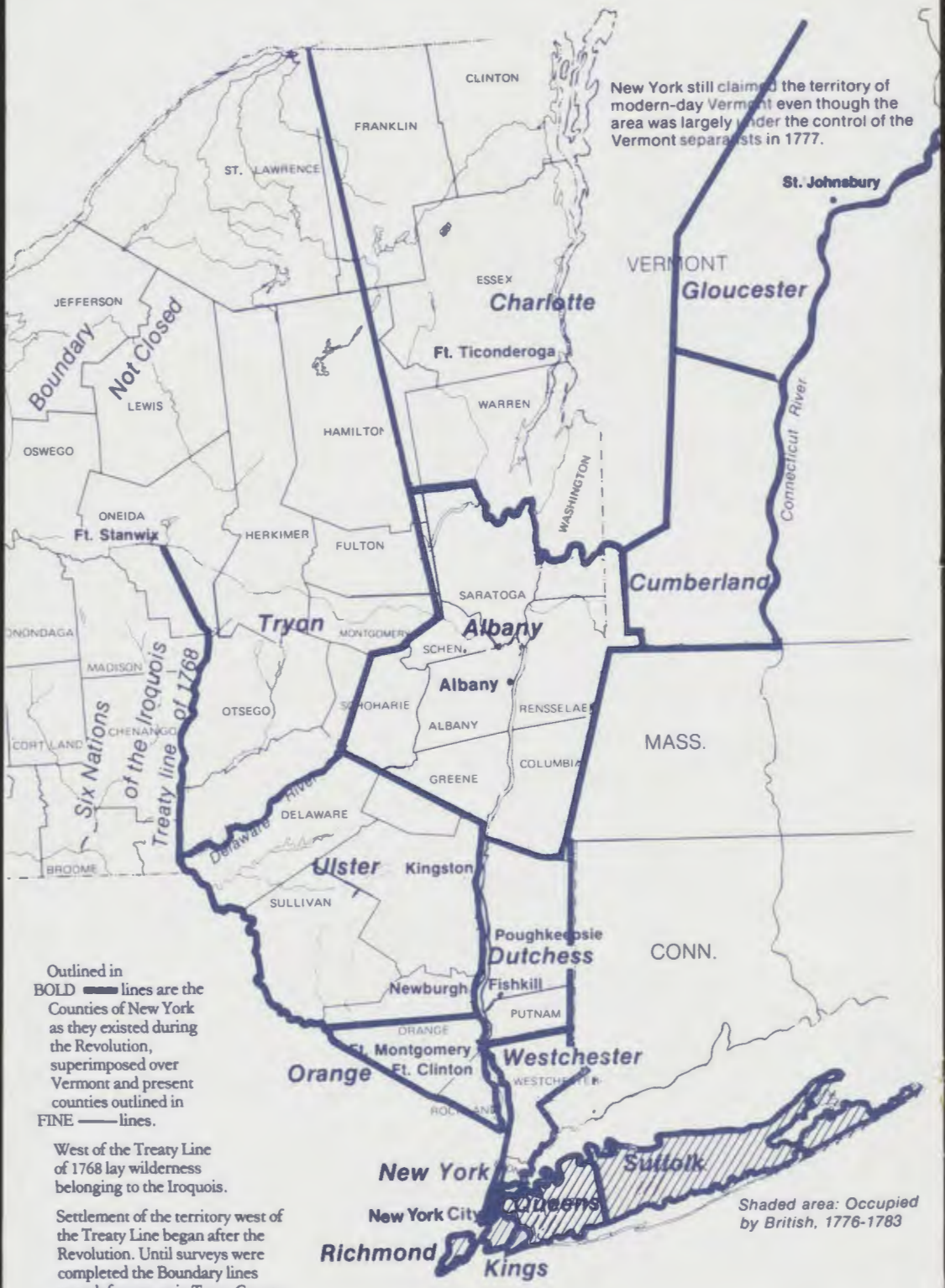
From the minutes of the Fourth Provincial Congress:

White Plains, July 9, 1776

"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."

White Plains, July 10, 1776

"Resolved: That the style or title of this House be changed from that of the Provincial Congress of the Colony of New York to that of The Convention of Representatives of the State of New York."



Outlined in BOLD ▬ lines are the Counties of New York as they existed during the Revolution, superimposed over Vermont and present counties outlined in FINE —— lines.

West of the Treaty Line of 1768 lay wilderness belonging to the Iroquois.

Settlement of the territory west of the Treaty Line began after the Revolution. Until surveys were completed the Boundary lines were left open as in Tryan County.

A GOVERNMENT TO FORM

The Story of Dutchess County
and
The Political Upheaval
in
Revolutionary New York

Jonathan C. Clark

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Jonathan C. Clark
(1941 - 1983)

Associate Professor of History, Vassar College (1973 - 1983)
and participant in American Culture

A.B., University of California, Berkley, 1968
Ph.D., Yale University, 1972

FOREWORD

For nearly a decade until his tragic early death on February 7, 1983, Jonathan C. Clark taught, with distinction, early American history at Vassar College. Students flocked to his classes in Colonial America and the United States, 1788-1877, because Jon brought to his classroom lecturing an acute sense of the human dimension of history, a sense that history is always ultimately about people and that a general principle or theme can often be illustrated best by an anecdote. In short, Jon had a remarkable capacity for organization, for wit, and for elegant expression. This flair for clarity, style, and compelling detail is evident most of all in the essay here published, "A Government to Form," which Jon had prepared for Dutchess County's American Revolution Bicentennial Commission.

Jon Clark came to Vassar in the fall of 1973 having just completed his dissertation on the ratification of the United States Constitution in 1788 under the distinguished Yale historian, Edmund S. Morgan. In that study Jon had focused his attention on the macrocosm of political debate at the federal and state levels in the late eighteenth century. In this work, Jon shifted his concern to the microcosm of political behavior in Dutchess County during the revolutionary period. Both the local area study published here and Jon's dissertation are informed by the same central conclusion: that neither class nor interest group—even in the most sophisticated formulations—explains the opinions and behavior of those who ratified the constitution in 1788 or who made a revolution in Dutchess County in 1775-1781.

Precisely because Dutchess County was the subject of a landmark study by Staughton Lynd which claimed that class differences did determine political allegiances during the revolution and ratification controversies, Jon saw his work in local history as providing an ideal opportunity for testing his claim in a more controlled way. Equally important, a study of the revolutionary crisis in one locality allowed him to refine further his developing sense of the very complex relationship between men's political ideas and their social situations. In his essays on local history, Jon has always shown a keen appreciation for the way in which the eighteenth-century understanding of self-interest allowed small men both to forge an extraordinary political legacy for the United States and yet in their own behavior to fall short so often of the standards they have set for themselves, not to mention their ideals. Both Jon's teaching at Vassar and his scholarship as represented in this study demonstrate his enriched understanding of the varied ways by which people tried to

reconcile their political ideals and ethical standards with the conflicting interests and demands of everyday life.

The present study expands and elaborates upon Jon's most ambitious essay, "The Problem of Allegiance in Revolutionary Poughkeepsie," which will appear this year in a volume honoring Edmund S. Morgan, *Saints and Revolutionaries: Essays on Early American History*, to be published by Norton in New York. That essay and this study are based on Jon's research creating a collective biography of the free male population of Dutchess County's principal village of Poughkeepsie starting in 1775. By culling a wide range of sources—tax lists, church records, newspapers, local and provincial government documents, association membership lists, papers and account books of individuals—he has not only been able to define allegiances, but also to delineate the complicated connections of family, shared religion, economic standing, and occupation between individuals of differing political allegiances. This reconstruction of the network of relationships in a revolutionary village thus also serves to help the reader understand the constraints upon political action felt by local leaders. But most of all we are led in Jon's writings directly into the microcosm of revolutionary Dutchess County so that we can almost feel, hear and see our revolutionary forebears in their daily political lives.

The most impressive of Jon's writings in its ability to speak effectively to readers of very different levels is the study, here published, "A Government to Form." It makes good reading for those who know the scholarly literature, yet it is accessible, concrete, and lively enough for the student or citizen interested in local history. Jon has used local events and the activities and careers of local figures to make intelligible a sophisticated analysis of political behavior during the revolution. His rendering, through the career of Henry Beekman, of the means by which large landholders maintained their influence before 1774 is masterful. So, too, is his detailing of the ways in which a minority of radicals in Dutchess County used illegal committees to displace the legally constituted government and so draw a reluctant majority into revolution. At the same time, Jon shows how events reinforced the activities of the radicals so that they ultimately won the popular support necessary to sustain their innovations.

This study's readability is enhanced by variation in the organization of chapters. Jon's account of the Delanceys' dilemma in trying to control New York City's radicals is a fascinating political narrative. By contrast, a flashback to the tenants' rebellion of 1766 and an account of a slave's importuning by a Tory vivify Jon's chapters on the problems faced by the

"illegal" local authorities in trying to enforce the Provincial Convention's regulations against Tories. The chapter on the forming of the new state constitution begins with a description of the career of the principled aristocrat, John Jay, only to move easily into an analytical discussion of political ideas and issues and how they were worked out in the provisions of the new constitution. The study ends on the theme with which Jon Clark began his career as an historian - the ratification of the United States Constitution, in this context, in the summer of 1788 in Poughkeepsie, New York.

The reader of this essay will soon discover that Jon Clark was an historian of rare talent, imagination, and perception. For hundreds of history students at Vassar College over the past decade he was an inspiring teacher as well. To his friends and associates at Vassar and in the community, he was a cherished and admired colleague. All who study our local history will miss the wise and innovative work that we hoped for from his pen, but at least the public now has this major study on how the revolution came to Dutchess County over two hundred years ago.

Benjamin G. Kohl
Professor of History
Vassar College
May 1983

* * *

WHEREAS the many tyrannical and oppressive usurpations of the King and Parliament of Great Britain, on the rights and liberties of the people of the American colonies, had reduced them to the necessity of introducing a government by Congresses and Committees, as temporary expedients, and to exist no longer than the grievances of the people should remain without redress.

First paragraph of New York State's first constitution, proclaimed by the Convention of the Representatives of the State of New York at Kingston, April 1777, and printed at Fishkill by Samuel Louden.
For a history of the constitution, see *1777, The Political Revolution and New York's First Constitution* by William A. Polf.

A GOVERNMENT TO FORM

The Story of Dutchess County and the Political Upheaval in Revolutionary New York

Jonathan C. Clark

"We have a government to form.
God knows what it will resemble."

John Jay, 1777

Constitutions make for pretty dry reading, filled as they are with dull sentences that only lawyers can learn to love. Even teachers who do not usually shy away from giving assignments students, at least, find boring, have often practiced mercy when it comes to constitutions. Some students pass their school years without ever struggling through the Constitution of the United States, the highest law of the land. The chances are that even a great many teachers, though they may easily remember that the Preamble of the Constitution begins, "We the people..." would be very hard put to recall the first few words of Article I in the Constitution itself.

So what?

To begin with, our constitutions, both state and federal, have a much greater impact on our lives than most of us realize. Constitutions make up the rulebooks which say how our laws shall be made and what groups of men and women can make them. They tell us who can vote and who can not. They tell us, in a general way, how we can be taxed and who can tax us. They establish the system of justice under which we live. Just as importantly, as former President Nixon found out the hard way, Constitutions put limits on what those who serve in government can get away with, and what they can do to us.

