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The Sense of the City:  
Politics and Culture in Pre-Revolutionary New York City

A Dissertation Presented

by

Luke John Feder

to

The Graduate School

in Partial Fulfillment of the

Requirements

for the Degree of

Doctor of Philosophy

in

History

Stony Brook University

December 2010

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Abstract of the Dissertation

The Sense of the City:

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Doctor of Philosophy

in

History

Stony Brook University

2010

This dissertation explores how political partisanship and local understandings of British political culture shaped New York City's reaction to the revolutionary crisis of the 1760s and 1770s. I investigate how the Livingston faction, DeLancey faction, and Sons of Liberty each attempted to define and manipulate "the sense of the city" to suit its private agenda. In the eighteenth century, "the sense of the city" and other similar phrases stood for public opinion. For this study, however, I push the term beyond public opinion and also use it to unpack how New Yorkers made and unmade the practices, rules, rituals, and symbols that existed within their local political culture. Therefore, "the sense of the city" became a contentious notion in which partisans vied with one another in order to gain as well as to sway the political hearts and minds of the general populace. I examine newspapers, pamphlets, broadsides, literature, poetry, journals, letters, and other personal papers in order to reconstruct the city's political milieu during five key

episodes. First, I explore street theater and partisan politics during the Stamp Act Crisis (1765-1766). Second, I investigate the role of the legal profession and anti-lawyer propaganda during the election of 1768. Third, I examine the political tensions between Anglicans and dissenting Protestants during the election of 1769. Fourth, I scrutinize the political ascendancy of Alexander McDougall who became known as the “Wilkes of America.” Lastly, I examine consumer politics and attitudes towards nascent capitalism in the events surrounding the Townshend Revenue Acts (1767) and Tea Act (1773). My dissertation questions some of the recent trends in early American political history and presents a more nuanced understanding of political culture in pre-Revolutionary New York City.

*For my grandmothers and in memory of my grandfathers.*

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## ACKNOWLEDGEMENTS

Throughout my undergraduate and graduate years, I have incurred many debts—both scholarly and personal—in order to reach this point. My graduate studies would have never occurred if it weren't for the amazing professors I had as an undergraduate at Eastern Connecticut State University. In particular, I would like to thank Emil Pocock, Barbara M. Tucker, James E. Lacey, Nicole Krassas, and Christopher Vasillopoulos. Special thanks goes to Dr. Pocock who first got me interested in early American history and who is the reason that I write with any clarity and grace. I would also like to acknowledge Dr. Tucker who was one of my biggest champions during my undergraduate years.

The idea for this dissertation first came into existence when I decided to write a paper on the Stamp Act riots for Gary Marker's research seminar. I also had the pleasure of taking Gary's dissertation prospectus workshop a few years later. I wrote an early version of Chapter Four for a research seminar taught by Elizabeth Garber. I would like to thank my classmates from the research seminars and prospectus workshop. I also had the benefit of taking Herman Lebovics and Christopher Sellers' co-taught core seminar, which made a substantial impression on a naïve, first-year grad student and shaped the way I write and think about history. Over the years, I have also learned valuable lessons

about scholarship and teaching from other members of the SUNY-Stony Brook faculty—especially Joel T. Rosenthal, Wilbur R. Miller, Harry Denny, and David Maynard. Dave deserves special distinction as my favorite boss for my time with the Freshman Learning Communities Program.

For two years, I had the good fortune of having visiting scholar status with the University of Pennsylvania, which helped tremendously with my investigation of print sources. I would also like to thank the staffs at the New-York Historical Society and Melville Library at SUNY-Stony Brook. Over the years, I have learned the teaching trade and received financial support from the Department of History, the Program in Writing and Rhetoric, and the Freshman Learning Communities Program at SUNY-Stony Brook as well as the Department of American Studies at SUNY College at Old Westbury.

I presented an early version of Chapter Four at the History Department's Colloquium Series. Early versions of Chapters Two and Three were presented at the Early American/Atlantic Studies Work Group at SUNY-Stony Brook. I would like to thank the audiences at both of those events.

Several of my graduate colleagues have read portions of this dissertation, raised questions, and offered advice. I would like to thank Dr. Kraig Larkin, Sarah Marchesano, Daniel Woulfin, Lynn Rubin, Annette Cramer Van Den Bogaart-Ricciardi, and Melixa Abad-Izquierdo. On occasions too numerous to count, I have also had the pleasure of good food, good drink, and good conversation with Sarah Marchesano, James Nichols, Matthew L. Sisk, Kraig Larkin, Daniel Woulfin, Lynn Rubin, Hilary Aquino, Peter Sidoriak, Adam Johnson, and Michael and Randi Colanero. My friends on Long Island have provided an amazing support system throughout my years as a grad student.

I would like to thank my dissertation committee, Ned C. Landsman, Donna J. Rilling, Kathleen Wilson, and Andrew Newman. Over the years as my advisor, Ned has read countless drafts of papers and chapters. His critical eye has saved me from many embarrassing mistakes. He has also reshaped my understanding of early American history. I would like to thank Donna for also being a wonderful mentor to me—especially during the early days of graduate school. I never had the pleasure of taking a class with Kathleen, but I feel fortunate for having gotten to work with her on this dissertation. Her book, *The Sense of the People: Politics, Culture and Imperialism in England, 1715-1785*, helped to inspire my fascination with political culture as well as the title to this dissertation. I thank Drew for agreeing to be my outside reader and for bringing a much-needed literary perspective to the dissertation. I thank them as a whole for their questions, comments, and critiques. Any mistakes that remain are my own.

I would like to thank my parents, Robert and Yvonne, for their love and support. They have always encouraged me to further my education. My little sister, Stefanie, has become a wonderful friend to me. I would also like to thank my parents-in-law, Irwin and Judith Fein, especially Judy who always asked for my daily page count. My brother-in-law, Jonathan, has been a good source of much needed distraction. Kaylee and Noah with mischievous cheer kept me company through the long hours of writing. I would like to thank my wife, Jamie, for her love and encouragement through the highs and lows of writing this dissertation. Lastly, this dissertation is dedicated to my grandmothers, Marta Zych and Lois Feder, for their love and generosity. It is also dedicated in memory of my grandfathers, Stefan Zych and William Feder, Jr., who I wish could have seen me realize my dream.

## INTRODUCTION

One week in April 1774, the residents of New York City had the displeasure of seeing the arrival of two freights, the *Nancy* and the *London*, loaded with tea from London. On the night of April 18, the first ship crept into the waters of Lower New York Bay and anchored itself near Sandy Hook, New Jersey. During its Atlantic crossing, the *Nancy* had been caught in a nasty storm and arrived with a damaged mast and missing one anchor. The following day, a harbor pilot ship brought Captain Benjamin Lockyer—fully aware of the city’s opposition to the tea—to Manhattan Island. When he disembarked from the small ship at Murray’s Wharf, a large crowd was waiting for him. Members of the Sons of Liberty quickly ushered Lockyer to a gathering at the home of Henry White, a consignee for the tea. At the meeting, the Sons of Liberty informed Lockyer, “[I]t was the Sense of the Citizens that he should not presume to go near the Custom-House.” He replied, “That as the Consigners would not receive his Cargo, he would not go to the Custom-House, and would make all the Dispatch he could to leave the City.” To keep him at his word, the Sons of Liberty appointed a Committee of Observation, which anchored a sloop near the *Nancy*, to watch the ship until it departed. In triumph, a handbill announced on the morning of April 21:

The Sense of the City relative to the Landing the India Company’s Tea, being signified to Capt. Lockyer, by the Committee, nevertheless it is the Desire of a

Number of the Citizens, that at his Departure from hence, he should see, with his own Eyes, their Detestation of the Measures pursued by the Ministry and the India Company, to enslave this Country.

The second ship arrived in Lower New York Bay around noon on Friday, April

22. As the *London* floated past Sandy Hook, Captain James Chambers and his crewmembers probably saw the damaged *Nancy* and the Committee of Observation's sloop anchored nearby. When asked by the harbor pilot if he had tea onboard, Captain Chambers lied and "declared he had none." Two members of the Committee of Observation soon boarded the *London* and conducted a search for the tea as well as consulted the ship's manifest and customs house documents. This initial search did not uncover any hidden tea. The harbor pilot and committee members had good reason to suspect that there was in fact tea onboard. In the beginning of the week, information had arrived from Philadelphia that Captain Chambers's ship had been loaded with "18 Boxes of fine Tea" while docked in London. Many New Yorkers could hardly believe the news. The previous summer, "Chambers was one of the First who refused to take the India Company's Tea on Freight . . . for which he received the Thanks of the Citizens." Knowing his reputation, many believed he was ignorant of the tea allegedly sitting in the bowels of the ship and "therefore supposed it to have been shipt by some ministerial Tool, under another Denomination, in order to injure the Owners, or the Reputation of the Master, or to make an Experiment of this Mode of introducing the Teas to America."

At roughly four o'clock that Friday afternoon, the *London* docked at Murray's Wharf. Committee members again boarded the ship. Captain Chambers continued to deny the existence of the tea. "He was then told it was vain to deny it, for there was good Proof of its being on board; for it would be found, as there were Committees appointed to

open every Package, and that he had better be open and candid about it.” Faced with this knowledge, Chambers finally admitted to having the tea on the *London*. After alerting “the whole State of the Matter to the People,” the committee planned a special event for the evening. At roughly eight o’clock, a group of New Yorkers dressed as Mohawks assembled at the wharf and readied themselves to board the ship. Having been informed about the tea onboard, however, city residents decided to take matters into their own hands. They stormed onto the ship and ripped open the cases of tea, dumping their contents into the East River. The committee eventually took back control of the situation; “Several Persons of Reputation were placed below to keep Talley, and about the Companion to prevent ill disposed Persons from going below the Deck.” Two hours later, the participants left the ship “in good Order, but in great Wrath against the Captain, and it was not without some Risque of his Life that he escaped.”

At eight o’clock the next morning, “all the Bells of the City rang” in defiance of the tea. Roughly an hour later, “the greatest Number of People were collected at and near the Coffee-House, that was ever known in this City.” Soon after, Captain Lockyer emerged from the Merchants’ Coffee-House along with members of the committee as a band played “God Save the King” and the crowd chanted, “[W]here is he? [W]here is he?” The passion of the crowd put some fear into Lockyer, but the committee safely walked him to Murray’s Wharf in order to send him off with the harbor pilot. He was “wished a safe Passage; upon which the Multitude gave loud Huzza’s, and many Guns

were fired, expressive of their Joy at his Departure.” The New York City Tea Party ended with a brief victory for opponents of parliamentary policy.<sup>1</sup>

The events of this week in April give insight into the political milieu of pre-Revolutionary New York City. As the handbill attested, New Yorkers viewed the tea as a tool or tactic to enslave them. The tea was symbolic of tyranny. When city residents and “Mohawks” rushed onto the *London*, they were not just destroying tea. They were making a symbolic statement against tyranny, political slavery, and ultimately Parliament. The tea also violated the community’s understanding of social reciprocity and moral economy. Captain Chambers had chosen to ignore “the sense of the city” and instead sought to profit from a product that was harmful to the community.

This dissertation explores the historical remnants of pre-Revolutionary New York City in order to scrutinize two entwined themes. First, I investigate how the Livingston faction, DeLancey faction, and Sons of Liberty each attempted to define and manipulate “the sense of the city” to suit its private agenda.<sup>2</sup> In the eighteenth century, “the sense of the city” and other similar phrases stood for public opinion.<sup>3</sup> For this study, however, I

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<sup>1</sup> “NEW-YORK, April 25,” *New-York Gazette, and Weekly Mercury*, April 25, 1774; and [Anonymous], *To the PUBLIC* (New York, 1774), Evans 13672.

<sup>2</sup> The Sons of Liberty organization was split between radicals and moderates. I define radicals as those individuals who wanted more popular participation within local politics and who were willing to use illegal and extralegal tactics to resist unpopular imperial policies. From 1765 to 1769, most radicals—in particular, Isaac Sears, John Lamb, and Joseph Allicocke—were associated with the DeLancey faction. Moderates—such as Alexander McDougall—were less willing to endorse radical tactics and generally sided with the Livingston faction. In 1769, radicals and moderates united and placed their support behind the Livingstons.

<sup>3</sup> See Kathleen Wilson, *The Sense of the People: Politics, Culture and Imperialism in England, 1715-1785* (Cambridge: Cambridge University Press, 1995), 3-4.



push the term beyond public opinion and also use it to unpack how New Yorkers made and unmade the practices, rules, rituals, and symbols that existed within their local political culture. Therefore, “the sense of the city” became a contentious notion in which partisans vied with one another in order to gain as well as to sway the political hearts and minds of the general populace.<sup>4</sup>

Second, I consider how New York City’s local political culture existed within a larger British Atlantic world.<sup>5</sup> Partisans preserved, appropriated, reinvented, and

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<sup>4</sup> In short, I define “the sense of the city” two ways: 1) public opinion, and 2) the localized understanding/s of political culture. I view political culture as the intersection between politics and popular culture. I am interested in how elements of popular culture—such as rituals, symbols, literature, poetry, satire, consumerism, parades, and street theater—became conduits for the dissemination of political ideas and ideologies as well as sites of contestation and negotiation between rival sociopolitical groups. On the various definitions of political culture, see Ronald P. Formisano “The Concept of Political Culture,” *Journal of Interdisciplinary History* 31 (Winter 2001): 393-426. For the different definitions of popular culture, see Natalie Zemon Davis, “Toward Mixtures and Margins,” *American Historical Review* 97 (December 1992): 1409-16.

<sup>5</sup> Ultimately, I have chosen to use a British vocabulary for discussing New York City’s politics because British culture came to dominate in the city by the middle of the eighteenth century. By the pre-Revolutionary era, ethnicity and religion appeared to play more of a role in political alliances than the actual nature of political culture. I also suspect Anglicization was easier for the province’s Dutch and German populations because the English monarchy had recently come under the control of two foreign dynasties—the Dutch House of Orange in 1689 and the German House of Hanover in 1714. On the Anglicization of the Dutch, see Randall Balmer, *A Perfect Babel of Confusion: Dutch Religion and English Culture in the Middle Colonies* (New York and Oxford: Oxford University Press, 1989), especially Ch. 7; Joyce D. Goodfriend, *Beyond the Melting Pot: Society and Culture in Colonial New York City, 1664-1730* (Princeton: Princeton University Press, 1992), Ch. 9; and A. G. Roeber, “‘The Origin of Whatever Is Not English among Us’: The Dutch-speaking and the German-speaking Peoples of Colonial British America,” in *Strangers within the Realm: Cultural Margins of the First British Empire*, eds., Bernard Bailyn and Philip D. Morgan (Chapel Hill and London: University of North Carolina Press, 1991), 220-37. On German integration into the society and culture of British America, see Roeber, “‘The Origin of Whatever Is Not English among Us,’” 237-83.

discarded elements from British political culture to suit their local needs and circumstances. Therefore, the city's political culture was what cultural anthropologist James Clifford would call "translocal" in nature.<sup>6</sup> On both sides of the Atlantic, Britons used the same political rituals and symbols, but often with diverging connotations. In effect, political culture and ideology circulated throughout the Atlantic world becoming something quite different in each locale. This dissertation demonstrates that a unified British political culture did not exist. Instead there were political cultures that took on a different "sense" from place to place.<sup>7</sup>

New York historians have an unenviable task. Politics in eighteenth-century New York City was unlike politics in any other locale in the British Empire. Public officials in the city had to serve a variety of needs—local, provincial, and imperial.<sup>8</sup> These needs were often in direct competition with each other. The pluralist nature of the entire province also contributed to the volatile nature of New York politics by creating alliances, resentment, and distrust based on class, family, ethnic, and religious ties. All

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<sup>6</sup> James Clifford, *Routes: Travel and Translation in the Late Twentieth Century* (Cambridge and London: Harvard University Press, 1997), 1-7. This dissertation follows what historian David Armitage labeled a "Cis-Atlantic" approach to New York City's place within the larger Atlantic world. According to Armitage, "'Cis-Atlantic' history studies particular places as unique locations within an Atlantic world and seeks to define that uniqueness as the result of the interaction between local particularity and a wider web of connections (and comparisons)." See David Armitage, "Three Concepts of Atlantic History," in *The British Atlantic World, 1500-1800*, eds., David Armitage and Michael J. Braddick (Basingstoke and New York: Palgrave Macmillan, 2002), 21-25.

<sup>7</sup> See also Richard R. Beeman, *The Varieties of Political Experience in Eighteenth-Century America* (Philadelphia: University of Pennsylvania Press, 2004).

<sup>8</sup> See especially Stanley Nider Katz, *Newcastle's New York: Anglo-American Politics, 1732-1753* (Cambridge: Belknap Press of Harvard University Press, 1968).

these various ties and shifting coalitions created a noxious political atmosphere of infighting and politics simply for the sake of politics. Referring to the turmoil of New York politics, James Duane declared, “We are . . . run mad with Faction & party.”<sup>9</sup> From the historian’s vantage point, untangling this web of political intrigue, wrangling, and backstabbing seems an almost impossible task.

Any attempt to unravel New York’s political state of affairs must begin with Carl Lotus Becker’s seminal work, *The History of Political Parties in the Province of New York, 1760-1776*. Becker famously posited that the American Revolution in New York was caused by “two general movements: the contest for home-rule and independence, and the democratization of American politics and society.” The contest for “who should rule at home” has two connotations. First, it was a dispute between periphery and center. A provincial government as well as an imperial government oversaw eighteenth-century New York. These two political entities were often at odds. The imperial government’s representative was the royal-appointed governor, whose primary concern was to safeguard the British Empire’s interests. The locally-elected General Assembly viewed itself as representing the interests of the provincial population. According to Becker, New York’s partisan politics emerged out of the clash between supporters of imperial authority under the auspices of the governor and supporters of provincial authority under the auspices of the assembly. Political factions coalesced around these two poles of power. Partisans often oscillated between these two poles—only supporting the one or the other that best represented their political, economic, or social interest for that

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<sup>9</sup> “James Duane to Robert Livingston, Jr., February 19, 1770”; quoted in Patricia U. Bonomi, *A Factious People: Politics and Society in Colonial New York* (New York and London: Columbia University Press, 1971), 12.

moment. No monolithic determinate held a partisan to any one side. Although Becker did not view these two factions as political parties, later historians referred to this clash as being between a Court Party and a Country Party.<sup>10</sup>

Second, “who should rule at home” was also a question of class. Writing from the perspective of the Progressive school of history, Becker viewed New York’s political tensions as stemming from infighting amongst the elite and later class antagonism between the elite and non-elite. He identified three socioeconomic groups in provincial New York: 1) aristocracy, 2) freemen and freeholders, and 3) the “unfranchised.” The aristocracy consisted of families who had either gained their wealth from land and tenant leases or from commerce. Freemen were independent storeowners, craftsmen, and artisans. Freehold electors were those who had estates valued at £40 or more. The unfranchised were the leaseholders, dependent laborers, or individuals with estates assessed below £40. As a result of this class system, Becker speculated “over half of the male population above the age of twenty-one years was without political privilege of any sort.” He estimated that less than 12% of the total population was able to vote. The aristocracy was able to “control” the province’s politics and government. Thus, much of

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<sup>10</sup> Carl Lotus Becker, *The History of Political Parties in the Province of New York, 1760-1776* (Madison: University of Wisconsin Press, 1909; reprint, Madison: University of Wisconsin Press, 1960), 5-8, 22 (page citations are to the reprint edition). Historian Richard R. Beeman views the Court-Country dichotomy as unhelpful since New York partisans were always willing to switch sides to suit personal needs. He writes, “country politicians seemed always ready to jump to the side of the governor when their regional or economic or ethnic interests were served by doing so, and, conversely, the governor and his friends were just as frequently willing to make those alliances with country party politicians when it suited their interests.” See Beeman, *The Varieties of Political Experience in Eighteenth-Century America*, 110. For a recent example of the persistence of the Court-Country labels, see Jill Lepore, *New York Burning: Liberty, Slavery, and Conspiracy in Eighteenth-Century Manhattan* (New York: Vintage, 2006).

the political wrangling stemmed from infighting within the province's aristocracy as various families attempted to further their own self-interests. Common men who were eligible to vote did little to challenge the elite's hegemony. Deference—even if not always practiced—remained a powerful force. In the deferential atmosphere of provincial politics, only elite men were supposed to stand for elections. New Yorkers of all socioeconomic levels ridiculed common men who stood for public office because they were breaking social norms and conventions.<sup>11</sup>

In the 1760s, according to Becker, “democratization” within New York politics and society began to threaten the elite's political hegemony. Deference and “the old method[s] of political control” began to break down. Candidates had to court non-elite voters (i.e., freeholders and freemen) whose support had previously been unwavering. Public meetings occurred to nominate candidates. Previously, elites had conducted nominations in private behind closed doors. Candidates also used public proclamations and letters to announce their stances on issues, policies, and principles. During this era, the unfranchised lower sorts also began to participate in extralegal meetings. The lower sorts did not have a direct voice in the political system, but through the use of collective action they could wield and exercise power; the politics outdoors could and did serve as a check on the politics indoors. Becker noted, “[T]he establishment of this extra-legal

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<sup>11</sup> Becker, *Political Parties*, 9-15. For a critique of Becker's use of elector data, see Milton Klein, “Democracy and Politics in Colonial New York,” *New York History* XL (July 1959): 232-37. Klein notes that freemen rights were extended to any white male that paid a nominal fee, which created a much larger electorate. For example, he contends that voter turnout for the General Assembly election of 1768 in New York City and County was 53.3% of all adult white males. For a further discussion on voting rights and practices, see Chapter Two. On the complexities of deference, see Richard R. Beeman, “Deference, Republicanism, and the Emergence of Popular Politics in Eighteenth-Century America,” *William and Mary Quarterly* 49 (July 1992): 401-430.

machinery was the open door through which the common freeholder and the unfranchised mechanic and artisan pushed their way into the political arena.”<sup>12</sup>

Most studies of New York’s politics are variations on Becker’s thesis. Most of these inquiries have focused their criticism on his model for explaining political partisanship. Historian Alfred F. Young has pointed out that, for all their critiques, scholars “seem to be correcting him [Becker] without eliminating his basic thesis.”<sup>13</sup> Several historians, among them Roger J. Champagne, Leopold S. Launitz-Schürer, Jr., and Edward Countryman, have expanded on Becker’s observations on infighting amongst the elite and have suggested that political factions can best be understood through family politics and labels—in particular, the conflict between the Livingston and DeLancey families. The Livingston family’s wealth stemmed from their land holdings above New York City, while the DeLancey family’s wealth came from commerce and trade. Very often the landed interest and the mercantile interest were at odds in New York. The two families came to represent these polarizing interests. In the pre-Revolutionary era, according to Champagne, both families sought to court and control the radical Sons of Liberty and the crowd.<sup>14</sup>

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<sup>12</sup> Becker, *Political Parties*, 17-19, 22. See also Gary B. Nash, *The Urban Crucible: The Northern Seaports and the Origins of the American Revolution*, Abridged Edition (Cambridge and London: Harvard University Press, 1986).

<sup>13</sup> Alfred F. Young, *The Democratic Republicans of New York: The Origins, 1763-1797* (Chapel Hill: University of North Carolina Press, 1967), 607. Young’s primary concern is not the American Revolution, but understanding the beginnings of what he calls the “Democratic-Republican movement.”

<sup>14</sup> Young, *The Democratic Republicans of New York*, 6-10; Roger J. Champagne, “The Sons of Liberty and the Aristocracy in New York Politics, 1765-1790” (Ph.D. diss., University of Wisconsin, 1960); Roger Champagne, “Family Politics Versus

Historian Bernard Friedman has criticized Champagne's assertion that elite families controlled the Sons of Liberty. He believes that the elite families had lost much of their political capital by the pre-Revolutionary era. The most important political leaders of the 1760s came from a burgeoning middling sort. Radical activists like John Lamb, Isaac Sears, and Alexander McDougall all came from this emerging middle class. According to Friedman, these upwardly mobile men were the ones really pulling the strings. The radicals were not being manipulated by the elite, but instead getting the elite to do their bidding within the corridors of power.<sup>15</sup>

Historian Patricia U. Bonomi suggests factionalism emerged from two different sources. First, like other historians, she views political quarrels as arising from the split between the landed elite and the commercial elite, which developed during the governorship of Robert Hunter (1710-1719). The interests of the landed families (e.g., Livingston and Morris) and commercial families (e.g., DeLancey, Philipse, Schuyler, and Van Cortland) were often at odds. For one group to gain, the other had to lose. Becker, thus, wrongly "lumped the landholders and merchants, along with lawyers, into a single

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Constitutional Principles: The New York Assembly Elections of 1768 and 1769," *William and Mary Quarterly* 20 (January 1963): 57-79; Leopold S. Launitz-Schürer, Jr., *Loyal Whigs and Revolutionaries: The Making of the Revolution in New York, 1765-1776* (New York and London: New York University Press, 1980); and Edward Countryman, *A People in Revolution: The American Revolution and Political Society in New York, 1760-1790* (Baltimore and London: Johns Hopkins University Press, 1981), 77-78. For a look at the DeLancey-Livingston rivalry before the pre-Revolutionary era, see Cynthia A. Kierner, *Traders and Gentlefolk: The Livingstons of New York, 1675-1790* (Ithaca and London: Cornell University Press, 1992).

<sup>15</sup> Bernard Friedman, "The New York Assembly Elections of 1768 and 1769: The Disruption of Family Politics," *New York History* XLVI (January 1965): 3-24; Bernard Friedman, "The Shaping of the Radical Consciousness in Provincial New York," *Journal of American History* 56 (March 1970): 781-801; and Bernard Friedman, "Hugh Hughes, A Study in Revolutionary Idealism," *New York History* LXIV (July 1983): 229-59.

upper class.”<sup>16</sup> Second, she believes the pluralistic nature of New York contributed to the province’s incessant factionalism. The province was divided ethnically (e.g., English, Scottish, Dutch, German, and French) and religiously (e.g., Anglican, Presbyterian, Dutch Reformed, German Reformed, Quaker, and Huguenot). As early as 1692, Charles Lodwick noted, “Our chiefest unhappyness here is too great a mixture of nations.” For Lodwick and later historians, the province simply had too diverse a constituency to ever hope for a common political denominator.<sup>17</sup>

Eventually, Bonomi moves her discussion of politics into the pre-Revolutionary era. She only takes a cursory look, however, and ends her study in 1770 so “that political events might be seen consistently through the eyes of New Yorkers simply as provincials

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<sup>16</sup> Bonomi, *A Factious People*, 56-59, 95-97. She spends the entirety of chapter four discussing the split between commercial interests and landed interests. Contemporaries did in fact self-identify using “commercial” or “merchant interest” and “country” or “landed interest.”

<sup>17</sup> Bonomi, *A Factious People*, Ch. 2; and Charles Lodwick, “New York in 1692,” *Collections of the New-York Historical Society, Second Series*, Vol. 2 (New York, 1849), 244; quoted in Michael Kammen, *Colonial New York: A History* (New York: Charles Scribner’s Sons, 1975; reprint, New York and Oxford: Oxford University Press, 1996), 150 (page citations are to the reprint edition). On the effects of pluralism on New York’s politics, see also Alan Tully, *Forming American Politics: Ideals, Interests, and Institutions in Colonial New York and Pennsylvania* (Baltimore and London: Johns Hopkins University Press, 1994).

On the ethnic and religious makeup of New York, see Thomas J. Archdeacon, *New York City, 1664-1710: Conquest and Change* (Ithaca and London: Cornell University Press, 1976), Ch. 2; David Steven Cohen, “How Dutch Were the Dutch of New Netherland?,” *New York History* LXII (January 1981): 43-60; Oliver A. Rink, *Holland on the Hudson: An Economic and Social History of Dutch New York* (Ithaca and London: Cornell University Press, 1986), Ch. 6; Balmer, *A Perfect Babel of Confusion*; Goodfriend, *Before the Melting Pot*; Roeber, “The Origin of Whatever Is Not English among Us,”; Ned C. Landsman, “Roots, Routes, and Rootedness: Diversity, Migration, and Toleration in Mid-Atlantic Pluralism,” *Early American Studies* 2 (Fall 2004): 270-84; and Jaap Jacobs, *The Colony of New Netherland: A Dutch Settlement in Seventeenth-Century America* (Ithaca and London: Cornell University Press, 2009), Ch. 2.



rather than as revolutionaries.”<sup>18</sup> Bonomi believes using family labels for the pre-Revolutionary era is meaningless. There were other important families and “there is no evidence that the Livingston and DeLancey names were used to designate parties.” She posits that the use of family labels came from William Smith, Jr., and his *The History of the Province of New-York* (1757). Bonomi suggests that a “‘radical-conservative’ polarity” may be helpful—but ultimately decides against it. Instead, she employs a “popular Whig” versus “moderate Whig” dichotomy. Popular Whigs were more radical and appealed to the people—especially the Sons of Liberty and the city’s artisans or mechanics. The moderate Whigs attempted to steer a more careful course through the murky and troubled waters of city, provincial, and imperial politics. They were extremely interested in following the rule of law. She views these political parties as being solidified during the General Assembly election of 1768. These terms are ultimately not useful and wind up being stand-ins for the DeLancey faction and Livingston faction. For example, Bonomi places James DeLancey into the popular Whig category, which seems wrong when considering his split with the radicals and his eventual joining with the loyalist cause.<sup>19</sup>

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<sup>18</sup> Bonomi, *A Factious People*, viii. Her chapter seven focuses on pre-Revolutionary politics, but only until 1770.

<sup>19</sup> Bonomi, *A Factious People*, 237-46. When discussing mid-eighteenth-century politics, historian Alan Tully creates a similar dichotomy between “popular Whigs” and “provincial Whigs.” Popular Whigs “made much of their concern for assembly rights, which stood, symbolically, of course, for the various rights colonists claimed under the British Constitution” (241). Provincial Whigs “demonstrated a willingness to strike out into controversial gray areas of civil and religious rights” and a concern for eliminating corruption in government (241). Tully also notes—because they were often not in power—provincial Whigs were more of an “opposition” party. See Tully, *Forming American Politics*, 241-49.

The most recent historian to try to untangle New York's political web is Joseph S. Tiedemann. In many respects, he continues the work Bonomi began and suggests that pluralism "made it very difficult for residents to reach a broad consensus over how to resist British imperialism" and whether to embrace the American Revolution and independence. Tiedemann also notes that historians must pay more attention to the external British influences on the city's political society. He believes that "When Britain's role in causing the struggle is ignored, inter- and intraclass rivalries in New York appear more significant and determinative of behavior than they actually were."<sup>20</sup>

Several studies have also examined popular politics and mobilization in pre-Revolutionary New York. Jesse Lemisch was one of the first historians to investigate the role of the "inarticulate" in the pre-Revolutionary era. His research primarily focuses on the involvement of seamen and sailors in popular protests and crowd actions—in particular, demonstrations against impressment—throughout eighteenth-century New York. For the pre-Revolutionary era, Lemisch mostly discusses the seaman's opposition to and mobilization against the Stamp Act and Quartering Act. His study ends abruptly in 1770.<sup>21</sup> Edward Countryman discusses popular politics in the entirety of New York from 1760 to 1790. He argues that the American Revolution in New York was a "democratic revolution," which replaced the "old order" of aristocratic politics. In the

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<sup>20</sup> Joseph S. Tiedemann, *Reluctant Revolutionaries: New York City and the Road to Independence* (Ithaca: Cornell University Press, 1997), especially 1-9.

<sup>21</sup> Jesse Lemisch, *Jack Tar Vs. John Bull: The Role of New York's Seamen in Precipitating the Revolution* (New York: Garland, 1997), which is a reprint of his 1962 dissertation. On the concept of the "inarticulate," see Jesse Lemisch, "Listening to the 'Inarticulate': William Widger's Dream and the Loyalties of American Revolutionary Seamen in British Prisons," *Journal of Social History* 3 (Fall 1969): 1-29.

post-Revolutionary era, consensus soon fell by the wayside and politics became bifurcated between radicals and conservatives. Throughout his monograph, Countryman does an excellent job of bringing crowd actions, committee politics, and radicalism to the forefront, but he does not investigate the symbolic and ritualistic meanings of these incidents.<sup>22</sup> Paul A. Gilje provides the only cursory analysis of crowd actions and symbolism in New York City. His monograph investigates riots and other forms of popular disorder from the pre-Revolutionary era to the antebellum era—although it primarily focuses on the post-war years.<sup>23</sup> This brief discussion of pre-Revolutionary New York City reveals the need for a systematic study on the intersection of partisan politics and popular culture. While past historians have done much of the heavy lifting, many questions remain to be answered.

Political culture is not a recent term—although it is a constantly evolving one. Roughly forty years ago, in his classic *The Creation of the American Republic*, Gordon S. Wood used it as a means to discuss “a set of common assumptions about history, society, and politics that connected and made significant seemingly discrete and unrelated ideas.”<sup>24</sup> According to historians in the late 1960s and early 1970s, revolutionary Americans organized their “common assumptions” around the concept of republicanism. Bernard Bailyn, J. G. A. Pocock, and Wood were the historians most responsible for

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<sup>22</sup> Countryman, *A People in Revolution*, quotes on page xiii.

<sup>23</sup> Paul A. Gilje, *The Road to Mobocracy: Popular Disorder in New York City, 1763-1834* (Chapel Hill: University of North Carolina Press, 1987), especially Ch. 1 and 2.