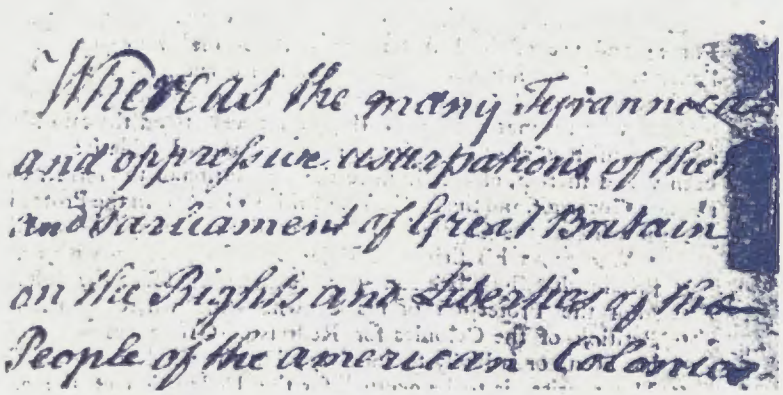
Constitutions are usually no better than the people who live under them. As a result, they sometimes give legal sanction to prejudices that can affect the lives of a great many Americans. The Constitution of the United States, without quite saying so, actually endorsed the enslavement of black people until 1865. There are women alive today who can remember when they could not vote just because they were women. Their right to do so was only recognized by the Constitution in 1920. And once in a while, when a great many people get the notion that they have found the cure for all the country's problems, they can make constitutions look downright silly. One

year before the Constitution gave women the right to vote, it tried to prohibit Americans from drinking anything stronger than ginger ale. That did not work very well, though, and fourteen years later the Constitution once again let American men grow their beer-bellies legally. [1]

But because most of us, most of the time, do not feel the effects of Constitutions on our day-to-day lives, we simply take them for granted. In fact, we take them so much for granted that we would find it difficult to imagine what our world would be like without them. Every day a holiday and every night a Halloween? Probably not for long. People prefer order in their lives, and do not often face mass confusion, made more intense by fears of coming chaos, with sunny dispositions. Much as we may criticize our government and those who govern us, most of us would find the prospect of no government at all a frightening one.

And yet, two hundred years ago, that was precisely the prospect faced by people in New York, along with Americans from other colonies. They decided, until they could form their own governments, that the government of King George III was worse than no government at all. They joined a revolution, and for nearly two years New Yorkers lived without any legitimate government at all, even as they fought a war and awaited constitutions better suited to the needs and rights of an independent people.

This is the story of how they did it in Dutchess County and of how New York changed from an English colony into one of thirteen sovereign and united states.


Whereas the many Tyrannical
and oppressive usurpations of the
and Parliament of Great Britain
on the Rights and Liberties of the
People of the american Colonies

Opening lines of the preamble, New York's first constitution, believed to be John Jay's handwriting. Taken to Fishkill to be printed by Samuel Louden.

One

The trouble all began back in 1763 when George Grenville came up with a bright idea. The English had just finished winning the French and Indian War. As its victory prize, England had taken the Mississippi Valley and the whole of Canada from the French and added those territories to its already large empire. But winning always has its price. The war had cost a great amount of money and the English national debt had doubled in the last nine years. Added to that was the expense of keeping British soldiers in North America to protect the new possessions. George Grenville, as First Lord of the Treasury, had the job of finding the funds to pay the interest on the national debt and the cost of keeping an army abroad. Because Englishmen already paid high taxes, Grenville began to look for new sources of money. In that search he had hit upon his good idea: let the colonists in America become more useful members of the British empire by helping to pay for the privilege of belonging to it. [2]

So it was, between April, 1764 and May, 1765, that Grenville guided the measures through Parliment which became known as the Sugar Act and the Stamp Act. Because of the Sugar Act people in New England would have to pay taxes on the molasses they brought back from the West Indies and out of which they made their favorite rum. The Stamp Act put a tax on nearly everything made of paper, from legal documents to newspapers and playing cards. For the first time in history Parliament was laying taxes on the Americans for the direct purpose of raising revenues. [3]

Those new taxes might have helped England out of its financial difficulties except for one small oversight: Grenville had neglected to ask the colonists how they felt about paying them. As it turned out, the colonists did not like the taxes one bit and when they learned of the Stamp Act they took action.

New York would later get the reputation—and deserved it—for having dragged its feet down the road to the American Revolution. But in 1764 and 1765 New Yorkers were as defiant as anyone else. Even before Parliament passed the Stamp Act the New York Assembly had sent a petition to the House of Commons. The Assembly, claimed the petition, and nobody else, had the right to tax the people of New York. It was a long-held principle of the English Constitution that the people could be taxed only by their own representatives. The petition went on to warn any attempt to take away that right would "shake the Power and Independency of the most opulent and flourishing Empire in the World." [4] But the House of Commons refused even to hear the petition, much less heed its warning. [5]

So New Yorkers, along with people in the other colonies, began to resort to other ways, not all of them legal, of showing Parliament that they meant business. Some joined the Sons of Liberty, the club that led popular resistence to the Stamp Act. [6] In New York City people took to the streets. At the end of October, 1765, city merchants agreed to stop importing British goods until Parliament repealed the act. By that time, James McEvers, the man appointed to distribute the stamps in New York, had resigned his office, fearing for his life as well as his store, at the hands of angry crowds.[7] On November first, the day the Stamp Act was to go into effect, "a mob, the most formidable imaginable," according to an onlooker, roamed through the streets of New York City. [8]

Lieutenant Governor Cadwallader Colden got the point, and realized that the Stamp Act would never work in New York. Five days later he turned over the hated stamps to the Sons of Liberty. A month after that the lawyers in the colony agreed to do business with unstamped paper. Since that was illegal, it forced the courts in the province to close until the following May when Parliament repealed the Act. [9]

Yet in the very act of repeal, Parliament took back with the left hand what the right hand had just granted. If the Americans did not want a stamp tax so be it, but Parliament still asserted the authority to "bind" the colonists "in all cases whatsoever." [10]

Over the next ten years, Parliament periodically put its authority to the test. Just as periodically, the colonists resisted. In 1773 Parliament passed the Tea Act. That December, America's most famous messenger, Paul Revere, rode down to New York City with the news that the people of Boston had responded by having their famous Tea Party. The next April, when a shipment of tea finally reached Manhattan, New Yorkers had their own tea party and dumped eighteen crates of the stuff into the harbor waters. [11]

By then, Parliament had already decided to punish Massachusetts for the Boston Tea Party by closing the port of Boston and passing what colonists called the Intolerable Acts. [12] In response, on May 15, 1774, a committee of correspondence, appointed by the New York Assembly, sent off a suggestion that delegates from all thirteen colonies meet together in a continental congress to discuss what actions they might take. [13] The cause of Boston had become the cause of America.

But it had not become that of the New York Assembly. The majority of Assemblymen were conservative and many would remain loyal to the King

when the Revolution came. They had suggested a continental congress only as a means of placating hot-headed and popular radicals in New York City who wanted to take more drastic steps. [14]

A few months later the First Continental Congress met in Philadelphia and New York had a delegation present. But the Assembly had no hand in choosing it. Even by the autumn of 1774, nearly two years before the Declaration of Independence, groups outside the Assembly had unlawfully begun to assume the powers of government.

Two

Henry Beekman, Junior, was now an old man. By 1774, at the age of eighty-six, he could do little more than shake his head in wonder at how powerless the Assembly had become. Back in his day it had been different. Then, the Assembly had fought long and hard for a larger say in running the government of the province. As often as not Henry Beekman had been in the middle of that struggle, for he had served as an Assemblyman from Dutchess County thirty-four years in succession, from 1724 until 1758. [15]

As a young Assemblyman in the 1720's, he quickly learned, if he had not known it before, that whoever happened to be governor happened also to be the most powerful man in New York. The governor took his orders from the King of England, who appointed him to office. He could spend the taxes raised by the Assembly much as he saw fit. Added to that, he had the power to appoint all public officials in the province. Since in those days almost every public office brought with it opportunities to make money, the whole point of the governor's power over patronage was to receive political loyalty in return for political favors. [16]

The biggest plum of all in the province was the governorship itself. Often enough, colonial governors were either rich men who wanted to get richer, or men currently down on their luck whose high connections in England could get them an office through which they could recoup their fortunes. So New York, like other royal colonies, received a mixed bag of governors. Some, like Robert Hunter, were able and honest men. Others, though more colorful, brought to the governorship more cupidity than capacity. One, Benjamin Fletcher, had not been above handing out commissions to pirates in order to fatten his wallet. Another, Viscount Edward Hyde Cornbury, who had served as governor when Henry Beekman was a teenager, not only looked on the office as his private bank account, but also took time off to parade about his estate dressed in women's clothing. [17]

For all the power they had at their disposal to maintain the King's prerogative and increase their own wealth, governors could not run the province alone. For one thing, only the Assembly had the power to raise taxes, and from taxes came the governor's salary. For another, members of the Assembly and the Governor's Council were important men in their own right, and a few had connections in England as close to the King as had any governor. Throughout the eighteenth century the Assembly used these means, and any others they could find at their disposal, to limit executive powers as they increased their own. By 1758, when Beekman retired, the Assembly had done much to remove the governor's influence over the courts, had successfully defended the Assembly's policy of passing revenues annually (long-term revenues left the governor less accountable), and had, most importantly, prevailed in having a detailed control over the spending of the taxes the Assemblymen did pass. [18]

Perhaps the Assembly could have gained even greater powers had its members not spent nearly as much time fighting among themselves for power and preferment as they did with the governor. Friends of one governor, enjoying his power of patronage, might easily find themselves out in the cold during the next administration. Sides shifted as governors came and went. Something like political parties began to form under the leadership of a few wealthy families while the important men in the province struggled to maintain their own ascendancy. As Philip Livingston, one of those men, cheerfully admitted: "We change Sides as Serves our Interest best, not ye Countries." [19]

It was in that kind of world that Henry Beekman made himself the biggest man in Dutchess County. It helped that he owned more land than anybody else in the county. It also helped that he kept up cordial acquaintances with different governors to the extent that they usually gave him a free hand in selecting whom he would to fill the public offices in Dutchess. With the wealth and the patronage at his disposal, Beekman was a hard man to beat. [20]

Still, since Dutchess was allocated only two seats in the Assembly, for him to have filled one of them for more than thirty years running was a remarkable feat. And Beekman had his enemies, none more influential than Cadwallader Colden. The same man who turned over the stamps in 1766 as Lieutenant Governor, and who seemed to think that two of God's major creations were the King's prerogative and Cadwallader Colden, had set out twenty years earlier to pull Beekman off his high perch. For a while it seemed he might succeed. In 1744, Beekman discovered he could only with great difficulty get commissions for militia officers in what he called

"my regiment." In 1748, the sheriff he had appointed was replaced; a year later, out went his judges. If Colden had his way Beekman would follow them out in the election of 1752. [21]

Colden had the ear of Governor Clinton (for whom Beekman thought "money only hath sance [sense]"), but he underestimated his opponent. In 1752, Beekman had, by his own account, "been tyred of assambley-ship for maeny Years," yet he had no intention of quitting until what he considered "other good men" could be "fixed on" to take his place. [22] So he ran again.