<sup>24</sup> Gordon S. Wood, *The Creation of the American Republic, 1776-1787* (New York and London: W. W. Norton, 1972), viii.

ushering in the “republican synthesis” and its emphasis on political ideology, which replaced the Progressive school’s stress on economic motives and social conflict.<sup>25</sup>

In his groundbreaking *The Ideological Origins of the American Revolution*, Bailyn reexamined the most popular pamphlets associated with the Revolution to determine their unifying ideas and assumptions. He attempted to understand the mindset of Revolutionary Americans as well as how they saw their world and how politics operated within it. He saw that provincials used quite often the terms slavery, corruption, and conspiracy. What previous historians “had readily dismissed as mere rhetoric and propaganda,” Bailyn viewed as something more. He noted, “I began to suspect . . . that there were real fears, real anxieties, a sense of real danger behind these phrases, and not merely the desire to influence by rhetoric and propaganda the inert minds of an otherwise passive populace.” Revolutionary Americans were responding to a perceived hidden pattern of nefarious power issuing forth from Parliament and the King’s ministers.<sup>26</sup> Building on *The Ideological Origins of the American Revolution*, Wood took Bailyn’s discussion into the early Republic and Pocock looked backward for the roots of republicanism in the Renaissance. This “republican synthesis” highlighted the virtue and

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<sup>25</sup> See Robert E. Shalhope, “Toward a Republican Synthesis: The Emergence of an Understanding of Republicanism in American Historiography,” *William and Mary Quarterly* 29 (January 1972): 49-80; Robert E. Shalhope, “Republicanism and Early American Historiography,” *William and Mary Quarterly* 39 (April 1982): 334-56; and Milton M. Klein, et. al., eds., *The Republican Synthesis Revisited: Essays in Honor of George Athan Billias* (Worcester: American Antiquarian Society, 1992).

<sup>26</sup> Bernard Bailyn, *The Ideological Origins of the American Revolution* (Cambridge: Belknap Press of Harvard University Press, 1967), quote on page ix. According to Bailyn, provincials viewed power as “the dominion of some men over others, the human control of human life: ultimately force, compulsion” (56).

disinterestedness of public officials who were supposed to be looking out for the public good. It also stressed the resistance to tyranny and corruption in any guise.<sup>27</sup>

In the 1970s and 1980s, Neo-Liberal historians, among them Joyce Appleby and Isaac Kramnick, challenged the “republican synthesis” and its emphasis on “country” ideology. Neo-Liberals instead asserted the place of classical liberalism and its role in the American Revolution. They contended that Revolutionary Americans viewed the individual and his private rights as more important than the public good. The Neo-Liberal interpretation also stated that commerce and trade were essential to maintaining the liberties and rights of Revolutionary Americans.<sup>28</sup>

As scholars debated the republican and liberal origins of the American Revolution and its aftermath, a Neo-Progressive school also developed. Neo-Progressive historians built on the path breaking work of E. P. Thompson’s *The Making of the English Working Class*, which placed greater importance on the influence of ordinary people on extraordinary events.<sup>29</sup> Historians like Alfred F. Young, Jesse Lemisch, Gary B. Nash, and Edward Countryman began to focus on social tensions, “class” conflict, and unrest in

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<sup>27</sup> Wood, *The Creation of the American Republic*; and J. G. A. Pocock, *The Machiavellian Moment: Florentine Political Thought and the Atlantic Republican Tradition* (Princeton: Princeton University Press, 1975).

<sup>28</sup> Joyce Appleby, “Liberalism and the American Revolution,” *New England Quarterly* 49 (March 1976): 3-26; Joyce Appleby, *Capitalism and a New Social Order: The Republican Vision of the 1790s* (New York and London: New York University Press, 1984); and Isaac Kramnick, “Republican Revisionism Revisited,” *American Historical Review* 87 (June 1982): 629-64.

<sup>29</sup> E. P. Thompson, *The Making of the English Working Class* (New York: Vintage, 1966).

the Revolutionary era.<sup>30</sup> In their effort to discuss the actions of common folk in the Revolution, some historians began to emphasize popular culture and its relation to politics. This moved the concept of political culture away from just examining common assumptions to practices, rituals, symbols, and street theater. The most influential of these early practitioners were Alfred Young and Rhys Isaac. During his academic career, Young examined the pageantry of mechanic parades, tar-and-feathering, the Liberty Tree, and the symbolism of Oliver Cromwell. Isaac has also done an excellent job of elucidating the importance of popular culture during the American Revolution. His case study of Virginia investigated the manifold ways in which culture (e.g., architecture, horse racing, election days, and religion) influenced politics.<sup>31</sup>

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<sup>30</sup> See Young, *The Democratic Republicans of New York*; Alfred F. Young, ed., *The American Revolution: Explorations in the History of American Radicalism* (DeKalb: Northern Illinois University Press, 1976); Jesse Lemisch, "Jack Tar in the Streets: Merchant Seamen in the Politics of Revolutionary America," *William and Mary Quarterly* 25 (July 1968): 371-407; Lemisch, *Jack Tar Vs. John Bull*; Nash, *The Urban Crucible*; and Countryman, *A People in Revolution*. For recent examples of the Neo-Progressive school, see Woody Holton, *Forced Founders: Indians, Debtors, Slaves, and the Making of the American Revolution* (Chapel Hill: University of North Carolina Press, 1999); and Terry Bouton, *Taming Democracy: "The People," the Founders, and the Troubled Ending of the American Revolution* (Oxford and New York: Oxford University Press, 2007).

<sup>31</sup> Alfred F. Young, "English Plebian Culture and Eighteenth-Century American Radicalism" in *The Origins of Anglo-American Radicalism*, eds. Margaret Jacob and James Jacob (London: George Allen and Unwin, 1984); and Alfred F. Young, *Liberty Tree: Ordinary People and the American Revolution* (New York and London: New York University Press, 2006), which collects articles and conference papers from throughout his long career; and Rhys Isaac, *The Transformation of Virginia, 1740-1790* (Chapel Hill: University of North Carolina Press, 1982). Although not part of the Neo-Progressive school, Peter Shaw also analyzed symbols and rituals round the same time. See Peter Shaw, *American Patriots and the Rituals of Revolution* (Cambridge: Harvard University Press, 1981).

A new generation of scholars has taken the Neo-Progressive's discussion of popular culture and politics and melded it with the lessons of cultural studies and postmodernism. Historians Saul Cornell, David Waldstreicher, and Simon Newman rightly deserve much of the credit for influencing this current trend among early Americanists.<sup>32</sup> The practitioners of the "newest political history" have concerned themselves almost exclusively with the early Republic. These historians have either ignored the political culture of the Colonial and Revolutionary eras or simply viewed these eras as the "building blocks" for the creation of an American nationalism and a "national popular political culture."<sup>33</sup>

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<sup>32</sup> See Saul Cornell, "Early American History in a Postmodern Age," *William and Mary Quarterly* 50 (April 1993): 329-41; Saul Cornell, "Moving Beyond the Canon of Traditional Constitutional History: Anti-Federalists, the Bill of Rights, and the Promise of Post-Modern Historiography," *Law and History Review* 12 (Spring 1994): 1-28; Saul Cornell, *The Other Founders: Anti-Federalism and the Dissenting Tradition in America, 1788-1828* (Chapel Hill: University of North Carolina Press, 1999); David Waldstreicher, "Rites of Rebellion, Rites of Assent: Celebrations, Print Culture, and the Origins of American Nationalism," *Journal of American History* 82 (June 1995): 37-61; David Waldstreicher, *In the Midst of Perpetual Fetes: The Making of American Nationalism, 1776-1820* (Chapel Hill: University of North Carolina Press, 1997); and Simon P. Newman, *Parades and the Politics of the Street: Festive Culture in the Early American Republic* (Philadelphia: University of Pennsylvania Press, 1997).

<sup>33</sup> Waldstreicher, *In the Midst of Perpetual Fetes*, 12; and Newman, *Parades and the Politics of the Street*, Ch. 1. Both Waldstreicher and Newman use the phrase "national popular political culture." For a general discussion on the emergence of the "newest political history," see Jeffrey L. Pasley, Andrew W. Robertson, and David Waldstreicher, "Introduction: Beyond the Founders" in *Beyond the Founders: New Approaches to the Political History of the Early American Republic*, eds. Jeffrey L. Pasley, Andrew W. Robertson, and David Waldstreicher (Chapel Hill and London: University of North Carolina Press, 2004), 1-28. For a critique, see William G. Shade, "Déjà Vu All Over Again: Is There a New New Political History?" in *Beyond the Founders*, 387-412.

Historians of early modern Britain and France have also influenced the "newest political history." For British examples, see E. P. Thompson, "Patrician Society, Plebian Culture," *Journal of Social History* 7 (Summer 1974): 382-405; E. P. Thompson,

There are a few exceptions to the above rule. Brendan McConville investigates the localized understandings of property rights and authority among New Jersey rioters. More recently, he explores the attachment to monarchy and the British Constitution in provincial political culture. Provincial attitudes towards the monarchy call into question aspects of the “republican synthesis” as well as the Americanization narrative of the “newest political history” and other historians.<sup>34</sup> David W. Conroy looks at the tavern as

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“Eighteenth-Century English Society: Class Struggle without Class?,” *Social History* 3 (May 1978): 133-65; E. P. Thompson, *Customs in Common: Studies in Traditional Popular Culture* (New York: New Press, 1993); John Brewer, *Party Ideology and Popular Politics at the Accession of George III* (Cambridge: Cambridge University Press, 1976); John Brewer, “The Number 45: A Wilkite Political Symbol,” in *England’s Rise to Greatness, 1660-1763*, ed. Stephen Baxter (Berkeley: University of California Press, 1983), 349-80; Linda Colley, *In Defiance of Oligarchy: The Tory Party, 1714-60* (Cambridge: Cambridge University Press, 1982); James E. Bradley, *Popular Politics and the American Revolution in England: Petitions, the Crown, and Public Opinion* (Macon: Mercer University Press, 1986); Nicholas Rogers, *Whigs and Cities: Popular Politics in the Age of Walpole and Pitt* (Oxford: Clarendon Press, 1989), Nicholas Rogers, *Crowds, Culture, and Politics in Georgian Britain* (Oxford: Clarendon Press, 1998); Wilson, *The Sense of the People*; and James A. Epstein, *Radical Expression: Political Language, Ritual, and Symbol in England, 1790-1850* (New York and Oxford: Oxford University Press, 1994). For French examples, see Mona Ozouf, *Festivals and the French Revolution*, trans. Alan Sheridan (Cambridge and London: Harvard University Press, 1988); Lynn Hunt, *Politics, Culture, and Class in the French Revolution* (Berkeley and Los Angeles: University of California Press, 1984); and Dorinda Outram, *The Body and the French Revolution: Sex, Class, and Political Culture* (New Haven: Yale University Press, 1989).

<sup>34</sup> Brendan McConville, *These Daring Disturbers of the Public Peace: The Struggle for Property and Power in Early New Jersey* (Ithaca and London: Cornell University Press, 1999); and Brendan McConville, *The King’s Three Faces: The Rise and Fall of Royal America, 1688-1776* (Chapel Hill: University of North Carolina Press, 2006). Much of the political history of early America—including the “republican synthesis” and “newest political history”—has fallen prey to the Americanization narrative; for examples, see Gordon S. Wood, *The Radicalism of the American Revolution* (New York: Vintage, 1991); Tully, *Forming American Politics*; Waldstreicher, *In the Midst of Perpetual Fetes*; and Jon Butler, *Becoming America: The Revolution Before 1776* (Cambridge and London: Harvard University Press, 2000), for his discussion of politics see Ch. 3. For the persistence of British political culture into the early Republic, see Andrew W. Robertson, *The Language of Democracy: Political*



a “public stage” in which men and women “sometimes tested—and ultimately challenged—the authority of their rulers and social superiors” in provincial Massachusetts. Thomas J. Humphrey studies land rioters in the Hudson Valley, where most farmers were tenants on land owned by a few families—the Livingstons, Van Rensselaers, and Van Cortlandts. Tenants sought claim to the land on the basis that “their labor entitled them to own [the] land” and “in order to attain political independence and economic autonomy,” which, of course, detracted from the landlord’s political and economic power. Simon Middleton scrutinizes the intersection of work and political culture during the transition from New Amsterdam to New York City. He observes how artisans sought to preserve Dutch political and economic privileges as English authorities rejected the validity of such privileges.<sup>35</sup>

To reconstruct “the sense of the city,” I examine newspapers, pamphlets, broadsides, literature, poetry, songs, journals, letters, and other personal papers. This dissertation relies most heavily on print culture. I have read all of the city’s newspapers and roughly one hundred and fifty pamphlets and broadsides published between 1765 and 1776. Over the course of the eighteenth century, print flourished and became an important medium for disseminating political, cultural, and economic information throughout British North America as well as the larger British Empire. I use the printed

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*Rhetoric in the United States and Britain, 1790-1900* (Charlottesville: University of Virginia Press, 2005).

<sup>35</sup> David W. Conroy, *In Public Houses: Drink and the Revolution of Authority in Colonial Massachusetts* (Chapel Hill: University of North Carolina Press, 1995), quote on page 2; Thomas J. Humphrey, *Land and Liberty: Hudson Valley Riots in the Age of Revolution* (DeKalb: Northern Illinois University Press, 2004), quotes on pages 8 and 9; and Simon Middleton, *From Privileges to Rights: Work and Politics in Colonial New York* (Philadelphia: University of Pennsylvania Press, 2006).

sources to recreate the political practices and debates that occurred within the pre-Revolutionary public sphere.<sup>36</sup> These are the most important primary sources not only to historians looking back to the era, but also because the organizers of these political spectacles knew their actions would be reproduced in print and circulated not to just a local audience, but also regional and global audiences. Print culture helped to forge the resistance movement by creating an “imagined community.”<sup>37</sup> Participants carefully crafted their spectacles for full sociopolitical effect. The accounts of spectacles that appeared in provincial newspapers were real, embellished, and sometimes fabricated. If some actions were fictitious, they remained well-crafted fictions targeted at swaying public opinion about controversial imperial, provincial, and city policies.

New York City’s printers were not revolutionaries. Hugh Gaine, the publisher of the *New-York Gazette, and Weekly Mercury*, vehemently opposed the Stamp Act and initially embraced the resistance movement only to teeter towards loyalism by 1774.

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<sup>36</sup> On the rise of the early modern public sphere, see Jürgen Habermas, *The Structural Transformation of the Public Sphere: An Inquiry into a Category of Bourgeois*, trans. Thomas Burger (Cambridge: MIT Press, 1989), especially 14-26. See also Michael Warner, *The Letters of the Republic: Publication and the Public Sphere in Eighteenth-Century America* (Cambridge and London: Harvard University Press, 1990). For a succinct discussion of the public sphere, see Jürgen Habermas, “The Public Sphere: An Encyclopedia Article,” *New German Criticism* 3 (Autumn 1974): 49-55. On newspapers and their role in eighteenth century politics, see Jeffrey L. Pasley, “*The Tyranny of Printers*”: *Newspaper Politics in the Early American Republic* (Charlottesville and London: University Press of Virginia, 2001), Ch. 2.

<sup>37</sup> Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism*, New Edition (London and New York: Verso, 2006). By using Anderson’s phrase, I am not suggesting that newspaper accounts created a nascent nationalism, but instead fostered a sense of common purpose and linkage locally (New York City) and regionally (mainland British North America). For a critique of Anderson, see Kathleen Wilson, *The Island Race: Englishness, Empire and Gender in the Eighteenth Century* (London and New York: Routledge, 2003), 31-40.

James Parker's press was not motivated by ideology, but instead an entrepreneurial spirit. He was not a supporter of the resistance movement, but did publish polemics against imperial policy due to their popularity and as a means of maintaining his customer base. In particular, he printed the Livingston faction's major essays and pamphlets, which helped to increase his readership. Parker died in 1770, which caused the *New-York Gazette, or Weekly Post-Boy* to cease publication. Future loyalists Alexander and John Robertson published the short-lived *New-York Chronicle*, which criticized the resistance movement. James Rivingston's *New York Gazetteer* was the most notorious of the city's loyalist newspapers. Of the printers, only John Holt who had originally worked for Parker remained committed to the resistance movement throughout the Revolutionary period. His newspaper, the *New-York Journal* became a favorite of the local Sons of Liberty and initially supported the DeLancey faction. John Anderson's short-lived *Constitutional Gazette* also embraced the resistance movement.<sup>38</sup>

This dissertation is not a blow-by-blow account of politics and political maneuvering. Instead, it looks at five different episodes in order to demonstrate how political partisanship and local understanding/s of political culture shaped a community's reaction to the imperial crisis. It also illuminates how residents adapted British political culture to make "sense" for their local circumstances. Chapter one provides the social, political, and economic context for the pre-Revolutionary era as well as explores street

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<sup>38</sup> Stephen Botein, "Printers and the American Revolution," in *The Press and the American Revolution*, eds. Bernard Bailyn and John B. Hench (Worcester: American Antiquarian Society, 1980), 27-29, 36-39; Charles R. Hildeburn, *Sketches of Printers and Printing in Colonial New York* (New York: Dodd, Mead and Company, 1895); and Kammen, *Colonial New York*, 341. Kammen states that Hugh Gaine did not become a loyalist until after independence.

theater and other popular demonstrations against the Stamp Act (1765). It also discusses the emergence of the Sons of Liberty in New York City. In chapters two and three, I discuss the General Assembly elections of 1768 and 1769. For the election of 1768, I investigate the role of the legal profession and anti-lawyer propaganda in the local political culture. For the election of 1769, I examine the political tensions between Anglicans and dissenting Protestants. Chapter four deals with the political ascendancy of Alexander McDougall who became known as the “Wilkes of America.” Like John Wilkes, authorities arrested McDougall for allegedly writing a pamphlet strongly criticizing the local government. McDougall’s supporters incorporated Wilkite symbolism—such as the number forty-five—into political ceremonies and demonstrations. Chapter five examines consumer politics and attitudes towards nascent capitalism. New Yorkers used the events surrounding the Townshend Revenue Acts (1767) and Tea Act (1773) to question the transition from a moral economy to a market economy. This investigation of partisan politics, popular culture, and public opinion reveals a city and people still deeply committed to the British Empire. New Yorkers wanted to remain a part of the empire and practiced a local political culture rooted in British practices, rituals, and symbolism.

**CHAPTER ONE**  
**“A STORM WAS RISING”:**  
**THE MAKING OF THE STAMP ACT CRISIS**

In late August 1765, after hearing about the Boston Stamp Act riots and reading the New York City press’s opposition to the act, James McEvers dashed off a letter to Lieutenant Governor Cadwallader Colden, who was in charge of the province until the arrival of the new governor. McEvers, a local merchant, resigned his commission as New York’s distributor of stamps before ever fulfilling any of his responsibilities. He believed that if he conducted his duties it would be at “the greatest risque of my Person and Fortune.” Several of his friends warned him “that a Storm was Rising, and I should Soon feel it.” McEvers advised the Lt. Governor to store the stamps at Fort George and to appoint someone else. He continued, “I would readily have received the Stamps, & distributed them my Self, but your Honour may be Assur’d, from the Information I have had, that if I had Attempted it, my House would have been Pillag’d, my Person Abused and his Majestys Revenue Impair’d.” Two months prior to the arrival of the stamps, New

York had lost its stamp distributor. McEvers's resignation would cause numerous problems for provincial and city officials, since no one knew what to do with the stamps.<sup>1</sup>

In this chapter, I examine the making of the Stamp Act Crisis in New York City.<sup>2</sup> The Stamp Act (1765) changed the course of events for those living in mainland British North America. It served as the starting point for the pre-Revolutionary era. Previously, provincials had only debated unpopular Parliamentary policies like the Sugar Act (1764) and Currency Act (1764). The Stamp Act, however, brought the people into the streets. It created the resistance movement against the British policies of the 1760s and 1770s. In order to elucidate "the sense of the city" during the Stamp Act Crisis, I discuss two topics. First, I investigate the various crowd actions that New Yorkers utilized to protest Parliament's Stamp Act. Participants used crowd actions as a means of exercising and negotiating power as well as a means to convey public opinion. Demonstrators borrowed—often quite loosely—their rituals and symbols from a transatlantic British political culture. By utilizing a common discourse, the crowd constructed a clearer message regarding public opinion and created the means for widespread participation in

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<sup>1</sup> "James McEvers to Cadwallader Colden, August 1765," *The Letters and Papers of Cadwallader Colden*, Vol. 7, Collections of the New-York Historical Society (New York: Printed for the Society, 1923), 56-57 (Hereafter cited as *Colden Papers*).

<sup>2</sup> The British Parliament's passage of the Stamp Act on March 8, 1765, placed an internal or direct tax on all legal documents, newspapers, almanacs, calendars, playing cards, dice, and other paper goods. The tax would officially go into effect on November 1. Official word of the tax reached the city in mid-April 1765, see "EXTRACT FROM THE VOTES OF THE HOUSE OF COMMONS," *New-York Gazette*, April 15, 1765; and "EXTRACT from the Votes of the House of Commons," *New-York Mercury* (Supplement), April 15, 1765. For an overview of the Stamp Act Crisis in North America, see Edmund S. Morgan and Helen M. Morgan, *The Stamp Act Crisis: Prologue to Revolution* (Chapel Hill: University of North Carolina Press, 1953).

the pageantry, festivity, and theater of the streets.<sup>3</sup> Second, in addition to bringing the people into the streets, the Stamp Act Crisis brought the city's partisan politics into the street as well. The imperial crisis of the 1760s and 1770s brought the political rivalry between the DeLancey and Livingston families onto the public stage. Previously, the rivalry had played out behind the closed doors of the Common Council and General Assembly. These two families also had to work with a new political organization—the Sons of Liberty—that represented the more radical opinions and sentiments of the general populace.<sup>4</sup>

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<sup>3</sup> On the pageantry of the crowd and theater of the street, see Peter Shaw, *American Patriots and the Rituals of Revolution* (Cambridge: Harvard University Press, 1981); Susan G. Davis, *Parades and Power: Street Theatre in Nineteenth-Century Philadelphia* (Philadelphia: Temple University Press, 1986); Mary P. Ryan, "The American Parade: Representations of Nineteenth-Century Social Order" in *The New Cultural History*, ed. Lynn Hunt (Berkeley and Los Angeles: University of California Press, 1989); Mary P. Ryan, *Civic Wars: Democracy and Public Life in the American City during the Nineteenth Century* (Berkeley and Los Angeles: University of California Press, 1997); Mark Fearnow, "American Colonial Disturbances as Political Theatre," *Theatre Survey* 33 (May 1992): 53-64; Shane White, "'It Was a Proud Day': African Americans, Festivals, and Parades in the North, 1741-1834," *Journal of American History* 81 (June 1994): 13-50; David Waldstreicher, "Rites of Rebellion, Rites of Assent: Celebrations, Print Culture, and the Origins of American Nationalism," *Journal of American History* 82 (June 1995): 37-61; David Waldstreicher, *In the Midst of Perpetual Fetes: The Making of American Nationalism, 1776-1820* (Chapel Hill: University of North Carolina Press, 1997); and Simon P. Newman, *Parades and the Politics of the Street: Festive Culture in the Early American Republic* (Philadelphia: University of Pennsylvania Press, 1997).

<sup>4</sup> See Leopold S. Launitz-Schürer, Jr., *Loyal Whigs and Revolutionaries: The Making of the Revolution in New York, 1765-1776* (New York and London: New York University Press, 1980), Ch. 2.

### **“Everything Is Tumbling Down”**

At the close of the Seven Year’s War in 1763, New York City, like other port cities, was facing the harsh realities of economic depression and financial ruin.<sup>5</sup> The wartime boom that the city had witnessed in the mid-1750s had quickly dissipated by 1759. Like other urban centers in British America, New York was no longer reaping huge profits from supplying the imperial military with provisions and ships. Many elite and middling merchants who had felt the benefits of the boom now felt the sting of depression. “Everything is tumbling down,” bemoaned John Watts, a New York merchant, “even the Traders themselves.” Another New Yorker grieved, “Trade in this part of the world is come to so wretched a pass that you would imagine the plague had been here.” British merchants in the metropole also felt the economic effects of the depression and began to call in provincial debts—exasperating the dire financial circumstances for New York’s merchants. The city’s merchants, in turn, called in their own outstanding debts, creating a vicious cycle. Indeed, bankruptcy and economic failure became more and more common in the early 1760s.<sup>6</sup>

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<sup>5</sup> For a useful comparative analysis of the Seven Years’ War and the effects of its economic aftermath in Philadelphia, Boston, and New York City, see Gary B. Nash, *The Urban Crucible: The Northern Seaports and the Origins of the American Revolution*, Abridged Edition (Cambridge and London: Harvard University Press, 1986), Ch. 5.

<sup>6</sup> Edward Countryman, *A People in Revolution: The American Revolution and Political Society in New-York, 1760-1790* (Baltimore and London: Johns Hopkins University Press, 1981), 5-13; Michael Kammen, *Colonial New York: A History* (New York: Charles Scribner’s Sons, 1975; reprint, New York and Oxford: Oxford University Press, 1996), 330-32 (page citations are to the reprint edition); Edwin G. Burrows and Mike Wallace, *Gotham: A History of New York City to 1898* (Oxford and New York: Oxford University Press, 1999), 191-94, quote on page 192; and Nash, *The Urban Crucible*, 157, Watts quote on same page. For a contemporary account of the city’s



Even with the city's economy in shambles, some members of the elite continued to amass personal wealth and power—expanding the division between the rich and poor. Out of the ashes of economic ruin emerged what historian Gary B. Nash called “the fabulously wealthy and the desperately poor.” By the 1760s, about 10% of the population had a monopoly on over half the city's wealth. The elite had taken full advantage of the rise of commerce and trade in the city over the course of the century. In the long run, as Nash notes, the Seven Years' War created even more opportunities for the elite.<sup>7</sup>

New York's wealthy also participated in the transatlantic “empire of goods.”<sup>8</sup> By roughly 1760, according to historians Edmund Burrows and Mike Wallace, New Yorkers had become “the leading American consumers of British wares.” Residents bought many of these goods on credit, which tied them to a global market economy. From the mid-eighteenth century onward, the wealthy engaged in conspicuous consumption, purchasing furniture, lead, tin, copper, paint, liquor, tea, and even cheese from Great Britain and the

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trade, see [Anonymous], *The Memorial of the Merchants of the City of New-York* (New York: Hugh Gainé, 1765), Evans 10101.

<sup>7</sup> Nash, *Urban Crucible*, 162; Countryman, *A People in Revolution*, 11; and Burrows and Wallace, *Gotham*, 193-94.

<sup>8</sup> The effect of the British consumer revolution on colonial America is still a developing field. See T. H. Breen, “An Empire of Goods: The Anglicization of Colonial America, 1690-1776,” *Journal of British Studies* 25 (October 1986): 467-99; T. H. Breen, “‘Baubles of Britain’: The American and Consumer Revolutions of the Eighteenth Century,” *Past and Present* 119 (May 1988): 73-104; T. H. Breen, *The Marketplace of Revolution: How Consumer Politics Shaped American Independence* (Oxford and New York: Oxford University Press, 2004); and Paul G. E. Clemens, “The Consumer Culture of the Middle Atlantic, 1760-1820,” *William and Mary Quarterly* 62 (October 2005): 577-624. For a look at the consumer revolution in England, see Neil McKendrick, John Brewer, and J. H. Plumb, *The Birth of a Consumer Society: The Commercialization of Eighteenth-Century England* (Bloomington: University of Indiana Press, 1982).

East India Company. They also embraced English fashion—even if they were somewhat behind with fashion trends in the metropole. William Smith, Jr., noted, “In the city of New-York, through our intercourse with the Europeans, we follow the London fashions; though, by the time we adopt them, they become disused in England. Our affluence, during the late war, introduced a degree of luxury in tables, dress, and furniture, with which we were before unacquainted.” Even during the financial downturn of the early 1760s, the urban elite continued to purchase imported English goods, stage lavish parties, and frequent the Chapel Street Theater. With so much conspicuous consumption amongst widespread poverty, one New Yorker asked, “[I]s it equitable that 99, rather 999, should suffer for the Extravagance or Grandeur of one? Especially when it is considered that Men frequently owe their Wealth to the impoverishment of their Neighbors?”<sup>9</sup>

In the midst of prosperity for a few, poverty and squalor increased in New York City. A confluence of raising prices and higher taxes hurt the lower and middling sorts. Similar to other urban areas in British America, the city’s cost of living increased twofold during the Seven Years’ War. For the war effort, foodstuffs were diverted to troops fighting throughout the Americas. Military spending also took its toll on the city’s economy by raising taxes (in particular, property taxes) to pay for the war effort. The subsequent economic depression hurt the city’s artisans and laborers perhaps the most. These groups already lived in precarious financial circumstances, and the higher prices and new taxes were a burden. Many laborers were unable to find work in the postwar

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<sup>9</sup> Burrows and Wallace, *Gotham*, 170, 172-75, 193-194, quotes on pages 170 and 194; Breen, *The Marketplace of Revolution*, 36-38, 43, Smith quote on page 43; and Nash, *The Urban Crucible*, 163.

economy. Those who discovered work still found subsistence nearly impossible. In the 1760s, wages did not keep pace with the rising cost of food and other items. One mechanick lamented, “the Expence of living in the most frugal Way has increased so exorbitantly, that I find it beyond my ability to support my Family with my utmost Industry—I am growing every Day more and more behind hand, tho’ my Family can scarcely appear with Decency, or have necessaries to subsist.”<sup>10</sup>

Many New Yorkers needed public assistance and charity simply to survive. Over the course of the eighteenth century, the city government spent more and more money to assist the downtrodden. In the 1710s, it allocated roughly £32 per thousand, which by the 1750s rose to £39 per thousand. By the 1760s, the city spent £92 per thousand on its poor and in the early 1770s public charity increased to £123 per thousand. Historian Edward Countryman estimated that by 1773 between six and eight hundred New Yorkers would die without assistance. More and more New Yorkers were falling below the city’s poverty line—and every year more of the city’s inhabitants needed public assistance to purchase basic necessities and stay alive. Charity organizations and churches also provided a large portion of the aid to the poor. Many New Yorkers, however, still faced imprisonment in the New Gaol for debt.<sup>11</sup>

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<sup>10</sup> Nash, *Urban Crucible*, 157-60, 208; and Burrows and Wallace, *Gotham*, 192, quote on same page.

<sup>11</sup> Gary B. Nash, “Urban Wealth and Poverty in Pre-Revolutionary America,” *Journal of Interdisciplinary History* 6 (Spring 1976): 545-84; Countryman, *A People in Revolution*, 10-11; and Burrows and Wallace, *Gotham*, 192-93. See also Robert E. Cray, Jr., *Paupers and Poor Relief in New York City and Its Rural Environs, 1700-1830* (Philadelphia: Temple University Press, 1988), Ch. 3.

These disparities between the rich and poor also strained and damaged the city's notion of social responsibilities and reciprocity. New York City had a long history of corporatism—that is, “society as a single corporate entity”—in which all segments of society worked together to maintain the public good. City residents had inherited this ideal from both their Dutch and English past. Like their brethren in the United Provinces and Great Britain, they believed that all segments of society had certain social, political, and economic functions and obligations. The city's society operated in terms of reciprocity between the dominant and subordinate classes. The ruling elite was supposed to guide and look out for the public good. The city government—also called the City Corporation—set food prices, regulated the quality of food, and provided firewood. If rulers failed to tend to the public good, the lower and middling sorts could take action to fix the community's problem.<sup>12</sup>

As the eighteenth century wore on, corporatism came into conflict with individualism. This became especially true as socioeconomic stratification increased and the gap between rich and poor increased. Stratification also caused a dichotomy of social thought to emerge over whose interests took precedence. Many individuals began to think more in terms of getting ahead in the emerging market economy and less in terms of maintaining the moral economy through mutuality and reciprocity. Elites began to view their private interests as more important, while the subordinate classes continued to believe the community as a whole took precedence over individual ambition. Many elites

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<sup>12</sup> E. P. Thompson, “Patrician Society, Plebian Culture,” *Journal of Social History* 7 (Summer 1974): 382-405; Simon Middleton, *From Privileges to Rights: Work and Politics in Colonial New York City* (Philadelphia: University of Pennsylvania Press, 2006), 4-7; Countryman, *A People in Revolution*, 56-58; and Paul A. Gilje, *The Road to Mobocracy: Popular Disorder in New York City, 1763-1834* (Chapel Hill and London: University of North Carolina Press, 1987), 9-16, quote on page 9.

still believed some deference—or at least a show of deference—to the corporate ideal must be made. While dominant and subordinate groups did not always agree on what constituted the public good, often their views converged.<sup>13</sup>

For New York City’s population of roughly 13,000 residents, Parliament could not have chosen a worse moment to implement the Stamp Act. New Yorkers were already concerned over the passage of the Sugar Act and the Currency Act in 1764. After hearing about a rumored stamp tax, the General Assembly sent on October 18, 1764, petitions to the King, House of Lords, and House of Commons to raise objections over the three acts. Residents perceived the Sugar Act as hurting the city’s commerce, which depended on molasses from the French Caribbean. The Currency Act prevented New York from issuing paper money, which might relieve some of the financial burden of the destitute. A possible stamp tax would cripple New Yorkers even further and perhaps push some over the edge into abject poverty.<sup>14</sup>

Soon after the General Assembly sent its October 18 petitions, a number of affluent and civic-minded New Yorkers organized the Society for the Encouragement of Arts, Agriculture, and Economy to facilitate local manufacturing and homespun, especially linens, which were primarily imported from England. For the next year, the

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<sup>13</sup> Gilje, *The Road to Mobocracy*, 9-13; Nash, *The Urban Crucible*, 206-207; and Barbara Clark Smith, “Food Rioters and the American Revolution,” *William and Mary Quarterly* 51 (January 1994): 3-38, especially 9-10.

<sup>14</sup> Kammen, *Colonial New York*, 350; and Nash, *The Urban Crucible*, 162. New York City had a population of about 13,000 in 1766, a population of 22,000 in 1771, and a population of 25,000 in 1775. Its population rapidly began to decline in 1775, reaching about 5,000 in July 1776. See Joseph S. Tiedemann, *Reluctant Revolutionaries: New York City and the Road to Independence, 1763-1776* (Ithaca and London: Cornell University Press, 1997), 13; and Burrows and Wallace, *Gotham*, 227.

Society financed a linen factory on Mulberry Street, which provided jobs for roughly three hundred residents, in particular poor women. The Society also sponsored “spinning schools for the children of paupers” and a “new municipal market . . . for the sale of flax and yarn.” Members believed that once Parliament saw the loss of North American business and revenue it would rethink its policies towards the provinces. With the expansion of the “empire of goods,” London merchants had become increasingly reliant on the North American market. Supporters of local manufacturing hoped their economic scheme would fix the city’s increasing unemployment and promote frugality. The Society’s emphasis on homespun stood in stark contrast to the conspicuous consumption of other members of the elite. Homespun, in fact, caught on with the city’s elite. Members of the provincial government, including Lt. Governor Cadwallader Colden and the Common Council, wore homespun. Justice Robert R. Livingston saw wealthy women wearing “a horrid homespun covering (which can become none but a country wench)” instead of a “rich brocade and graceful satin.” In general, he noted, “All pride in Dress seems to be laid aside and he that does not appear in Homespun or at least a Turned Coat is looked on with an Evil Eye.” This nascent consumer movement, however, did very little to catch Parliament’s eye.<sup>15</sup>

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<sup>15</sup> Burrows and Wallace, *Gotham*, 196-97, quotes on page 197; Nash, *The Urban Crucible*, 160; and Robert R. Livingston, “A Letter on the Ladies weaving homespun at the time of the Stamp Act, [1770],” Robert R. Livingston Papers [Microfilm], New-York Historical Society, New York, New York, Reel 1 (Hereafter cited as Livingston Papers). On fashion and politics, see Kate Haulman, “Fashion and the Cultural Wars of Revolutionary Philadelphia,” *William and Mary Quarterly* 62 (October 2005): 625-62.

### **“The Stamps Themselves, Intended to Enslave Us”**

In his resignation letter, James McEvers expected trouble from his fellow New Yorkers. Indeed, he seemed to think the prospect was a certainty. He knew that bodily harm or destruction of his property was well within the realm of possibility if the crowd chose him as a target. New York’s provincial officials and government agreed with McEver’s expectations of violence. Lt. Governor Cadwallader Colden increased the number of troops, guns, and defenses for Fort George, the site for housing the stamps. The Common Council, which advised the governor, thought that these precautions might actually cause disturbances and that it might “be more safe for the Government to shew a Confidence in the People, than to discover its distrust of them by Calling in any assistance to the Civil Power.”<sup>16</sup> In contrast, the City Corporation did not expect unrest. On September 9, Mayor John Cruger reported to the Council,

that the [city] Magistrates having lately made particular Inquiry as to the Temper and Disposition of the People in their respective Wards, and finding in them the highest Detestation of what has happened in Boston and other places, are therefore of the opinion no precaution, beyond the usual Duty and Power of their Offices, is necessary for the Conservation of the Publick peace of the City.<sup>17</sup>

Cruger’s assessment of public opinion would prove wrong, however.

Provincial officials believed that riots and other crowd actions were a certainty, because in the eighteenth century many British citizens throughout the empire perceived themselves as having the right to riot. This perception was due to popular ideals that

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<sup>16</sup> “Thomas Gage to Colden, August 31, 1765,” *Colden Papers*, 57-58; “Alexander Colden to Colden, September 1765,” *Colden Papers*, 72; “John Montresor to Colden, September 6, 1765,” *Colden Papers*, 72-73; John Monstresor, “Report on the Means of Strengthening Fort George,” *Colden Papers*, 73-74; and “Council Minutes, September 7, 1765,” *Colden Papers*, 60-61, 87-88.

<sup>17</sup> “Council Minutes, September 9, 1765,” *Colden Papers*, 61-62.

stemmed from Real Whig ideology and corporate communalism. Real Whig ideology stressed the people's consent to government, resistance against tyranny and arbitrary rule, and a limited monarchy. One form for the people to show their displeasure with government and to oppose tyranny was the riot. The people also used the riot as a means to redress violations of the corporate ideal and moral economy. If city elites and officials did not uphold their obligations to tend to the public good, the subordinate classes believed they could utilize crowd actions as a means to right social injustices. Elites were fearful of these extralegal demonstrations, but could often do little to suppress such actions.<sup>18</sup>

The city's newspaper printers were—for obvious reasons—strongly opposed to the Stamp Act. Perhaps then they took some satisfaction in printing accounts of riots and other crowd actions against stamp distributors and agents. By publishing news items and descriptions of riots from other provinces and cities, among them Boston, Hartford, and Philadelphia, newspaper printers created an “imagined community” of radicals and rioters throughout mainland British North America. These accounts inspired other crowd

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<sup>18</sup> Gilje, *The Road to Mobocracy*, 6-8; and E. P. Thompson, “The Moral Economy of the English Crowd in the Eighteenth Century,” *Past and Present* 50 (February 1971): 76-136. On the eighteenth-century Anglo-American crowd, see also George Rudé, *The Crowd in History: A Study of Popular Disturbances in France and England, 1730-1848* (London: Lawrence and Wishart, 1964); Gordon S. Wood, “A Note on Mobs in the American Revolution,” *William and Mary Quarterly* 23 (October 1966): 635-42; Pauline Maier, *From Resistance to Revolution: Colonial Radicals and the Development of American Opposition to Britain, 1765-1776* (New York: Vintage, 1972); Thomas P. Slaughter, “Crowds in Eighteenth-Century America: Reflections and New Directions” *Pennsylvania Magazine of History and Biography* CXV (January 1991): 3-34; Smith, “Food Rioters and the American Revolution”; and Paul A. Gilje, “The Crowd in American History,” *American Transcendental Quarterly* 17 (September 2003): 135-59. The notion that people have a “right” to riot persists to the present day, see Sergio Serulnikov, “When Looting Becomes a Right: Urban Poverty and Food Riots in Argentina,” *Latin American Perspectives* 21 (Summer 1994): 69-89.



actions. In addition, the press created a larger audience for the spectacle of the riot as well as disseminated the pageantry and rites of the crowd. Once publishers printed the accounts of crowd actions in Boston, there appeared to be a snowball effect of riots and disturbances throughout the provinces. In many cases, the rites and symbols of these crowd actions would be remarkably similar even though separated by time and space.<sup>19</sup>

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<sup>19</sup> Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism*, New Edition (London and New York: Verso, 2006). On the relationship between print culture and crowd actions, see Waldstreicher, “Rites of Rebellion, Rites of Assent”; Waldstreicher, *In the Midst of Perpetual Fetes*; and Newman, *Parades and the Politics of the Street*, 3. Newman also supports the idea that “the rites of resistance of the people of Boston quickly spread throughout the thirteen colonies” (25). Shaw has a similar assessment (*American Patriots*, 6). Countryman contends that popular culture and the radical press, in particular printer John Holt’s *New York Gazette, or Weekly Post-Boy*, created an environment that condoned as well as incited the violent crowd actions (*A People in Revolution*, 60-61). For New York’s coverage of riots in Boston, Hartford, and Philadelphia, see “BOSTON, August 19,” *New-York Mercury*, August 26, 1765; “HARTFORD, September 23,” *New-York Mercury*, September 30, 1765; and “PHILADELPHIA, October 10,” *New-York Mercury*, October 14, 1765.

It is nearly impossible to know for sure the literacy rate in provincial New York City. There is reason to suspect the literacy rate among white men in the city was fairly high and perhaps almost universal like in neighboring New England. Like New England, Protestants dominated in New York City and the rest of the mid-Atlantic region. As historian Ned C. Landsman has noted, “In most Protestant societies, the ability to read the Bible and the catechism in rudimentary fashion were considered essential components of religious education.” See Ned C. Landsman, *From Colonials to Provincials: American Thought and Culture, 1680-1760* (Ithaca and London: Cornell University Press, 1997), 48-50. Literary scholar Michael Warner suggests a roughly two-thirds literacy rate for white men living south of New England in the eighteenth century. See Michael Warner, *The Letters of the Republic: Publication and the Public Sphere in Eighteenth-Century America* (Cambridge and London: Harvard University Press, 1990), 14. Even with a low literacy rate, however, information from a newspaper or pamphlet could be disseminated in other ways. It is a reasonable assumption that non-literate New Yorkers debated and discussed printed material on street corners and in local taverns, coffeehouses, and dining rooms. Print culture did appear to be effective for the simple fact that a newspaper advertisement for a crowd action would draw thousands of participants.

Printers also began publishing articles opposing the Stamp Act and Parliament's right to levy internal or direct taxes on its provincial subjects. During the summer of 1765, John Morin Scott, a lawyer and prominent member of the Livingston faction, allegedly writing under the pseudonym Freeman, strongly criticized Parliament's policies and foreshadowed future provincial arguments.

If then the Interest of the Mother Country and her Colonies cannot be made to coincide (which I verily believe they may) if the same Constitution may not take Place in both, (as it certainly ought to do) if the Welfare of the Mother Country, necessarily requires a Sacrifice of the most valuable natural Rights of the Colonies Their Right of making their own Laws and Disposing of their own Property by Representatives of their own choosing;—if such is really the Case between Great-Britain and her Colonies, then the Connection between them ought to cease—And sooner or later it must inevitably cease, and perhaps end in the total Ruin of one or both of them: The English Government cannot long act towards a Part of its Dominions upon principles diametrically opposite to its own, without losing itself in the Slavery it would impose upon the Colonies, or learning them to throw it off, and Assert that Freedom that was denied them by those who had no better a Right to it than themselves.

Like other provincial commentators, Scott viewed Parliament as attempting to enslave provincials with its new tax policy, which could ultimately cause the North American provinces to break away from the British Empire.<sup>20</sup>

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<sup>20</sup> *New-York Gazette, or Weekly Post-Boy*, June 6, 1765; and Dorothy Rita Dillon, *The New York Triumvirate: A Study of the Legal and Political Careers of William Livingston, John Morin Scott, and William Smith, Jr.* (New York: Columbia University Press, 1949; reprint, New York: AMS Press, 1968), 88-89 (page citations are to the reprint edition). On the intellectual and political debates that took place in the city's newspapers against the Stamp Act, see Michael D'Innocenzo and John J. Turner, Jr., "The Role of New York Newspapers in the Stamp Act Crisis, 1764-66, Part 1," *New-York Historical Society Quarterly* LI (July 1967): 215-31; and D'Innocenzo and Turner, "The Role of New York Newspapers in the Stamp Act Crisis, 1764-66, Part 2," *New-York Historical Society Quarterly* LI (October 1967): 345-65. On arguments against internal taxation, see Thomas P. Slaughter, "The Tax Man Cometh: Ideological Opposition to Internal Taxes, 1760-1790," *William and Mary Quarterly* 41 (October 1984): 566-91.

In addition to publishing political tracts, newspaper printers turned to other means to stir up public opinion in the months before the Stamp Act went into effect. A curious, brief piece appeared in the *New-York Mercury* on August 19. “A Coffin of exquisite Workmanship was preparing for the Internment of a young Gentleman called the STAMP ACT, who, it is said, expired soon after Lord B - - - e went to Scotland.” This was a reference to John Stuart, the third Earl of Bute, an advisor to King George III and a distant relative of the deposed James II. Many provincials blamed Lord Bute for the Stamp Act—even though in actuality he was not a supporter of the act. For symbolic purposes, however, the author sought to capitalize on Lord Bute’s connection to the House of Stuart. The piece linked Parliament’s dubious policy decisions with the tyranny of the Stuart monarchy. It also seemed to sum up the ominous mood of the city prior to the Stamp Act riots and foreshadow the pageantry of the resistance to come.<sup>21</sup>

Almost immediately, the subject matter of the city’s press upset provincial officials. With the case of McEvers, the tone of newspaper articles and their coverage of the Boston riots factored into his decision to resign as stamp distributor. Writing to Lt. Governor Colden in August, General Thomas Gage conveyed his disgust for the press, “It must give every well-wisher to his Country the greatest Pain and Anxiety to see the Publick Papers crammed with Treason, the Minds of the People disturbed, excited and encouraged to revolt against the Government, to subvert the Constitution, and trample upon the Laws.” On October 11, Sir William Johnson wrote to Colden, “The Liberty of

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<sup>21</sup> “NEW-YORK, August 19,” *New-York Mercury*, August 19, 1765; and Shaw, *American Patriots*, 8. On the political maligning of Lord Bute, see John Brewer, “The Misfortunes of Lord Bute: A Case Study in Eighteenth-Century Political Argument and Public Opinion,” *Historical Journal* 16 (March 1973): 3-43.

the press is a darling Subject, generally insisted most upon, by those who most abuse it, but however Papers tending so flagrantly to Sedition, as that you represent should not escape, being subversive of ye constitution itself.”<sup>22</sup>

On October 23, the *Edward* sailed into New York Harbor. Its presence probably would have gone unnoticed, but within the depths of the ship laid the ire of New Yorkers—“the Stamps themselves, intended to enslave us.” Upon the ship’s arrival, “*all the Vessels in the Harbour lower’d their Colours, to signify Mourning, Lamentation, and Woe.*” The much-talked about and scorned stamps for New York and Connecticut had arrived. The *Mercury*, revealing its position on the controversial stamps, went on to editorialize about their coming: “*What have we done to merit such Treatment from our Mother Country, and our Brethren? Have we deserved to be thus degraded and dishonoured, and used by them, as the most inveterate Enemies?*” With the ship in port, two thousand New Yorkers descended on the Battery in Lower Manhattan and waited for the stamps to come ashore—this did not happen. Instead, provincial officials had the stamps unloaded under the cover of night and deposited in Fort George. Throughout the day, notices were placed throughout the city “threatening the Lives, Houses and properties of any one who shall either issue or receive a stamp.”<sup>23</sup>

That same day, Lt Governor Colden met with the Common Council at Fort George to discuss the dissemination of the stamps. The Council called on McEvers, who

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<sup>22</sup> “Thomas Gage to Colden, August 31, 1765,” *Colden Papers*, 58; and “Sir William Johnson to Colden, October 11, 1765,” *Colden Papers*, 82.

<sup>23</sup> “New-York, October 28,” *New-York Mercury*, October 28, 1765; and G. D. Scull, ed., *The Montresor Journals*, Collections of the New-York Historical Society, Vol. 14 (New York: Printed for the Society, 1882), 336 (Hereafter cited as *Montresor Journals*).

had previously resigned as the distributor of stamps. When Colden asked him if he would take custody of the stamps once they arrived on shore, McEvers simply replied that he would not, reminded the Lt. Governor of his resignation, and again suggested that Colden appoint someone else. Throughout the provinces, stamp collectors and distributors were resigning their offices. The *Mercury* summarized the situation,

*the Stamps are now a Commodity no Body knows what to do with, and are more abominable, and dangerous to be meddled with, then if they were infected with the Pestilences.----- It is more dangerous to buy or sell or meddle with a Stamp, than it is to encounter all the Dangers and Penalties attending the Want of them. AMEN.*

Both the provincial and city governments were at an impasse and had no idea of how to effectively distribute the stamps without inciting an internal rebellion.<sup>24</sup>

In late October, with the future of the city's stamps uncertain, Captain James DeLancey and other merchants met at George Burn's City Arms Tavern and resolved not to import goods from Great Britain until the repeal of the Sugar Act and Stamp Act. On October 31, they met again and agreed not to import goods until May 1, 1766. It was the first non-importation agreement in all of the North American provinces. The merchants hoped that economic sanctions would quickly push Parliament to reverse its course of action. In addition to non-importation, residents again tried their hands at making homespun clothing, linens, and woolens. On October 23, New Yorkers reopened the homespun market near the New-Exchange. By promoting homespun clothes, many merchants hoped to stimulate the struggling local economy with the sale of cheap clothes. Women also got involved with the homespun economy. "It must give great Pleasure to

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<sup>24</sup> "Council Minutes, October 23, 1765," *Colden Papers*, 62-63; and "New-York, October 28," *New-York Mercury*, October 28, 1765.

all Wellwishers to their Country's Prosperity, to see the spirited Zeal of the Ladies of the first Rank and Fortunes, to promote this laudable Scheme," one commentator noted. The homespun economy enabled many New Yorkers, including women, to participate in the resistance against British imperial policy. Over the next few months, merchants in other provinces, such as Massachusetts, in a demonstration of solidarity, would follow New York's example.<sup>25</sup>

On October 31, the eve before the Stamp Act was to take effect, protesters mourned in the streets, making a statement that the stamps and the act were denigrating their liberty. The mourners then went to the Merchants' Coffee-House and descended on the "Bag-gammon Boxes," while "covered with Black and Dice in Crape." At night, the "mob" took to the streets "crying 'Liberty' at the same time breaking Lamps & threatening particulars that they would the next night pull down their Houses." The crowd allegedly broke "Some thousands" of windows and threatened to bury alive Major Thomas James, who was guarding the stamps at Fort George.<sup>26</sup>

The largest and most destructive of the New York City Stamp Act riots occurred on November 1, the day the act was supposed to go into effect. In the early evening, an unknown man delivered to a sentry at Fort George a letter for the Lt. Governor. The

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<sup>25</sup> "New-York, October 28," *New-York Mercury*, October 28, 1765; *Montresor Journals*, 336; [Anonymous], *A Patriotic Advertisement* (New York, 1765), Shipton and Mooney 41576; Kammen, *Colonial New York*, 349; Burrows and Wallace, *Gotham*, 199; Launitz-Schürer, *Loyal Whigs and Revolutionaries*, 29; and "Y. Z." From the *Boston Evening Post*; reprinted in *New-York Gazette*, December 9, 1765. For a larger discussion on the Stamp Act Crisis and consumer politics, see Breen, *The Marketplace of Revolution*, Ch. 6.

<sup>26</sup> *Montresor Journals*, 336; and "CITY of NEW-YORK, October 31, 1765," *New-York Mercury* (published as *No Stamped Paper to be had*), November 7, 1765.

letter stated that Colden would be killed unless he took an oath in the presence of a magistrate, swearing that he would not enforce the Stamp Act and would seek its repeal.

The anonymous letter also stated,

We have heard of your Design or Menace to fire upon the Town, in Case of Disturbance, but assure yourself, that, if you dare to Perpetrate any Such murderous Act, you'll bring your grey Hairs with Sorrow to the Grave, You'll die a Martyr to your own Villiany, & by Hang'd, like Porteis, upon a Sign-Post, as a Memento to all wicked Governors, and that every Man, that assists you, Shall be, surely, put to Death.

It was signed “NEW YORK.” The letter was an obvious reference to the increase in fortifications at the fort. Playing on his Scottish lineage, the letter also linked Colden with Captain John Porteous, who ordered the Edinburgh city guard to fire on rioters in 1736. City officials subsequently arrested and imprisoned Porteous, who eventually became the target of mob justice and was hanged. Throughout the pre-Revolutionary era, the much-maligned 77-year old Scotsman would become New Yorkers’ favorite symbol of tyranny—whether rightly or wrongly deserved.<sup>27</sup>

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<sup>27</sup> “Council Minutes, November 2, 1765,” *Colden Papers*, 65-66; “NEW YORK to Colden, November 1, 1765,” *Colden Papers*, 84-85; and F. L. Engelman, “Cadwallader Colden and the New York Stamp Act Riots,” *William and Mary Quarterly* (October 1953): 561, n2. The heightening of defense at Fort George appeared to be public knowledge, see “New-York, November 4,” *New-York Mercury* (published as *No Stamped Paper to be had*), October 28, 1765. It was also reprinted in “NEW-YORK. November 4,” *New-York Mercury* (Published as *No Stamped Paper to be had*), November 7, 1765. For information about Colden, see Kammen, *Colonial New York*, 345-47; Alice Mapelsden Keys, *Cadwallader Colden: A Representative Eighteenth Century Official* (New York, AMS Press, 1967); Carole Shammas, “Cadwallader Colden and the Role of the King’s Prerogative,” *New-York Historical Society Quarterly* LIII (April 1969): 103-26; Allan R. Raymond, “The Political Career of Cadwallader Colden” (Ph.D. diss., Ohio State University, 1970); Alfred R. Hoermann, “A Savant in the Wilderness: Cadwallader Colden of New York,” *New-York Historical Society Quarterly* LXII (October 1978): 271-88; and John Dixon, “Between Script and Specie: Cadwallader Coden’s Printing Method and the Production of Permanent, Correct Knowledge,” *Early American Studies* 8 (Winter 2010): 75-93.

Prior to the march on Fort George, the crowd—or “Rabble or rather Rebels” as Captain John Montresor, an engineer for the provincial government, referred to them—gathered at the Common and then walked with lights through the Fly Market. Roughly two thousand demonstrators marched to the Merchants’ Coffee-House, where they stopped briefly, and then proceeded to the fort walls, breaking into Colden’s stable and taking his coach. The crowd paraded the coach through the streets before returning to the Common, where participants erected a gallows and hanged an effigy of Colden from it. “[I]n his right Hand he held a stamp’d Bill of Lading, and on his Breast was affix’d a Paper with the following Inscription, *The Rebel Drummer in the Year 1715: At his Back was fixed a Drum, the Badge of his Profession.*” Next to the effigy of Colden, the crowd also hanged an effigy of the Devil, “a proper Companion for the other, as ‘tis suppos’d it was intirely at his Instigation he acted.” The demonstrators carried the gallows and coach “in a grand Procession” to Fort George and finally to Bowling Green, “under the Muzzles of the Fort Guns, where a Bon-Fire was immediately made, and the Drummer, Devil, Coach, &c. were consumed amidst the Acclamations of some Thousand Spectators.” According to the *Mercury*, Lt. Governor Colden and other officials witnessed the entire spectacle from the fort’s ramparts.<sup>28</sup>

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For other depictions of the New York City Stamp Act riots, see Lloyd I. Rudolph, “The Eighteenth Century Mob in America and Europe,” *American Quarterly* 11 (Winter 1959): 447-69; Jesse Lemisch, *Jack Tar Vs. John Bull: The Role of New York’s Seamen in Precipitating the Revolution* (New York and London: Garland, 1997), Ch. 4; and Gilje, *The Road to Mobocracy*, 44-52.

<sup>28</sup> *Montresor Journals*, 337; “Joseph Allicocke to John Lamb, November 21, 1765,” John Lamb Papers [Microfilm], New-York Historical Society, New York, New York, Reel 1 (Hereafter cited as Lamb Papers); and “New-York, November 4,” *New-York Mercury* (published as *No Stamped Paper to be had*), October 28, 1765. The same



During this crowd action and others, demonstrators employed rites and symbols from England's Guy Fawkes Day, which was celebrated annually on November 5. In 1605, Catholic Guy Fawkes formulated a plan to assassinate King James I and Parliament by setting off a bomb made from gunpowder, but authorities discovered the plot. In October 1667, at the behest of King Charles II, Massachusetts became the first colony to designate November 5 as an official holiday called Pope's Day. New Englanders substituted Fawkes with an effigy of the Pope as well as included an effigy of the devil—visually and symbolically linking Catholicism with arbitrary power. The holiday celebrated the triumph of Protestantism over Catholicism, which was central to an English identity. It spread throughout the colonies, helping to reaffirm imperial ties and helping to anglicize Dutch, Germans, and other ethnic groups. During the Exclusion Crisis, November 5 in both England and North America took on anti-Stuart overtones by targeting the Catholic James Stuart, the Duke of York and heir to the English throne. After the Glorious Revolution, which deposed the now King James II, the celebration took on even more anti-Stuart and anti-Catholic connotations. It also helped to legitimize two successions of foreigners to the English throne—the Dutch House of Orange in 1689 and the German House of Hanover in 1714—based on their Protestantism. After the death of James II in 1701, colonists first in Boston incorporated an effigy of the Pretender—James Francis Edward Stuart, the son of James II and known by his Jacobite supporters as King James III. The practice grew popular in both England and North America especially after the First Jacobite Rebellion in 1715 when James III and his supporters took advantage of the uncertainty over the Hanoverian succession and invaded

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description also appeared in “NEW-YORK. November 4,” *New-York Mercury* (Published as *No Stamped Paper to be had*), November 7, 1765.

Scotland and England. Pope's Day was a constantly evolving celebration, which incorporated different rites and symbols depending on political and religious circumstances.<sup>29</sup>

On November 1, New Yorkers infused the Pope's Day iconography with their own symbols to make their message more effective and clear. Instead of the Pope, demonstrators incorporated effigies of Lord Bute, Prime Minister George Grenville, and Lt. Governor Colden. The crowd placed an effigy of the devil next to Colden, linking the agent of the Stamp Act with the agent of hell. This imagery also symbolized the struggle between good and evil, liberty and arbitrary power. The demonstrators also connected Colden with the Jacobites, the supporters of the tyrannical Stuarts, by calling him the drummer of 1715. The association had no basis in fact, but was instead based on a local rumor. The demonstrators' message was clear, however. The effigies of Lord Bute and the rebel drummer symbolically linked the Stamp Act with Stuart absolutism. A ceremony that had previously helped to legitimize the Hanoverian administration now associated it with illegitimate government.<sup>30</sup>

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<sup>29</sup> Brendan McConville, *The King's Three Faces: The Rise and Fall of Royal America, 1688-1776* (Chapel Hill University of North Carolina Press, 2006), 56-63; Alfred F. Young, "English Plebian Culture and Eighteenth-Century American Radicalism," in *The Origins of Anglo-American Radicalism*, eds. Margaret Jacob and James Jacob (London: George Allen & Unwin, 1984), 198; Shaw, *American Patriots*, 15-16; and Newman, *Parades and the Politics of the Street*, 20-23. On the centrality of Protestantism to English identity, see Linda Colley, *Britons: Forging the Nation, 1707-1837* (New Haven and London: Yale University Press, 1992), Ch. 1. On the Jacobites, see Paul Kleber Monod, *Jacobitism and the English People, 1688-1788* (Cambridge: Cambridge University Press, 1989); Colley, *Britons*, 71-85; and Kathleen Wilson, *The Sense of the People: Politics, Culture and Imperialism, 1715-1785* (Cambridge: Cambridge University Press, 1995), 101-17.

After burning the effigies, the crowd was still not finished. A few of the rioters tried to get over the walls of the fort. Some even enticed the troops to fire, but the soldiers held their positions since “a great slaughter would have been the consequences.” Three hundred carpenters then “prepared to attempt to cut down the Fort Gate on the first Shot fired.” When the siege was over, the crowd “proceeded,” according to the *Mercury*, “with the greatest Decency and good Order to Vaux-Hall,” the home of Major James. The rioters viewed the major as “over officious in his Duty” to protect the stamps. This comment was in regards to the defensive preparations at the fort. The crowd broke into the major’s house and completely turned it upside down, breaking windows, shutters, wine casks, plates, furniture, and books. The crowd took these possessions and burned them in a giant bonfire “to the great Satisfaction of every Person present.” Montresor estimated the property damage at £1500; Major James, himself, estimated the damage at £2000. Lastly, demonstrators obtained “permission to toll the Bells” of various churches “except the [C]hurch of England, which they broke into & tolled the bells beginning at 1/2 after Nine.” Montresor suggested that those causing the trouble in the city were not good Englishmen, but Scotsmen, Germans, Dutchmen, and other ethnicities that populated the multicultural port city. The riot did not end until around four in the morning.<sup>31</sup>

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<sup>30</sup> On the local rumor that Cadwallader Colden was a Jacobite, see Lemisch, *Jack Tar Vs. John Bull*, 109-10, n62.

<sup>31</sup> *Montresor Journals*, 337; “Major Thomas James to Colden, November 6, 1765,” *Colden Papers*, 89-90; and “New-York, November 4,” *New-York Mercury* (published as *No Stamped Paper to be had*), October 28, 1765. The same description also appeared in “NEW-YORK. November 4,” *New-York Mercury* (Published as *No Stamped Paper to be had*), November 7, 1765.

The following night, a crowd again assembled outside Fort George. A rumor had circulated throughout the city that the Lt. Governor had designated himself the distributor of the stamps. The crowd intended to force Colden to turn the stamps over to them or promise not to distribute them. Before the crowd could speak, however, “the Minds of the People were eas’d” when a message was called out from the fort: “THE Lieut. Governor declares he will do nothing in Relation to the Stamps, but leave it to Sir Henry Moore [the new governor], to do as he pleases on his Arrival.” The Common Council had decided on this course of action earlier in the day, since it believed it was not within Colden’s power to appoint a new distributor.<sup>32</sup>

While the Lt. Governor and Council members had decided not to distribute the stamps, they believed that due to recent events the stamps were unsafe in Fort George. They also knew that any attempt to defend the fort would most likely lead to someone getting killed, which would spark a major rebellion in the city. On November 4, Lt. Governor Colden asked Captain Archibald Kennedy to place the stamps on his warship located in New York Harbor. In a letter, Kennedy refused, claiming the fort was good enough and attempting to move the stamps was more dangerous. The next day, the Lt. Governor and Council members, still wishing to get the stamps off their hands, decided to turn over the New York stamps to the City Corporation, which would place the stamps under guard at City Hall. By relinquishing the stamps to the City Corporation, the

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<sup>32</sup> “Council Minutes, November 2, 1765,” *Colden Papers*, 64-66; and “New-York, November 4,” *New-York Mercury* (published as *No Stamped Paper to be had*), October 28, 1765. The same description appeared in “NEW-YORK. November 4,” *New-York Mercury* (Published as *No Stamped Paper to be had*), November 7, 1765.

provincial government also placed the financial responsibility on the city government, and therefore the city's taxpayers if the crowd did succeed in destroying the stamps.<sup>33</sup>

November 5 was also Pope's Day and during the day "Advertisements and many papers [were] placarded throughout this city declaring the storming of the Fort this Night under the cover of burning Pope and pretender unless the Stamps were delivered." Yet, the stamps were moved. Five thousand inhabitants watched the procession of carts containing the seven boxes of the stamps being transferred from Fort George to City Hall. With the stamps removed from the fort, the night's promised riot did not occur.<sup>34</sup>

The next day an anonymous person or group tacked a letter on the Merchants' Coffee-House. The letter announced, "We have entirely accomplish'd all we wanted in rescuing the Stamps from the Hands of our inveterate Enemy." It also stated that if the stamps were "lodged in the Hands of these our Representatives (as they now are) we would be quiet & no Harm should be done, the Honour & Credit of the City lie at Stake, & shall we ruin our own Credit?" The ensuing peace, the letter continued, would "prove that we have acted, not as a Mob, but as Friends to Liberties & be as strong an Argument as we can use to obtain a Repeal of the Stamp Act."<sup>35</sup>

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<sup>33</sup> "Archibald Kennedy to Colden, November 2, 1765," *Colden Papers*, 86; *Montesor Journals*, 338-39; "Council Minutes, November 5, 1765," *Colden Papers*, 67-68; "Thomas Gage to Colden, November 5, 1765," *Colden Papers*, 70; and "Joseph Allicocke to John Lamb, November 21, 1765," Lamb Papers, Reel 1. See also Neil R. Stout, "Captain Kennedy and the Stamp Act," *New York History* XLV (January 1964): 44-58.

<sup>34</sup> *Montesor Journals*, 338-39.

<sup>35</sup> [Anonymous], "To the Freeholders & Inhabitants of the City of New York, November 6, 1765," *Colden Papers*, 91.

Over the next several weeks, it appeared that normalcy had returned to New York City. Major James sailed to England compelled by the destruction of his home and threats against his life. Officials began blaming lawyers for inciting the riots. Montresor noted, “The lawyers deemed by the people here to be Hornets and Firebrands of the Constitution. The Planners and Incendiaries of the present Rupture.” This was a reference to the Livingston faction. Other officials wondered if the aims of the crowd had really been the public good or just an excuse to loot houses. On November 13, Sir Henry Moore, the new governor, finally arrived. Moore even tried to work with Isaac Sears, a leader of the riots, to “preserve the peace.” The peace would prove, however, to be short lived.<sup>36</sup>

### **The Sons of Liberty**

By late November 1765, New Yorkers formed their own chapter of the Sons of Liberty. Over the next several months, it became quite clear to the city and province’s ruling elite who ruled the streets. Captain John Montresor noted, “The Sons of Liberty as they term themselves, openly defying powers, office and all authority sole rulers,” and he suspected that they secretly controlled the press. The Sons of Liberty, also called Liberty Boys, began to coordinate protests and demonstrations as well as forge local policy aimed at nullifying the Stamp Act. They used print advertisements to threaten and intimidate public officials, in particular Lt. Governor Cadwallar Colden, connected with the act. The Sons of Liberty also enforced the merchants’ non-importation agreement and tried to

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<sup>36</sup> *Montresor Journals*, 339-40; and “Alexander Colden to Colden, November 1765,” *Colden Papers*, 94.

convince lawyers to conduct their business without stamps. As the Sons of Liberty increased their authority and power, they became the rulers of the streets.<sup>37</sup>

The Sons of Liberty, however, very quickly began to bicker amongst themselves. Two rival political families—the Livingstons and DeLanceys—attempted to exert control over the organization. Evidence suggests that the Sons of Liberty first sided with the Livingston faction, which had controlled the General Assembly since 1761. The principal leaders of the Livingston faction were Justice Robert R. Livingston, William Livingston, John Morin Scott, and William Smith, Jr. All four men were members of the legal profession and active in provincial and city politics. When city officials hypothesized that lawyers were secretly leading the riots, they were referring to these men. The four lawyers also worked quite closely with Alexander McDougall, a ship captain and Scotsman who attended the Wall Street Presbyterian Church with them. As men of law, the Livingston lawyers opposed crowd actions and so it was unlikely they were the architects behind the Stamp Act riots. In all likelihood, they probably had an uneasy alliance with crowd leaders and radicals Isaac Sears, John Lambs, and Joseph

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<sup>37</sup> *Montresor Journals*, 342-43, 346, 349, 352; and *New-York Mercury*, December 9, 1765. For information on the New York City Sons of Liberty, which is now somewhat dated, see Henry B. Dawson, *The Sons of Liberty in New York* (Poughkeepsie, 1859; reprint, New York: Arno Press and the New York Times, 1969); Carl Lotus Becker, *The History of Political Parties in the Province of New York, 1760-1776* (Madison: University of Wisconsin Press, 1909; reprint, Madison: University of Wisconsin Press, 1960), Ch. 2; Robert Jay Christen, “King Sears: Politician and Patriot in a Decade of Revolution” (Ph.D. diss., Columbia University, 1968); Roger J. Champagne, “The Sons of Liberty and Aristocracy in New York Politics, 1765-1790” (Ph.D. diss., Wisconsin, 1961); Roger Champagne, “The Military Association of the Sons of Liberty,” *New-York Historical Society Quarterly* XLI (July 1957): 338-50; Roger J. Champagne, “Liberty Boys and Mechanics of New York City, 1764-1774,” *Labor History* 8 (Spring 1967): 115-35; and Roger J. Champagne, *Alexander McDougall and the American Revolution in New York* (Schenectady: Union College Press, 1975). For evidence that the Sons of Liberty might have organized during the initial Stamp Act riots, see “Joseph Allicocke to John Lamb, November 21, 1765,” Lamb Papers, Reel 1.