In provincial New York, elections to the Assembly were not held with any great regularity. By law, the same Assembly could stay on for as long as seven years. Nor could that many people participate when elections were held. In Dutchess County, only men who owned land worth forty pounds or who had twenty-one year (or longer) leases on land worth forty pounds enjoyed the right to vote, restrictions that may have excluded as many as two-thirds of the men in Dutchess from taking part in the election of 1752. [23]

But nobody knew better than Beekman how to campaign for the votes of the remaining third. Those people whom his campaign literature (an "Advertizement to [be] Strick up in the County") failed to reach, he wooed in other ways. He and his political lieutenant, Henry Livingston, working on the common assumption that the surest way to an eighteenth-century man's vote was through his stomach, made preparations for pre-election day feasts, with Beekman himself distributing bread, wine, cider, and even rum to potential voters. Whether or not those extras turned the tide, Colden's candidates went down to defeat. [24]

When Henry Beekman finally quit politics, he did so on his own terms. He hand-picked the next Dutchess Assemblymen, his son-in-law Robert R. Livingston (father of the Chancellor) and his old aide and ally, Henry Livingston. Though the Livingstons won but one election, they served for seven years until 1768 when Dirck Brinckerhoff and Leonard Van Kleeck replaced them. [25]

During the terms of those four men, the Assembly had divided itself into two political factions. One group coalesced around the powerful DeLancey family, the other around the extensive brood of Livingstons. In the years just before the Revolution, the DeLancey party, the more conservative, had the backing of the governor and held a slim majority in the Assembly. In the early 1770's the DeLanceys did their best to keep the Assembly from taking any rash or radical actions. By and large they succeeded. They and

their allies began to call themselves, "Friends of Government," meaning that they remained loyal to the king. Other men started calling them Tories. [26]

Those who did so liked to think of themselves as Whigs. Following the tradition of earlier opposition parties in England, they stood firmly in the defense of their rights as free men. They began to form a new coalition that included several leaders of the Livingston party, a few from the DeLancey side, and some new men who had only recently made their voices heard.

For a long time the members of the Assembly had considered themselves "the Representatives of the People." [27] But they had often represented best only the interests of wealthy and powerful men like themselves. Since many of them had in 1774 chosen to represent the interests of the King as well, the people who cared about defending their rights to self-government would have to look elsewhere for responsive leadership. They found it soon enough.

Three

New York City was the center of the action. Under the prompting of Isaac Sears, Alexander McDougall and other members of the Sons of Liberty, along with leaders of the Livingston party, a meeting of city merchants was called for May 16, 1774 to decide how New York could help beleaguered Boston. A majority of the merchants supported the DeLanceys, but they would, they agreed, go as far as establishing a fifty-man committee to correspond with groups in other colonies. Three days later, a general meeting of the townspeople approved the idea (with the addition of another member) and the Committee of Fifty-One came into formal existence. [28]

The DeLanceys, knowing they could not stop the Committee of Fifty-One from functioning, but also knowing they could not afford to let it fall into the hands of popularly elected radical leaders, made great efforts to ensure that it remained under their control. When the Committee prepared a declaration of grievances, the DeLanceys kept the tone moderate. When the Committee selected five delegates to attend the First Continental Congress, they made sure that the majority of the delegates were men of their own choosing. [29]

The DeLanceys may have been the best politicians, but in this case their politics backfired. In a Continental Congress a New York delegation would have no great influence on delegates from the other twelve colonies. If

anything, the opposite might occur (for whatever reason, two of the DeLancey choices, John Jay and James Duane, would soon become conspicuous radicals).[30] Even more importantly, the DeLanceys had, by involving themselves in the Committee, helped give respectability to an illegal body. While the Committee did not act radically, its very existence set the precedent for other bodies which would soon totally usurp the powers of government.

When the Continental Congress adjourned in October, 1774, the New York delegates brought home with them an agreement called the "Continental Association." The intent of the Congress was to stop all trade between England and the American colonies, hoping that English merchants, who depended heavily on the profitable American trade, would pressure Parliament into reversing the harsh measures taken against Boston. Any American merchant who refused to join the Association and continued to trade with England would have his name published. The Congress also suggested that local committees of enforcers might seize the goods of merchants who refused to trade by the new rules.[31] Merchants in New York would likely have preferred the enforcers to the publication of their names: by 1774 they knew well enough the probable consequences of being brought to the attention of an angry mob.

In any case, the many merchants who supported the DeLanceys had no use for the Continental Association.[32] As far as the merchants were concerned if the people had a just complaint against Parliament, there existed lawful ways for them to register it. Petitions from the Assembly to Parliament provided the proper channels for the colonists to express their grievances. For a group of wild-eyed radicals to tell law-abiding merchants whom they could and could not trade with was totally illegal. To put them at the mercy of any crowd of hoodlums who had an urge to roam the streets was totally unjust. Just because some people thought a law was bad, that did not give them an excuse to defy it.

Other men felt differently. It was not simply one bad law they refused to obey. For the last ten years Parliament had consistently conspired to take away the liberties of the American colonists. The English government had become corrupt. And when any government served to do little more than oppress the people under it, the time had come to begin thinking about having a new government.[33] If the friends of law and order were so blind to the obvious, then they would have to suffer the consequences. In such a mood the Livingston party quit the DeLancy-controlled Committee of Fifty-One and threw their lot with more radical groups in New York City.[34]

But they continued to believe that if New Yorkers divided among themselves, the English government would think that the opposition to Parliament was being carried on by a few misfits who had a way with a mob. So the two parties met in mid-November, 1774, to find a way for New York to present a united front. They reached a compromise and agreed to replace the Committee of Fifty-One with a new Committee of Sixty.

The new Committee had a larger popular base than its predecessor, and the DeLancey party could no longer control it.[35] Having lost their power to keep in check the revolutionary movement, over the next few months more and more of the DeLanceys would drift into the ranks of the Tories. Thus matters stood through the winter of 1774-1775.

Then, abruptly, on April 23, 1775, the Committee received word from Massachusetts that American rebels had fought it out with British Redcoats at the villages of Lexington and Concord. The Committee called a mass meeting for the following day. Eight thousand people attended, and approved measures to defend the city of New York against the British. The Committee had already called for the election of a new Provincial Convention to select delegates to the Second Continental Congress. On the 26th, it dissolved itself into an even larger Committee of One Hundred, which would run New York City, and called for each county in the colony to select delegates to attend a Provincial Congress, where matters of policy could be decided on by representatives of the whole province.[36]

New York was about to have two governments. The duly constituted government of Governor, Council and Assembly still existed, though it was rapidly losing its power to rule. The Provincial Congress, though completely illegal, would soon attempt to seize the powers of government for itself.

The First Provincial Congress convened in late May, and the delegates, without quite intending to, quickly passed a recommendation that would further push New York into rebellion. They called on local committees in every county to collect signatures for a General Association that bound the signer "to carry into execution the resolutions of the Continental and Provincial Congress."[37] Since the resolutions the Congresses passed were by their very nature going to be illegal, every man who signed the Association bound himself to break the law.

More than that, for the first time New Yorkers would have to begin choosing sides. Those who chose Congress and signed became, in effect, rebels. Those who refused and chose the King could count themselves

friends to law and order, but might easily be counted by their neighbors as enemies to their country. Frightened men, along with those who wanted only to go about their own business and who cared nothing about politics, found themselves caught in the middle: in the summer of 1775 they had no way of knowing which side would turn out to be the wrong side. Still, local committees forced most of them to make a choice. [38]

From Philadelphia, the Second Continental Congress pressed New York even closer to revolution. On June 17, Congress appointed George Washington commander-in-chief of all American forces and directed the colonies to begin making preparations for war. On no one's authority but their own and the people who selected them, delegates to New York's Provincial Congress made plans to organize the militia, handed out commissions to officers, bought guns and ammunition, and recruited troops for the Continental Army. By the end of August they had usurped the powers of government to a point where they actually printed their own paper money to help pay the costs of running their rebellion. [39]

For the Provincial Congress to pass rebellious resolutions was one thing; to get away with it was quite another. Unlike the colonies of Virginia and Massachusetts, where the great majority of people appeared to support the Whig cause, New York was deeply split between the people who supported the Congress and people who supported the King. No group was more aware of that fact than the Provincial Congress. As a result, the delegates acted with caution. At first, for all their flurry of militant resolutions, they dared not even try to disarm the Tories, say nothing of trying to levy taxes to pay the costs of their adventure in revolution. [40] They wanted at least the majority of New Yorkers behind them before they resorted to sterner measures.

Their caution led to indecisiveness and compromise. Though their legs might hang on the Whig side of the conflict, their backsides refused to budge from the fence that kept them loyal subjects to King George III. Their stance was poignantly exposed when New York's governor, William Tryon, made his long awaited return to the city after a year in England on June 29, 1775. Earlier that same day, General George Washington passed through the city on his way to Massachusetts. Members of the Provincial Congress suddenly faced a very knotty problem: since they had taken it upon themselves to act like the government, which man should they officially welcome to the city? After pondering which way to jump, they predictably decided to sit tightly on the fence and provided both the rebel general and the royal governor with a militia escort through the city. One crowd cheered Washington in the afternoon while another gave Tryon a

warm welcome home in the evening.[41] Such could happen, and not for the last time, only in New York.

Four

The fever of rebellion that had been caught by so many people down in the city would not spread to Dutchess County—not, at least, if Philip J. Livingston could stop it. Livingston had been sheriff of Dutchess since 1769.[42] He was a friend "to constitutional liberty and good order," as one newspaper story had it,[43] but he was also a King's man all the way. Livingston would brook no Whig nonsense, and he did not hesitate to take action when, in late March of 1775, he heard about the flag flying over John Bailey's property just a couple of miles from the village of Poughkeepsie.

Nobody knows exactly who came up with the idea of the flag. On the 21st, Zephaniah Platt and a few other firm Whigs, "friends of Liberty" they liked to be called,[44] had gotten together with John Bailey at his house. There they rigged up a flag pole and ran their new flag to the top. The flag may not have been pretty, but it made its point. On one side appeared the words "Congress and Liberty," on the other side "The King."[45] Men like Platt and Bailey did not yet see themselves as rebels against George III, but their flag would make clear to all who saw it that the Precinct of Poughkeepsie had its share of men who stood ready to defend their rights.

The very next day, while Platt, probably along with Bailey and a few other men, stood guard under the flag, a very determined Sheriff Livingston showed up. He was in no mood for pleasantries. He had brought with him a judge, two justices of the peace, a constable and several deputies. When he reached the flag pole he ordered it immediately cut down as "a public nuisance."[46] After that was accomplished Sheriff Livingston, his sword drawn, marched over to Zephaniah Platt, accused him of treason and threatened to arrest him on the spot.[47]

Now Zephaniah Platt was not a wild-eyed, bushy-haired radical who roamed the countryside screaming revolutionary slogans. He was forty years old and a locally prominent, civic-minded man. He commanded sufficient respect in Poughkeepsie that, in less than three weeks, the voters of the Precinct would elect him their Supervisor for the fifth year in a row.[48] He also displayed, most of the time, a pretty even temper.