Allicocke. By the end of November, however, the coalition between the Livingston faction and radicals fell apart.<sup>38</sup>

On Tuesday, November 26, the Sons of Liberty led by Sears organized a meeting at George Burn's City Arms Tavern to discuss instructions for New York City and County's representatives to the General Assembly. Sears wanted the representatives to support "a Method for carrying on Business without Stamps." He and his radical supporters contended, "[T]he discontinuance of business itself is a sort of admittance of the legality of the Stamp-Act, and has a tendency to enforce it." Therefore, "if the Stamp-Act, as being unconstitutional, was entirely disregarded, and business went on as usual, it is plain it would never take place here." Sears also intended for the meeting to bring the lower sorts into the local political process. The Livingston faction disagreed with the radicals' agenda of crowd actions, extralegal meetings, and conducting business without stamps. The day before the gathering, Livingston members began pulling down advertisements for the meeting, but the radicals quickly replaced the placards. Once it discovered that it could not prevent the gathering, the Livingston faction decided to take

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<sup>38</sup> Becker, *Political Parties*, 26; Champagne, "Liberty Boys," 119-24; and Champagne, *Alexander McDougall and the American Revolution in New York*, 13-15. Dillon suggests there is no evidence of the Livingston faction—in particular, Livingston, Smith, and Scott—being involved with the Stamp Act riots or the early leadership of the Sons of Liberty (*The New York Triumvirate*, 95-96). Joseph Allicocke was the brother-in-law of John Lamb. His ethnic and racial background is in dispute. He was probably of Irish descent, but Captain John Montresor wrote in his journal that Allicocke's mother was a mulatto (*Montresor Journals*, 368). Montresor was perhaps repeating a rumor or looking to tarnish Allicocke's reputation. See Donald A. Grinde, Jr., "Joseph Allicocke: African-American Leader of the Sons of Liberty," *Afro-Americans in New York History and Life* 14 (July 1990): 61-69; and Tiedemann, *Reluctant Revolutionaries*, 168-69.



over the meeting by appointing a committee and writing its own set of instructions—none of which accomplished the radicals’ aims.<sup>39</sup>

Even with their alliance frayed, Sears still attempted to convince Livingston, Scott, and Smith to carry out their legal business without stamps. On December 6, the Sons of Liberty held a meeting on the Green and appointed a committee, which included the Livingston faction’s rival James DeLancey, “to wait on the Gentlemen of Law” and convince “them to follow Business as usual, without paying any Regard to the Stamp Act.” The lawyers refused, however, and continued not to conduct business. Their refusal to support the radical tactic would come back to haunt the Livingston faction during the election campaign of 1768. After this and previous incidents, Sears and his radical allies became frustrated with the Livingstons and switched their allegiance to the rival DeLancey faction. This new coalition would last several years and effectively split the Sons of Liberty between radicals (e.g., Sears, Allicocke, and Lamb) who supported the DeLancey faction and moderates (e.g., McDougall) who supported the Livingston faction.<sup>40</sup>

Even with factionalism within their midst, the Sons of Liberty continued to apply pressure on the distributors of the stamps and other stamp agents. On November 28, between two and three hundred Liberty Boys took the ferry from Manhattan Island to

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<sup>39</sup> *New-York Mercury*, December 2, 1765; Isaac Sears, “[Letter to Mr. Holt],” *New-York Journal*, May 10, 1770; Champagne, “Liberty Boys,” 121; Becker, *Political Parties*, 37-39; and L. Jesse Lemisch, “New York’s Petitions and Resolves of December 1765: Liberals vs. Radicals,” *New-York Historical Society Quarterly* XLIX (October 1965): 313-26.

<sup>40</sup> *New-York Mercury*, December 9, 1765; Isaac Sears, “[Letter to Mr. Holt],” *New-York Journal*, May 10, 1770; and Champagne, “Liberty Boys,” 121. On the election of 1768, see Chapter Two.

Long Island in search of Zechariah Hood, who had fled from Maryland, where he was the distributor of stamps. The Sons of Liberty quickly located Hood in Flushing, Queens County, and “obliged him to resign his Office.” If he refused, they threatened to bring Hood “from Town to Town with Labels in his Breast, ‘til safe-deliver’d up in Maryland.” The notion of returning to Maryland put the fear of God in Hood. The *New-York Gazette* noted, “It appears however, that he [Hood] was more in Dread of his own Countrymen, then he was of the exasperated Multitude about him.”<sup>41</sup>

Hood quickly complied with the Sons of Liberty’s request and began his public performance of repentance for supporting the Stamp Act. In front of his audience, Hood recited his speech of resignation. First, he denounced the act as being unconstitutional. The act was “replete with Ruin to the Constitution of Great-Britain and the American Colonies, and therefore odious and detestable to all his Majesty’s free and loyal Subjects.” Second, Hood gave his official resignation; “I Do, hereby, with the most Cheerfulness and Willingness promise to resign the said Office of Distributor of Stamps.” With his speech complete, the Sons of Liberty thanked him for his “Politeness and Humanity” and absolved him of his role as distributor of stamps. Hood appeared distraught after his speech and desired that “his Countrymen had showed him the same Humanity, but above all Things wish’d to be upon good Terms with them.” Lastly, the Sons of Liberty invited Hood to a celebration in his honor, “but [he] excused himself, and said he was in such a Frame of Body and Mind that he should be unhappy in Company.” The Liberty Boys remained and drank “Many Constitutional Toasts” well into the night.

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<sup>41</sup> “New-York, December 2,” *New-York Mercury*, December 2, 1765; “NEW-YORK, Dec. 9,” *New-York Gazette*, December 9, 1765; and *Montresor Journals*, 340.

The following day, they returned to the city “carrying the Flag of Liberty, with the Words Liberty, Property, and no Stamps.”<sup>42</sup>

Two nights later on November 30, the Sons of Liberty turned their attention to another stamp agent, Simon Metcalf. They had discovered that he had been appointed an inspector of stamps and therefore wanted to get him to resign and swear an oath similar to Hood’s in front of a magistrate. Metcalf readily complied with the Sons of Liberty’s request. At a meeting that same Saturday night, the Sons of Liberty also decided that James McEvers needed to sign an official “Declaration of his Refusal” to fulfill his duties as stamp distributor, even though he had resigned several months earlier. On the following Monday afternoon, December 2, McEvers signed the declaration in front of Isaac Sears and Joseph Allicocke. Around the same time, the Sons of Liberty got Peter DeLancey to sign a letter resigning his post as an inspector of stamps before a number of witnesses.<sup>43</sup>

These incidents form a ritual of resignation. First, the Sons of Liberty called out the perpetrator and asked him publicly to resign. Second, they absolved the perpetrator and perhaps even feted him. The Sons of Liberty were carrying out public justice and fulfilling a role to the citizens of New York that their own officials would not do—to ensure that the Stamp Act did not go into effect. Through these incidents of extralegal

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<sup>42</sup> “NEW-YORK, Dec. 9,” *New-York Gazette*, December 9, 1765; and “New-York, December 9,” *New-York Mercury*, December 9, 1765.

<sup>43</sup> “NEW-YORK, Dec. 9,” *New-York Gazette*, December 9, 1765; “New-York, December 9,” *New-York Mercury*, December 9, 1765; and “New-York, December 2,” *New-York Mercury*, December 2, 1765.

justice, the Sons of Liberty strengthened their authority and challenged the legitimate governmental authorities of both the city and province.

On the night of December 21, a city magistrate, an officer, and forty members of the city militia were guarding the stamps at City Hall. At some point during the evening, the militiamen took a vote on burning the stamps. Thirty-five voted in favor of destroying the stamps. A crowd, however, had gathered at City Hall and burned the stamps while the militiamen watched. On January 7, 1766, the Sons of Liberty stole and burned the stamps from a recently arrived ship called the *Polly*. Several days later, advertisements praised the actions of “those sons that Burnt the Stamps the other night.” With the New York stamps destroyed, Governor Sir Henry Moore announced that he would start distributing the Connecticut stamps held in Fort George. By January 14, Moore had still not found any volunteers to distribute the stamps, which was unsurprising since “Death is to be the portion of the Receiver menaced by the Sons of Liberty.” Due to the burning of the stamps, the relationship between the provincial and city governments became increasingly strained. Governor Moore blamed the City Corporation for the incident and stated that if city officials did “not preserve the Peace of this Province he will,” which meant obtaining troops from General Thomas Gage.<sup>44</sup>

On January 7, the Sons of Liberty held a large meeting at William Howard’s Tavern to discuss the Stamp Act. They agreed to uphold the English Constitution and loyalty to King George III when resisting the act. They drew up five resolves, which were printed in the city’s newspapers. First, they swore to “venture our Lives and

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<sup>44</sup> *Montresor Journals*, 343, 345-46; and Lemisch, *Jack Tar Vs. John Bull*, 99-100.

Fortunes” in order to thwart the Stamp Act from being implemented in the city and province. Second, those who used the stamps would “incur the highest Resentment of this Society, and be branded with everlasting Infamy.” Third, the organization would protect those “who carry on Business as formerly, on unstamped Paper.” Fourth, they would not publish or circulate information about “the private Character of any Person,” except for their involvement with the Stamp Act. Fifth, they would use their “Power [to] maintain the Peace and good Order of this City, so far as it can be done consistently with the Preservation and Security of our Rights and Privileges.” In February, the Sons of Liberty added a sixth resolve: to help those in other provinces oppose the Stamp Act. The resolves demonstrated that the Sons of Liberty viewed themselves to be in charge of the city. By offering their protection, the organization's encouragement not to use the stamps was an attractive and forceful argument, especially considering that the Sons of Liberty were the ones organizing and carrying out the violence and opposition.<sup>45</sup>

At the end of January, a vessel arrived from England with thirteen packages of stamps, which the City Corporation took into custody at City Hall. The Sons of Liberty decided a few days later that if Governor Moore received instructions from England to distribute the stamps, they would destroy the stamps located in City Hall as well as the Connecticut stamps in Fort George. Moore did receive instructions to enforce the Stamp Act. When he met with the Common Council on February 5, its members were not so sure that the instructions could be enforced. Governor Moore replied “that nevertheless it

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<sup>45</sup> “New-York, January 13,” *New-York Mercury*, January 13, 1766; and “NEW-YORK, February 24,” *New-York Mercury*, February 24, 1766.

was their duty to use their endeavour towards it and to be assisting to him to execute his Majesty's orders."<sup>46</sup>

New Yorkers remained determined to continue their protests. In January and February, there were even several instances of children parading in the streets with effigies and candles, imitating their adult counterparts. Montresor disapprovingly noted, "Children nightly trampouze the Streets with lanthorns upon Poles & hallowing but allowed of, the [City] Magistracy either approve of it, or do not dare to suppress it tho children." On February 6, Montresor was happy to note that authorities finally broke up an effigy procession of roughly three hundred boys.<sup>47</sup>

The Sons of Liberty continued to conduct meetings and oppose those connected to the Stamp Act. At a meeting on the evening of February 13 around 10 o'clock, members received a letter from a Son of Liberty in Philadelphia. The letter expressed "the utmost Grief and Astonishment" that a stamped Mediterranean shipping pass and bond from a city merchant had arrived in Philadelphia. To discuss the situation, the Sons of Liberty went to the homes of Charles Williams, the Customs House agent who issued the stamped pass and bond, and Lewis Pintard, the merchant who sent the pass and bond to Philadelphia. On February 14, Isaac Sears, Joseph Allicocke, John Lamb and other Liberty Boys brought the two men to the Merchants' Coffee-House, where soon a crowd of two thousand gathered, including "most of the principal men in Town." In his oath, Pintard swore that he did not know the bonds were stamped. He further stated that he

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<sup>46</sup> *Montresor Journals*, 348-49.

<sup>47</sup> *Montresor Journals*, 346, 349. On children and crowd actions, see Natalie Zemon Davis, "The Reasons of Misrule: Youth Groups and Charivaris in Sixteenth-Century France," *Past and Present* 50 (February 1971): 41-75.

detested and abhorred the act, and that “he was one of the first Merchants that sent out his Vessels and Property from this Port, since the First of November last, with unstamped Clearances.” The Sons of Liberty had him burn the stamps in front of the huzzaing crowd, which had swelled to five thousand. Soon the rest of the shipping passes and bonds were also burned “in the Presence of a Multitude of Spectators.”<sup>48</sup>

By the evening, the crowd was not as satisfied with the two men’s apologies. For the first time, the Sons of Liberty lost control of the crowd, which descended on Williams’s home, broke down the door, and proceeded to smash his furniture. After this destruction, the crowd arrived back at the Merchants’ Coffee-House where they huzzaed and made a great deal of noise. The next day, the men were targeted again. A crowd brought Williams and Pintard to the Common “with an intent of being pilloried” in front of several thousand residents, but local religious officials put a stop to this. Tony and Daly, two ship’s carpenters, were the alleged instigators of this crowd action and, according to Montresor, they “as well as some others can either raise or suppress a Mob instantly.” Williams and Pintard again asked for forgiveness and “declared their Sorrow for what they had done.” This final repentance appeared to satisfy the crowd.<sup>49</sup>

The Sons of Liberty also continued to conduct effigy processions. On March 5, they planned an effigy demonstration, but it rained. When the weather cleared up the

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<sup>48</sup> *Montresor Journals*, 349; “NEW-YORK, February 10,” *New-York Mercury*, February 17, 1766; *New-York Gazette*, February 17, 1766; and “John Holt to Mrs. Benjamin Franklin, February 15, 1766”; quoted in Morgan and Morgan, *Stamp Act Crisis*, 195.

<sup>49</sup> “John Holt to Mrs. Benjamin Franklin, February 15, 1766”; quoted in Morgan and Morgan, *Stamp Act Crisis*, 195-96; and *Montresor Journals*, 350.

next day, a large crowd marched in the streets with a “representation of the Lieut Governor mounted on a Cannon drilling the vent.” A few days later on March 11 during a procession, the crowd stopped at the “[Military] Head Quarters where they have 3 cheers, the Commr in chief [General Thomas Gage] and several officers being present and the mob not finding that they joined in the Huzza &c told them—that they would have their Hats off yet before they were done with them.” A week later, the Liberty Boys planned on conducting a procession with an effigy of Sir Jeffrey Amherst, who they blamed for increasing the troops in British North America to enforce the Stamp Act. They considered building a statue of William Pitt at Bowling Green, where the crowd had burned Lt. Governor Colden’s chariot during the November 1 riots. They also proposed renaming the area “Liberty Green.”<sup>50</sup>

Beginning in the winter of 1765 and 1766, the Sons of Liberty targeted a new adversary—the captains and crews of British warships. They targeted this group for two reasons. First, they were upset with the warships stopping merchants’ ships with no stamps. Second, with the warships and their crews wintering in the city, many of the sailors took jobs at the city’s dockyards, often for less money, causing them to undercut and decrease wages for New Yorkers in an already tight economy.<sup>51</sup>

The Sons of Liberty sent Isaac Sears and Joseph Allicocke to the *Garland* on the night of March 19. Lieutenant Hallam, a crewmember, had insulted printer John Holt stating that if he was “in England [he] would be hanged for the licentiousness of his Paper.” He had also stated that the “Proceedings in those of America, where similar to

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<sup>50</sup> *Montresor Journals*, 351-53.

<sup>51</sup> *Montresor Journals*, 343-44, 346.



the Rebellion in Scotland in the year 1745.” In effect, Hallam turned the tables on the radicals by linking the resistance movement with Jacobitism. Sears and Allicocke wanted the lieutenant to sign a statement renouncing his comments. Hallam told the two men to leave. In response, “The Rabble cry’d out ‘bring the Lieut. ashore with a Halter about his neck.’” The next day the Sons of Liberty gathered at the *Garland* and planned to storm the ship if the lieutenant was not handed over to them “for that they, the Sons of Liberty, were resolved to murder him.” After this incident, the ships of war began stocking up on gunpowder and cartridges. For the third day in a row, the Sons of Liberty assembled at the wharf intending to attack the warships. When they found the defenses of the warships increased, they decided not to go through with their plan. For the remainder of his stay in the city, Hallam confined himself to the warship due to the threats against his life.<sup>52</sup>

On St. Patrick’s Day, March 17, the city’s Irish population celebrated the holiday with “Fifes and Drums.” Taking advantage of the day, the Sons of Liberty turned it into a political statement. While Protestants did not celebrate St. Patrick’s Day, this may have been an opportunity to suggest that, if the public did not watch out for their rights and liberties, North America may well become subjugated like Ireland. The *Mercury* reprinted a series of toasts from Edward Bardin’s Tavern, a haunt of those who had sided with DeLancey.

1. THE King and Royal House of Hanover.
2. The Governor and Council of the Province.

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<sup>52</sup> *Montresor Journals*, 354-55; John Abeel, “Deposition, March 19, 1766,” Lamb Papers, Reel 1; Isaac Sears, et. al., “Deposition, March 20, 1766,” Lamb Papers, Reel 1; and Norman [?], “Deposition, March 20, 1766,” Lamb Papers, Reel 1.

6. Success to the Sons of Liberty in America, may they never want Money, Interest, nor Courage to maintain their just Rights.
7. Mr. Pitt.
12. May all Acts of Parliament, contrary to the American Interest be laid aside.
13. Success to the American Manufactures.
14. May the true Sons of Liberty never want Roast Beef nor Claret.

Early American toasts were particularly telling since they provided insight into public opinion. The St. Patrick's Day toasts give insight into the city's fledgling resistance movement. Opponents of the Stamp Act remained loyal to the King, Parliament, and provincial government, while simultaneously criticizing governmental policies.<sup>53</sup>

The provincial government, however, did not view the Sons of Liberty as a loyal organization. Governor Moore increased the number of troops in the city. For Montresor, it was about time; "The Governor Sir Harry [Henry] Moore never has interfered during all the tumults and disturbances which the Rabble deem a sufficient Sanction for them and so daily pursue their disloyal Irregularities; having never till now, ever had the shadow of Opposition to present itself against them." The arrival of troops actually exasperated violence for a brief period. On March 31, five Sons of Liberty attacked an officer at the Common from behind. They beat the officer, Montresor alleged, "unmercifully and broke his sword, which he had drawn in Defence."<sup>54</sup>

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<sup>53</sup> "NEW-YORK, March 24," *New-York Mercury*, March 24, 1766; Benjamin L. Carp, *Rebels Rising: Cities and the American Revolution* (Oxford and New York: Oxford University Press, 2007), 92; and Newman, *Parades and the Politics of the Street*, 30-31. For a succinct discussion of English imperialism in Ireland, see Nicholas Canny, "The Ideology of English Colonization: From Ireland to America," *William and Mary Quarterly* 30 (October 1973): 575-98.

<sup>54</sup> *Montresor Journals*, 354, 356-57. This was not the first incident between the Sons of Liberty and a soldier. On December 1, 1765, a Son of Liberty and member of the Royal Artillery had gotten into a fight between the hours of eleven and twelve at night at

The last and perhaps strangest of the New York City crowd actions against the Stamp Act occurred on May 5, between ten and eleven at night. With permission from the local government, a traveling comedy troupe was performing George Farquhar's *The Twin Rivals* at the Chapel Street Theater. The Sons of Liberty, however, had decided a month earlier that the performance should not take place. A few New Yorkers had even burned playbills and stamps as a sign of protest. At the beginning of the second act, the Sons of Liberty stormed into the playhouse, extinguished the lights, and began picking pockets, "stealing watches, throwing Brick Bats, sticks and Bottles and Glasses, crying out Liberty, Liberty." Next, they began dismantling and pulling down the theater. To flee the chaos in the playhouse, the theatergoers jumped out of windows and fled through the door, leaving behind hats, wigs, cloaks, and other possessions. During the incident, one male actor, who was playing a woman, "being caught in the She-Dress, was soon turn'd topsey turvery and whipped for a considerable Distance." The Sons of Liberty brought some pieces from the dismantled theater to the Common and burned them, which was done "to the Satisfaction of many at this distressed Time, and to the great Grievance of those less inclined for the Publick Good." Throughout the whole incident, many were injured, including one boy who "had his Skull fractured" and probably died from the injury.<sup>55</sup>

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the Liberty Boy's home. The Son of Liberty "was turned out of Doors, but being followed by the former, with repeated Blows, the Artillery-Man stabbed" the Son of Liberty "with a Boyonet in the Left Side." Two days later, the man died from the stab wound. See "NEW-YORK, Dec. 9," *New-York Gazette*, December 9, 1765; and *Montresor Journals*, 341.

<sup>55</sup> *Montresor Journals*, 358, 364; and *New-York Gazette*, May 12, 1766. *The Twin Rivals* (1702) is reprinted in George Farquhar, *The Complete Works of George Farquhar*, ed. Charles Stonehill (New York: Gordian, 1967).

### “A Most Hideous Din”

From late March to May 1766, numerous reports and rumors flooded the city that the British Parliament had repealed the Stamp Act. Most of these rumors turned out to be false. As early as December 1765, members of Parliament began considering the repeal of the Stamp Act, because non-importation had resulted in a trade loss of £700,000 and provincials had destroyed £40,000 worth of stamps. In a demonstration of their authority, the Sons of Liberty declared that if the act was rescinded they “will insist and are determined on it to have every restriction of trade taken off.”<sup>56</sup>

On April 25, Captain Goodrich arrived in New York Harbor with the first substantial news that Parliament had repealed the Stamp Act. At the Merchants’ Coffee-House, patrons took up a collection to show their appreciation to the captain. “Many streets were illuminated and squibs and firing of muskets ensued and Captain Sears a principal Ringleader of the sons of Liberty went to the Rector and the several Ministers of the places of worship here to order them to ring their Bells at 3 o’clock the next morning.” The Sons of Liberty also had William Pitt’s speech against the Stamp Act reprinted and distributed.<sup>57</sup>

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<sup>56</sup> *Montresor Journals*, 358, 360. For announcements of repeal or discussion of Parliament, see “NEW-YORK, April 7,” *New-York Mercury*, April 7, 1766; *Montresor Journals*, 355, 358-59, 361; “NEW-YORK, April 14,” *New-York Gazette*, April 14, 1766; “NEW-YORK, April 21,” *New-York Gazette*, April 21, 1766; and “NEW-YORK, March 30,” *New-York Gazette*, March 31, 1766. On the December discussion in Parliament, see “BOSTON, February 17: Extract from a Letter from a Gentleman in London, dated Dec. 22, 1765,” *New-York Gazette*, February 24, 1766; “NEW-YORK, February 3,” *New-York Gazette*, February 3, 1766; and “LONDON,” *New-York Gazette*, February 21, 1766.

<sup>57</sup> *Montresor Journals*, 362.

Throughout the night and into the early morning, Montresor complained, “*All the Bells of this place rung and having no peal made a most hideous Din.*” His statement was reflective of his true feelings about the celebrations. At eight o’clock the next morning the *Packet* arrived. The Sons of Liberty informed the captain that prior to coming ashore he must tell them if the act was repealed. The captain “answered in the affirmative, adding *Totally.*” The Sons of Liberty took the captain and “fixed him in a chair and carried him and the mail to the Post Office with great acclamations of joy, cheering him all the way. The bells still ringing.” The celebration was cut short, however, when New Yorkers discovered that the repeal had only gone through two readings of Parliament and not the third. For legislation to take effect, it must go through three readings within Parliament. “The Bells were immediately silenced and great discontent ensued owing to their having been so premature in their rejoicings.”<sup>58</sup>

For the next month, a great ambivalence settled over the city regarding the Stamp Act. On May 20, the city finally received official news from both Boston and Philadelphia that Parliament had repealed the act on March 18. While Parliament had not conceded to any of the provincial arguments against taxation, they had conceded to London merchants who were hurt by the non-importation agreements. Once the news was announced, there was “The hideous Din of Several Single Bells.” Hundreds of boys ran through the streets with makeshift flags and shouting huzza. Printers produced flyers that proclaimed “Glorious news for America and no more Shim Shams.”<sup>59</sup>

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<sup>58</sup> *Montresor Journals*, 362.

<sup>59</sup> *Montresor Journals*, 367-68.

The next day, the bells began ringing at dawn. Merchants and shopkeepers closed for the festivities. The Sons of Liberty “could not withhold any longer their Open and Liberal Rejoicings” and decided that the city would be illuminated. They also decided to demonstrate “Gratitude” to King George III, William Pitt, and other British supporters. Montresor noted that the city was not lit up near the residences of military and naval officers. The Sons of Liberty held their festivities at the “Field of Liberty” or the Common. A board was placed on a flagpole that read “George 3<sup>rd</sup>, Pitt—and Liberty.” At one o’clock, there was a twenty-one-gun salute for the king—though Montresor speculated that it was really for Joseph Allicocke. The Sons of Liberty and City Corporation sponsored two bonfires on the Common. Afterwards, the Sons of Liberty went to William Howard’s Tavern for “an elegant Entertainment” and “a Band of Musick.” After the meal, they “cheerfully drank” twenty-eight toasts, which demonstrated their opinions and sentiments surrounding the repeal of the Stamp Act.

1. THE KING.—a Royal Salute repeated, and each of the succeeding with 7 Guns.
4. Sir Henry Moore, and the land we live in.
6. The Mayor and Corporation of this City.
7. Mr. PITT, the Guardian of AMERICA.
24. Mr. Wilkes.
26. Perpetual Union between G. Britain and her Colonies.
28. All true Sons of Liberty in AMERICA.

The “Night ended in Drunkenness, throwing of Squibbs, Crackers, firing of muskets and pistols, breaking some windows and forcing off the Knockers off the Doors. A large Mob of the Sons of Liberty went to the Fort to congratulate the Governor, three of which, drunk as they were, had admittance.”<sup>60</sup>

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<sup>60</sup> “NEW-YORK, May 26,” *New-York Gazette*, May 26, 1766; “New-York, May 26,” *New-York Mercury*, May 26, 1766; and *Montresor Journals*, 368.

On May 25, Major Thomas James arrived back in New York City from England. The Sons of Liberty announced that they would pull down his house if he tried to live in it. Anonymous residents began circulating letters “threatening the Assembly should they indemnify Major James, as looking on him as an authorized beggar.” Further news was also brought confirming repeal. Governor Sir Henry Moore went to the Merchants’ Coffee-House to announce publicly the news. Montresor sarcastically commented that with repeal the Sons of Liberty were “Divesting themselves of their Home spun clothes, and supposed only to remain with Homespun hearts.”<sup>61</sup>

A few days later, on June 4, another celebration was held; this one in honor of King George’s birthday. From Fort George, the Common, and several ships in the harbor, guns were fired in honor of the king. Residents roasted two oxen at the Common. A flag was raised with the same board from the May 21 celebration, declaring “‘George, Pitt and Liberty.’ The word Pitt the most distinguished.” At the Common, citizens drank beer and grog at makeshift tables. Provincial and military officials dined and toasted the king at George Burn’s City Arms Tavern. King George’s birthday celebration demonstrated how New Yorkers quickly transformed from participating in crowd actions resisting imperial policy to celebrations in honor of the king—thus, reconnecting and reaffirming their place within the British Empire. The king’s birthday was also an extension of the repeal celebrations. Montresor noted, “The Town entirely illuminated as these Rejoicings for the Authenticated arrival of the Repeal of the Stamp Act and the

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<sup>61</sup> *Montresor Journals*, 369-70.

Kings Birth day were to be blended in one Festival.” The Stamp Act crisis began with the rites of resistance, but ended with the rites of loyalty.<sup>62</sup>

Although a simple shift in imperial policy, the Stamp Act had profound and complex consequences for those living in mainland British North America. Parliament’s passage of the act began the resistance movement in New York City. As in other locales, the city’s resistance movement was limited in scope. Participants were attempting to purge the British political system of corruption and arbitrary power. Through the use of crowd actions, they were trying to protect and exert their rights and liberties as Englishmen. Each crowd action was an act of political power that subverted legal authority and transmitted extralegal authority to those in the streets. The Stamp Act crisis also created a new political organization—the Sons of Liberty. Very quickly the city’s Sons of Liberty succumbed to the bitter factionalism of New York politics. The organization broke into two warring factions—each led by a rival political family. These divisions would last throughout the city’s resistance movement.

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<sup>62</sup> *Montesoro Journals*, 370-71.



## CHAPTER TWO

### “NO LAWYER IN THE ASSEMBLY!”:

#### THE LEGAL PROFESSION AND THE ELECTION OF 1768

On a winter evening in 1768, a gentleman walked alone through the New York City streets. As he passed a small tavern in the West Ward, the uproar coming from inside intrigued him. He asked a stranger in passing what was going on. The man replied, “That a dram-shop was opened, and that every Freeholder or Freeman, who was willing to part with his vote, might there meet with a purchaser.” The gentleman was immediately annoyed with “so detestable a practice.” Fuming over the idea that political corruption was going on inside, he stormed into the tavern and discovered a room filled with “a considerable number of my fellow citizens greatly heated with passion, and intoxicated with liquor.” The inn’s patrons—probably artisans and laborers—were debating “Whether a Lawyer could possibly be an honest Man?” The majority had decided a lawyer could not, in fact, be an honest man. They denounced the profession and any candidate for the election of 1768 who was a lawyer—namely, John Morin Scott.

The crowded room began to chant, “*No Lawyer in the Assembly! No Lawyer in the Assembly!*”<sup>1</sup>

In the wake of the Stamp Act Crisis, the city had remained relatively stable and calm. The quiet was suddenly shattered in early February 1768 as the city descended into a bitter, factious electoral campaign. On February 6, in accordance with the law, Governor Sir Henry Moore dissolved New York’s General Assembly. Under the Septennial Act, assembly elections were held at least once every seven years. Seven candidates quickly announced their bid for one of New York City and County’s four vacant seats. With the election beginning on the morning of Monday, March 7, the candidates did not have much time to campaign. The brief campaign that took place in February and March was one of the most contentious in the city’s history. The electoral campaign was a divisive and factious ritual of power in which candidates sought to claim the exclusive right to the symbols of authority while concurrently denigrating and undermining their opponents’ claim to these same symbols. To this end, political partisans promptly flooded the city’s public sphere with essays, broadsides, satires, and outright slander.<sup>2</sup>

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<sup>1</sup> *New-York Gazette, or Weekly Post-Boy*, February 15, 1768. The piece was also printed separately as a broadside, [Anonymous], *From Parker’s New-York Gazette, Feb. 15, 1768* (New York: James Parker, 1768), Evans 10908. On the socioeconomic demographics of the West Ward, see Edwin G. Burrows and Mike Wallace, *Gotham: A History of New York City to 1898* (Oxford and New York: Oxford University Press, 1999), 187-90.

<sup>2</sup> *New York Journal*, February 11, 1768; *New-York Gazette, or Weekly Post-Boy*, February 29, 1768; and Patricia U. Bonomi, *A Factious People: Politics and Society in Colonial New York* (New York and London: Columbia University Press, 1971), 239-46. The election of 1768 has been the subject of relatively few historical studies. See Roger Champagne, “Family Politics versus Constitutional Principles: The New York Assembly Elections of 1768 and 1769” *William and Mary Quarterly* 20 (January 1963): 57-79;

In this chapter, I examine election practices and rituals to explore three themes relating to the city's pre-Revolutionary political culture. First, I investigate how the electoral campaign of 1768 was a contest between the DeLancey and Livingston factions over who had control of the symbols of public power and authority. The city's ruling

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Bernard Friedman, "The New York Assembly Elections of 1768 and 1769: The Disruption of Family Politics," *New York History* XLVI (January 1965): 3-24; and Patricia Updegraff Bonomi, "Political Patterns in Colonial New York City: The General Assembly Election of 1768" *Political Science Quarterly* 81 (September 1966): 432-447. I agree with Champagne's contention that the General Assembly election of 1768 was primarily about the DeLancey-Livingston rivalry and not constitutional issues. Friedman posits that family politics did not play a role in the election. He instead believes radicals were manipulating the DeLancey faction. For a general look at election practices in colonial New York, see Beverly McAnear, "The Place of the Freeman in Old New York," *New York History* XXI (October 1940): 418-30; Milton M. Klein, "Democracy and Politics in Colonial New York," *New York History* XL (July 1959): 230-37; and Nicholas Varga, "Election Procedures and Practices in Colonial New York," *New York History* XLI (July 1960): 249-77.

On electioneering in early America, see Charles S. Sydnor, *American Revolutionaries in the Making: Political Practices in Washington's Virginia* (Chapel Hill: University of North Carolina Press, 1952; reprint, New York: Free Press, 1965); Edmund S. Morgan, *Inventing the People: The Rise of Popular Sovereignty in England and America* (New York: W. W. Norton, 1988), Ch. 8; Richard R. Beeman, "Deference, Republicanism, and the Emergence of Popular politics in Eighteenth-Century America," *William and Mary Quarterly* 49 (July 1992): 401-430; Alan Taylor, "'The Art of Hook and Snivey': Political Culture in Upstate New York during the 1790s," *Journal of American History* 79 (March 1993): 1371-1396; Mary P. Ryan, *Civic Wars: Democracy and Public Life in the American City during the Nineteenth Century* (Berkeley and Los Angeles: University of California Press, 1997), especially Ch. 3 and 4; David Waldstreicher, *In the Midst of Perpetual Fetes: The Making of American Nationalism, 1776-1820* (Chapel Hill: University of North Carolina Press, 1997), Ch. 4; David Waldstreicher and Stephen R. Grossbart, "Abraham Bishop's Vocation; Or, the Mediation of Jeffersonian Politics," *Journal of the Early Republic* 18 (Winter 1998): 617-57; John Gilman Kolp, *Gentlemen and Freeholders: Electoral Politics in Colonial Virginia* (Baltimore and London: Johns Hopkins University Press, 1998); and Andrew W. Robertson, "Voting Rites and Voting Acts: Electioneering Ritual, 1790-1820," in *Beyond the Founders: New Approaches to the Political History of the Early American Republic*, eds., Jeffrey L. Pasley, Andrew W. Robertson, and David Waldstreicher (Chapel Hill and London: University of North Carolina Press, 2004), 57-78.

elite maintained and manipulated these symbols within the theater of politics.<sup>3</sup> They self-consciously constructed their hegemonic authority through the semiotics of character—and, therefore, meticulously attempted to cultivate and maintain their civic virtue, reputation, morality, charity, and attention to the corporate ideal within the public eye. At all times, citizens expected their leaders to act as leaders and not deviate from that role.<sup>4</sup> Rival factions sought to weaken the opposing faction by undermining these

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<sup>3</sup> Cultural anthropologist Clifford Geertz has greatly influenced my analysis of symbols. Geertz has advanced a “semiotic concept of culture,” which views culture as “an historically transmitted pattern of meanings embodied in symbols, a system of inherited conceptions expressed in symbolic forms by means of which men communicate, perpetuate, and develop their knowledge about and attitudes toward life.” He defines a symbol as “any object, act, event, quality, or relation which serves as a vehicle for a conception.” Within a Geertzian exegesis or “thick description,” any action becomes a symbolic text to be read and deciphered—whether it is something as simple as a wink or as complex as a Balinese cockfight. See Clifford Geertz, “Thick Description: Toward an Interpretative Theory of Culture,” in *The Interpretation of Cultures: Selected Essays* (New York: Basic, 1973), 3-30; and Geertz, “Religion as a Cultural System” in *The Interpretation of Cultures*, especially 89 and 91.

The following studies inform my understanding of performance culture and its influence on power and authority: E. P. Thompson, “Patrician Society, Plebian Culture,” *Journal of Social History* 7 (Summer 1974): 387-90; Clifford Geertz, “Centers, Kings, and Charisma: Reflections on the Symbolics of Power,” in *Local Knowledge: Further Essays in Interpretative Anthropology* (New York: Basic, 1983), 121-46; Stephen J. Greenblatt, “Marlow and Renaissance Self-Fashioning,” in *Two Renaissance Mythmakers: Christopher Marlow and Ben Jonson*, ed. Alvin Kernan (Baltimore and London: Johns Hopkins University Press, 1977); Stephen J. Greenblatt, *Renaissance Self-Fashioning: From More to Shakespeare* (Chicago: University of Chicago Press, 1983); Rhys Isaac, *The Transformation of Virginia, 1740-1790* (Chapel Hill: University of North Carolina Press, 1982), especially 323-57; Sean Wilentz, ed., *Rites of Power: Symbolism, Ritual, and Politics Since the Middle Ages* (Philadelphia: University of Pennsylvania Press, 1985); Kathleen M. Brown, *Good Wives, Nasty Wenches, and Anxious Patriarchs: Gender, Race, and Power in Colonial Virginia* (Chapel Hill: University of North Carolina Press, 1998); and Kathleen Wilson, *The Island Race: Englishness, Empire, and Gender in the Eighteenth Century* (London and New York: Routledge, 2003), Ch. 4.

<sup>4</sup> In the eighteenth century, public officials were supposed to be moral, virtuous, uncorrupt, and disinterested. Individuals who demonstrated these traits made the best public officials because they watched out for the public good and created public policy

symbols within the public sphere through the utilization of slander, libel, and satire.

Often character politics also sought to exploit the anxieties and fears that average New Yorkers had during the imperial crisis of the 1760s.<sup>5</sup>

Second, I analyze how the DeLancey faction utilized stereotypes of lawyers within their campaign rhetoric as a means of discrediting the Livingston faction and their candidate. James DeLancey and his political allies claimed that the city's lawyers were antithetical to the corporate ideal, public good, and moral economy.<sup>6</sup> They claimed

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that benefited the entire community. Officials were not supposed to look out for select individuals, groups, or interests. This was corruption and a violation of the corporate ideal. See Gordon S. Wood, *The Creation of the American Republic, 1776-1787* (New York and London: W. W. Norton, 1972), 65-70; Gordon S. Wood, *The Radicalism of the American Revolution* (New York: Vintage, 1991), 180-81; J. G. A. Pocock, *The Machiavellian Moment: Florentine Political Thought and the Atlantic Republican Tradition* (Princeton: Princeton University Press, 1975); and Ned C. Landsman, *From Colonials to Provincials: American Thought and Culture 1680-1760* (Ithaca and London: Cornell University Press, 2000), 153-58.

<sup>5</sup> On slander, libel, and satire, see Bruce Ingham Granger, *Political Satire in the American Revolution, 1763-1783* (Ithaca: Cornell University Press, 1960); Roger Darnton, *The Forbidden Best-Sellers of Pre-Revolutionary France* (New York and London: W. W. Norton, 1995); Roger Darnton, "An Early Information Society: News and Media in Eighteenth-Century Paris," *American Historical Review* 105 (February 2000): 1-35; Joanne B. Freeman, "Slander, Poison, Whispers, and Fame: Jefferson's 'Anas' and Political Gossip in the Early Republic," *Journal of the Early Republic* 15 (Spring 1995): 25-57; Joanne B. Freeman, *Affairs of Honor: National Politics in the New Republic* (New Haven and London: Yale Nota Bene, 2002); Patricia U. Bonomi, *The Lord Cornbury Scandal: The Politics of Reputation in British America* (Chapel Hill: University of North Carolina Press, 1998), especially Ch. 5; Alison Olson, "The Zenger Case Revisited: Satire, Sedition and Political Debate in Eighteenth Century America" *Early American Literature* 35 (December 2000): 223-45; Alison Gilbert Olson, "Pennsylvania Satire Before the Stamp Act" *Pennsylvania History* 68 (Autumn 2001): 507-32; and Alison Olson, "Political Humor, Deference, and the American Revolution" *Early American Studies* 3 (Fall 2005): 363-64.

<sup>6</sup> New York City politics operated in terms of reciprocity between the dominant and subordinate social groups. Within the theater of politics, all segments of society had their assigned roles to play. As part of their role, the elite were supposed to uphold certain societal obligations and the lower sorts were supposed to do the same. Failure to

lawyers were self-interested, duplicitous, and intentionally as well as unintentionally harmful to the public good. Therefore, lawyers held no claim to the symbols of public power and authority due to their self-interested nature and their ignorance of civic virtue. Instead of helping the community, lawyers stirred up legal troubles and charged far too much for their services. They should be precluded from public office on the grounds of being poor citizens. In contrast, according to the DeLanceys, the city's merchants upheld the corporate ideal and worked for the public good. They helped the local economy to flourish through trade and providing employment. In short, merchants were upright citizens who properly utilized the symbols of power and authority while lawyers did not.

Third, I examine the role of religion and religious rhetoric in the electoral campaign of 1768. New York City's population contained many different dissenting Protestant denominations—Presbyterian, Dutch Reformed, German Reformed, Huguenot,

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uphold these obligations led to social and political breakdown. Some breakdowns were mild—the people voted the offending politician out of office. Some breakdowns, however, were more severe—the people turned to crowd actions and perhaps even violence. More importantly, failure to uphold societal obligations meant a public official was not performing his role properly—and a large component of preserving cultural hegemony was appearance. Therefore, sociopolitical power had to be carefully maintained and negotiated by all segments of society. Marxist Antonio Gramsci's theories and E. P. Thompson's application of these theories to the eighteenth century have influenced my understanding of class dynamics and leadership. Gramsci defines hegemony as "The 'spontaneous' consent given by the great masses of the population to the general direction imposed on social life by the dominant fundamental group." See Antonio Gramsci, *Selections from the Prison Notebooks*, eds. and trans. Quentin Hoare and Geoffrey Nowell Smith (New York: International Publishers, 1971), 12; and Thompson, "Patrician Society, Plebian Culture," 387-90. For other discussions of cultural hegemony, see Raymond Williams, *Marxism and Literature* (Oxford and New York: Oxford University Press, 1977), 108-14; T. J. Jackson Lears, "The Concept of Cultural Hegemony: Problems and Possibilities," *American Historical Review* 90 (June 1985): 567-93; and Kate Crehan, *Gramsci, Culture and Anthropology* (Berkeley and Los Angeles: University of California Press, 2002).

and Quaker.<sup>7</sup> These Protestant churches viewed with skepticism and fear any attempt at strengthening the Anglican Church in North America. Dissenting Protestants, led by the Presbyterian Livingstons, had opposed the establishment of the Anglican-sponsored Kings College in the 1750s. Utilizing these fears and anxieties, the Livingston faction's campaign rhetoric linked DeLancey with the recent proposals to create an Anglican bishop for North America. The DeLancey faction also exploited religion by using the iconography of the devil to link its political enemies—in particular, John Morin Scott—with arbitrary power and Stuart absolutism.<sup>8</sup>

### Merchants v. Lawyers

The tavern patrons who were crying “*No Lawyer in the Assembly!*” were participating in the long British tradition of despising and distrusting lawyers. In *Henry VI Part II*, William Shakespeare famously wrote, “The first thing we do, let's kill all the lawyers.” Philosopher Thomas More had no room for lawyers in his fictional utopia. In

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<sup>7</sup> In England, the term dissenting Protestant was used to describe an individual who was not a member of the established church—the Church of England or Anglican Church. Although there was never an established church in provincial New York, I use the term in much the same way. Contemporaries did, in fact, use the terminology in New York City, especially during the controversy over the possible installation of an Anglican Bishop.

<sup>8</sup> On pre-Revolutionary fears of Anglicanism, see Bernard Bailyn, *The Ideological Origins of the American Revolution* (Cambridge: Belknap Press of Harvard University Press, 1967), 95-98; Woody Holton, *Forced Founders: Indians, Debtors, Slaves, and the Making of the American Revolution in Virginia* (Chapel Hill: University of North Carolina Press, 1999), 197-98; and Patricia U. Bonomi, *Under the Cope of Heaven: Religion, Society, and Politics in Colonial America* (New York and Oxford: Oxford University Press, 1986), 199-209.

his commentary on life in provincial North America, J. Hector St. John de Crèvecoeur wrote,

[Lawyers] are plants that will grow in any soil that is cultivated by the hands of others; and when once they have taken root they will extinguish every other vegetable that grows around them. The fortunes they daily acquire in every province, from the misfortunes of their fellow-citizens, are surprising! The most ignorant, the most bungling member of that profession, will, if placed in the most obscure part of the country, promote litigiousness, and amass more wealth without labour, than the most opulent farmer, with all his toils.<sup>9</sup>

New York's General Assembly election of 1768 also stood as a testament to the hatred of lawyers. So why did New Yorkers and other Anglo-Americans hate lawyers so profusely?

Over the course of the eighteenth century, legal culture underwent a tremendous transformation in New York and other provinces.<sup>10</sup> Early legal practitioners did not

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<sup>9</sup> Lawrence M. Friedman, *A History of American Law*, Third Edition (New York: Touchstone, 2005), 53-59; Milton M. Klein, "From Community to Status: The Development of the Legal Profession in Colonial New York," *New York History* LX (April 1979): 133-56; William Shakespeare, *The Complete Works of William Shakespeare* (Hertfordshire: Wadsworth Poetry Library, 1994), 55; and J. Hector St. John de Crèvecoeur, *Letters from an American Farmer* (Reprint, New York: Dutton, 1957), 135. The low opinion of lawyers persisted into the early Republic; see Linda K. Kerber, *Federalists in Dissent: Imagery and Ideology in Jeffersonian America* (Ithaca and London: Cornell University Press, 1970), Ch. 5; and Richard E. Ellis, *The Jeffersonian Crisis: Courts and Politics in the Young Republic* (New York: Oxford University Press, 1971), Ch. 8.

<sup>10</sup> On the development of eighteenth-century law in New York, see Milton M. Klein, "The Rise of the New York Bar: The Legal Career of William Livingston," *William and Mary Quarterly* 15 (July 1958): 334-58; Leo Hershkowitz and Milton M. Klein, eds., *Courts and Law in Early New York: Selected Essays* (Port Washington and London: Kennikat Press, 1978); Deborah A. Rosen, "The Supreme Court of Judicature of Colonial New York: Civil Practice in Transition, 1691-1760," *Law and History Review* 5 (Spring 1987): 213-47; Eben Moglen, "Settling the Law: Legal Development in New York, 1664-1776" (Ph.D. diss., Yale University, 1993); and Gregory Afinogenov, "Lawyers and Politics in Eighteenth-Century New York," *New York History* LXXXIX (Spring 2008): 143-62. On the general development and evolution of colonial law, see Friedman, *A History of American Law*, 3-61; and John M. Murrin, "The Legal



inspire much confidence since admission qualifications to the bar were nearly nonexistent. Attorneys and judges did not need a formal education in the law or even a college degree. Richard Coote, Earl of Bellomont and governor of New York from 1698 to 1701, lamented that the province's lawyers were "almost all under such scandalous character, that it would grieve a man to see our noble English laws so mangled and prophaned." From 1701 to 1729 in New York, only nine lawyers obtained a college education. By roughly 1750, the composition of New York's legal profession looked quite a bit different as courts began to enforce stricter qualifications for admission to the bar. New lawyers, among them William Livingston, William Smith, Jr., and John Morin Scott, had almost all received a college education and served legal apprenticeships. Many of these new lawyers had learned law under the tutelage of the eminent and qualified barristers James Alexander and William Smith, Sr. Both men had received college educations and formal legal educations. Smith, Sr., taught his apprentices more than just law. His curriculum also included religion, history, geography, mathematics, and Latin. Even with stricter standards, however, the uneducated were still in some cases allowed to practice the law.<sup>11</sup>

By the pre-Revolutionary era, the status of New York's legal profession had changed even more considerably. The province's bar was now a small, tight-knit group

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Transformation: The Bench and Bar of Eighteenth-Century Massachusetts," in *Colonial America: Essays in Politics and Social Development*, ed. Stanley N. Katz (Boston: Little, Brown and Company, 1971), 415-49.

<sup>11</sup> Klein, "The Rise of the New York Bar," 334-39, Bellomont quote on page 136; Klein, "From Community to Status," 133-56; and Dorothy Rita Dillon, *The New York Triumvirate: A Study of the Legal and Political Careers of William Livingston, John Morin Scott, and William Smith, Jr.* (New York: Columbia University Press, 1949; reprint, New York: AMS Press, 1968), 16-24 (page citations are to the reprint edition).

of well-educated lawyers. In 1767, fifty barristers had college educations. Many lawyers were among the wealthiest men in the province. Paradoxically, as the bar grew in terms of stature and quality, provincials found a new reason to hate lawyers. The law appeared to be a “mysterious science” that only the initiated could practice and understand. Legal historian Milton M. Klein astutely notes, “The closer the bar moved to a professional status that would satisfy its leading practitioners, the farther away the legal fraternity moved from the public and in its confidence.”<sup>12</sup>

Some provincials saw the legal profession as a political cabal. Men both loyal and related to the Livingston clan dominated the New York bar and bench. Such men included William Livingston, Justice Robert R. Livingston, William Smith, Jr., John Morin Scott, James Duane, and John Jay. In a December 1765 letter, Lt. Governor Cadwallader Colden complained, “a Domination of Lawyers was formed in this Province” that controlled the General Assembly, the press, and the crowd. He also noted that “The Gentlemen of the Law, both the Judges and principal Practitioners at the Bar, are either Owners Heirs or strongly connected in family Interest with the Proprietors . . . . the power of the Lawyers is such that every Man is afraid of offending them.” Indeed, Colden had crossed paths with the Livingston lawyers quite a few times during the infant stages of the imperial crisis.<sup>13</sup>

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<sup>12</sup> Klein, “The Rise of the New York Bar,” 334-58; and Klein, “From Community to Status,” 133-56, quotes on pages 135 and 137.

<sup>13</sup> Milton M. Klein, “Prelude to Revolution in New York: Jury Trials and Judicial Tenure,” *William and Mary Quarterly* 17 (October 1960): 440-62, Colden quotes on pages 441-42.

In the eighteenth century, New York's lawyers and merchants had an uneasy marriage of convenience. Over the course of the century, each profession saw its star on the rise. Each needed the other, and yet both shared mutual animosity and mistrust of the other. At the same time the legal vocation became more professionalized, provincial merchants were benefiting from the consumer revolution and the subsequent increase in trade and commerce between Great Britain and its provinces. The consumers buying these goods usually purchased them on credit. Between 50% and 75% of a merchant's overseas business might be conducted on credit. A large percentage of those who purchased goods on credit never paid for them and therefore ended up in the city's Mayor's Court or the province's Supreme Court. The rise of commerce had a direct correlation with merchants having to deal with lawyers in order to recover debt and in the 1760s debt was increasing due to the poor economic circumstances of the city. Increasingly, as both professions prospered and as both attempted to exert their influence within the political arena, merchants and lawyers became political foes. In New York, this dichotomy was best typified by the Livingston and DeLancey rivalry.<sup>14</sup>

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<sup>14</sup> Eben Moglen, "Commercial Arbitration in the Eighteenth Century: Searching for the Transformation of American Law," *Yale Law Review* 93 (November 1983): 135-52; Rosen, "The Supreme Court," 232-35; Deborah A. Rosen, "Courts and Commerce in Colonial New York," *American Journal of Legal History* 36 (April 1992): 139-63; Klein, "The Rise of the New York Bar," 334, 342-44, Virginia D. Harrington, *The New York Merchant on the Eve of the Revolution* (New York, 1935; reprinted, Gloucester: Peter Smith, 1964), 103; and Bruce H. Mann, *Republic of Debtors: Bankruptcy in the Age of American Independence* (Cambridge and London: Harvard University Press, 2002). On the city's merchants, see also Cathy Matson, *Merchants and Empire: Trading in Colonial New York* (Baltimore and London: Johns Hopkins University Press, 1998). On the consumer revolution, see T. H. Breen, *The Marketplace of Revolution: How Consumer Politics Shaped American Independence* (Oxford and New York: Oxford University Press, 2004).

The General Assembly election of 1768 was the first public struggle of the pre-Revolutionary era between Livingston and DeLancey. Prior to the Stamp Act, much of the political wrangling between the two families had been a private affair, safely confined behind closed doors. For the election of 1768, James DeLancey badly wanted to win. DeLancey positioned himself as a radical, capitalizing on his role in the Stamp Act Crisis and his alliance with Isaac Sears and the Sons of Liberty. In the months just after the repeal of the act, Sears had endorsed him for the General Assembly even though the election was not for two more years. DeLancey came from a prominent mercantile and political family. His father had been a merchant, chief justice of the Supreme Court, lieutenant governor, and acting governor. The elder DeLancey had also despised the Livingston-allied lawyers with whom he had butted heads on numerous occasions. For his campaign ticket, DeLancey allied himself with fellow merchants and political allies James Jauncey and Jacob Walton.<sup>15</sup>

The DeLancey faction quickly condemned the outgoing Livingston-controlled assembly as too moderate in its dealings with Parliament and the imperial crisis. The former assembly had even set aside money for troops with the Three Thousand Pound Act (1767), which some viewed as capitulating to the unpopular Quartering Act (1765). The DeLancey opposition also denounced the Livingston faction for attempting to block

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<sup>15</sup> Bonomi, *A Factious People*, 239-41; Leopold S. Launtz-Schürer, *Loyal Whigs and Revolutionaries: The Making of the Revolution in New York, 1765-1776* (New York and London: New York University Press, 1980), 54-55; Champagne, "Family Politics versus Constitutional Principles," 58-59; and Friedman, "The New York Assembly Elections of 1768," 7. On the elder DeLancey's struggles with the Livingston-allied lawyers, see Rosen, "The Supreme Court," 235-45; and Eben Moglen, "Considering Zenger: Partisan Politics and the Legal Profession in Provincial New York," *Columbia Law Review* 94 (June 1994): 1495-1524.

the more radical initiatives of the Sons of Liberty during the Stamp Act Crisis. For this election cycle, there were only two Livingston faction members campaigning for seats in the new assembly—Philip Livingston and John Morin Scott. Philip Livingston, the brother of William Livingston, was a popular assemblyman and a prosperous merchant. He was known for his philanthropy, having given funds to several churches and local colleges. John Morin Scott was one of the city’s wealthiest lawyers and a leader of the Livingston faction. The DeLancey faction chose to ignore Livingston—perhaps fearing his popularity—and only went after Scott, utilizing the strategy of anti-lawyer rhetoric and sentiment. The last two candidates were not affiliated with either of the two political factions. Amos Dodge was a carpenter and high constable for New York and William Bayard was a merchant and unpopular assemblyman. To most political observers, DeLancey and Livingston were practically guaranteed seats in the next assembly. Therefore, the real race for the remaining two seats was among Juancey, Walton, and Scott. DeLancey and his allies focused all of their efforts on discrediting John Morin Scott.<sup>16</sup>

### **The Defense**

When the anonymous gentleman had grown tired of listening to the chant of “No Lawyer in the Assembly,” he left the tavern and went home to write an essay supporting the candidacy of lawyers, which appeared in James Parker’s *New-York Gazette and*

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<sup>16</sup> Bonomi, *A Factious People*, 239-42; Cynthia A. Kierner, *Traders and Gentlefolk: The Livingstons of New York, 1675-1790* (Ithaca and London: Cornell University Press, 1992), 163-64; and Launitz-Schürer, *Loyal Whigs and Revolutionaries*, 56-57. On the Quartering Act and its affect on New York City politics, see Chapter Four.

*Weekly Post-Boy* on February 15. In all likelihood, William Livingston or William Smith, Jr., wrote the essay in defense of their friend and political compatriot, John Morin Scott.<sup>17</sup> It is not clear whether Livingston or Smith had actually been wandering around the West Ward. The anonymous gentleman bore a striking resemblance to Mr. Spectator, a rhetorical device used in Joseph Addison and Richard Steele's newspaper, *The Spectator*. Livingston, Smith, and Scott—who were referred to as the triumvirate—were strongly influenced by Addison and Steele and had collectively edited a provincial version of the paper called the *Independent Reflector*, which appeared in 1752 and lasted for only fifty-two issues. The *Independent Reflector* also emulated the political works of John Trenchard and Thomas Gordon, such as *Cato's Letters* and the *Independent Whig*.<sup>18</sup>

Like their predecessors, the triumvirate attempted to create a periodical steeped in Enlightenment values and Whig politics. Many of the essays dealt with civic humanism—the belief that public officials must be moral, virtuous, uncorrupt, and disinterested. Individuals who demonstrated these character traits made the best public officials because they watched out for the public good and created public policy aimed at benefiting the entire community. Officials were not supposed to look out for only select

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<sup>17</sup> On the authorship of the piece and its similarities to essays from the *Independent Reflector*, see Bonomi, *A Factious People*, 243. The Livingston faction had an alliance with James Parker, who had printed the *Independent Reflector* as well as William Livingston's future "The American Whig" series (See Dillon, *The New York Triumvirate*, 34-35, n4, 36). See also Milton M. Klein, ed., *The Independent Reflector, or Weekly Essays on Sundry Important Subjects More Particularly Adapted to the Province of New-York* (Cambridge: Harvard University Press, 1963).

<sup>18</sup> Landsman, *From Colonials to Provincials*, 153-62; Dillon, *The New York Triumvirate*, 33-36; and Milton M. Klein, "The Independent Reflector," in *The Politics of Diversity: Essays in the History of Colonial New York*, ed., Milton M. Klein (Port Washington and London: Kennikat Press, 1974), 53-96.

individuals, groups, or interests. This was corruption and a violation of the corporate ideal. The *Independent Reflector* contained morality stories to instruct officials and citizens on how to act with proper civic virtue and decorum. The triumvirate also sought to protect political and religious liberties.<sup>19</sup>

The anonymous gentleman—who was later dubbed the Querist—was not simply defending the candidacy of lawyers.<sup>20</sup> The opposition’s campaign slogan of “*No Lawyer in the Assembly!*” carried several different connotations. First, it was an indictment of Scott, who, in addition to being a candidate, was one of the wealthiest lawyers in the city.<sup>21</sup> Second, it was an attack on New York’s legal profession. Third, the phrase was coded language for “No Livingston in the Assembly!” since most references to the city’s lawyers alluded to Robert R. Livingston, William Livingston, William Smith, Jr., and Scott, who were all prominent members of the bar and leaders of the Livingston faction. The purpose of the Querist’s essay was threefold. He sought to advance the candidacy of Scott, but also to protect the bar’s reputation and more importantly the political legacy and future of the Livingston faction.

In order to fulfill this task, the Querist discussed a series of seventeen queries or points. First, he believed that because the peoples’ “civil and religious rights and

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<sup>19</sup> Landsman, *From Colonials to Provincials*, 153-58. On civic humanism, see Pocock, *The Machiavellian Moment*; and Wood, *The Radicalism of the American Revolution*, 180-81.

<sup>20</sup> I hereafter refer to the anonymous gentleman as the Querist, which was a name he received from another essayist. See [The Remarker], “To the Freeholders and Freemen of the City and County of NEW-YORK: The Following REMARKS on a Piece with 17 Queries,” Part 1, *New-York Journal* (Supplement), February 26, 1768; and Part 2, *New-York Journal* (Supplement), March 1, 1768.

<sup>21</sup> See Klein, “The Rise of the New York Bar,” 352-55.

privileges” were “secured to you by the laws of the land,” someone well versed and educated in the law should represent the public. Lawyers had intricate knowledge of the law and could therefore more aptly protect the rights of the people. It should not “be supposed, that a knowledge of the law teaches men to be rogues, and that therefore no Lawyer can be an honest man.” In fact, according to the author, lawyers had a history of protecting the public and the corporate ideal. The Querist asked, “Can there one instance be shewn, in which they ever took sides against the people?”<sup>22</sup>

In many instances, lawyers had stood up to arbitrary power—whether in the guise of Parliament or the crown. The Querist listed several examples in which the Livingston faction had defended the people. In recent years, the lawyers had assisted with the General Assembly’s petition to the King and Parliament against the Sugar Act (1764), Currency Act (1764), and proposed stamp tax. They had denounced the Stamp Act and been active in the Stamp Act Congress, which had met in New York City in October 1765. The Livingston lawyers had also “unanimously resolve[d] to forego the Advantages of their profession” and refused to conduct business with stamped paper, causing them to lose a considerable amount of money during the boycott against the Stamp Act.<sup>23</sup>

The history of the lawyers’ defense of the people of New York stretched back to well before the Stamp Act Crisis. In the 1730s, newspaper printer John Peter Zenger was

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<sup>22</sup> *New-York Gazette, or Weekly Post-Boy*, February 15, 1768.

<sup>23</sup> *New-York Gazette, or Weekly Post-Boy*, February 15, 1768; Klein, “New York Lawyers and the Coming of the American Revolution,” 398-400; and Klein, “The Rise of the New York Bar,” 353-54.



famously indicted on charges of libel for publishing articles calling Governor William Cosby incompetent and corrupt. Two lawyers, William Smith, Sr., and James Alexander, both closely associated with the Livingston family, worked tirelessly to acquit Zenger and received disbarment for their efforts. The verdict famously established a legal precedent for the independence of the press.<sup>24</sup> In the early 1760s, the Livingston lawyers had opposed Lt. Governor Cadwallader Colden's attempt to review the decision of a civil case, *Forsey v. Cunningham* (1763), which would effectively establish a precedent negating jury trials. In 1766, lawyers had helped to suppress the land riots of Albany and Dutchess counties.<sup>25</sup>

In addition to being a defense of lawyers and the Livingston faction, the article promoted civic virtue and served as a morality lesson against the treating of voters. A citizen must "vote according to the dictates of his own judgment and conscience." Voters had to rise above their base passions and do what was best for the public good. More importantly, a citizen must "never be induced to part with your vote (the best privilege of an Englishman) for a *dram*." The Querist urged the people to be wary "of the artful sycophant, who first intoxicates and then steals an incautious promise." Citizens had to think for themselves. It was imperative that they questioned partisan rhetoric. The real

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<sup>24</sup> *New-York Gazette, or Weekly Post-Boy*, February 15, 1768; Bonomi, *A Factious People*, 112-20; Moglen, "Considering Zenger," 1495-1524; and Jill Lepore, *New York Burning: Liberty, Slavery, and Conspiracy in Eighteenth-Century Manhattan* (New York: Vintage, 2006), 64-78.

<sup>25</sup> *New-York Gazette, or Weekly Post-Boy*, February 15, 1768; Klein, "The Rise of the New York Bar," 351-52; and Klein, "Prelude to Revolution in New York," 453-59. On the Livingstons and the land riots of the 1760s, see Thomas J. Humphrey, *Land and Liberty: Hudson Valley Riots in the Age of Revolution* (DeKalb: Northern Illinois University Press, 2004), 52-56, 68-78.

question was not “Whether a Lawyer could possibly be an honest Man,” but could a merchant be an honest man?<sup>26</sup>

### **The Prosecution**

Almost immediately, the Querist’s defense of lawyers sparked a heated public debate that lasted until the election in early March. Throughout the remaining campaign, the semiotics of character played an important role in the theater of electoral politics. Candidates hoped to use the symbols of public power and authority in order to present themselves to the populace in the very best light possible. In contrast, opponents hoped to use slander, character assassination, and rumor to tarnish political reputations. The DeLancey faction, in particular, utilized stereotypical views of lawyers and their shortcomings to discredit John Morin Scott and the rest of the Livingston faction. Much of the campaign literature and rhetoric emphasized the greedy, self-interested, and corrupt nature of lawyers. Using newspapers, pamphlets, and broadsides, the DeLanceys attacked Scott with four character failings of New York City’s lawyers: 1) they were antithetical to the corporate ideal, 2) they could not effectively represent the interests of a commercial city, 3) they attempted to protect their hegemonic knowledge of law, and 4) they had failed to protect the public during the Stamp Act Crisis.

In the February 20 supplement to John Holt’s *New-York Journal*, a DeLancey supporter accused lawyers of not having sufficient virtue and morality to be proper representatives. They were antithetical to the corporate ideal because lawyers always sought to benefit their private interests. He asked his readers, “Have *all* of them *ever*

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<sup>26</sup> *New-York Gazette, or Weekly Post-Boy*, February 15, 1768.

prefer'd the *Public Good* to *private Views*?" Lawyers were easily influenced and compromised their own values and beliefs to support whichever side won. They also profited from communal antagonism and had a vested interest in maintaining community conflicts.

And is it *not* known that they *sometimes* encourage their *Slaves* (for such must everyman of small Property be, who falls into their Clutches) to continue the Differences between *them* and their *Neighbors*, which three tolerably honest Men would compromise in a *Quarter of an Hour*, till they have reduced *both* of them to the Poverty of *Church-Mice*, and fattened *themselves* upon the *Spoil*?

Using the trope of slavery, the author maintained that lawyers deprived their clientele of hard-earned property through excessive fees and frivolous lawsuits. He was symbolically linking lawyers with the British Parliament's attempts at divesting provincials of their property through unfair taxation. On both sides of the Atlantic, Britons viewed unjust infringements on personal property and rights as a form of political slavery. The 1760s was a decade of immense skepticism and fearfulness towards power and the abuse of governmental power. The author feared that once lawyers were in the General Assembly and had the power to tax they would tax everyone's money away in order to increase their personal wealth.<sup>27</sup>

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<sup>27</sup> [Anonymous], "To the *Freemen and Freeholders* of the City and County of New York: John A Nokes versus Tom A. Stiles," *New-York Journal* (Supplement), February 20, 1768. It also appeared as a separate broadside: [Anonymous], *To the Freemen and Freeholders of the City and County of New-York: John A Nokes versus Tom A. Stiles* (New York: John Holt, 1768), Evans, 11090. The author continued this sentiment in his third installment, see [Anonymous], "JOHN A. NOKES, Versus TOM A STILES: Or, *Queries* against *Queries*," No. III, *New-York Journal* (Supplement), March 4, 1768.

I derive my understanding of political slavery from Bailyn, *The Ideological Origins of the American Revolution*, 232-46. For more on the historiography of the concept, see David Brion Davis, *The Problem of Slavery in the Age of Revolution, 1770-*

On February 25, PHILANTHROPOS accused Scott of opposing legislation to regulate or reduce legal fees since it would “perhaps strike off One Thousand Pounds, annually, from the Profits of his Practice.” In fact, Scott and other members of the triumvirate did oppose the renewal of the Five Pound Act, which allowed Justices of the Peace with no formal legal training to try cases of less than £5. Supporters of the act believed it avoided excessive legal fees. The triumvirate contested the act because Justices of the Peace were not necessarily educated in the law and these trials took place in taverns. The law was increasingly becoming more professionalized—a process that the Livingston lawyers supported—with prospective lawyers having to undergo formal legal training and education. Scott viewed the Five Pound Act as undercutting the professionalization of the bar. PHILANTHROPOS positioned this opposition to the act as a character flaw and further proof of the lawyer’s interest as being diametrically opposed to the public interest.<sup>28</sup>

PHILANTHROPOS also believed merchants made better candidates for the General Assembly because New York City was a port. In the seventeenth and eighteenth

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1823 (Ithaca: Cornell University Press, 1975), 255-342; F. Nwabueze Okoye, “Chattel Slavery as the Nightmare of the American Revolutionaries,” *William and Mary Quarterly* 37 (January 1980): 3-28; and Peter A. Dorsey, “To ‘Corroborate Our Own Claims’: Public Positioning and the Slavery Metaphor in Revolutionary America,” *American Quarterly* 55 (September 2003): 353-86.

<sup>28</sup> PHILANTHROPOS, “To the *Freeholders and Freemen* of the City and County of New-York,” *New-York Journal* (Supplement), February 25, 1768. It was also printed as a broadside, PHILANTHROPOS, *To the Freeholders and Freemen of the City and County of New-York* (New York: John Holt, 1768), Evans 11040. For an earlier piece using the same pseudonym that also criticized lawyers, see PHILANTHROPOS, *A Few Observations on the Conduct of the General Assembly of New-York* (New York, 1768), Evans 11039. On the Triumvirate’s opinion of the Five Pound Act, see Dillon, *The New York Triumvirate*, 55-57.

centuries, much of New York politics was divided between commercial and agricultural interests. Much of the commercial interests resided in New York City and for decades the city's residents, with only four assembly seats, felt that they had little influence in the General Assembly.