But he would take no guff from a Tory-minded sheriff, even if that sheriff had the law on his side. When Livingston threatened to arrest him, Platt

picked up a club and promised the sheriff he would "knock his brains out" if the sheriff so much as laid a finger on him. This time, push did not come to shove. Livingston backed off, and returned with his posse to the village of Poughkeepsie.[49] If that day he did not learn, he soon would, that the revolution was for real.

Bartholomew Crannel, like Philip J. Livingston, would remain loyal to the King. He suspected, as he later told British authorities, that the rebels in Poughkeepsie had "Independence in Contemplation," as early as 1774 when, as he recalled, they had tried to organize a Committee to correspond with the Committee of Fifty-One in the city. Crannel, a prominent lawyer, had by his own account used his considerable influence to put a stop to that move.[50]

Crannel's recollection was accurate. Zephaniah Platt, the town Supervisor, had called for a meeting of the "Freeholders and Inhabitants" of Poughkeepsie to be held on August 10, 1774. The meeting had but one purpose: to act on a request from the Committee of Fifty-One that local committees be chosen to correspond with the city Whigs and thus give the province a broader representation in the first Continental Congress. When the question came to a vote, it was easily defeated.[51]

Instead, probably at the instigation of Crannel, the meeting passed three resolutions which Platt was directed to forward to the Committee of Fifty-One. The first resolution affirmed that a majority in Poughkeepsie remained "unshaken in their allegiance" to King George III and entirely opposed to American independence. The second asserted that the people had the right to be taxed only by the Assembly, and that they would instruct the representatives from Dutchess to join their colleagues in preparing one more "humble Petition and Remonstrance" saying so. The third attested to their willingness to bear their fair share of the "national expense."[52] The majority of the voters in Poughkeepsie had not budged from the position taken ten years earlier by the Assembly in response to the Sugar Act.

If Crannel thought those resolutions had temporarily taken the wind out of the Whigs' sails, he was wrong. But then, he probably never found out about the letter the Committee of Fifty-One sent to Platt three weeks afterwards. In it, the Committee informed Platt that, yes, Poughkeepsie's resolutions had been received, along with his notification of August 20, that the Precinct approved having the *New York City Delegates represent Dutchess County in the Continental Congress.*[53]

Bartholomew Crannel, had he known, would have been furious. How could Platt, only ten days after the meeting which had completely disavowed unlawful measures, take it upon himself to notify anyone that Poughkeepsie wanted to be represented in an illegal Congress? Had Crannel been able to piece together the answer to that puzzling question, he would later on have much better understood how a minority of Whigs managed to pull Dutchess County into the mainstream of revolutionary New York.

Five

On April 21, 1775 Egbert Benson, Morris Graham, and Robert R. Livingston, Jr. took their seats at the Provincial Convention which would soon send delegates to the Second Continental Congress. [54] The battles of Lexington and Concord had been fought two days before, but the express riders bearing that momentous news would not reach New York City until the 23rd.[55] In any case, the three men from Dutchess County were presently preoccupied with another matter. They had some explaining to do.

A minor uproar had followed the elections—if that was the right word for what occured—in Dutchess County for delegates to the Provincial Convention. Only four of the eleven precincts in the county voted in favor of sending delegates at all. Poughkeepsie maintained the position it had taken the previous year and voted 110 to 77 against having anything to do with the Convention. In nearby Charlotte the vote was 140 to 35. The remaining five precincts were so unanimously opposed to sending a delegation that they had not even bothered to meet on the question.[56] If, as one writer claimed, two-thirds of the freeholders in Dutchess County favored a Convention, they most assuredly had neglected to vote for one. [57] Yet there, big as life, sat Benson, Graham and Livingston.

They were ready to explain to the Convention how the Dutchess delegation had been selected. They began their defense by telling the Convention of a meeting that had been held back in August, 1774 to choose delegates to the *First* Continental Congress.

Of course, that was when the people of Poughkeepsie had met for the same purpose. But Poughkeepsie had voted against choosing a committee of delegates to the Continental Congress. So this was a different meeting, probably held only a few days after the one in Poughkeepsie. At this meeting, the three men explained, committees had gathered from seven precincts and an eighth had given prior approval to whatever decisions the

meeting reached.[58] Since Dutchess never sent a delegation to the First Continental Congress, it must have been this meeting which approved having delegates from New York City represent the county. That was why Zephaniah Platt had to write two letters to the Committee of Fifty-One. The first followed his instructions from the people of Poughkeepsie, the second followed the decision of the local committees whose members were mostly firm Whigs like himself. When he wrote that Dutchess County approved being represented by New York City, he simply forgot to say that he meant the committees approved, not the voters.

At that same meeting the committees had also, explained Benson, Graham and Livingston, formed "a standing Committee of Correspondence for the whole County." That Committee in turn took responsibility of directing local committees to call the town meetings in the six precincts that had voted on the question of sending delegates to the Provincial Convention in the spring of 1775.[59] Four of those six precincts (with Poughkeepsie and Charlotte making up the minority) had favored sending a delegation. As far as the County Committee was concerned that was a majority. It was not the Committee's problem that five precincts had neglected to hold meetings, and thus the Committee had chosen the three-man delegation to represent the county.

The Provincial Convention accepted that explanation without debate and approved the credentials of Benson, Graham and Livingston.[60] The delegates were probably aware that the Whigs in Dutchess could not beat the Tories in a head-on election; until the majority of the people could be persuaded of the righteousness of the Whig cause, committees would have to continue to make end runs around the wishes of the voters.

The persuader would soon come in the form of news of battles at Lexington and Concord, especially since, as New Yorkers heard the story, British soldiers had started the shooting.[61] But it would still take time for the people to fully accept the notion that England really did intend to enslave the American colonists.

In late May, another "election" was held to send a ten-man delegation to the First Provincial Congress that would soon assume the powers of government in New York. Zephaniah Platt was among the delegates. So was Dirck Brinckerhoff, who at the same time still held his seat in the Assembly.[62] But Congressman Brinckerhoff was now ready to support the measures that would in the next few months put Assemblyman Brinckerhoff out of business.

Six

As the warm days of summer approached in 1775, the local committees became busier than ever as they tried to implement the resolutions the Provincial Congress sent down to them. They opened up recruiting stations where men could volunteer for service in Washington's Continental Army. They reorganized and enlarged the militia which would have to defend the county if British troops invaded it. They collected as many guns and as much ammunition as they could find.[63] On paper, at least, Dutchess County was rapidly achieving a state of readiness in defense of the American cause.

The reality was much more complicated. Many people in Dutchess wanted no part of a revolution. Others wanted to stay neutral until they could better discern which way the political wind would blow the hardest. Dutchess Committeemen had quickly learned those facts when they canvassed the precincts in June and July in order to have men sign the New York Association, in effect, a pledge of allegiance to the Continental and Provincial Congresses.

By mid-August precinct committees had completed their work and the county committee submitted the precinct lists to the Provincial Congress. Dirck Brinckerhoff apologized for the large number of erasures of the Rombout list, explaining that several had at last agreed to sign only after much persuasion.[64] In six precincts the committees had done as well as they could: they had collected nearly 1800 signatures. On the other hand, despite their efforts, another nine hundred men still refused to sign.[65] For every two men like Zephaniah Platt and John Bailey who pledged their allegiance to the cause, there was one Bartholomew Crannel who would not.

The Association lists gave the county committee and the Provincial Congress a sense of their support among the people. They knew, though, that several men had signed only under duress and would probably hedge their bets if given half a chance. Even men who signed in good faith might have a change of heart if well-spoken Tories had the chance to persuade them of the terrible consequences which could follow when the King put down the rebellion. The Whigs had only a fragile, undependable majority and they knew that, too.

The Provincial Congress treated the problem of Tories with the same caution they had exercised in other controversies. The delegates decided to disarm only those Tories who actually denied the authority of Congress.

Even Tories who actively participated in aiding the British would only be disarmed for the first offense, though for the second they would face a term in jail at their own expense. [66]

The Whigs in Dutchess enforced those resolutions. While they would do what they had to in order to retain their liberties and the right to govern themselves, they must often have done so with sadness, for their Tory enemies were in many cases also their friends, their neighbors and even their relatives. The cost would be heavy.

Henry Livingston, who had long served Henry Beekman so faithfully, was a staunch Whig. But his law partner was none other than Bartholomew Crannel. Livingston's son, Gilbert, had married Crannel's daughter, Catherine. Crannel had himself given the young couple the land on which they lived. Gilbert and Catherine Crannel Livingston supported the American cause, and Gilbert would, along with his friend Zephaniah Platt, represent the county in several Provincial Congresses. Another Crannel daughter, Elizabeth, married Doctor Peter Tappen, another Whig. But the third daughter, Gertrude, was the wife of Reverend John Beardsley, the Tory minister of Christ Church. [67]

The Revolution would ultimately force Crannel and the Beardsley family to leave Dutchess County forever. But in 1775, though Whigs kept an alert eye on the activities of such people, they usually treated prominent local Tories circumspectly—unless or until they made themselves obnoxious.

One who did was Judge James Smith of Charlotte Precinct. He had the law on his side and he knew how to use it. To his mind, those committeemen who yelped about English tyranny were themselves little tyrants. (The chairman of Amenia Precinct had earlier warned that while Smith lived beyond his jurisdiction, he was "notoriously wicked.") [68] When the same men began to seize guns from those they called Tories, Judge Smith decided to take action. He sued in court to recover the guns taken from loyalists, and in his capacity as a Justice, he had a committeeman jailed who had assisted in disarming a Tory. [69]

Judge James Smith had gone too far. A few days later he painfully learned that legal niceties no longer mattered, when a group of Whigs stripped him of his clothing, painted his body with a coat of tar and decorated it with feathers. When a lawful authority was in the spring of 1775 "handsomely tarred and feathered" [70] for upholding the law, it served as a signal that the duly constituted government had lost its authority over the people of Dutchess County. But revolutionary

committees had already stepped in, prepared to fill the vacuum of power created by the government that could no longer govern.

Seven

The New York Assembly had adjourned at the beginning of 1775. Elections to the following one were held at the end of the year. This time the Whigs made up the majority, and they convened for a few days in February 1776, before Governor William Tryon, who quickly discerned the futility of dealing with rebels, dismissed them.[71] The Assembly of the province of New York would never meet again.

The power to govern New York was there for the taking. But the four Provincial Congresses that met in the fourteen months before independence had problems of their own. The first two Congresses had not very often even managed to round up a quorum of delegates. They had solved that problem only by placing their authority in the hands of a Committee of Safety, consisting of one delegate from each county except that of New York, which had two. For months at a stretch during the crucial years from 1775-1777, a dozen or so men on a Committee of Safety would for all intents and purposes comprise the government of New York.[72]

Even delegates who attended the sessions often found themselves among strangers. Some, of course, had held important positions in earlier, less troubled times, and were used to the world of government. But they now had to share that world with new men, unaccustomed to exercising political power, which in part explained why the Congresses often acted indecisively and only when forced to.

By the spring of 1776, the time for hesitation had passed, but still many delegates hesitated. To run too fast might easily be to fall. They knew the province remained deeply divided. If war came, the British strategy would necessarily include controlling the Hudson River, if for no other reason than to cut the colonies in half and isolate New England. Could the Whigs prevail against both the British and the Tories in their midst? No one could say for sure.