As a Maritime City, our chief Dependence is upon Trade, for which Reason Merchants (who are well acquainted with the commercial Interest of the Colony) are the properest Persons to represent us in the Assembly; not Lawyers, whose sole Study it is, not to increase the Wealth of the State, but to divide the Gain of the industrious Merchant and Mechanick, if possible among themselves; and to rise upon the Ruin, and Distresses of the rest of the Community.<sup>29</sup>

The argument was based on self-interest, not virtue or the public good. A merchant would be a good representative, because his interests just happened to coincide with what the general populace wanted. What if they did not? This was not civic virtue, but coincidence and convenience. Interestingly, PHILANTHROPOS and other essayists who exalted the mercantile class were using a logic that ran counter to how most provincials understood politics.<sup>30</sup>

In denouncing the lawyers as being unfit to represent a commercial city, the DeLancey faction was also courting artisans and laborers. From late February to early March, John Holt's printing press—which was in league with the DeLanceys—issued a

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<sup>29</sup> PHILANTHROPOS, "To the *Freeholders* and *Freemen* of the City and County of New-York," *New-York Journal* (Supplement), February 25, 1768. For another essay that discusses similar themes, see [Anonymous], "JOHN A. NOKES, Versus TOM A STILES: Or, *Queries* against *Queries*," No. III, *New-York Journal* (Supplement), March 4, 1768. On the division between mercantile and agricultural interests, see Bonomi, *A Factious People*, Ch. 3.

<sup>30</sup> On the tension between virtue and commerce, see J. G. A. Pocock, "Virtue and Commerce in the Eighteenth Century," *Journal of Interdisciplinary History* 3 (Summer 1972): 119-34. For an opposite view that suggests commerce promoted freedom and liberty, see Joyce Appleby, *Capitalism and a New Social Order: The Republican Vision of the 1790s* (New York and London: New York University Press, 1984), Ch. 2.

series of short satirical placards or cards. These cards linked the mercantile interests with artisans and other tradesmen. The first of these cards used the personas of two sailors Jack Bowling (alternately spelled Bowline) and Tom Hatchway. The sailors endorsed the merchants whose trade and commerce provided employment to city residents. In contrast, lawyers were “supported by the People” because they profited from lawsuits and other legal matters.<sup>31</sup> In a second card, two artisans as embodied by Mr. Axe and Mr. Hammer agreed with the sailors and also supported the mercantile class. It was, after all, “TRADE, and not Law [that] supports our Families.” The card ended with the DeLancey campaign slogan of “NO LAWYER IN THE ASSEMBLY.”<sup>32</sup> A third card asked for “the reputable Tradesmen and other Electors” to “join HEART and HAND to hinder a Lawyer being chosen to represent this Commercial City.”<sup>33</sup> Through these cards, the DeLancey merchants reached out to the city’s tradesman and artisans. The cards suggested that the relationship between merchant and laborer was steeped in reciprocity. Merchants provided laborers with employment and larger markets. Both profited from commerce and trade.<sup>34</sup>

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<sup>31</sup> [Anonymous], *A CARD* (New York: John Holt, 1768), Evans 10848. It also appeared in the *New-York Journal*, February 25, 1768.

<sup>32</sup> [Anonymous], *A CARD* (New York: John Holt, 1768), Evans 10849. It also appeared in the *New-York Journal*, March 3, 1768.

<sup>33</sup> [Anonymous], *MERCHANTS’-HALL* (New York: John Holt, 1768), Evans 10974. See also “A CARD the 2d.,” *New-York Journal* (Supplement), March 4, 1768.

<sup>34</sup> For similar sentiment, see PHILANTHROPOS, “To the *Freeholders* and *Freemen* of the City and County of New-York,” *New-York Journal* (Supplement), February 25, 1768.

PHILANTHROPOS also warned that the traits provincials traditionally associated with the symbols of power and authority—such as education, language, and prowess in public discourse—could be dangerous. He wrote,

I am sensible that with many good and well-meaning People, the Abilities of the Lawyers (and especially the Candidate for this City) are made the principal Arguments in their Favour; but they will do well to consider, that the greater their Abilities, the more capable they will be to do us an Injury, if they should chance to be turned against us (and I think there are ten Chances to one that this will be the Case) whenever the public Good shall be found to clash with either their Interest or Ambition[.]

This statement also represented a sharp shift in ideology. Traditionally, provincials had consented to the hegemonic ideal that a natural aristocracy of educated, enlightened, virtuous, and disinterested citizens made the best public officials and leaders. Over the course of the eighteenth century, however, this hegemonic ideal slowly began to fracture as a democratization of politics occurred. Some political thinkers viewed the same traits that had previously designated men as natural leaders as potential weapons against the people. In the above case, the lawyer's education, use of language and writing, and knowledge of the law became something to be feared since he could use such knowledge to obfuscate the truth and denigrate the rights and liberties of the people.

PHILANTHROPOS was obviously exploiting this mentality as a means to endear the people to the mercantile DeLancey faction.<sup>35</sup>

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<sup>35</sup> PHILANTHROPOS, "To the *Freeholders and Freemen* of the City and County of New-York," *New-York Journal* (Supplement), February 25, 1768. Several scholars have influenced my thoughts on hegemony and public discourse—or what literary critic Michael Warner refers to as a "hegemony of letters." See Gramsci, *Selections from the Prison Notebooks*, 12; Michael Warner, *The Letters of the Republic: Publication and the Public Sphere in Eighteenth-Century America* (Cambridge and London: Harvard University Press, 1990); and Christopher Grasso, *A Speaking Aristocracy: Transforming*

In a February 26 supplement to the *Journal*, a political writer—who was later called the Remarker—began a series of responses to the Querist and his seventeen points. He despised the city’s barristers because they used their power improperly and for personal gain. He accused lawyers of seeking a seat in the General Assembly as simply a means to amass more power and prestige. This was also an effort to protect their hegemonic monopoly on the language of power and ownership of the knowledge of law. The author believed that the general public did not, in fact, need lawyers to interpret the law for them. Authorities wrote the laws for everyone to understand. “It would be strange then, and would defeat the principal Design of those Laws, if they could not be understood without the Assistance of Lawyers, whose Interest it manifestly is, to perplex and render the Meaning uncertain and disputable.” Lawyers had repeatedly used their knowledge of the law to bend it for their own ambition and power—often to the detriment of the people.<sup>36</sup>

From the beginning of its attacks on the Livingston faction, the DeLancey faction criticized the lawyers for their conduct during the Stamp Act Crisis. Supporters accused the lawyers of going against the community’s wishes—a clear violation of the corporate ideal. While the Livingston lawyers had indeed opposed the Stamp Act, they had also opposed the more radical measures of Isaac Sears and the Sons of Liberty—namely, the

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*Public Discourse in Eighteenth Century Connecticut* (Chapel Hill: University of North Carolina Press, 1999).

<sup>36</sup> [The Remarker], “To the Freeholders and Freemen of the City and County of NEW-YORK: The following REMARKS on a Piece with 17 Queries,” Part 1, *New-York Journal* (Supplement), February 26, 1768. It was also published as a broadside: [The Remarker], *To the Freeholders and Freemen of the City and County of NEW-YORK: The following REMARKS on a Piece with 17 Queries*, Part 1 (New York: John Holt, 1768), Evans 11088.



crowd actions and conducting business without stamps. This opposition had created the split between the Livingstons and the radicals, causing the radicals to form an alliance with the DeLancey faction.<sup>37</sup>

The same DeLancey supporter who had accused the lawyers of profiting from communal antagonism also denounced them for doing little to protect the community during the Stamp Act Crisis. While lawyers had boycotted the stamped paper, they did so only because there was little likelihood of political repercussions. The lawyers had ceased to conduct business, but the radicals believed it would have been more patriotic for the lawyers to carry out business illegally without the stamps. By not conducting business illegally, radicals believed the lawyers were on some level acknowledging the legality of the Stamp Act. The lawyers had adhered to the law even though it was unjust. The merchants had continued to trade without the stamps, which was a huge financial and personal risk for them. The essayist asked, “Which Body of Men *deserve best* of their Country? *Those* who refused to do *any* Business *without* Stamps, or those who did *all* their Business as before, without paying any Regard to them, at the Hazard of their *Fortunes* [?]”<sup>38</sup> On March 1, the Remarker concurred that “when the Lawyers refused to go on with Business *without Stamps*” they tacitly acknowledged that “the Stamp-Act

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<sup>37</sup> See Chapter One.

<sup>38</sup> [Anonymous], “To the Freemen and Freeholders of the City and County of New-York: John A. Nokes Versus, Tom A Stiles: OR Queries Against Queries. No. 2,” *New-York Journal*, February 25, 1768. It was also published as a broadside [Anonymous], *To the Freemen and Freeholders of the City and County of New-York: John A. Nokes Versus, Tom A Stiles: OR Queries Against Queries*, Part 2 (New York, 1768), Evans 11089.

might legally be enforced, that it was dangerous to oppose it, that they either wished it to take Place, or were afraid to do any Thing to prevent it.”<sup>39</sup>

PHILANTHROPOS also criticized Scott for his actions during the Stamp Act Crisis. He railed against Scott for allegedly characterizing the Virginia Resolves against the Stamp Act as “not far short of high Treason.” Scott had opposed the resolves’ stance that Parliament had no right to make laws for the provinces. For PHILANTHROPOS, however, Scott was a “Mock-Patriot” who claimed to be patriotic, but his actions said otherwise. He did not and would not work towards protecting the peoples’ constitutional rights. Indeed, the essayist believed that most lawyers were actually more interested in “extend[ing] the Prerogative of the Crown, whenever they find it confident with their own Advantage.” Advocating more monarchical power had clear ties to the Stuart absolutism of the seventeenth century. The author was rhetorically linking lawyers with arbitrary power and the abuse of power. In early modern England, lawyers were stereotypically associated with the Court Party of the Stuarts. Therefore, Whig ideology often viewed lawyers as un-virtuous and agents of arbitrary power.<sup>40</sup>

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<sup>39</sup> [The Remarker], “To the Freeholders and Freemen of the City and County of NEW-YORK: The following REMARKS on a Piece with 17 Queries,” Part 2, *New-York Journal* (Supplement), March 1, 1768. It was also published as a broadside: [The Remarker], *To the Freeholders and Freemen of the City and County of NEW-YORK: The following REMARKS on a Piece with 17 Queries*, Part 2 (New York: John Holt, 1768), Evans 11088.

<sup>40</sup> PHILANTHROPOS, “To the *Freeholders and Freemen* of the City and County of New-York,” *New-York Journal* (Supplement), February 25, 1768; Bernard Friedman, “The Shaping of the Radical Consciousness in Provincial New York,” *Journal of American History* 56 (March 1970): 788-89; and A. G. Roeber, *Faithful Magistrates and Republican Lawyers: Creators of Virginia Legal Culture, 1680-1810* (Chapel Hill: University of North Carolina Press, 1981), xviii, 7-11. Roeber notes that paradoxically lawyers were the biggest proponents and adherents of the Country Party’s ideology.

The Livingston faction ultimately did a poor job of defending John Morin Scott's candidacy for election to the General Assembly. On February 20, A FREEMAN questioned the intentions of those slandering the city's lawyers. A FREEMAN may have been Scott, who had used this moniker for his political tracts during the Stamp Act Crisis. The essayist defended the lawyers' opposition to the Five Pound Act and regulation of lawyers' fees. He reiterated how lawyers disliked the act because it placed too much power in the hands of those with no formal legal training. A FREEMAN suggested that the merchant opposition was needlessly paying too much attention to Scott's campaign. He opined, "Can any Man be so ignorant as to suppose, that one Lawyer in our Assembly, could so influence all the other Members of the House, as to bring them into Measures conducive to his own Interest, and detrimental to the Public?" Instead of putting Scott's character on trial, the public should be examining the merchant's integrity. He cautioned, "Mark the Man that attempts to establish a Character, or rise into Preferment upon the Ruins of his Neighbour's Reputation! He is not to be trusted that will take such unrighteous Measures to procure a Place in our Assembly." DeLancey's motives should be placed on trial.<sup>41</sup>

In early March, the Querist fired back at the opposition's "empty, heated Harrangue" against the legal profession, which only sought to inflame the "*Passions of the People*." Lawyers were respectable citizens who did not live off "the Spoils of his Neighbours" or gain "Riches by promoting Law-Suits." On the accusation that lawyers would use their assembly seats to further their own ambitions, the Querist believed it was

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<sup>41</sup> A FREEMAN, "To the *Freeholders and Freemen* of the City of New-York," *New-York Journal* (Supplement), February 20, 1768.

just as likely a merchant would use his seat to further his financial interests. The author was insulted at the insistence that the city's lawyers had failed to support the resistance against the Stamp Act. In reality, lawyers had refused to conduct business, organized meetings, and wrote petitions against the Stamp Act. Lastly, he defended Scott against the Remarker's charge that the lawyer was "officiously offering himself to act for his Fellow Citizens." In the eighteenth century, many Anglo-Americans viewed candidates who publicly campaigned for office as corrupt and un-virtuous. Scott had not sought out election to the assembly; political supporters had encouraged him to run.<sup>42</sup>

**"If The Same Man Be Both a Lawyer and a Dissenter, He Is a Devil"**

In addition to defending the character of the legal profession, the members of the Livingston faction inserted their own slander into the political campaign. Seven years earlier, for the election of 1761, the Livingstons had successfully used the DeLancey faction's Anglican background to smear its members as monarchists. In 1761, New York City had been still recovering from the fight over the establishment of the Anglican-sponsored Kings College (now Columbia University) and the public sphere was buzzing with rumors about the establishment of an Anglican bishop in North America. To many observers, 1768 also appeared to be a good time to worry about Anglicanism. In the 1760s, a group of Anglican ministers in the mid-Atlantic were soliciting Parliament to create a bishop for North America. In the city, many dissenters were worried that the British government would erode their religious liberties much like it was attempting to

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<sup>42</sup> The Querist, *To the Freeholders and Freemen of the City and County of New-York: This Vindication, of the Professors of the Law, in Answer to the Remarks on the 17 Queries* (New York, 1768), Shipton and Mooney 41892.

erode their political liberties. While the strategy had worked in 1761, it failed to resonate with voters in 1768, especially with James DeLancey's widespread popularity and radical support.<sup>43</sup>

The DeLancey faction quickly fired back and also used religion and religious iconography to assail John Morin Scott. In this vein, John Holt's press circulated a series of political poems, which combined religion and the various arguments against Scott's candidacy into their verses. In *A WORD OF ADVICE*, an anonymous poet claimed Scott did not possess the symbols of public authority because he was prideful, ambitious, morally corrupt, and a liar. To make matters worse, he had used religion as a political wedge by stirring up fears about Anglicism and its tyrannical nature amongst the city's dissenting Protestants. The scheme appeared to backfire and actually alienated the dissenting population.

Mark well the Barretor! replete with Pride,  
Who daily strives the People to misguide,  
Religion prostitutes, for basest Ends,  
And sows Dissention, 'twixt the dearest Friends;

The poem also assailed Scott's stance on the Stamp Act Crisis and his failure to support the more radical actions of the Sons of Liberty.

He who could tamely see his Country's Wrongs;  
And brand with Treason, Liberty's brave Sons;

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<sup>43</sup> Champagne, "Family Politics versus Constitutional Principles," 66-67; Leopold S. Launitz-Schürer, Jr., "Whig-Loyalists: The De Lanceys of New York," *New-York Historical Society Quarterly* LVI (July 1972): 182; Milton M. Klein, "Church, State, and Education: Testing the Issue in Colonial New York," in *Politics of Diversity*, 97-109; Bonomi, *Under the Cope of Heaven*, Ch. 7; Landsman, *From Colonials to Provincials*, 158-62; and Ned Landsman, "The Episcopate, the British Union, and the Failure of Religious Settlement in Colonial British America," in *The First Prejudice: Religious Tolerance and Intolerance in Early America*, eds. Christopher Beneke and Christopher Grenda (Philadelphia: University of Pennsylvania Press, 2010 forthcoming).

Who basely strove with more than common Pains,  
To banish Freedom, and to fix our Chains.

The people had to “Unite in Time, against this common Foe.” If they failed to stop Scott, they risked political enslavement.

Convince the Wretch that all his Arts are vain,  
That his vile Purpose he shall ne’er obtain,  
This once prevent him, in his enterprise,  
He’ll fall like LUCIFER, no more to rise.

In the eighteenth century, political rhetoric and satire commonly used the devil as a symbol of arbitrary power and tyranny. The use of the devil may have also been a nod to Pope’s Day and its anti-Stuart imagery.<sup>44</sup>

In another poem also entitled *A WORD OF ADVICE*, Scott was a duplicitous and self-interested wolf.

BEWARE my good Friends of the Wolf’s gripping Paw,  
And the Man who will rob under Sanction of Law;  
Nor Trust your dear Rights in the Hands of a Knave,  
Who will sell them for Gold, and your Persons enslave.—  
Consider before-Hand, mark well his Intent,  
Or you’ll find it—perhaps, when too late to repent.

Scott used his knowledge of the law to rob the people of their liberties and turn them into abject slaves. Similar to the first poem, it linked him with arbitrary power and tyranny.

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<sup>44</sup> [Anonymous], *A WORD OF ADVICE* (New York: John Holt, 1768), Evans 11126. There are two versions with the same title, but different poems. On the use of the devil in political rhetoric and satire, see Olson, “Political Humor, Deference, and the American Revolution,” 372-73; and Nathan Johnstone, *The Devil and Demonism in Early Modern England* (Cambridge and New York: Cambridge University Press, 2006). On Pope’s Day and its imagery, see Chapter One.

Ultimately, it was a warning to the public to figure out Scott's ulterior motives before it was too late.<sup>45</sup>

*A Portrait*, probably by the same author, utilized similar rhetoric and themes. It called into question whether Scott had enough virtue and integrity to hold public office.

BEHOLD! the Barrator with haughty stride!  
 He comes, with self-sufficiency and pride;  
 Holds out Fame's paper trump, through which he blows  
 His self-importance and his self-applause.  
 Off ye profane—his motto is—his crest,  
 True emblem of his worth, the Phenix's nest;

In addition to his disreputable character, he could never be an effective representative. If elected to office, he would never listen to his constituency because he viewed the people as beneath him and politically inept.

Declares all men besides himself are fools,  
 And fit for nothing but to be his tools.  
 To so much worth can you refuse your voice?  
 Make him your guardian by a general choice:  
 A friend to widows, orphans, Church and State,  
 Craves nothing for himself—but to be great.

The poem also targeted the triumvirate.

And shou'd you want protection, he's your hector,  
*Reverberator, Watch-Tower, and Reflector*;  
 Philistine like can wield the giant's sword,  
 And fight the armies of the living Lord;  
 In scandal an adept, with dirt can spatter  
 Things sacred and profane, 'tis all one matter.

William Livingston and William Smith, Jr., were actively working for their compatriot's campaign, defending him in the press, and turning religion into a political matter.<sup>46</sup>

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<sup>45</sup> [Anonymous], *A WORD OF ADVICE* (New York: John Holt, 1768), Evans 11125.

On the other side of the broadside was a conversation between the devil and a lawyer—presumably Scott—entitled, *A Dialogue Between Two Respectable Personages*. The poem equated Scott with the devil and declared that one was just as “Respectable” as the other. The devil asked Scott about his bid for the General Assembly.

GOOD-morrow Master Lawyer, quoth the Devil,  
 (Old friends and neighbours shou'd be mighty civil,)  
 I hear you have a mind to try a seat,  
 In next assembly to procure a seat.  
 But what possess'd you to confess the charge  
 Objected, “that your fees are over large;  
 “And that you fleece the people of their pelf  
 “By handfulls;” how cou'd you be such an elf?

The devil expressed surprise over the lawyer's exorbitant fees. It was now Scott's turn to respond.

To this, replies the Lawyer, I can answer,  
 With as much ease as you can turn your hand Sir;  
 “If men their own advantage understood,  
 “We Lawyers are but labouring their good:  
 “When stript of cash they've little inclination  
 “Again to enter into litigation,  
 “Excessive fees will raise in them such terrors,  
 “As will in time convince them of their errors;  
 “And thus, a warning to themselves and others,  
 “Will make them leave off strife and live like brothers,—  
 “Prevent, (as you do sin) a thousand evils,  
 “And top the service of a thousand Devils.”

Scott stated that large fees prevented people from filing frivolous lawsuits.

Oh! hoh! cries Belzebub, I find you out,  
 Your office and my own, beyond a doubt;  
 Are both alike; —alike to trick the ninnies,—  
 I gull them of their souls, you of their guineas.

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<sup>46</sup> [Anonymous], *A Portrait/A Dialogue between two respectable Personages* (New York, 1768), Evans 11048. The poems were printed back-to-back.



The devil reiterated that the lawyer and he were the same; both attempted to mislead the people for their own gain; both were agents of arbitrary power.<sup>47</sup>

In early March, the Livingston faction published *A Political Creed for the Day*, which attempted to link James DeLancey with the fervor for an Anglican bishop. DeLancey was apparently campaigning for the General Assembly while away in England. The author lampooned “that a Man may be absent and present at the same Time, and that to be seeking Court Preferments in England, and be actually in the Service of his Country in America, is one and the same Thing.” The broadside enhanced the Livingston faction’s rumor that DeLancey had traveled to England to solicit Parliament for an Anglican bishop. DeLancey and his supporters vehemently denied this accusation. The members of the Livingston faction were hoping to pit dissenting Protestants like themselves against the DeLancey faction. *A Political Creed for the Day* also ridiculed the broadsides that labeled Scott as the devil or in league with the devil. The anonymous author wrote, “I believe that every Lawyer is, in the present System of Politicks an Heretic, and that if the same Man be both a Lawyer and a Dissenter, he is a Devil.” He also ironically suggested that the public should not elect Dutch and English dissenters to the General Assembly. At the end of the broadside, the author attacked Dr. Thomas Bradbury Chandler, a New Jersey reverend and principal campaigner for an Anglican bishop, for allegedly “meddling in the Politicks of New-York.” Chandler was the author of *An Appeal to the Public, in Behalf of the Church of England in America*, which had advocated for a bishop and had added to the fears of many dissenting Protestants in New

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<sup>47</sup> [Anonymous], *A Portrait/A Dialogue between two respectable Personages* (New York, 1768), Evans 11048.

York City, among them William Livingston. Livingston responded to Chandler—probably with some help from John Morin Scott and William Smith, Jr.—in “The American Whig” series, which appeared in sixty-four editions of the *New-York Gazette, or Weekly Post-Boy* between March 1768 and July 1769.<sup>48</sup>

The DeLancey faction fired back with *A Better Creed Than the Last*, which belittled the author of *A Political Creed for the Day* as being a lawyer and therefore he “ought to be despised by every good Christian of every Denomination.” Mimicking the style of the previous broadside, the author quipped, “I believe that a Candidate whose Interests are diametrically opposed to those of his Country, can promote both at the same Time.” He also criticized the Livingston faction’s attempt to polarize the public with religious issues: “I believe that some People Sow the Seeds of Contention, that they may reap the Fruits of Popularity: I believe some People would make the religious Rights of their Neighbours, the Bone of Dissention, while they themselves are stealing the Flesh.”

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<sup>48</sup> A BELIEVER IN POLITICKS, *A Political Creed for the Day* (New York, 1768), Evans 11047; Thomas Bradbury Chandler, *An Appeal to the Public, in Behalf of the Church of England in America* (New York: James Parker, 1767), Evans 10578; Bonomi, *Under the Cope of Heaven*, 203-205; Bonomi, *A Factious People*, 249; Milton M. Klein, *American Whig: William Livingston of New York* (New York and London: Garland, 1993); and Landsman, “The Episcopate, the British Union, and the Failure of Religious Settlement.” Rumors had been circulating in the city that Chandler was the Remarker, see AN OLD WHIG, “To the FREEMEN and FREEHOLDERS of the City and County of New-York,” *New-York Journal*, March 3, 1768; and A YOUNG TORY, “To the FREEHOLDERS and FREEMEN, &c.,” *New-York Gazette, or Weekly Post-Boy*, March 7, 1768. For Chandler’s denials, see Thomas B. Chandler, [Letter to the Editor], *New-York Gazette, or Weekly Post-Boy*, March 14, 1768. For DeLancey faction’s denials of soliciting for an Anglican bishop, see [Anonymous], *To the Worthy Freeholders and Freemen* (New York, 1768), Evans 11091; and *New-York Journal* (Supplement), March 4, 1768.

Indeed, it did appear that the Livingston faction was stirring up trouble simply to gain a seat in the General Assembly.<sup>49</sup>

To undermine further the Livingston faction's use of religion, the DeLancey faction published *The Voter's New Catechism* on March 3. A catechism was usually a question and answer session that demonstrated to others how to be a good, moral Christian. *The Voter's New Catechism* implicitly stated that an informed voter, and more importantly a pious Protestant, did not vote for a lawyer. In addition to summing up much of the previous rhetoric against lawyers, the broadside questioned the Livingston lawyers for bringing religion into the election fray.

Q. The only Question before the People is, Who are the fittest Persons to represent us in Assembly, —no Denominations of Christians are excepted.—Why then is Religion brought into the Dispute since it is quite out of the Question?  
 A. Oh! This is an artful Contrivance of the Lawyer's to take off the Peoples Attention from those Things that render him unfit to be chosen a Representative. He here literally uses Religion as a Cloak to hide his Faults.

The passage charged Scott with using religion as a means of disguising his flaws. *The Voter's New Catechism* also linked lawyers to the Stuart absolutism of the seventeenth century.

Q. Who advised King Charles the First that It was lawful for him to do those Things that lost him the Hearts of his subjects, and afterwards brought him to the Block?  
 A. The Lawyers.—far the Major Part of all the Lawyers in England. [Vid. Clarendon.]  
 Q. These were the Lawyers of old Times, are there any Instances of such ill judging pernicious Lawyers in our Days?  
 A. Innumerable Instances.  
 Q. Can you mention some of them?

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<sup>49</sup> [Anonymous], *A Better Creed Than the Last* (New York, 1768), Evans 10832. It also appeared in the *New-York Journal* (Supplement) March 4, 1768.

A. I can—Who contrived and would have enforced with Fire and Sword, the unconstitutional Stamp-Act, which would have made us all in America, as perfect Slaves as any in the World?

It went on to list many more transgressions of lawyers in both Britain and North America. According to the ideology of the Country Party, which informed much of provincial political theory, lawyers were connected to the Court Party and Stuart absolutism. The passage also linked the events of the 1760s with Stuart absolutism, which was a popular rhetorical technique during the pre-Revolutionary era. In sum, according to the broadside, lawyers were agents of tyranny who had a history of using power for nefarious means and to further their self-interests.<sup>50</sup>

Political observers continued to weigh in on the subject of religion in the election of 1768. In the March 3 issue of the *New-York Journal*, AN OLD WHIG proclaimed that a person's profession did not matter, nor did it matter if the candidate was a "churchman" (i.e., Anglican) or a dissenting Protestant. According to him, the most important criteria was that a candidate had to be "Zealous for the Maxims of the glorious Revolution" and a staunch supporter of the rights and liberties of the people. He believed a candidate must be skilled in government. "There is in my Opinion an absolute Necessity to employ, if not a practising Lawyer, a Man skilled in the Law. If such a one is to be found among

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<sup>50</sup> [Anonymous], *The Voter's New Catechism* (New York, 1768), Evans 11108. It was reprinted in the *New-York Journal* (Supplement), March 4, 1768. *The Voter's New Catechism* might have been an attempt to lampoon the Livingstons who used a similar question-and-answer format for some of the entries in "The Watch-Tower" series. On "The Watch-Tower" series, see Carl Bridenbaugh, *Mitre and Sceptre: Transatlantic Faiths, Ideas, Personalities, and Politics, 1689-1775* (London and Oxford: Oxford University Press, 1962), 162-65. On the link between lawyers and the Court Party, see Roeber, *Faithful Magistrates and Republican Lawyers*, xviii, 7-11.

our Merchants, I am content, I care nothing about the *Profession*, the *Knowledge* is the Thing that is wanted.”<sup>51</sup>

AN OLD WHIG also wanted a candidate who was religious. The denomination did not matter as long as he supported religious toleration. A prospective assemblyman must be committed to protecting the rights and liberties of the various dissenting Protestant churches that resided in New York and throughout the provinces. The specter of an Anglican bishop made AN OLD WHIG nervous since “America is a Virgin as yet, undebauch’d by proud tyrannical Ecclesiasticks.” The merchant candidates were Anglicans and would perhaps support the curtailing of religious liberties. Lawyers, in particular Scott, had proven themselves to be friends of religious liberty and toleration. “Our Lawyers have once distinguished themselves as Writers in the Service of Religious Liberty, and I hope they soon will again.”<sup>52</sup>

Four days later in the *New-York Gazette, or Weekly Post-Boy*, A YOUNG TORY responded to AN OLD WHIG. He suggested that AN OLD WHIG was a lawyer and in league with the author of the broadside, *A Political Creed for the Day*. A YOUNG TORY appeared to have little use for lawyers or religion. He wrote, AN OLD WHIG “may abuse the *Clergy* as much as he pleases; many of *them*, as well as those of his *own* Profession, are *artful Knaves*, and *canting Hypocrites*.” A YOUNG TORY believed that the political debate surrounding religious liberty and toleration was simply a diversion. No one was attempting to “abridge” religious liberty or any other liberty, for that matter.

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<sup>51</sup> AN OLD WHIG, “To the FREEMEN and FREEHOLDERS of the City and County of New-York,” *New-York Journal*, March 3, 1768.

<sup>52</sup> AN OLD WHIG, “To the FREEMEN and FREEHOLDERS of the City and County of New-York,” *New-York Journal*, March 3, 1768.

It was simply a pretext for enflaming the public over monarchical government and an alleged extension of imperial power.<sup>53</sup>

### **The Election and Aftermath**

At ten o'clock on the morning of Monday, March 7, New York City and County's freeholders and freemen began the five-day process of voting for their new representatives to the General Assembly. In order to vote in the election, New Yorkers had to fall into one of the two categories: 1) freeholders, or 2) freemen. Freeholders were those individuals who had estates valued at £40 or more. Freemen had originally been individuals who were independent merchants or craftsmen who were extended the right to vote. By the pre-Revolutionary era, any New Yorker could pay a relatively small fee to be designated a freemen in order to vote in an election. Once at a polling station, voters placed their ballot by voice. The non-secretive nature of voting allowed for many opportunities to intimidate voters. Indeed, during the five-day election, both factions had operatives in the streets to influence voters. James DeLancey's uncle, Oliver, patrolled Broad Way and family friend Henry Cruger was at City Hall. The Livingston faction relied on their man in the streets—Alexander McDougall.<sup>54</sup>

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<sup>53</sup> A YOUNG TORY, "To the FREEHOLDERS and FREEMEN, &c.," *New-York Gazette, or Weekly Post-Boy*, March 7, 1768.

<sup>54</sup> *New-York Gazette, or Weekly Post-Boy*, February 29, 1768; Champagne, "Family Politics versus Constitutional Principles," 67-68; and Bonomi, *A Factious People*, 243-44. On voting requirements, see Carl Lotus Becker, *The History of Political Parties in the Province of New York, 1760-1776* (Madison: University of Wisconsin Press, 1909; reprint, Madison: University of Wisconsin Press, 1960), 10-11 (page citations are to the reprint edition); McAnear, "The Place of Freemen in Old New York"; Klein, "Democracy and Politics in Colonial New York," 232-37; Varga, "Election

When the polls closed the following Friday, the DeLancey candidates took three of the city and county's four available seats. It appears that their campaign strategy of slander as well as their alliance with the radicals had propelled them into the assembly. On the whole, the Livingstons did not fare well. In New York City, only Philip Livingston stood above the partisan fray and took back his seat. Outside of the city, Robert R. Livingston, a judge and leader of the Livingston faction, lost his seat in Dutchess County to a DeLancey candidate. For the city, the final voting tally stood at:

|                   |       |
|-------------------|-------|
| Philip Livingston | 1,320 |
| James DeLancey    | 1,204 |
| Jacob Walton      | 1,175 |
| James Jauncey     | 1,052 |
| John Morin Scott  | 870   |
| Amos Dodge        | 257   |

Depending on the source, the total number of voters was 1924 or 1929. According to historian Milton M. Klein, 53.6% of *all* adult white males voted in the city's election of 1768. He contends that "virtually all the adult males in New York City" had the right to vote. By modern standards, this voter turnout seems to be quite high. Indeed, it was the highest voter turnout for the decade. The election of 1761, however, had a higher percentage of voters (56.1%). For the election of 1768, campaign literature appears to have been effective at mobilizing the electorate for the DeLancey cause.<sup>55</sup>

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Procedures and Practices in Colonial New York," 249-51; and Bonomi, "Political Patterns in Colonial New York City," 435-37.

<sup>55</sup> "New-York, March 14," *New-York Gazette; and the Weekly Mercury*, March 14, 1768; "NEW-YORK, March 17," *New-York Journal*, March 17, 1768; and Champagne, "Family Politics versus Constitutional Principles." On the voting numbers, see Klein, "Democracy and Politics in Colonial New York," 237. Although Bonomi has suggested there was voter apathy in 1768, her numbers still correspond with Klein's. See Bonomi, "Political Patterns in Colonial New York City," 445-47.

During and especially after the election of 1768, election reform briefly became an issue amongst politicians and voters. In particular, the DeLancey faction had treated the voters with quite a bit of beer, wine, punch, and other beverages for the five days that the city's polls were open. Some political commentators viewed these election practices as a form of corruption. BIBIBUS noted,

SINCE sundry moneyed Gentlemen of this City, have been generous enough to open the Strings of their Purses, to furnish Belly-Timber during the present Election: Let us Eat heartily, tho' temperately; Drink liberally, tho' cautiously; Sing jovially, tho' modestly; applaud disinterestedly, tho' generously: And under the Protection of Baccus, let those Gentlemen know, that we love their Bread and Wine, but despise the Imputation of being influenced by either[.]