But the delegates did know that their lives and property were on the line. King George III had declared them in rebellion.[73] So long as the slightest chance of reconciliation with England remained, so also remained the chance the King would forgive his wayward subjects. If men from New England or Virginia began to think New York had lost its spine,[74] too bad.

The delegates knew the situation in the province firsthand, and they continued to hurry up only so long as they could wait.

In May, 1776, the Continental Congress recommended that each colony adopt its own frame of government and suppress all forms of royal authority.[75] The Third Provincial Congress had no choice but to take up these issues when it met later that month, even though the delegates realized that to follow the recommendations meant only one thing—American independence. Gouverneur Morris opened the momentous session, urging the delegates to understand the necessity of independence and he moved that the Provincial Congress hold elections to choose a convention of men to "frame a government."[76] Other delegates hemmed and hawed and hesitated. They refused to be pushed that far. In the end the best Morris and other radicals could get from the majority was a series of resolutions asserting the authority of the Congress to govern the province.[77] The resolutions did not confront the issue of whether a new government should be framed (and if so, by whom), nor did they broach the question of independence.

The New England delegates in the Continental Congress had wanted to declare independence even earlier, but they had waited, though impatiently, for the southern states to come around.[78] In the South, Virginia led the way, and two weeks before Morris's resolution went down to defeat, Virginia instructed her delegates to vote for independence. Following those instructions Richard Henry Lee made his stirring motion before the Continental Congress, that "these colonies are, and of right ought to be, free and independent states."[79]

Congress held off debate on Lee's motion for three weeks, waiting for the middle states to make up their minds. Meanwhile, the delegates appointed a committee chaired by Thomas Jefferson, to draft a document which would publicly proclaim independence.[80] While Jefferson wrote, the reluctant colonies came gradually into line, all except for one.

On June 10, the Third Provincial Congress received a desperate letter from Philadelphia signed by four of New York's delegates to the Continental Congress. They warned that Congress planned to take up the question of American independence very shortly. Their current instructions from the Provincial Congress would force them not to vote on the question. They needed advice, and they needed it quickly.[81]

The delegates to the Third Provincial Congress knew by then of Virginia's move for independence. Still they wavered, waffled, and finally

stalled. They replied to the plea from their delegation in the Continental Congress that they had no authority to instruct them on the question of independence. New elections were about to be held in which New Yorkers, through the Fourth Provincial Congress, could make known their wishes on that issue. Meanwhile the delegation in Philadelphia would just have to hold on and wait.[82] The colony so bold in 1764 had by 1776 become the most cautious.

And more isolated. On June 11, New Jersey sent a new delegation to Philadelphia, this one ready to vote for independence. Three days later Pennsylvania instructed its delegates to vote on the question as they thought fit. South Carolina, the last southern straggler, reluctantly agreed to go along. From Delaware, Ceasar Rodney rode through the night to Philadelphia to give that colony's delegation a favorable majority.[83] On July 2, 1776, the Continental Congress was at last ready to take up Lee's motion. The motion carried, twelve for independence, none opposed, one abstaining. Two days later, on July 4th, after debating and amending the draft prepared by Jefferson's committee, Congress formally adopted the Declaration of Independence. There now could be no turning back—unless you lived in New York.

Five days earlier, while British warships hovered in New York City's outer harbor, the Third Provincial Congress hastily adjourned after voting to reconvene at White Plains on July 2.[84] The second came, and in Philadelphia the New York delegation was forced to abstain in the vote for independence. That same day, British forces under the command of Sir William Howe landed on Staten Island. But in White Plains, very little happened. So few delegates showed up that those who did simply decided to dissolve the Third Provincial Congress and make way for the Fourth.[85]

A week later on July 9th, the newly elected delegates met in White Plains. Unanimously, if tardily, the Fourth Provincial Congress voted for independence. New York was no longer a province. The delegates to the Provincial Congress, in accordance with that fact, transformed themselves into the Convention of Representatives of the State of New York.[86] The former province was now a state - if New Yorkers could keep it.

That would be no easy task. British fleets had already left Canada and the Carolinas to join Howe's army in New York. Together, they made up the largest invasion force ever assembled in the eighteenth century: thirty-four thousand troops, ten thousand seamen, four hundred transports, thirty warships.[87] The British meant business.

General George Washington would try to defend the city, even though many of his twenty-thousand men were ill-equipped and ill-trained. For a month and a half, Sir William Howe bided his time. Not until late in August did the war begin in earnest. But by November, Howe's forces had easily chased Washington's bedraggled army out of New York, across New Jersey and into Pennsylvania.[88] A mere five months had passed since the former colonies had declared their independence, and it looked as if they were about to lose it. Even Washington, who usually displayed more grit than most men, glumly admitted, "I think the game is pretty near up."[89]

Eight

Egbert Benson must have felt the same way. He had often tried to keep the revolutionary leaders aware of the special problems faced by the Whigs in Dutchess County. A year earlier, in August, 1775, he had warned the Provincial Congress that "we are in so much danger from disaffected persons in this County that we shall soon be obliged to take spirited measures."[90] Since then, spirited measures notwithstanding, matters had gone from bad to worse. In fact, the disaffected persons appeared to have taken the most spirited measures, especially when some two hundred of them mounted an insurrection the same week New York declared its independence. The Tory uprising had been put down, but only with the help of five hundred militiamen from Connecticut.[91]

When, in the wake of that uprising, Benson received word that the Convention was about to order a general call-up of the militia, he became alarmed. As Chairman of the General Committee in Dutchess, he knew better than most the probable consequences of that order. On July 15, from his home in Red Hook, he dashed off one more letter to the Convention of Representatives to acquaint those men with the many difficulties a general call-up would involve.

In no other part of the state, he told the Convention, had the resolutions concerning Tories "been so strictly executed" as in Dutchess County. "We have," he continued, "disarmed a great number of people" and sent those weapons to the revolutionary troops defending the Highlands. The county Committee had made it a policy to draft Tories into the militia hoping that they would either buy substitutes (helping pay for the war effort) or else run away (out of sight, out of mind). Unfortunately that policy did not always work out as the Committee hoped it would. Of the four hundred militiamen in his own precinct of Rhinebeck, Benson revealed, upwards of one hundred had been disarmed for disaffection to the cause. And the

bolder, more adventurous men who could have been counted on to keep the Tories leashed had all gone off (with their guns) to join the Continental Army. The Convention simply could not, he wrote bluntly, control the militia in Dutchess County if a general call-up was put to the test. For that matter, the revolutionary government of the Convention—such as it was—had not yet become firmly enough established for the people of Dutchess "to yield a willing obedience." [92]

Nobody summed up better the situation the Whigs faced in Dutchess County than did Benson when he averred "we have always thought, we should be happy if we were capable of combating our internal foes," [93] to say nothing of combating the British. But then, Dutchess County appeared to have had a history of disaffection in its midst.

Even in Henry Beekman's day rumblings of discontent had been heard. Back in 1761, Sergeant Cassidy of His Majesty's forces had been sent to Dutchess County to hunt down three army deserters. For his trouble, he had been beaten up by men who said "Damn the King and all such raschally [sic] fellows who were after deserters," and, to top it off, thrown into jail by a local justice of the peace.[94] Captain Paul Rycaut, who investigated the incident, concluded that the residents of Charlotte Precinct, at least, were "a riotous people." [95]

Other precincts had yet to be heard from, but when they spoke up, Dutchess County almost had its own "Great Rebellion" ten years before anyone else. And it was the tenant farmers who for the first time did the speaking. Many of them lived on lands that belonged to Henry Beekman or to the heirs of the huge Philipse Patent (the whole of present-day Putnam County). Some of Beekman's tenants had claimed that "the given leases of Col. Beekman are intolerable," [96] while a tenant on the Philipse patent defined his friends' grievance as the "largeness of rents and shortness of leases." [97]

The tenants, as one of them said in court, were "chiefly poor people." [98] Though sometimes their landlords would wait patiently if they fell behind in paying their rent, the leases were for a short enough period of time that the tenants had to live with the gnawing fear that they could be thrown off their farms within a year or two. Few were lucky enough to sign the twenty-one year lease that would make the man of the family eligible to vote, but most of them cared less about voting than they did about the security of knowing they could farm their lands in the years to come. In the 1760's they found a friend who would help them.

Captain Daniel Ninham would lose his life fighting for American independence in 1778. But long before he had been a captain Daniel Ninham had been a chief. He had been selected chief sachem of the Wappingers Indians almost forty years earlier in 1740. During the French and Indian War, which had brought on England's huge national debt, he had led his men into battle for the British. The women of the tribe had moved to Stockbridge, Massachusetts, where they could listen to - if not always understand - the intricately spun sermons of colonial America's most brilliant man, Jonathan Edwards. When the tribe finally reunited after the war and returned to Dutchess County, they discovered that the Philipse heirs had fraudulently taken possession of their lands.[99] Daniel Ninham took them to court.

He never had a chance. When he tried to hire a lawyer he quickly found out that every attorney he contacted had already been retained by the great landlords. He finally had to settle on a tenant, Samuel Monroe, to present his case in court.[100] Several white settlers had taken their leases from the Indians instead of the Philipses, so Daniel Ninham's cause was also theirs. Both the judges were landowners too, and they rejected Ninham's case as quickly as they would have evicted a drunken tenant. Ninham had no intention of quitting though, and before he was through he would carry his case all the way to the Lords of Trade in England.[101]

The tenants chose a different course of action. When their rents came due in May, 1766, most of them simply neglected to pay them. With William Prendergast as their leader, they organized their own militia companies, and vowed to rescue any tenant whom the authorities tried to put in jail.[102]

News of the repeal of the Stamp Act had barely reached New York when, while others rejoiced, hundreds of tenants in Dutchess County marched on Poughkeepsie, frightened away the sheriff and justices, broke into the jail, and took their neighbor, John Way, home with them. Two thousand armed and angry tenants were more than the local authorities dared resist. The governor sent British troops and cannon up from the city. The troops landed at Poughkeepsie and marched on Quaker Hill, burning and pillaging tenant farms as they went.[103]

The tenants surrendered. William Prendergast was sentenced to death. But the sheriff could find no one brave enough to help him with the execution, and Prendergast never did hang.[104] When the time came to choose sides for the Revolution of 1776, no one could say for sure which way the tenants would lean; they had received rough treatment from

landlords, Tory and Whig, and they could recall well enough the brutality of British troops. They had every reason to be disaffected from both sides.

When the Revolution arrived, Tory agents began to ply some tenants with offers of free land once they helped the King win the war. Whig leaders countered by instituting a Land Bounty militia, in which soldiers received payment for service in the form of land grants.[105] Even earlier, on the Livingston estate, tenants themselves began demanding longer leases. The message was clear enough:[106] if Livingston wanted tenants loyal to the revolutionary cause he would have to liberalize his leases.

Jack did not own land nor could he lease any. Jack did not legally even own a last name. Jack was a slave, only one of several hundred black Americans who endured that condition in Dutchess County.[107] The slaves stood to gain less than any other group by an independent America, and they had less to lose by disaffection to the cause. Yet they, in some ways like the tenants, were also caught in the middle. A slave with a Whig owner might reasonably conclude that his best chance for freedom lay in an English victory. But that would not apply to slaves owned by persons already loyal to the King. And in any case, the Whigs tried to keep a watchful eye on all slaves, no matter who owned them.