He cautioned voters not to give their votes to those who provided the best entertainments. Individuals who sold their votes were subjecting themselves to "Slavery." Some political operatives also advocated switching from *viva-voce* voting to paper ballots. Ultimately, the clamor for election reform had little traction and dissipated quickly in the city.<sup>56</sup>

On March 18, roughly one week after the election, New Yorkers celebrated the second anniversary of the repeal of the Stamp Act. The city's "principal Merchants and other respectable Inhabitants" gathered for the day at John Jones's Tavern and Edward

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<sup>56</sup> Bonomi, *A Factious People*, 243-44; BIBIBUS, *A TOOTH-FULL of Advice* (New York, 1768), Evans 10833; CLEOMENES, [Letter to the Editor], *New-York Journal*, February 18, 1768; and THE BALLATOR, *Proposal for Election of Members in General Assembly, by Way of Ballot* (New York, 1768), Shipton and Mooney 41791. Becker has suggested that voting reform was a major issue for voters. While election fraud did occur, according to Klein and Bonomi, actual reform was not viewed as a major issue. See Becker, *Political Parties*, 14-15; Klein, "Democracy and Politics in Colonial New York," 230-32; and Bonomi, "Political Patterns in Colonial New York City, 437-39. On the tradition of treating voters, see Sydnor, *American Revolutionaries in the Making*, Ch. 4; and Isaac, *The Transformation of Virginia*, 110-14.



Bardin's Tavern in the Fields. The fete celebrated both the Stamp Act repeal as well as the DeLancey faction's takeover of the General Assembly. Everyone was in a festive mood; "Union Flags were displayed and elegant Entertainments provided." The revelers began eating at two o'clock and after their meal they sent "by common Consent" the remainder of their dinners "to the poor Prisoners in the Gaol, with a suitable Quantity of Liquor." The gesture suggested that the merchants were in fact looking out for all in the community. When their dinners were finished, the gentlemen began the usual pattern of toasting. After first drinking to the royal family, the revelers turned to more politically minded toasts.

9. The spirited Assembly of Virigina, of the Year 1765.
10. The truly patriotic Ministry, and glorious Majority of both Houses of Parliament in 1766.
16. The Friends of Liberty and Trade.
17. May the Merchants and Tradesmen of this City, ever be firmly united to promote the true Interest and Prosperity of the Province.
19. Success to the American Manufactories.
20. The Liberty of the Press.
21. Unanimity to the Sons of Liberty in America.

The celebration was as much about the merchant's victory as it was about the repeal of the Stamp Act. After the toasts, the sky lit up with fireworks as music played in the background. For the DeLanceys, all seemed well with the world. They had secured their victory in the General Assembly and their ideology had appeared to win out.<sup>57</sup>

Roughly one month after the election, merchants attempted to distance themselves even further from the Livingston lawyers. On April 5, the merchants established the New

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<sup>57</sup> "NEW-YORK, March 17," *New-York Journal*, March 17, 1768; "*New-York, March 14*," *New-York Gazette*; and *the Weekly Mercury*, March 14, 1768; "NEW-YORK, March 24," *New-York Journal*, March 24, 1768; and Benjamin L. Carp, *Rebels Rising: Cities and the American Revolution* (Oxford and New York: Oxford University Press, 2007), 86.

York Chamber of Commerce. The aim of the chamber was to resolve commercial disagreements outside of the court system. Once a month, members of the chamber served as arbitrators to resolve disputes. The chamber brought the merchants a certain amount of independence from lawyers.<sup>58</sup>

For the time being, the DeLancey faction had gained control over politics within New York City. James DeLancey and his allies had skillfully denounced the rival Livingston faction and continued to cement their alliance with the city's radicals. The new General Assembly quickly became shrouded in controversy, however. Assemblymen became increasingly outspoken over the Townshend Revenue Acts of 1767 and drew up petitions to the King and Parliament. Various assemblymen began to question the direction of imperial politics as Parliament implemented legislation and policies that eerily echoed the Stamp Act Crisis of a few years earlier. Less than a year after the election of 1768, in an effort to curtail a growing sentiment of insubordination, Governor Sir Henry Moore dissolved the assembly yet again. New York City and County became the scene of yet another contentious political campaign.

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<sup>58</sup> Moglen, "Commercial Arbitration in the Eighteenth Century," 144.

**CHAPTER THREE**  
**“NO CHURCHMAN”:**  
**RELIGIOUS POLITICS AND THE ELECTION OF 1769**

When the fall session of the New York General Assembly opened on October 27, 1768, a new controversy appeared on the legislative agenda. Lord Hillsborough, in the recently created position of Secretary of State of the Colonies, decreed that all provincial assemblies must disregard the Circular Letter of the Massachusetts House of Representatives and its condemnation of the Townshend Revenue Acts of 1767. Any assembly that endorsed the circular letter faced dissolution. The DeLancey faction quickly maneuvered to exploit this controversy. While the DeLanceys had done well in the previous election, the General Assembly still held a Livingston majority. Sensing an opportunity, James DeLancey used his influence to maneuver the assembly to approve the circular letter, which would dissolve the assembly and force a new election. The popular DeLancey faction would be perfectly positioned to gain more assembly seats and could claim a moral victory for acknowledging the circular letter and defending the public's rights and liberties.<sup>1</sup>

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<sup>1</sup> *New-York Journal*, October 13, 1768; and Roger Champagne, “Family Politics versus Constitutional Principles: The New York Assembly Elections of 1768 and 1769,”

While the General Assembly remained torn over whether to sanction the Massachusetts Circular Letter or not, it received a similar circular letter from Virginia. At first, the Livingston faction avoided supporting the circular letters since a new election might erode its majority. Instead, the Livingston members decided to draft petitions to the King, House of Lords, and House of Commons. This would place them on the record as denouncing the Townshend Revenue Acts, while not officially approving the Massachusetts Circular Letter. The DeLanceys, however, still wanted a formal endorsement of the circular letter and got city residents to sign instructions to their assemblymen asking them to approve the circular letter. With public support moving towards sanctioning the circular letter, the Livingston faction stole the issue from its rivals and obtained a motion to examine the circular letter after the assembly's current agenda was finished. By the end of December, the General Assembly's docket was cleared and it moved on to reading and answering the circular letter as well as finalizing the previous month's petitions to the King and Parliament.<sup>2</sup>

On Saturday, December 31, the assembly finished their petitions to the King and Parliament. In their letters, the members enumerated the rights of their constituents and detailed Parliament's infringement on those rights. They asserted that within the British Empire there must be "an exact Equality of constitutional Rights." Furthermore, taxation without proper consent from the public was "inconsistent" with those constitutional

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*William and Mary Quarterly* 20 (January 1963): 68-69. For further information on the Townshend Revenue Acts of 1767, see Chapter Five.

<sup>2</sup> *New-York Journal*, December 1, 1768; "NEW-YORK," December 29," *New-York Journal*, December 29, 1768; and Champagne, "Family Politics versus Constitutional Principles," 69-72.

rights. The assemblymen insisted that they alone had the right to tax the inhabitants of the province of New York. They also asserted that as a sovereign power the assembly had the right to correspond with any other province. Lastly, the representatives insisted that the power of the assembly “cannot lawfully or constitutionally be suspended, abridged, abrogated, or annulled by any Power, Authority, or Prerogative whatsoever” except for the King. The petitions were never sent. The following Monday, on January 2, 1769, Governor Sir Henry Moore and the Common Council disbanded the General Assembly for the second time in the span of a year. While Moore “was pleased to give his Assent to 30 Acts passed this Session,” he could not condone the assembly’s petitions to the King and Parliament and endorsement of the circular letters. Dissolution plunged New York City into an even more bitter and factious electoral campaign.<sup>3</sup>

This chapter revisits the contest between the Livingston and DeLancey factions for supremacy over the New York General Assembly.<sup>4</sup> First, I examine how each faction returned to character politics as a means to denigrate its opponents’ reputation and claim its right to the symbols of public power and authority. Second, I expand on the role of

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<sup>3</sup> “NEW-YORK, January 5,” *New-York Journal*, January 5, 1769; “Extracts from the Votes of the House of Representatives in New-York,” *New-York Gazette, or Weekly Post-Boy*, January 9, 1769; and Champagne, “Family Politics versus Constitutional Principles,” 72. For Henry Moore’s speech dissolving New York’s General Assembly, see “NEW-YORK, January 9,” *New-York Gazette or the Weekly Post-Boy*, January 9, 1769.

<sup>4</sup> Like the General Assembly election of 1768, historians have paid scant attention to the election of 1769. For the few exceptions, see Lawrence H. Leder, “The New York Elections of 1769: An Assault on Privilege,” *Mississippi Valley Historical Review* 49 (March 1963): 675-82; Champagne, “Family Politics versus Constitutional Principles,” 57-79; Roger J. Champagne, “Liberty Boys and Mechanics of New York City, 1764-1774,” *Labor History* 8 (Spring 1967): 123-33; and Bernard Friedman, “The New York Assembly Elections of 1768 and 1769: The Disruption of Family Politics,” *New York History* XLVI (January 1965): 3-24.

religion and religious rhetoric. While religion was a key issue in the election of 1768, it emerged as the central issue in 1769. The Livingstons denounced their rivals for being too closely associated with the Anglican Church and linked them with the conspiracy to place an Anglican bishop in North America. Third, I investigate how partisans couched much of their campaign rhetoric in terms of social and political reciprocity.<sup>5</sup> The DeLanceys discussed their right to re-election as a moral imperative. In their eyes, they had defended the public good and therefore the people had to reciprocate by re-electing them to the assembly. Each side was obligated to fulfill its part of the social contract.

### **“The Most Violent Heats and Animosity”**

Most political observers expected that the majority of the General Assembly would be re-elected, especially since many representatives remained popular among their constituents. According to one commentator in the *New-York Journal*, “it is not doubted but the same Members who have in a Capital Instance, acted so highly to the Satisfaction of their Constituents, and made such an honourable Exit, will again be unanimously elected.”<sup>6</sup> The Livingston faction, which had previously fared poorly in New York City and County, sought to protect its province-wide majority in the General Assembly and to regain its lost seats in the city.

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<sup>5</sup> The scholarship of E. P. Thompson has informed my understanding of social obligations and reciprocity in the early modern world. See E. P. Thompson, “Patrician Society, Plebian Culture,” *Journal of Social History* 7 (Summer 1974): 382-405; and E. P. Thompson, “The Moral Economy Reviewed,” in *Customs in Common: Studies in Traditional Popular Culture* (New York, New Press, 1993), especially 341-49.

<sup>6</sup> “NEW-YORK, January 5,” *New-York Journal*, January 5, 1769.

The day after Governor Sir Henry Moore dissolved the assembly, the Livingston faction held a well-attended public meeting at Henry Van De Water's tavern to discuss the religious climate and ensuing election. The meeting's participants wanted to "preserve, if possible, the Peace of this City" and avoid having a contentious election like the previous year. To accomplish this, they created a plan to maintain public order—a unified campaign ticket. The city's Anglicans would nominate two candidates and the dissenting Protestants would also nominate two candidates for the assembly. Supporters of the unified ticket would use their influence against anyone else who sought an assembly seat. The Livingston faction believed the plan would ease the strain between the city's Anglicans and dissenters. The plan would also be beneficial to the Livingstons who hoped to field two candidates of their choosing.<sup>7</sup>

When the Livingston faction informed the opposition of its proposal, James DeLancey and his political allies immediately rejected it. They based their decision on the premise that the "Four late Members should be re-chosen; and that therefore they conceived it would have been highly improper and ungrateful in Them to consent to any other Junction."<sup>8</sup> Many residents agreed with the DeLancey faction's rationale. With their plan rejected, the Livingstons held another public meeting on January 4 to nominate former assembly speaker Philip Livingston, lawyer John Morin Scott, merchant

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<sup>7</sup> [Anonymous], *To the Freeholders and Freemen of the City and County of New-York* (New York, 1769), Evans 11496; and THE QUERIST, *To the Freeholders and Freemen, of the City and County of New-York*, No. 1 (New York, 1769), Evans 11431, 2. For my use of the term dissenting Protestant, see Chapter Two.

<sup>8</sup> [Anonymous], *To the Freeholders and Freemen of the City and County of New-York* (New York, 1769), Evans 11496; and [Anonymous], *Whereas a great Handle is made against* (New York, 1769), Evans 11376.

Theodorus Van Wyck, and Peter Van Brugh Livingston, a merchant and brother of William and Philip Livingston.<sup>9</sup>

On the same day, the DeLancey faction held its public nomination at the Merchants' Exchange. The participants declared that the assemblymen from the previous session—Philip Livingston, James DeLancey, Jacob Walton, and James Jauncey—should be re-elected. Livingston, however, had told the DeLancey faction he was not seeking re-election. To take his place, the DeLancey faction nominated John Cruger, the former mayor of New York City. At the end of the meeting, the crowd gave “three Huzza's” to signify their “Thanks” for the “spirited Conduct” of the last assembly. The *Journal*—which had supported the DeLancey faction during the previous election—proclaimed, “it is not doubted, but those Gentlemen will be unanimously elected.” In several public notices, the DeLanceys thanked the city residents for their support and mentioned that they had wanted Livingston on their ticket, but he had declined.<sup>10</sup>

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<sup>9</sup> [Anonymous], *To the Freeholders and Freemen of the City and County of New-York* (New York, 1769), Evans 11375; [Anonymous], “To the Freeholders and Freemen of the City and County of New-York,” *New-York Gazette and Weekly Mercury*, January 9, 1769 and January 16, 1769; “William Smith, Jr., to Robert R. Livingston, January 5, 1769,” Robert R. Livingston Papers [Microfilm], New-York Historical Society, New York, New York, Reel 1 (Hereafter cited as Livingston Papers); Joseph S. Tiedemann, *Reluctant Revolutionaries: New York City and the Road to Independence, 1763-1776* (Ithaca and London: Cornell University Press, 1997), 132-33; and Cynthia A. Kierner, *Traders and Gentlefolk: The Livingstons of New York, 1675-1790* (Ithaca and London: Cornell University Press, 1992), 135.

<sup>10</sup> “NEW-YORK, January 5,” *New-York Journal*, January 5, 1769; “New-York, January 9,” *New-York Gazette and Weekly Mercury*, January 9, 1769; “William Smith, Jr., to Robert R. Livingston, January 5, 1769,” Livingston Papers, Reel 1; and John Cruger, *To the Freeholders and Freemen, of the City and County of New-York* (New York, 1769), Evans 11228, which was also reprinted in *New-York Journal*, January 12, 1769. For the DeLancey faction's statement thanking the public for the nomination, see



The biggest controversy of the first week of the campaign was whether Philip Livingston was even running. He said he would not stand for re-election, but his name appeared on the Livingston faction's ticket. His non-committal may have been a ploy to manipulate the DeLancey faction to support the unified ticket. He probably intended all along to ally himself with his family's faction. On January 7, Livingston put out a statement to explain his actions and preserve his reputation. He explained that he only wanted to run for the assembly "if there was a Probability of a peaceable Election." When it had become evident that there was no hope for a quiet election, Livingston had decided against campaigning for his old seat. When each faction had asked him on January 4 to join its ticket, he allegedly refused both because "I was resolved not to have any Agency in an Election which I apprehended would be productive of the most violent Heats and Animositities." Livingston, however, declared that if he were re-elected, he would serve the people.<sup>11</sup>

Livingston eventually did publicly align himself with the Livingston faction. His name appeared on a number of broadsides associated with the Livingston ticket.<sup>12</sup> As

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James DeLancey, et. al., "To the Freeholders and Freemen, of the City of New-York," *New-York Gazette and Weekly Mercury*, January 9, 1769. Slightly different versions appear in *New-York Journal*, January 12, 1769; *New-York Gazette and Weekly Mercury*, January 16, 1769; and James DeLancey, et al., *To the Freeholders and Freemen, of the City of New-York* (New York, 1769), Evans 11234.

<sup>11</sup> Philip Livingston, *To the Freeholders and Freemen, Of the City and County of New-York* (New York, 1769), Evans 11311, which was also reprinted in the *New-York Gazette and Weekly Mercury*, January 9, 1769 and January 16, 1769. For his possible motive for lying to the DeLancey faction, see Leopold S. Launitz-Schürer, Jr., *Loyal Whigs and Revolutionaries: The Making of the American Revolution in New York, 1765-1776* (New York and London: New York University Press, 1980), 64-65.

<sup>12</sup> *New-York Gazette; and the Weekly Mercury*, January 9, 1769; [Anonymous], *The Freeholders and Freemen of this City and County . . .* (New York, 1769), Evans

events unfolded in early January, the DeLanceys were irate over Livingston's lie. In an effort to discredit him, they disseminated an affidavit, which four witnesses had signed and sworn before a Justice of the Peace on January 6. In the affidavit, the witnesses claimed to have been present at the Merchants' Exchange when Livingston had publicly announced his intention not to seek re-election.<sup>13</sup>

### **“A Snake in the Grass”**

As with the General Assembly election of 1768, character politics played a pivotal role in the election of 1769. Candidates continued to “self-fashion” and construct themselves within the theater of politics. They hoped to claim the exclusive rights to the symbols of public power and authority—civic virtue, charity, morality, piety, and reputation. Conversely, candidates utilized slander and rumor to denigrate their opponents' claims to these same symbols.<sup>14</sup>

Like the previous election, the DeLancey faction focused much of its energy on discrediting the character and reputation of John Morin Scott. It again assailed Scott for

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11377; and Freemasons, *Advertisement* (New York, 1769), Evans 11378. The Livingston ticket also circulated campaign literature without Philip Livingston's name on it. See John Morin Scott, et. al., *To the Freeholders and Freemen of the City and County of New-York* (New York, 1769), Evans 11456.

<sup>13</sup> George Harison, et. al., *Whereas at a Meeting of the Freeholders and Freemen, of this City . . .* (New York, 1769), Evans 11284.

<sup>14</sup> On performance culture and politics, see Clifford Geertz, “Centers, Kings, and Charisma: Reflections on the Symbolics of Power,” in *Local Knowledge: Further Essays in Interpretative Anthropology* (New York: Basic, 1983); Thompson, “Patrician Society, Plebian Culture,” 387-90; Stephen J. Greenblatt, *Renaissance Self-Fashioning: From More to Shakespeare* (Chicago: University of Chicago Press, 1983); and Rhys Isaac, *The Transformation of Virginia, 1740-1790* (Chapel Hill: University of North Carolina Press, 1982), especially 323-57. For a further discussion, see Chapter Two.

being a lawyer and for not being radical enough during the Stamp Act Crisis. Several pamphlets denounced Scott and his fellow Livingstons for their opposition to the Five Pound Act, which allowed Justices of the Peace to try civil cases valued at less than £5.<sup>15</sup> On January 12, THE EXAMINER accused Scott of implying that the Virginia Resolves and its condemnation of the Stamp Act were “little less than Treason.” He charged Scott with attempting “to stifle the rising Flame of Patriotism, and leave us obnoxious to Beggary and Servitude.”<sup>16</sup>

The DeLancey faction also rehashed its argument that a lawyer could not represent a commercial city. In his second essay, THE EXAMINER discussed how New York City’s success and economy was based on commerce. The mercantile interest, however, was underrepresented in New York’s government. Of the twenty-seven members of the General Assembly, only four represented the city and its commercial interests. Therefore, the commercial interest was only a small, minority faction—that was, of course, assuming that New York City and County had even elected members who were sympathetic towards the commercial interest.<sup>17</sup>

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<sup>15</sup> John Morin Scott, *To the Freeholders and Freemen of the City and County of New-York* (New York, 1769), Evans 11454; and Dorothy Rita Dillon, *The New York Triumvirate: A Study of the Legal and Political Careers of William Livingston, John Morin Scott, and William Smith, Jr.* (New York: Columbia University Press, 1949; reprint, New York: AMS Press, 1968), 55-57 (page citations are to the reprint edition). The DeLancey faction also attacked Scott’s compatriot William Smith, Jr., for opposing the act. For Smith’s response, see William Smith, Jr., *Mr. Parker, A Bill was sent up by the House of Assembly . . .* (New York: James Parker, 1769), Evans 11470.

<sup>16</sup> THE EXAMINER, *Addressed to the Freeholders and Freemen, of the City of New-York*, No. I (New York, 1769), Evans 11252, 2.

According to THE EXAMINER, a lawyer would not make a very good representative for a commercial city because the interests of his profession were “diametrically opposite” to that of a merchant. He continued,

Every increase of penal Laws creates a new Field for Contention, and makes Employment for the Lawyer, whilst it clogs and embarrasses Trade.—Every Method of retarding Justice and rendering it more expensive, delights and benefits the Lawyer, whilst it keeps the Merchant out of that Money, he could employ in Business to the Advantage of himself and the Emolument of the Community.

The merchant benefited the corporate ideal while the lawyer was detrimental to it. A lawyer would never side with the commercial interests over his own interests.<sup>18</sup>

In mid-January, a new incarnation of THE QUERIST appeared. While the previous *nom de plume* had supported John Morin Scott’s candidacy in 1768, the new version was pro-DeLancey, pro-merchant, and pro-Anglican.<sup>19</sup> Echoing the campaign rhetoric of 1768, THE QUERIST analyzed Scott’s ineptitude at protecting the public good and moral economy. The essayist charged Scott with being afraid to stand up for the peoples’ rights and liberties during the Stamp Act crisis. “Is not that very Man become a cringing C[u]r? Did he not openly condemn the Virginia Resolves; whose noble Spirit first awakened our Attention to our Liberty? Did he not declare that they were but a small Remove from Treason?” asked THE QUERIST. Scott was a lawyer who knew little of commercial issues. “Is it right in a trading City to prefer a Man of the

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<sup>17</sup> THE EXAMINER, *Addressed to the Freeholders and Freemen, of the City of New-York*, No. II (New York, 1769), Evans 11253. The essays also appeared in *New-York Journal*, January 19, 1769.

<sup>18</sup> THE EXAMINER, *Addressed to the Freeholders and Freemen, of the City of New-York*, No. II (New York, 1769), Evans 11253. On the professional relationship between lawyers and merchants in pre-Revolutionary New York, see Chapter Two.

<sup>19</sup> See Chapter Two.

Law to a Merchant?” he asked. Scott knew nothing about social reciprocity or the public good. In short, he did not deserve to be elected—certainly not above those who had actually defended the public good.<sup>20</sup>

The most scandalous broadside to emerge during the campaign was *A CONTRAST*, which was a character study of two political candidates—merchant and lawyer, James DeLancey and John Morin Scott. The broadside synthesized many of the arguments presented during the electoral campaigns of 1768 and 1769. The merchant made the best representative for a commercial city because he “cannot enrich himself without benefiting those amongst whom he resides.” In a moral economy, the merchant made money off his consumer goods, but also provided employment that allowed individuals the means to purchase his products. *A CONTRAST* also alluded to the semiotics of character. The merchant had many of the intrinsic traits that made an individual a virtuous and upright public official. He was charitable, attentive to the public good, and unaffiliated with any political party. He was also a model Christian “and a *charitable* Friend to Christians of all Denominations.” Most importantly, the merchant had protected the rights of New Yorkers by supporting the assembly’s resolves and supporting the Massachusetts Circular Letter.<sup>21</sup>

Unlike the honorable merchant, the lawyer’s profession was “the prostituted Trade of perverting Justice.” He did not defend the public good, but instead “lives upon

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<sup>20</sup> THE QUERIST, *To the Freeholders and Freemen, of the City and County of New-York*, No. I (New York, 1769), Evans 11431, 1. For his follow up, see THE QUERIST, *To the Freeholders and Freemen, of the City and County of New-York*, No. II (New York, 1769), Evans 11432.

<sup>21</sup> [Anonymous], *A CONTRAST* (New York, 1769), Evans 11223.

the Spoils of the Public” and “impoverish[es] all those, by or *against* whom he has the Happiness to be employed.” The broadside denounced Scott for his “Debauchery and Excess” and went so far as to claim that he “dances with, and kisses (*filthy beast!*) those of his own Sex.” By accusing Scott of homosexual acts, the DeLancey faction tarnished his reputation even further and perhaps made him unelectable. By portraying Scott as effeminate, the accusation also hurt him in a symbolic sense. Within Anglo-American political culture, the public expected politicians to exude “manly patriotism.” The barrister was also not religiously tolerant, but instead “utterly bigoted” and incapable of protecting the public good in a pluralistic society. Lastly, the broadside blamed him for engineering the dissolution of the General Assembly as a political ploy to further the ambitions of the Livingston faction.<sup>22</sup>

As in the previous election, the DeLancey faction again courted the votes of artisans and laborers. It circulated gossip that Scott had cheated a common laborer, Robert Atkins, out of back wages. The rumor was just another attempt to depict Scott as an exploitive lawyer who deprived individuals of their hard-earned money and property. In a January 9 deposition, Atkins admitted that the rumor was “scandalously False” and

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<sup>22</sup> [Anonymous], *A CONTRAST* (New York, 1769), Evans 11223. On homosexuality and reputation, see Patricia U. Bonomi, *The Lord Cornbury Scandal: The Politics of Reputation in British America* (Chapel Hill: University of North Carolina Press, 1998), especially Ch. 6. Historian Kathleen Wilson has used gender theory to analyze how partisans constructed their rhetoric against political enemies in eighteenth-century England. She writes, “[T]he model of manly patriotism simultaneously defined and solicited a particular vision of masculinity to be put at the call of patriotism that marginalized and opposed non-resisting and hence ‘effeminate’ others.” See Kathleen Wilson, *The Sense of the People: Politics, Culture and Imperialism in England, 1715-1785* (Cambridge: Cambridge University Press, 1998), 219.

that Scott had paid him in full.<sup>23</sup> The DeLanceys also issued a series of brief cards or placards attacking lawyers in an effort to discredit Scott. The cards sought to link the economic and political fortunes of laborers with merchants. A January 14 card asked artisans to “be Stanch and Hearty in hindering a Lawyer, from representing this Commercial City,” especially since it was “trade, and not Law, that supports our Families.”<sup>24</sup>

In addition to denigrating John Morin Scott’s character and reputation, the DeLancey faction also set its sights on former General Assembly speaker Philip Livingston. The DeLanceys remained upset over Livingston’s rebuff and disingenuous claims of not standing for re-election. While he remained a well-respected elder statesman, many admirers turned against him. John Jay, who married into the Livingston family but remained a DeLancey supporter, wrote to Justice Robert R. Livingston, “Ph. Livingston shakes—he is said to have played a Double Game, Appearances are agt him, if true I hope he may lose his Election.”<sup>25</sup>

Robert Murray, a Son of Liberty and Livingston supporter, purportedly called Philip Livingston “a snake in the grass” when referring to his duplicitous nature. The charge came from two radical Sons of Liberty, Isaac Sears and Isaac Corsa. On January 12, Murray issued a statement claiming the quote was false and a malicious attempt to

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<sup>23</sup> John Morin Scott, *The following Affidavit . . .* (New York, 1769), Evans 11453.

<sup>24</sup> [Anonymous], *A CARD* (New York, 1769), Evans 11198; and [Anonymous], *A CARD* (New York, 1769), Evans 11199.

<sup>25</sup> “John Jay to Robert R. Livingston, January 1769,” Livingston Papers, Reel 1; and Patricia U. Bonomi, *A Factious People: Politics and Society in Colonial New York* (New York and London: Columbia University Press, 1971), 252.

portray him as having “personal Enmity towards Philip Livingston.” He admitted to being swayed by initial reports claiming Livingston to be “very unfit for a Representative of this City.” But once he discovered these rumors were “groundless,” he decided to work to get Livingston re-elected. The scenario highlighted the divisions within the Sons of Liberty between radicals like Isaac Sears and John Lamb who supported the DeLancey faction and moderates like Alexander McDougall, Robert Murray, and Abraham Brasher who supported the Livingston faction.<sup>26</sup>

In an effort to turn the tables, the Livingston faction also utilized character politics as a means to harass its opponents. The Livingstons circulated gossip about James Jauncey within the Presbyterian congregation in which he was a member. They issued statements that the DeLancey assemblyman was self-interested and lacking civic virtue because he did not contribute money to the city’s poor. While the poor did not vote, voters expected their leaders to look out for the public good and all segments of society. On January 16, his supporters issued a rebuttal with sworn affidavits, claiming that Jauncey was “a generous Benefactor to the Poor of this City.” They also stated that his charitable nature made him a better citizen—and therefore better candidate for the General Assembly.<sup>27</sup>

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<sup>26</sup> Isaac Sears and Isaac Corsa, “These may certify . . . ,” *New-York Journal*, January 12, 1769; Robert Murray, “To the PRINTER,” *New-York Gazette and Weekly Mercury*, January 16, 1769; and Champagne, “Family Politics versus Constitutional Principles,” 74-75. The dispute between Murray and the radicals continued after the election, see Isaac Sears, “As in Mr. Robert Murray’s Defence . . . ,” *New-York Journal*, January 26, 1769; and the various letters by Isaac Corsa and Robert Murray in the *New-York Gazette and Weekly Mercury*, February 20, 1769.

<sup>27</sup> [Anonymous], *Whereas on the late examination before the Honourable House of Assembly* (New York: John Holt, 1769), Evans 11529.



A few days later, on January 20, a second accusation materialized calling into question Jauncey's character. In an effort to put "the Conduct of our humane and charitable Candidate, in its proper Colours," Gezelena Rousby recounted how Jauncey had unjustly put her husband in jail. According to her account, Rousby's son-in-law, Henry Lane, had died while owing money to Jauncey. Prior to his death, Lane had asked his wife, Elizabeth Rousby Lane, and father-in-law, William Rousby, to be the executors of his estate, but William had declined. When Jauncey had not received his money from Lane's estate, he sought legal action against William. Her husband had languished in jail for almost two years because of Jauncey. When Elizabeth Rousby Lane had offered to sell Jauncey the estate, he had refused unless the price was lowered.<sup>28</sup>

Jauncey dismissed the accusations as absurd and put forth his own version of events "to vindicate his Character." According to him, Henry Lane had owed him £155, which his estate should have been able to pay. Jauncey had not wanted anything to happen to the executors of the estate. He just wanted the debt levied on Lane's home. When William Rousby had not complied in accordance with the law, he was sent to jail. Jauncey had offered to put up a mortgage and bond to get Rousby out of jail, but his wife and daughter had refused. Jauncey believed this was done so they could enjoy the estate and deprive him of his property.<sup>29</sup>

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<sup>28</sup> Gezelena Rousby, *As Mr. Jauncey has endeavoured to exculpate himself* . . . (New York, 1769), Evans 11448; and Gezelena Rousby, *To the Freeholders and Freemen of the City of New-York* (New York, 1769), Evans 11447.

<sup>29</sup> [Anonymous], *MR. JAUNCEY heartily thanks his worthy Friends in this City* . . . (New York, 1769), Evans 11302.

### Dissenters versus Anglicans

In a letter to Justice Robert R. Livingston, John Jay summarized the tactics for the election campaign of 1769. “No Presbeterian has given Place to no Lawyer, and no Churchman is substituted in the Room of no Bishop,” he wrote.<sup>30</sup> During the one-month campaign, religion became the central issue for the contest between the DeLancey and Livingston factions. Throughout the seventeenth and eighteenth centuries, various rumors and campaigns had cropped up about the possibility of Parliament establishing an Anglican bishop for the North American provinces. Roughly two-thirds of those living in British America were members of non-Anglican denominations and viewed an Anglican bishop as one more step towards limiting their political and religious liberties. Provincials often associated Anglican bishops with the Stuart dynasty when bishops were an extension of the government and the lines between church and state were blurred. According to historian Patricia U. Bonomi, the debate surrounding the specter of an Anglican bishop probably took up just as much—if not more—space in North American newspapers than the entire Stamp Act Crisis.<sup>31</sup>

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<sup>30</sup> “John Jay to Robert R. Livingston, January 1769,” Livingston Papers, Reel 1.

<sup>31</sup> Patricia U. Bonomi, *Under the Cope of Heaven: Religion, Society, and Politics in Colonial America* (New York and Oxford: Oxford University Press, 1986), 187-209; Bernard Bailyn, *The Ideological Origins of the American Revolution* (Cambridge: Belknap Press of Harvard University Press, 1967), 95-98; Woody Holton, *Forced Founders: Indians, Debtors, Slaves, and the Making of the American Revolution in Virginia* (Chapel Hill: University of North Carolina Press, 1999), 197-98; and Ned Landsman, “The Episcopate, the British Union, and the Failure of Religious Settlement in Colonial British America,” in *The First Prejudice: Religious Tolerance and Intolerance in Early America*, eds. Christopher Beneke and Christopher Grenda (Philadelphia: University of Pennsylvania Press, 2010 forthcoming). On religion and Revolutionary America, see also J. C. D. Clark, *The Language of Liberty: Political Discourse and Social Dynamics in the Anglo-American World, 1660-1832* (Cambridge: Cambridge

The General Assembly election of 1769 coincided with the height of outrage over the newest campaign for a North American bishop. A few years earlier, Dr. Thomas Bradbury Chandler, a minister from Elizabethtown, New Jersey, wrote *An Appeal to the Public, in Behalf of the Church of England in America* (1767), which called for the installation of a bishop to perform religious functions—such as ordaining new ministers and confirming church members. The bishop would have no authority outside of the Anglican Church. “*That the Bishops to be sent to America, shall have no Authority, but purely of a Spiritual and Ecclesiastical Nature, such as is derived altogether from the Church and not from the State,*” he wrote. Chandler did concede, however, that a bishop should have the right to hold a governmental office. He also suggested creating a small tax to support an Anglican bishop. In cantankerous language, Chandler referred to the Anglican Church as the “true Religion” and dismissed non-Anglicans as “dissenters.” While the pamphlet intended “to silence the clamors of the dissenters,” it instead sparked outrage amongst the dissenting population in British America.<sup>32</sup>

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University Press, 1994); and Joseph S. Tiedemann “Presbyterianism and the American Revolution in the Middle Colonies,” *Church History* 74 (June 2005): 306-44.