A man from Virginia once told John Adams that "The Negroes have a wonderful art of communicating intelligence among themselves; it will travel several hundred miles in a week or a fortnight."[108] That was much faster than the postal service, and if Dutchess County's slaves were included in those lines of communication, they would have learned the rumors, even by the summer of 1775, that the Royal Governor of Virginia was setting free all male slaves belonging to rebel Americans if they would bear arms in the King's service.[109]

Some Whigs in Dutchess had by then already begun to take precautions. Upon hearing the news of Lexington and Concord a group of forty freeholders gathered in Fishkill to establish a committee charged with taking precautions for the defense of Rombout Precinct. Prominent among the matters the committee had to consider were "the affairs of the Negroes."[110] But whatever fears white Whigs entertained went for the most part unrealized. While some slaves in Dutchess County did run off to join the British, and a few served as guides for Loyalist companies, others helped build defenses along the Hudson or spied for the Whig side.[111] Their very absence from the records suggest that most slaves in Dutchess simply remained with their owners and went about their business.

Jack's day to day life was not one of unending misery. He had to work in the fields, but he did so alongside white farmers. Often enough his white neighbor, Teunis Peer, would treat Jack and himself to some hard cider and easy talk. When the Revolution came, Jack's owner, Hendrick Freligh, joined the Whig cause, but Teunis Peer became a Tory.[112]

More than once, Jack seriously considered trying to get to New York City, then behind enemy lines, as Teunis Peer suggested. But in the end he decided not to. Then, in early September of 1777, his owner's barn was burned to the ground. The next day Peer appeared and suggested that Jack would be just the man to burn down a different barn belonging to another Whig.[113] At the time, General Burgoyne's invasion down from Canada was just getting into full swing, and the Whigs of Dutchess were well aware that they stood squarely in Burgoyne's path. Add another barn-burning, Peer told Jack, and "that would Scare them."[114]

But Jack remained his own man. He chose no side, perhaps because he did not think it was his war. When he was brought before the Commissioners for Detecting and Defeating Conspiracies, he told them the whole story. The Commissioners packed him off to jail with Teunis Peer; but two days later Jack was released. Teunis Peer stayed in prison.[115]

Local revolutionary leaders like Egbert Benson had good reason to be fearful. They had to keep watch over slaves and tenants whom they dared not trust. They had to maintain their authority over militiamen who refused to march or who joined lawless gangs that did their fighting for personal profit. They had to contend with Tories in their midst who impatiently awaited the arrival of British troops. And they had to keep order without any laws to back their authority. But from that quarter, at least, help was on its way.

Nine

John Jay came from one of the "best" families in New York. He was tall and angular, and had a long nose. When he wore his powdered wig he looked, even at the age of thirty-one in 1777, every bit the Chief Justice he would soon become. Until 1774, Jay had been associated with the DeLancey party, but in that year he married Sarah Livingston and, according to the Tory, Judge Thomas Jones, "ever after opposed all legal government."[116] That was, of course, not quite true. Jay only opposed the legal government of England, not legitimate government in principle. In fact, on August 1, 1776, the Convention of Representatives had appointed

him to a committee charged with drafting a constitution for the state of New York.[117]

If the representatives hoped the committee would get promptly to its work, they were to be sorely disappointed. Almost eight months would pass before they received a draft of the new constitution. The revolutionary Convention was on the run. The seat of whatever government there was had moved from New York City to White Plains, then at the end of August, 1776, up to Fishkill, and the following winter further north and across the Hudson to Kingston.

When Chairman Abraham Yates tried to convene his committee on the Constitution, too few members appeared, and those that did usually disagreed among themselves whether or not the time was yet ripe to even write a constitution. Jay was absent on more pressing duties, working on both a secret committee responsible for making the Hudson impassable to British ships, and the newly formed Committee for Detecting and Defeating Conspiracies. The long hours taken up with obstructing the Hudson, banishing Tories to New Hampshire, and establishing an intelligence service under the immediate supervision of the Fishkill storekeeper turned spy-master, Nathanial Sackett, left Jay with little time to consider a constitution.[118] Nor had he much inclination to do so. Along with some other influential members of the constitutional committee, John Jay considered "the birth of the constitution ... premature."[119]

But the waiting game came to an end in the winter of 1776-1777. The members of the committee, though they came from diverse backgrounds and often disagreed with each other about the details of a proper constitution managed to make progress. The Declaration of Independence had been written on the premise that all men were created equal and as such had certain rights which no government could deny them. But to tell that principle to the world was one thing, to enact in a form of government quite another. In a state where many poor tenant farmers scrabbled hard for a living, in a state that condoned the institution of slavery, in a state traditionally run by aristocratic families, there was a very real question of just how deep a commitment to equality and liberty even supporters of the Revolution would have.

John Jay did not sign the Declaration of Independence. But if ever an aristocrat committed himself to its principles, it was he. Under the provincial government, the right to vote was limited to men who in effect owned a forty pound freehold. Jay proposed extending the vote to every man who paid both state and local taxes. He proposed that all religions be

tolerated in the new constitution. And he wanted the new constitution to abolish forever the institution of slavery.[120] Unfortunately, he could not get everything he wanted.

The committee presented the draft of the new constitution for the consideration of the Convention of Representatives on March 12, 1777. For the next six weeks, the Representatives debated the draft section by section. Some parts of it they changed, others they let stand. They were willing to support religious toleration, but they could not tolerate letting practically every man in the state have the right to vote. And they refused, to the dismay of Jay, to do anything about freeing the slaves.

Men in the middle of a revolution have always had to face the question of how much change is too much change. The representatives who could not bring themselves to support Jay's radical proposals were not hypocrites. They thought of themselves as realistic men. Ideals were fine, but in the real world compromises had to be made, unless men meant to destroy society as they knew it. And that the majority of Representatives refused to do.

The society which most eighteenth-century New Yorkers knew, was based, not like ours on getting a job, but on getting land. The great majority of the people worked at farming and, as Calwallader Colden once wrote, "the hopes of having land of their own & becoming independent of Landlords is what chiefly induces people into America."[121] Even in New York City, pigs freely roamed the streets. When an ordinance was passed prohibiting that, one old woman complained that the new law was unsanitary: pigs formerly ate the garbage "which now must be thrown in the streets."[122] Even in New York City, land, and the crops and livestock that could be raised on it, made the man.

A man who owned land was independent. He had a stake in his society. A man who owned none had to depend on the willingness of someone else to either rent him land or pay him wages. Any man who lost his property lost with it a large measure of his liberty. That explains why American colonists had been so stubborn in refusing to let Parliament tax them: it amounted to Parliament taking away some of their property without their consent. Once the precedent was established, what was to stop Parliament from taking away all their property and with it their liberty?

Because portions of a man's property, in a word, taxes, could rightfully be taken from him only by a government in which he was represented, many Americans believed that only those men who owned property should

have the right to vote for representatives. Land meant stability, so they thought, and landowners could be counted on to act responsibly and to think before they voted. Besides, feared several Americans, rich and ambitious men of no principle could easily buy the votes of the poor—if the poor were allowed to vote. So a majority of the Convention of Representatives agreed to place restrictions in the new constitution on who could vote, since, to them, the very purpose of government was to protect the property, as well as the lives and liberties, of the people it served.

Revolutionary Americans were equally concerned with another side of government. As James Madison, the Virginian who contributed so much to the making of the United States Constitution would later put it: "In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself."[123] It was easy enough to supply a government with enough power to control the people, but it was much more difficult to find ways of stopping those in government from using their power to oppress the people, or from governing in their own interest instead of the interest of those who put them in power. New Yorkers had recently declared their independence from one such government, now the Convention had to make sure that the new constitution would provide safe and responsive government, even as it retained some outward semblance to the provincial government, the only legitimate one most of the Representatives had lived under.

In some ways, predictably, the new Constitution they finally approved looked like the provincial government with a face lift. As an independent state, New York would still have a Governor. There would still be an Assembly. There would still be a court system. The Convention did throw out the governor's council, but replaced it with a Senate which would serve as the upper house of the legislature.

But more important were the ways in which the Constitution represented a revolutionary document—not a face lift but a whole new body. The authority for the provincial government had rested with the King of England. But New Yorkers had done away with kings. The new Constitution rested solely on the sovereign power of the people of New York. In the words of the Constitution, "no authority shall on any pretence be exercised over the people or members of this State, but such as shall be derived from and granted by them."[124]

The Convention was prepared to take large steps to put that principle into practice, but because the delegates often disagreed among themselves

how best to do it, they had to make compromises. Men like John Jay and Robert R. Livingston, especially, who time and again presented proposals designed to break deadlocks, demonstrated a willingness to settle for the best government they could get, instead of holding out for what they thought was the best government.[125] In the end, thirty-three of the thirty-four delegates found enough in the Constitution they could swallow to support. Only Peter Livingston, who thought the new frame of government far too democratic, voted against it.[126]

The Assembly was the key to the new representative government and compared to its provincial counterpart, it was very democratic indeed. Before the Revolution elections for Assemblymen had been required only once in seven years. Now they would be held annually. Since the delegates thought of the Assembly as a substitute of sorts for the people governing themselves directly, they brought it much closer to the people. They doubled the size of its total membership. Dutchess County, which had sent only two men to the provincial Assembly, would now send seven to that of the state. The delegates also substantially lowered voting requirements. Now any man who paid taxes and who owned land worth twenty pounds, or paid a yearly rent of two pounds, had the right to vote for Assemblymen. If for no other reason than the terrible rate of inflation that would make money nearly worthless in New York during the following few years, almost every free man would be qualified to vote. Finally, the Convention not only placed the power of making laws of the state in the hands of the Assembly, but also gave it the power to impeach all officers of the state.[127]

Unlike the members of the governor's council, who like the governor had been appointed by the king, the members of the new state Senate would be elected by the people—at least by some of the people. As did most Revolutionary Americans who thought seriously about politics, the delegates believed that people were fickle beings, at times gullible, at other times all too ready to act on a momentary whim. What applied to the people at large also applied to their representatives in the Assembly. The purpose of giving the Senate a hand in making the laws was to place a check on any excesses the Assembly might want to indulge in. To make the Senate the stabilizing force in the legislature, the delegates gave Senators a term in office of four years, divided the state into four districts from which the twenty-four Senators would be elected (Dutchess, Orange and Ulster made up the middle district which sent four men to the Senate) and restricted the vote for Senators to men who owned a freehold worth one hundred pounds. The Senate would represent larger interests than the Assembly, and was responsible primarily to those moderately well-off men who held a secure stake in society.[128]

The same restrictions were placed on voting for the governor, but the state governor could never exercise the great powers (at least on paper) enjoyed by his colonial predecessors. State governors would be held accountable. The Assembly could impeach them for "mal and corrupt conduct."[129] Moreover, the governors on their own could not even veto a law or appoint a state official, not even a county coroner. These powers, the Convention invested in a Council of Revision and a Council of Appointment, respectively. The governor sat on both those Councils, but only as one member among several.

In colonial days the governor had technically controlled all matters of equity and probate. The Convention removed this authority from the governor and created a new court, headed by a Chancellor, to handle them. The delegates also created a court of last resort which would serve as the highest court of appeals and try impeachments.[130]

The Convention did not fiddle greatly with local government. County courts would continue to function under a new state supreme court. County officials, like sheriffs, clerks and treasurers, would still be appointed by the new Council of Appointment. And since at the precinct level government had been in the hands of the people before the Revolution, the Constitution simply stated that those offices, such as town clerk, supervisor and tax assessors, "shall always continue to be so."[131]

The Convention of Delegates proclaimed the new constitution at Kingston on April 22, 1777. Two weeks later, on May 8th, the delegates, with Gilbert Livingston in attendance for Dutchess County, began the transition to the new government. They created a Council of Safety to govern the state until elections could be held, then took it upon themselves to fill temporarily the appointive offices provided for in the new constitution. On that day Robert R. Livingston was appointed Chancellor of the state of New York, John Jay its first Chief Justice, Egbert Benson its Attorney General. On that day as well Melancton Smith became Sheriff of Dutchess County, Zephaniah Platt a county Judge, and Henry Livingston resumed his old job as County Clerk.[132]

During June and July elections were held. George Clinton, stolid and dependable, surprised many men by winning the race for governor. Zephaniah Platt, the new Judge, went to the Senate, Egbert Benson, the new Attorney General, along with Gilbert Livingston, Jacobus Swartwout and four others, were elected Assemblymen from Dutchess.[133] Finally, in September, the Governor was able to convene the legislature in Kingston. The people of New York, after nearly two years of no legitimate

government, now had one well suited to respond to the needs and wants of free and independent men. But their problems were not yet over.

Ten

The autumn of 1777 was not an auspicious time for a new government to try to establish its authority. General Burgoyne's forces were invading from the north, and New Yorkers knew that Sir William Howe's army might easily push its way up the Hudson to join Burgoyne and cut the state in two. Luckily, Howe, who usually thought longer than he did hard, could not in the end resist the temptation to capture the American capital then at Philadelphia. His army easily did so, but that left only General Vaughn's troops to sail up the Hudson to meet Burgoyne. As Vaughn moved up the river, capturing one fort after another, the new legislature had good reason to tremble. *"We are all hellishly frightened,"* wrote Gouverneur Morris from Kingston, *"but don't say a word of that* for we shall get our spirits again."[134]

And so they did, when news came down from Saratoga that rebel forces had managed to beat Burgoyne and forced him to surrender his whole army. Vaughn heard the news as well and ordered his men back down the Hudson to Peekskill, but only after they burned the village of Kingston. The state capital moved once again, this time to Poughkeepsie, where it would remain until the end of the war.

Even with the British temporarily off their backs, the lawmakers who met in Poughkeepsie in January, 1778, could have no great confidence in their ability to control the state. That was the winter of Valley Forge, and hungry, shivering soldiers stationed in Fishkill endured hardships just as severe as those suffered by Washington's army. Prices had begun to soar as inflation took its toll. Loyalists and robbers roamed the woods in the northern part of the county. Some men in the militia continued to refuse to march.[135] Still, the new government pressed ahead.

On February 25th, the Senate and Assembly, to the complete satisfaction of Governor Clinton, unanimously authorized New York's delegation to the Continental Congress to ratify the Articles of Confederation. Only six months after New York received a legitimate government of its own, it now approved the first legitimate government of an independent United States of America.[136] This time, New York had not lagged behind. Even though the Articles gave the federal government very little power (Americans in 1777 remembered vividly the dangers of an overly strong government), they would not be ratified by all thirteen states until 1781.

A new revolutionary government can assert its authority as much as it pleases, but to survive it must also receive the acquiescence, if not the allegiance, of the majority of people. The one provided for in the Constitution of 1777 gradually managed to accomplish that feat in the years between 1778 and 1783 when the war ended. Neither Tories nor British troops could undermine it, but inflation nearly did.

An inkling of the trouble to come surfaced in May of 1777 when, outside Poughkeepsie, a number of women decided to take the matter of price controls into their hands. Accompanied by a few men, some twenty women descended on Peter Mesier's store and demanded that he sell them tea at what they considered a fair price, and not at the price the market would bear. When Mesier refused, as he later told the Commission for Detecting and Defeating Conspiracies, one of the men "push'd him down, and offered to strike him on the head with his Broad Sword." The commission took no action on the case, even though the group had returned the next day, drank Mesier's liquor, and "greatly abused him," likely because Mesier was a suspected Tory.[137]

In any case, over the next two years, inflation passed the point where a few women could halt its progress by venting their anger on a profit-minded merchant. The money issued by the Continental Congress was worth no more than two and one-half cents on the dollar. In August, 1779, Governor Clinton warned the state legislature of the immediate "Necessity of applying some suitable remedy to this Growing evil."[138]

Local leaders finally resorted to the remedy that had worked back in 1775. What the government could not do, perhaps a committee could. As one newspaper contributor urged, the time again had come for "old and true friends to their country again to step forth to remedy evils the laws cannot reach, by the exertion of Committees, the terror of all villains."[139] Such committees were quickly formed and they took strong measures. In Rombout Precinct, for example, the committee forced merchants to sell their goods at prices which the committee set, and at fixed rates of profit.[140]

As temporary measures such actions appeared to have helped. Yet those committees might also have undermined the operation of the government under the new constitution, just as they did the pre-revolutionary provincial government, except for one thing. In 1779, the committee chairmen were loyal to the new government, and some had served as Assemblymen in it. The chairman of the Rombout committee was Jacobus Swartwout, that of Poughkeepsie, none other than Gilbert Livingston who had been a member of the Convention that wrote the constitution of 1777.[141]

The new government finally survived that crisis as it would others, and by 1783, with the arrival of peace and the departure of the British, it had gained the loyalty of most of the people of New York. The men who had fought for the right to govern themselves had persevered against one of the most powerful armies in the world, against divisiveness at home, against a runaway economy. And somehow, they had prevailed.

From 1776 until our own times, various groups of Americans have considered themselves revolutionaries, and have tried to lead America to the better world they dream of. Most Americans, most of the time, have refused to follow them. That is not because America has fulfilled its commitments left us by the Revolution, to equality, to individual liberty and human dignity, for that has not yet occurred. Rather, it is because the great majority of Americans, whatever their flaws, know that a revolution means more than wonderful slogans, and extra-legal committees making themselves the law. Groups on the fringes of society - and sometimes of sanity - have often tried that, and just as often failed. True believers, no matter how righteous their cause, are bound to failure in America until that cause can capture the hearts and the minds of the majority of American people. That occurred once, two hundred years ago, and to this day no one understands fully how it happened or why. That was a revolution.

Eleven

In the summer of 1788 there remained one last act to complete. The September before, after sweltering through the grueling heat of Philadelphia's summer, fifty-five men had played a role in constructing a new Constitution for the United States, which would replace the weak Articles of Confederation. The new Constitution had received a mixed reception in the various states, but by the middle of June, 1788, when the New York ratifying convention met in Poughkeepsie, eight states had already ratified. Only one more was needed for the Constitution to go into effect among the ratifying states.[142]

New York was, as usual, divided on the question of ratification. The majority who cared opposed it, unless the Constitution was amended to specifically protect the right of the people, and the authority of the separate states. Zephaniah Platt, Melancton Smith, Gilbert Livingston and Jacobus Swartwout all felt that way. On the other hand John Jay, Egbert Benson and Robert R. Livingston thought the Constitution provided for a safe frame of government as it was written.[143]

The ratifying convention first met on June 17th in the Poughkeepsie Court House and there the delegates continued to convene and to debate the merits of the new frame of government for over a month. By early July, word came that both New Hampshire and Virginia had ratified, making certain the Constitution would go into effect among at least ten states. Still, New York opponents held out for amendments, and they made up the majority of the delegates. Finally on July 25, 1788, accepting a compromise to vote for ratification, "in full confidence" that amendments would be added, twelve switched sides - among them Platt, Smith, Livingston and Swartwout - and voted for ratification.[144] New York had become the eleventh state to join the Union, the last, it turned out, until government under the Constitution went into effect. Three years later, in 1791, the confidence of men who had not liked the Constitution but had voted for it was kept when the Constitution received its first ten amendments, more commonly known as the Bill of Rights.[145]

The New York state constitution of 1777 would last for forty-five years, and the people of New York have since lived under six subsequent ones.[146] But the Constitution of the United States is still with us today. It still provides the basic rules for how we shall be governed. And Article I, Section I, still begins, as it did in 1787, with the words, "All legislative powers herein granted shall be vested in a Congress of the United States ..."[147]

Court House and Liberty Pole
Main and Market, Poughkeepsie, NY, 1861

NOTES

1. For the endorsement of slavery, see the United States Constitution, Article I, Sections 2 and 9. The Thirteenth Amendment, ratified December 6, 1865, abolished slavery in the United States. The Nineteenth Amendment gave women suffrage. The Eighteenth Amendment banned the manufacture and sale of alcoholic beverages (ratified 1919), but was repealed by the Twentieth (ratified at the beginning of 1933).

2. Edmund S. Morgan and Helen M. Morgan, *The Stamp Act Crisis: Prologue to Revolution* (New York, 1962), 36-39.

3. *Ibid.*, 43.

4. *Journal of the Votes and Proceedings of the General Assembly of the Colony of New York* (New York, 1766), Vol. II, 779.

5. Michael Kammen, *Colonial New York: A History* (New York, 1975), 349.

6. Morgan and Morgan, *Stamp Act Crisis*, 231-262.

7. Carl Lotus Becker, *The History of Political Parties in the Province of New York* (Madison, 1909), 28.

8. Quoted in Becker, *History of Political Parties*, 31n.

9. For the events surrounding the repeal of the Stamp Act, see Morgan and Morgan, *Stamp Act Crisis*, 327-352.

10. The act of repeal is reprinted in Jack P. Greene, ed., *Colonies to Nation: A Documentary History of the American Revolution* (New York, 1975), 84-85.

11. Kammen, *Colonial New York*, 362 and Bernard Mason, *The Road to Independence: The Revolutionary Movement in New York* (Lexington, Ky., 1966), 20-21.

12. Excerpts from the "Intolerable Acts," which essentially placed Massachusetts under direct political and judicial control of England, can be found in Greene, ed., *Colonies to Nation*, 203-211.

13. Kammen, *Colonial New York*, 363.

14. *Ibid.*, 362-365.

15. Philip L. White, *The Beekmans of New York, in Politics and Commerce, 1647-1877* (New York, 1956), 206.

16. For the promise and problems of patronage for colonial governors, see Bernard Bailyn, *The Origins of American Politics* (New York, 1967), 66-70, 72-80, 107-114.

17. James G. Lydon, *Pirates, Privateers and Profits* (Upper Saddle River, N.J., 1970), 38-46; White, *The Beekmans of New York*, 91, 95-96.

18. White, 207.

19. Quoted in Kammen, *Colonial New York*, 205.

20. White, *The Beekmans of New York*, 172-206.

21. *Ibid.*, 193-196.

22. *Ibid.*, 192, 199.

23. Staughton Lynd, *Antifederalism in Dutchess County, New York* (Chicago, 1962), 41-42. Milton Klein, "Democracy and Politics in Colonial New York," *New York History*, XL (July, 1959), 237, suggests that only one-third were likely excluded.

24. White, 198.

25. Lynd, *Antifederalism in Dutchess County*, 51-52.

26. Mason, *Road to Independence*, 41.

27. Quoted in the Petition to the House of Commons Oct. 18, 1764, *Journal of the Votes,* Vol. II, 776.

28. Mason, *Road to Independence,* 25-28.

29. Mason, *Road to Independence,* 31-36.

30. For Jay, see Richard B. Morris, *Seven Who Shaped Our Destiny* (New York, 1973), 150-188. A good biography of Duane is Edward P. Alexander, *A Revolutionary Conservative: James Duane of New York* (New York, 1938).

31. The Continental Association is reprinted in Greene, 247-250.

32. Becker, *History of Political Parties,* 163.

33. See Bernard Bailyn, *The Ideological Origins of the American Revolution* (Cambridge, 1967), 122-137.

34. Mason, *Road to Independence,* 33-34.

35. *Ibid.,* 38-41.

36. *Ibid.,* 41.

37. Peter Force, ed., *American Archives,* Fourth Series (Washington, 1937) Vol. II, 1256-1257.

38. Dutchess County signers and non-signers are listed in Force, 4th Ser., Vol. III, 597-607. The lists which contain some 2700 names, covered only 6 of the county's eleven precincts.

39. Force, ed., *American Archives,* 4th Ser., Vol. II, 707-709, 1267-1270, 1292-1297; Vol. III, 565-569.

40. See Becker, *History of Political Parties,* 217-218.

41. Force, ed., *American Archives,* II, 1318. Also see Mason, *Road to Independence,* 78.

42. Edmund Platt, *The Eagle's History of Poughkeepsie, From the Earliest Settlements, 1683 to 1905* (Poughkeepsie, 1905), 29, 33.

43. Reprinted in Force, *American Archives,* 4th Ser., III, 176.

44. *Ibid.,* 176.

45. *Ibid.,* 176.

46. *Ibid.,* 176.

47. James H. Smith, *History of Dutchess County,* (Syracuse, 1882), 130.

48. *Town Records: Town of Poughkeepsie, 1742-1854,* bound originals in The Adriance Memorial Library, Poughkeepsie, N.Y.

49. Smith, *History of Dutchess,* 130.

50. Helen Wilkinson Reynolds, "Loyalist Transcripts," unpublished transcriptions of manuscript records in the New York Public Library, Adriance Memorial Library, Poughkeepsie, N.Y., p. 357.

51. Force, ed., *American Archives,* 4th Ser., Vol. I, 702.

52. *Ibid.,* Vol. I, 701-702.

53. *Ibid.,* Vol. I, 324.

54. *Ibid.,* Vol. II, 304-305.

55. Mason, *Road to Independence,* 69.

56. Force, ed., *American Archives,* 4th Ser., Vol. II, 304.

57. The assertion was made in an anonymous letter, reprinted in Force, ed., *American Archives,* 4th Ser., Vol. II, 304-305.

58. *Ibid.,* Vol. II, 356.

59. *Ibid.*, Vol. II, 356-357.

60. *Ibid.*, Vol. II, 357.

61. According to Cadwallader Colden, the story was published with "horrid and aggravating circumstances." Edmund B. O'Callaghan, ed., *Documents Relative to the Colonial History of the State of New York* (Albany, 1856), Vol. VIII, 571.

62. Force, ed., *American Archives*, 4th Ser., Vol. II, 834-835.

63. *Calendar of Historical Manuscripts Relating to the War of the Revolution* (Albany, 1868) Vol. I, 106, 164; *Journals of the Provincial Congress, Provincial Convention, Committee of Safety and Council of Safety of the State of New York* (Albany, 1842) Vol. II, 309-310.

64. Force, ed., *American Archives*, 4th Ser., Vol. III, 600.

65. *Ibid.*, Vol. III, 597-608.

66. *Ibid.*, Vol. III, 569; 573-574.

67. Platt, *History of Poughkeepsie*, 24; 30.

68. Force, ed., *American Archives*, 4th Ser., III, 262.

69. *Ibid.*, Vol. III, 823.

70. *Ibid.*, Vol. III, 823.

71. Mason, *Road to Independence*, 132.

72. Becker, *History of Political Parties*, 211, 234-235, 276.

73. News the King had done so reached the colonies in November, 1775.

74. Thomas Jefferson noted such accusations made in the Continental Congress. Julian P. Boyd, ed., *The Papers of Thomas Jefferson* (Princeton, 1950), Vol. I, 312.

75. Worthington C. Ford, *Journals of the Continental Congress, 1774-1789* (Washington, 1904) Vol. IV, 342, 358.

76. Force, ed., *American Archives*, 4th Ser., Vol. VI, 1332.

77. *Journals of the Provincial Congress*, Vol. I, 469.

78. Dan Lacy, *The Meaning of the American Revolution* (New York, 1966), 149-150.

79. Ford, *Journals*, Vol. V, 425.

80. The best study of the writing of the Declaration of Independence remains Carl L. Becker, *The Declaration of Independence* (New York, 1942).

81. *Journals of the Provincial Congress*, Vol. I, 488.

82. *Ibid.*, Vol. I, 489-490.

83. Lacy, *Meaning of the American Revolution*, 150-151.

84. Force, ed., *American Archives*, 4th Ser., Vol. VI, 1443.

85. Becker, *History of Political Parties*, 260, 273.

86. Force, ed., *American Archives*, 5th Ser., I, 1391.

87. David Hawke, *The Colonial Experience* (New York, 1966), 604-605.

88. Lacy, *Meaning of Independence*, 165-167.

89. Quoted in Hawke, *The Colonial Experience*, 607.

90. *Journals of the Provincial Congress*, II, 77-78.

91. Egbert Benson to Nathaniel Woodhull, July 12, 1776, *Ibid.*, II, 310.

92. Egbert Benson to the Representatives of Dutchess County, July 15, 1776, *Ibid.*, II, 309.

93. *Ibid.*, II, 309.

94. Edmund B. O'Callaghan, ed., *The Documentary History of the State of New York* (Albany, 1850), III, 986.

95. *Ibid.*, Vol. III, 987.

96. Quoted in Lynd, *Antifederalism in Dutchess County*, 47.

97. Quoted in *Ibid.*, 46.

98. Quoted in *Ibid.*, 47.

99. Frank Hasbrouck, *The History of Dutchess County, New York* (Poughkeepsie, 1909), 25; Sung Bok Kim, *Landlord and Tenant in Colonial New York; Manorial Society, 1664-1775* (Chapel Hill, 1978), 375-380.

100. Lynd, *Antifederalism in Dutchess County*, 47.

101. Kim, *Landlord and Tenant*, 408-409.

102. *Ibid.*, 394.

103. *Ibid.*, 395; Lynd, *Antifederalism in Dutchess County*, 50.

104. Lynd, *Antifederalism in Dutchess County*, 50.

105. James A. Roberts, *New York in the Revolution as Colony and State*, Second Edition (Albany, 1898), 12.

106. Henry B. Livingston to Robert R. Livingston, May, 1775, *Revolutionary Letters of Importance: The Unpublished Correspondence of Robert R. Livingston, First Chancellor of New York* (New York, 1918), Letter 30.

107. In 1774 Dutchess County had a population of over 21,000 Whites and 1360 Blacks. O'Callaghan, *Documentary History*, I, 474.

108. Charles F. Adams, ed., *The Works of John Adams* (Boston, 1850), Vol. II, 428.

109. That rumor had been in the wind for some time before it came to public notice in the [Williamsburg] *Virginia Gazette*, May 4, 1775.

110. "May, 1775: Area Freeholders Meet to Decide Future," Dutchess County Historical Society *Year Book*, Vols. 61 and 62 (1976-1977), 32.

111. *Minutes of the Committee and the First Commission for Detecting and Defeating Conspiracies in the State of New York, December 11, 1776 - September 23, 1778*, Collections of the New York Historical Society, 1925 (New York, 1925), Vol. I, 57-59, 251, 271-272, 292; Vol. II, 379-382.

112. *Ibid.*, Vol. II, 376, 380-381, 384-385.

113. *Ibid.*, Vol. II, 379-380.

114. *Ibid.*, Vol. II, 380.

115. *Ibid.*, Vol. II, 385, 387.

116. Quoted in Morris, *Seven Who Shaped Our Destiny*, 167.

117. *Journals of the Provincial Congress*, I, 552.

118. Mason, *Road to Independence*, 217; *Minutes of the Committee ... for Conspiracies*, Vol. I, 3-125.

119. John Jay to Gouverneur Morris and Robert R. Livingston, April 29, 1777. Jared Sparks, *The Life of Gouverneur Morris with Selections from His Correspondence and Miscellaneous Papers* (Boston, 1832), Vol. I, 120.

120. Morris, *Seven Who Shaped Our Destiny*, 186-187.

121. Quoted in Kammen, *Colonial New York*, 299.

122. Quoted in Carl Bridenbaugh, *Cities in Revolt: Urban Life in America, 1743-1776* (New York, 1955), 32.

123. In the Fifty-First *Federalist*. Clinton Rossiter, ed., *The Federalist Papers* (New York, 1961), 322.

124. Most of the Constitution of 1777 is reprinted in William A. Polf, *1777: The Political Revolution and New York's First Constitution*, New York State Bicentennial Commission (Albany, 1977), 44-61. The quotation is from page 47.

125. Mason, *The Road to Independence*, 230-246.

126. Polf, *1777*, 40.

127. Staughton Lynd, "Who Should Rule at Home? Dutchess County, New York, in the American Revolution," *William and Mary Quarterly*, Third Series, Vol. 18 (1961), 344-345; Polf, 1777, 48-50, 57.

128. Polf, *1777*, 51.

129. *Ibid.*, 57.

130. *Ibid.*, 57.

131. *Ibid.*, 56.

132. *Journals of the Provincial Congress*, Vol. I, 916-917.

133. Those particular varieties of multiple office-holding were allowed by the Constitution. Polf, *1777*, 44-61.

134. Quoted in George Dangerfield, *Chancellor Robert R. Livingston of New York* (New York, 1960), 96.

135. Hugh Hastings, ed., *The Public Papers of George Clinton, First Governor of New York, 1777-1795, 1801-1804* (New York, 1899), Vol. III, 676; *Minutes of the Committee ... for ... Conspiracies*, Vol. I, 53, 54, Vol. II, 331-338.

136. *Ibid.*, Vol. II, 676, 807.

137. *Minutes of the Committee ... for ... Conspiracies*, Vol. I, 301-303.

138. Hastings, ed., *Public Papers of George Clinton*, Vol. V, 210.

139. Quoted in Lynd, "Who Should Rule at Home?", 345.

140. *Ibid.*, 346.

141. *Ibid.*, 345-346.

142. United States Constitution, Article VII.

143. Lynd, *Antifederalism in Dutchess County*, 28-36.

144. Linda Grant DePauw, *The Eleventh Pillar: New York State and the Federal Constitution* (Ithaca, 1966), 248.

145. *Ibid.*, 274-278.

146. Polf, *1777*, 41-42.

147. United States Constitution, Article I, Section I.

DUTCHESS COUNTY

SEAL