<sup>32</sup> Thomas Bradbury Chandler, *An Appeal to the Public, in Behalf of the Church of England in America* (New York: James Parker, 1767), Evans 10578; Carl Bridenbaugh, *Mitre and Sceptre: Transatlantic Faiths, Ideas, Personalities, and Politics, 1689-1775* (London and Oxford: Oxford University Press, 1962), 289-93; Bonomi, *Under the Cope of Heaven*, 203; and Landsman, “The Episcopate, the British Union, and the Failure of Religious Settlement.” Chandler’s pamphlet appeared around the same time provincials had received news of two sermons critical of religious practices in British North America delivered by John Ewer, the Bishop of Llandaff, and William Warburton, the Bishop of Gloucester (See Bridenbaugh, *Mitre and Sceptre*, 293-94). William Livingston wrote one of the major critiques of Bishop Ewer’s sermon. See William Livingston, *A Letter to the Right Reverend Father in God, John, Lord Bishop of Landaff* (New York, 1768), Evans 10948.

In the province of New York, the issue of an Anglican bishop was particularly sensitive. After the English conquest in 1664, James Stuart, the Duke of York, created a colony with no established church. Roughly one hundred years later, New York still did not have an established church. Efforts to give any semblance of special privileges to the Anglican Church were met with disapproval and rebuke from dissenting Protestants. Some of the harshest critics were William Livingston, John Morin Scott, and William Smith, Jr. In the 1750s, the triumvirate—all Presbyterians—waged battle against Anglicanism in the pages of the *Independent Reflector* and “The Watch-Tower” series in Hugh Gaine’s *New-York Mercury*. Their essays highlighted the historical abuses of Anglicanism in New York, attacked the pro-Anglican DeLancey faction, and critiqued the proposal for the Anglican-sponsored King’s College.<sup>33</sup>

In the late-1760s, the triumvirate turned their attention to Chandler’s *An Appeal to the Public* and the bishop controversy. William Livingston became the primary author of “The American Whig” series, which appeared in James Parker’s *New-York Gazette, or Weekly Post-Boy* from March 1768 to July 1769. In the first essay, Livingston opined that Chandler’s proposal could “introduce an evil more terrible to every man, who sets a proper value either on his liberty, property or conscience, than the so greatly and deservedly obnoxious stamp-act itself.” In a letter to Reverend Samuel Cooper, Livingston referred to the scheme as an “ecclesiastical stamp-act, which, if submitted to, will at length grind us to powder.” He saw the campaign for a bishop as an insidious

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<sup>33</sup> Ned C. Landsman, “Roots, Routes, and Rootedness: Diversity, Migration, and Toleration in Mid-Atlantic Pluralism,” *Early American Studies* 2 (Fall 2004): 270-84; Landsman, “The Episcopate, the British Union, and the Failure of Religious Settlement”; Bridenbaugh, *Mitre and Sceptre*, 161-64; and Dillon, *The New York Triumvirate*, Ch. 2.

means to establish a precedent to subjugate political liberties as well as religious liberties. Livingston and others like him saw the Stamp Act, the Townshend Revenue Acts, and American bishop as all being cut from the same cloth.<sup>34</sup>

For the election of 1769, the Livingston faction returned to its tactic of using religion as the ultimate character issue. The Livingstons exploited the conspiracy about an Anglican bishop among the city's ethnically and religiously diverse population. Specifically, they targeted James DeLancey, who during the previous election they had accused of visiting England to stir up support for a bishop. They hoped to demonstrate that DeLancey and his allies could not stand for political and religious liberty and also be a member of the Anglican Church. Therefore, the Livingstons depicted Anglicanism as a character flaw and synonymous with monarchial and arbitrary power. They maintained that an Anglican could never represent a pluralistic city. Anglicanism was a voice of intolerance, which if given the chance would strip away the religious liberties of the city's polyglot population. The Livingstons hoped the city's dissenters would heed their call and band together to oppose the DeLancey faction from being re-elected.<sup>35</sup>

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<sup>34</sup> [William Livingston], "The American Whig, Numb. I," *New-York Gazette, or Weekly Post-Boy*, March 14, 1768; "William Livingston to Rev. Samuel Cooper, March 28," in *Ecclesiastical Records, State of New York*, Vol. 6, ed., Hugh Hastings (Albany: J. B. Lyon Company, 1905), 4113-14; Bridenbaugh, *Mitre and Sceptre*, 296-300; and Dillon, *The New York Triumvirate*, 44-47. Chandler and his associates published a response to Livingston using the pseudonym Timothy Tickle, Esq., called "A Whip for the American Whig," which appeared in the *New-York Mercury*. The Livingstons responded with a second series using the pseudonym Sir Isaac Foot called "A Kick for the Whipper," which also appeared in the *New-York Gazette, or Weekly Post-Boy*. For this chapter, I focus on the printed material relevant to the election of 1769. For a succinct discussion of the intricacies of the bishop controversy, see Landsman, "The Episcopate, the British Union, and the Failure of Religious Settlement."

Supporters of the DeLancey faction quickly fired back. One pundit accused John Morin Scott and the rest of the Livingstons of using religion as “a meer Pretext to cloak their other malicious, invidious Designs”—namely public power and authority. The author continued,

NOR do I believe, that a certain turbulent, restless, ambitious Candidate, would have been satisfied with the Nomination of four Members, out of his own Meeting House; or even with four Angels from Heaven, (if that could possibly be) unless his own dear, important, all sufficient *SELF*, could have been *One* of them.<sup>35</sup>

The DeLanceys also used song and verse as a means to denounce Scott and his exploitation of religion. *The English Independent* was “DUG OUT OF THE RUINS OF THE WATCH-TOWER.” “The Watch-Tower” had been an essay series linked to

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<sup>35</sup> Bonomi, *A Factious People*, 248-51; [William Livingston], “The American Whig, No. XLV,” *New-York Gazette, or Weekly Post-Boy*, January 16, 1769; [William Livingston], “The American Whig, No. XLVI,” *New-York Gazette, or Weekly Post-Boy*, January 23, 1769; and [William Livingston], “The American Whig, No. XLVII,” *New-York Gazette, or Weekly Post-Boy*, January 30, 1769. On the Livingston faction’s continued opposition to the Anglican church, see Dillion, *The New York Triumvirate*, Ch. 2; Milton M. Klein, “Church, State, and Education: Testing the Issue in Colonial New York,” in *The Politics of Diversity: Essays in the History of Colonial New York* (Port Washington and London: Kennikat Press, 1974), 97-109; and Ned C. Landsman, *From Colonial to Provincials: American Thought and Culture, 1680-1760* (Ithaca and London: Cornell University Press, 2000), 158-62. The Livingston faction hoped to tap into what historian Brendan McConville calls “ethnodeference.” “Simply put,” he notes, “many communities would defer to, elect, or obey only leaders who shared the majorities’ religious or ethnic identity.” See Brendan McConville, *These Daring Disturbers of the Public Peace: The Struggle for Property and Power in Early New Jersey* (Ithaca and London: Cornell University Press, 1999), 47-50, quote on page 48.

For the historiography on conspiracy and the “paranoid style of American politics,” see Richard Hofstadter, *The Paranoid Style of American Politics and Other Essays* (New York: Vintage, 1965); Bailyn, *The Ideological Origins of the American Revolution*, Ch. 4; Gordon S. Wood, “Conspiracy and the Paranoid Style: Causality and Deceit in the Eighteenth Century,” *William and Mary Quarterly* 39 (July 1982): 402-41; and Jill Lepore, *New York Burning: Liberty, Slavery, and Conspiracy in Eighteenth-Century Manhattan* (New York: Vintage, 2006), especially Ch. 2.

<sup>36</sup> HONESTUS, *An Anecdote of a Certain Candidate, for the Ensuing Election* (New York, 1769), Evans 11293.

William Livingston, William Smith, Jr., and Scott. The lyrics alluded to the contentious religious rhetoric that appeared during the campaign. The song warned of “The Crafty, crying, Cheating, lying, ENGLISH INDEPENDANT.” Scott was a “Knave in Piety” and a “JUDAS” who if given the chance would betray the public. He also “throws his FIERY DARTS around,” which perhaps referred to the Livingstons’ use of slander against James Jauncey.<sup>37</sup>

In mid-January, William Livingston’s “The American Whig” turned from matters of religious doctrine to religious politics and the upcoming election. As with his “The Watch-Tower” series, Livingston delineated the Anglican Church’s history of abusing power. A portion of “The American Whig, No. XLV” was also published as a separate broadside entitled, *Reasons For the Present Combination of the Dissenters in this City*. In nineteen points, Livingston outlined Anglican abuses since the English takeover of New Netherland, among them the “violent episcopalian” Lord Cornbury and his persecution of Presbyterian minister Francis Makemie. He ended with a discussion of the Anglicans’ refusal to allow the city’s dissenters to nominate two candidates. According to Livingston, this refusal was an Anglican attempt to turn the election into “a religious quarrel.” In conspiratorial tones, he also maintained that the Anglicans although only a small minority in the province wielded a great deal of power—too much power. On January 23, Livingston attacked the DeLanceys for, in the previous election, “keep[ing] out a certain candidate [John Morin Scott] merely for his attachment to the cause of religious liberty; and because his abilities gave the enemies of it reason to tremble for

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<sup>37</sup> [Anonymous], *The English Independent* (New York, 1769), Evans 11249.

their darling scheme of erecting a practical domination over all the other churches in the colony[.]” His accusations elicited a number of responses.<sup>38</sup>

On January 16, PHILO PATRIE, who claimed not to be affiliated with any particular denomination, opined that religious sectarianism had no place in electoral politics. “It matters not, whether we are *Church-Men* or *Dissenters*, so long as we act uprightly, and do not suffer our religious Sentiments to interfere in Politics, with which Religion has little to do,” he wrote. He disagreed with the Livingston faction’s criticism of Anglicism and its claim that dissenting Protestants did not have enough representation in the General Assembly. PHILO PATRIE pointed out that the DeLancey nominees were not all Anglicans. John Cruger was a member of the Dutch Reform Church and James Jauncey was a member of the Presbyterian Church “notwithstanding the vile and dirty Treatment he has receive from his Brethren of the same Community.” This referred to the Livingstons’ questioning of Jauncey’s charitable nature. Only James DeLancey and his cousin Jacob Walton were Anglicans who allegedly were religiously tolerant and not interested in “encroaching upon our civil or religion Liberties.” Lastly, PHILO PATRIE turned his attention to *Reasons for the Present Glorious Combination of the Dissenters in this City*, which he rightly accused the triumvirate of writing. He warned the public not

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<sup>38</sup> [William Livingston], “The American Whig, No. XLV,” *New-York Gazette, or Weekly Post-Boy*, January 16, 1769; [William Livingston], *Reasons For the Present Combination of the Dissenters in this City* (New York, 1769), Evans 11436; and [William Livingston], “The American Whig, No. XLVI,” *New-York Gazette, or Weekly Post-Boy*, January 23, 1769. The broadside for *Reasons For the Present Combination of the Dissenters in this City* was probably published before its inclusion with “The American Whig” since partisans were already responding to it on January 16. For another essay that discusses Anglican abuses, see [William Livingston], “The American Whig, No. XLVII,” *New-York Gazette, or Weekly Post-Boy*, January 30, 1769.



to be “Tools” of the Livingston faction who would “ruin you, and sell your Liberties” in order to gain power and acclaim.<sup>39</sup>

A MEMBER OF THE CHURCH OF ENGLAND also issued a response to Livingston’s *Reasons For the Present Combination of the Dissenters in this City* on January 16. He accused the Livingstons of writing the pamphlet to discredit the former representatives who remained popular. According to the author, the designing Livingston faction had “rightly judged that it would be no easy Matter to hurt them in the Opinion of the People, by finding fault with their Conduct.” They had therefore turned to religion because they figured “that you, my Fellow Citizens, like the Inhabitants of every other Part of the World, were divided in your religious Sentiments.” Since DeLancey and Walton belonged to the Anglican Church, the Livingston faction had believed it could use the conspiracy about an Anglican bishop to sway public opinion. The author believed that the Livingston faction had formed “A COMBINATION” in which . . .

every Member has his Lesson—Emissaries are appointed to spread false Reports, to publish to the People, that all Toleration will shortly be at an End—that the CHURCH had grown rampant—that she was preparing to rule them with a Rod of Iron; and, was determined to take from them, one Tenth part of their Possessions.

He believed the faction’s plan to spread fear and anxiety throughout the city was working. The public feared its religious liberties were in danger and, therefore, might not vote for the former assemblymen.<sup>40</sup>

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<sup>39</sup> PHILO PATRIE, “To the FREEHOLDERS and FREEMEN, of the City and County of New-York,” *New-York Gazette and Weekly Mercury*, January 16, 1769; and Launitz-Schürer, *Loyal Whigs and Revolutionaries*, 61. On January 18, the DeLancey faction denied being associated with PHILO PATRIE. See John Cruger, et. al., *Whereas a paper, signed Philo Patriae . . .* (New York, 1769); Evans 11230.

THE FREEHOLDER took issue with *Reasons For the Present Combination of the Dissenters in this City* as well. After first presenting a brief religious history of New York, he began his defense of the Anglican Church, which he saw as the victim of a conspiracy. He insinuated that the Livingston faction was attempting to ruin the character and reputation of the church by spreading malicious, false rumors that it was planning to stifle the rights and liberties of dissenting Protestants. According to the author, Anglicans were not endeavoring to exclude dissenters from public office. The few Anglicans who had served in public office had done nothing to infringe on the peoples' rights. Discriminating against a candidate for being an Anglican also went against the principles of religious liberty. The author asked, "will these Incendiaries advance it as a Rule, that the established Religion disqualifies a Man, for *electing*, or being *elect*ed? Will they call this *religious Liberty*? Is it not rather downright *Persecution* and Intolerance?" THE FREEHOLDER returned to the Livingston proposal for a unified ticket. After receiving the proposal, DeLancey and Walton had apparently entertained the notion of two candidates from each side. When they brought the notion before the public, the people had chanted that they wanted the former members returned to the General Assembly.<sup>41</sup>

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<sup>40</sup> A MEMBER OF THE CHURCH OF ENGLAND, *Observations on the Reasons* (New York, 1769), Evans 11394, 1-2. *Observations* appeared on January 16, 1769, see THE FREEHOLDER, *Conclusion of the Answers, To the Reasons*, No. III (New York, 1769), Evans 11262.

<sup>41</sup> THE FREEHOLDER, *Conclusion of the Answers, To the Reasons*, No. III (New York, 1769), Evans 11262, 1-3. For his brief history of New York's religious history, see THE FREEHOLDER, *Answer to the Reasons*, No. I (New York, 1769), Evans 11260; and THE FREEHOLDER, *A Continuation of the Answers, To the Reasons*, No. II (New York, 1769), Evans 11261.

Other political commentators also accused the Livingston faction of using religion to divide the populace in order to secure an electoral win. An OLD DUTCHMAN wrote that the Livingstons were “a restless and implacable Faction, who . . . has endeavoured to prevent the Growth of the Church of England amongst us.” He believed that the Anglican Church and other dissenting churches had gotten along amicably until “a wild and despicable Triumvirate” had meddled in the religious affairs of the city. Although from many different ethnic and religious backgrounds, residents had to come together as one people.<sup>42</sup>

Similarly, THE EXAMINER accused the Livingston faction of dredging up old ethnic and religious disputes that most people had believed to be settled by the mid-eighteenth century.

There never was a Time, at which greater Pains have been taken, to divide us; to revive old Occasions of Difference, and recal[l] from Oblivion, unhappy Disputes, and long neglected Prejudices—There never was a Time, in short, at which groundless Jealousies have been more industriously excited; or wicked Calumnies, more assiduously employed to disturb the Quiet and Repose of our Country.

The author defended the Anglican Church as a voice of moderation in the Protestant world. The Livingstons were being unfair to the church in order to suit their own needs and desires. He concluded his essay “with a new Catechism, proper for the Season, and communicated by a particular Friend.”<sup>43</sup>

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<sup>42</sup> OLD DUTCHMAN, *To the Freeholders and Freemen of the City and County of New-York, in Communion with the Reformed Dutch Church* (New York, 1769), Evans 11495.

<sup>43</sup> THE EXAMINER, *Addressed to the Freeholders and Freemen, of the City of New-York*, No. III (New York, 1769), Evans 11254.

Immediately following THE EXAMINER's essay was *A Political Catechism*, which contained a series of mock questions and answers between two individuals discussing the actions of the triumvirate. It charged William Livingston, William Smith, Jr., and John Morin Scott with using both "The American Whig" series and *Reasons For the Present Combination of the Dissenters in this City* to amass political power and prestige. The catechism accused them of using the disputes among Protestants—although "many of them trifling in their nature"—to stir up religious animosity in the hopes of dividing the public and elevating Scott to the General Assembly.

QUEST. What is the Maxim by which the Friends to arbitrary power, and Enemies to this Colony, have always been guided?

Answ. *Divide & impera*—Divide and rule.

QUEST. What is the Maxim by which the aforesaid Independent L—wy—rs square their Conduct?

Answ. The same with the last.—*Divide & impera*—Divide and rule.

According to the anonymous author, the triumvirate's strategy of pitting the people against one another was detrimental to the public good. The DeLanceys, on the other hand, did not seek to divide the people, but to bring them together.<sup>44</sup>

### Reciprocity and Re-Election

In the weeks leading up to the General Assembly election of 1769, many pundits declared that because the former assemblymen had only been representing the public good, the people had a moral obligation to re-elect them. Many writers sympathetic to the DeLancey faction expressed this sentiment by creating an argument based on social

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<sup>44</sup> THE EXAMINER, *Addressed to the Freeholders and Freemen, of the City of New-York*, No. III (New York, 1769), Evans 11254. *A Political Catechism* was attached to THE EXAMINER pamphlet.

and political reciprocity. If a representative looked out for the public good than the voters had an obligation to re-elect him. The dominant and subordinate classes were required to fulfill their part of the social contract—failure to do so was a violation of the corporate ideal. During the electoral campaign, DeLancey propaganda utilized this rhetoric of reciprocity to promote their candidates and to boost their exclusive right to the symbols of public power and authority.

Linking social reciprocity with re-election clearly benefited the DeLancey faction the most. James DeLancey and his cronies quickly used this rhetoric of reciprocity to claim their right to re-election. On January 9, they distributed a broadside expressing this notion. “[T]he general Voice of the Inhabitants” had to return the previous assemblymen because:

if it be the Duty of Representatives to assert and maintain the just Rights, Liberties and Privileges of their Constituents, and in Consequence thereof, bring on themselves a Dissolution, or any other Inconvenience: it must be equally the Duty of their Constituents to support such Representatives to the utmost of their Power.

New Yorkers had a civic duty to re-elect those assemblymen who had been doing their jobs—that is, protecting the rights and liberties of their constituents from Parliament’s encroachments. Failure to re-elect those members who had endorsed the Massachusetts Circular Letter and guarded the public’s rights, the broadside noted, meant implicitly to denigrate those liberties and freedoms that the representatives had been defending.<sup>45</sup>

Partisans echoed the rhetoric of reciprocity throughout the city’s newspapers, pamphlets, and broadsides. In the *New-York Gazette and Weekly Mercury*, A

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<sup>45</sup> [Anonymous], *To the Freeholders and Freemen, of the City and County of New-York* (New York, 1769), Evans 11229.

FREEMAN had decided not to seek a seat in the General Assembly because the former representatives must be re-elected. They had simply been upholding the wishes of their constituents and protecting the corporate ideal. On January 12, THE EXAMINER noted that not to re-elect the previous assemblymen would be immoral; “For consider, that if you act otherwise, your Conduct will be a tacit Disapprobation of the Measures *you recommended, and they have pursued.*” AN INDEPENDENT OLD BURGHER reiterated that the voters must re-elect the former members to demonstrate that “we approve of their past Conduct.” He asked, “Why is there an Opposition, when a general Union of us all in seconding and supporting the Defenders of our Rights and Privileges seems to be the only Means we have left to prevent the Collar of Slavery being thrown over our Heads?”<sup>46</sup>

In mid-January, THE QUERIST explicated that Governor Sir Henry Moore had dissolved the General Assembly because the representatives were “adhering to your inestimable Rights” and “embracing at the certain Risk of their Dissolution, those very Principles which led you all unanimously to oppose the detestable Stamp Act.” It was, therefore, the civic duty of all voters to re-elect the former assemblymen. THE QUERIST was aghast to discover that some New Yorkers opposed re-election.

Is this candid? Is it right? Is it honest? Must it not destroy in future Assemblies, all Confidence in the People they represent? Can you expect hereafter that they will Struggle for your Liberties, when it may expose them to the Frown’s of Government; and they can have no Room to depend on the Justice and Protection

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<sup>46</sup> A FREEMAN, “To the Freemen and Freeholders, of the City of New-York,” *New-York Gazette and Weekly Mercury*, January 9, 1769; THE EXAMINER, *Addressed to the Freeholders and Freemen, of the City of New-York*, No. I (New York, 1769), Evans 11252, 1; and AN INDEPENDENT OLD BURGHER, “To the Freeholders and Freemen, of the City and County of New-York,” *New-York Gazette and Weekly Mercury*, January 23, 1769.

of their Constituents? Must it not naturally lay them open to every Temptation? Must it not weaken the only Security the Constitution has provided for your Defence, against the encroaching Hand of Power? Will not the pernicious Example of deserting your Patriot Friends, spread itself throughout the Province? Will it not evince that you grow different to *American Liberty*, which warms the Breasts of your Fellow Subjects in every other Colony?

Failure to re-elect the former assemblymen meant to violate the bond between representative and constituent. If a representative espoused the views of the public and defended the common good, he had done his job and must be re-elected. In the case of New York City, not to re-elect the assemblymen meant to reject one's own rights as an Englishman—such a rejection was tantamount to slavery. Citizens had to be watchful of their rights as Englishmen, especially since it appeared that members of Parliament wanted to strip away those freedoms and liberties.<sup>47</sup>

THE QUERIST also tied the rhetoric of reciprocity to the issue of religion. The Livingstons' ploy of stirring up paranoia about the Anglican Church was ludicrous. Their proposal to nominate two Anglican candidates and two dissenting Protestant candidates was absurd and a violation of social reciprocity. The Livingston faction had not represented the best interests or intent of New Yorkers. It did not speak for all of the city's dissenters. The essayist insinuated that the Livingstons had purposely not given the DeLanceys sufficient time to respond to their proposal of a unified ticket. The Livingston faction, he believed, had always intended to put forth an electoral slate consisting of four dissenting Protestants to go against the former assemblymen—an outright rejection of social and political reciprocity. In contrast, those individuals who met at the Exchange did not stray away from "patriot Principles." The DeLanceys had

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<sup>47</sup> THE QUERIST, *To the Freeholders and Freemen, of the City and County of New-York*, No. I (New York, 1769), Evans 11431, 1.

proposed the four previous representatives because they wanted to avoid the “hurtful Strife of a contested Election” and they were looking out for the public good.<sup>48</sup>

The Livingston faction retaliated against the DeLancey faction’s rhetoric of reciprocity. The Livingstons placed an advertisement that supported their proposal of a unified religious ticket and claimed that the public was not clamoring for the former members to be re-elected.<sup>49</sup> They also circulated *An Answer to the Foolish Reason*, which declared that it did not matter if the people had instructed the former representatives to endorse the circular letters or issue the resolves—it was the representatives’ jobs to do so. Provincial politics, the broadside noted, should not operate on a *quid pro quo* basis. This was political corruption. Prior to the public’s instructions, the General Assembly under the Livingston faction’s leadership had already decided to endorse the Massachusetts Circular Letter and draft the resolves to the King and Parliament. Colonel Philip Schuyler, an assemblyman from Albany and Livingston supporter, had been the first to motion to discuss the circular letter and resolves. The General Assembly had, therefore, taken action because of Schuyler’s motion, not because of the DeLancey members or the public’s instructions. The broadside also noted that few New Yorkers had signed the instructions. Indeed, the instructions had only come from constituents in Queens County and New York City and County. Furthermore, the residents who had signed the instructions had never intended for them to serve as a contract to re-elect the old members if the governor dissolved the assembly. The author

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<sup>48</sup> THE QUERIST, *To the Freeholders and Freemen, of the City and County of New-York*, No. I (New York, 1769), Evans 11431, 1-2.

<sup>49</sup> [Anonymous], *Whereas it is pretended by an Advertisement* (New York, 1769), Evans 11528.



believed that “If a Member is always to be returned again, for having done his Duty . . . his constituents are deprived of their Right of electing any other Member, tho’ of vastly greater Ability.”<sup>50</sup>

The broadside also accused the DeLancey assemblymen of being poor representatives. The anonymous author insinuated that James DeLancey and Jacob Walton had actually made bets that Governor Sir Henry Moore would not dissolve the General Assembly. The DeLancey faction had also demonstrated its true colors by slandering former speaker Philip Livingston “merely because he would not side with either Party, in a contested Election; tho’ he declared, that he would not refuse to serve his Country, if we thought proper to choose him again!” The broadside accused DeLancey, Walton, and James Jauncey of being derelict in their duties as assemblymen. They had been responsible for writing the resolves, but had been slow to do so and therefore another committee wrote it. When the DeLancey members finally presented their drafts to the General Assembly, the documents were mediocre and had to be rewritten.<sup>51</sup>

A broadside asked the DeLancey faction to respond to the accusation that it had been derelict in its duties.<sup>52</sup> The DeLanceys responded with *As A Scandalous Paper Has Appeared*, which attempted to clarify their role in the events that led up to the dissolution

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<sup>50</sup> [Anonymous], *An Answer to the Foolish Reason* (New York, 1769), Evans 11160, 1-2.

<sup>51</sup> [Anonymous], *An Answer to the Foolish Reason* (New York, 1769), Evans 11160, 2.

<sup>52</sup> [Anonymous], *The Freeholders and Freemen of the City* (New York, 1769), Evans 11264.

of the General Assembly. When the DeLancey members saw that the majority of the assembly planned to fund imperial troops under the Quartering Act, they had declared that if the assembly was granting this concession to the King and Parliament then the representatives must draft resolves “asserting the just Rights of their Constituents.” They also wanted to issue the resolves prior to reading and answering the Massachusetts Circular Letter. The DeLancey faction had therefore presented the following resolutions to the assembly on November 10, 1768:

Resolved, That no Taxes can be imposed, nor any Part of the Property of the Inhabitants of this Colony, be taken from them, without their Consent given, by their Representatives in general Assembly.

Resolved, That this House has an undoubted Right to Petition the King, at all Times, and on all Occasions.

Resolved, That this House has an undoubted Right, to Correspond and Consult with, the other Assemblies on the Continent of North America, on any Matter or Measure, which they think affects the Freedom or Interest of the Colonies.

Resolved, That the Act of Parliament divesting this Colony of its Legislature, is a high Infringement of the Freedom of our Constitutions, and tends to deprive them of their natural and constitutional Rights and Privileges.

Colonel Schuyler offered his set of resolves on November 24, 1768, which the General Assembly favored over the DeLancey faction’s resolves. More importantly, however, the DeLancey faction claimed that it had written its resolves prior to receiving any public instructions and prior to the Livingston faction taking action against the circular letter. According to the broadside, this meant that the DeLanceys were the true protectors of the public good. They did concede that they had made wagers amongst themselves that the governor would not dissolve the assembly. They had believed the threats of dissolution

were “calculated only to intimidate” the assemblymen from doing the peoples’ business.<sup>53</sup>

### **The Election and Aftermath**

A few days prior to the election, the Livingston ticket made public a series of proposals for the conduct of the upcoming vote. The Livingston faction remained upset over its opposition’s actions during the previous election. The DeLanceys had treated voters quite extravagantly with beer, wine, punch, and other alcoholic beverages. Calls for election reform in 1768 had fallen on deaf ears, however. For the election of 1769, the Livingstons proposed an end to treating and complimentary drinks at taverns, voter fraud, and “That no Colours, Drums, or Instruments of Musick, or Badges of Distraction, shall be carried about the City, or brought to the Court of Elections.” They called for a committee culled from both factions to monitor the election proceedings. Lastly, they called for rails to be set up at polling places to making voting easier and more orderly.<sup>54</sup>

Several Livingston supporters brought the proposals to James DeLancey while he was at George Burns’s City Arms Tavern, the command center for the DeLancey faction during the election of 1769. The DeLanceys replied that they “will act as they think proper, and the [Livingston] Candidates have no Right to dictate to them.” The Livingstons were disappointed with the response and viewed it as antithetical to “the publick Peace and Liberty of the City.” They interpreted the rejection of their proposals

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<sup>53</sup> [Anonymous], *As A Scandalous Paper Has Appeared* (New York, 1769), Evans 11163. For more on the Quartering Act controversy, see Chapter Four.

<sup>54</sup> John Morrin Scott, et. al., *To the Freeholders and Freemen of the City and County of New-York* (New York, 1769), Evans 11456.

as tacit support of election fraud and warned that the DeLanceys were not above introducing “a Number of bad Votes, in the Diminution of the Rights and Privileges of the real Freeholders and Freemen of this City.” The DeLanceys appeared to be against having a virtuous election—to the detriment of the public good. Over the next year, political operatives continued to make calls for electoral reform.<sup>55</sup>

On the morning of January 23, New York City and County’s freeholders and freemen began to converge on the city’s polling station on the Green. While the campaign had been rife with scandal, the week of the election was also shrouded in controversy and voter intimidation.<sup>56</sup> That same morning, Isaac Sears, a leader of the Sons of Liberty and DeLancey campaigner, visited the home of Livingston supporter, Mr. Marschalk. Sears informed him that if he voted for the DeLancey faction “the Board of Commerce would give him the Inspection of all the Flour they shipp’d.” In a public statement, Sears claimed that he never meant “to influence his Vote in an unfair Manner.” The argument continued for several months between Sears and Andrew Marschalk, son of the threatened party.<sup>57</sup>

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<sup>55</sup> “THE SONS OF LIBERTY,” *New-York Gazette and Weekly Mercury*, January 16, 1769; [Anonymous], *The Freeholders and Freemen of the City and County, of New York . . .* (New York, 1769), Evans 11263; and John Morrin Scott, et. al., *To the Freeholders and Freemen of the City and County of New-York*, (New York, 1769), Evans 11456.

<sup>56</sup> “NEW-YORK, January 16,” *New-York Gazette or Weekly Post-Boy*, January 16, 1769; and John Roberts, *Advertisement, for summoning the Freeholders and Freemen* (New York, 1769), Evans 11136, which was also reprinted in *New-York Gazette and Weekly Mercury*, January 9, 1769 and January 16, 1769.

<sup>57</sup> Andrew Marschalk, *LIBERTY* (New York, 1769), Evans 11322; and Isaac Sears, *An Advertisement having appeared . . .* (New York, 1769), Evans 11458.

On Thursday, January 26, with early reports indicating that the DeLancey faction was leading the election, DeLancey supporters penned a song that praised the impending victory.<sup>58</sup> As with previous poems and songs from both election cycles, the new song attacked John Morin Scott. Similarly, the author linked Scott with the iconography of the wolf and other anthropomorphic stereotypes of corruption and duplicity.

3. See their *unblushing Chieftain*—perverter of laws!  
His *Teeth* are the *Shark's*, and a *Vulture's* his *Claws*;  
—As soon would I venture—howe'er He may talk,—  
My *Lambs* with a *Wolf*, or my *Fowls* with a *Hawk*.

As with much of the print culture surrounding the electoral campaigns of 1768 and 1769, the song exalted virtue and character. The lyricist created a verse for each of the DeLancey candidates. The verses praised the characteristics that made each a proper candidate for the General Assembly. The former mayor, for example, John Cruger had “not a *blot* in his Fame!” James Jauncey “gave to us *all*, when He gave to the *Poor*!” Jacob Walton’s “*free honest SOUL*, Gives a *Grace* to the *Rest*, and enlivens the *Whole*.” For James DeLancey, the author declared,

6. What Briton, undaunted, that pants to be free,  
But warms at the mention of *brave DE LANCEY*.  
“Happy Freedom! (said Fame,) what a *SON* have you here,  
“Whose *Head* is *approv'd*, and whose *Heart* is *sincere*!”

Lastly, the song concluded by extolling the entire DeLancey faction for its conduct during the previous election.

8. Huzza for the *Patriots*! whose *Virtue* is *tri'd*,  
*Unbiass'd* by *Faction*, *untainted* by *Pride*:  
Who *Liberty's Welfare* undaunted *persue*,  
With *Heads* ever *clear*, and with *Hearts* ever *true*!

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<sup>58</sup> “NEW-YORK, December 26,” *New-York Journal*, January 26, 1769. The newspaper mistakenly says December.

If performed, the song may have also served as a means for appealing to illiterate voters in those crucial last moments of the campaign.<sup>59</sup>

After five days, the election ended on Friday afternoon (January 27). The DeLancey faction had won the election again by a sizable margin. Philip Livingston and John Morin Scott were both roughly two hundred votes shy of the nearest DeLancey candidate. The *New-York Journal* listed the final voting tally as follows:

|                            |                   |
|----------------------------|-------------------|
| James DeLancey             | 936               |
| Jacob Walton               | 931               |
| John Cruger                | 882               |
| James Jauncey              | 877               |
| Philip Livingston          | 666               |
| John Morin Scott           | 646               |
| Peter Van Brugh Livingston | 535               |
| Theodorus Van Wyck         | 518 <sup>60</sup> |

The total number of votes was 1515, which represented a roughly four hundred-vote decrease from the previous year. According to historian Milton M. Klein's estimates only 40.6% of *all* adult white males voted in the election of 1769. For the election of 1768, 53.6% of *all* adult white males had voted. According to historian Roger Champagne, 719 voters who appeared on the poll list for 1768 did not even bother to vote in 1769. Given the increase in attention paid to the campaign within the public sphere,

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<sup>59</sup> "Poets Corner: To the Tune of Hearts of Oak," *New-York Journal*, January 26, 1769. The song also appeared as a separate broadside, see [Anonymous], *A Song, to the Tune of Heart of Oak* (New York, 1769), Evans 11472.

<sup>60</sup> "NEW-YORK, February 2," *New-York Journal*, February 2, 1769. The same results and account of the celebration appeared in the *New-York Gazette and Weekly Mercury*, February 6, 1769.

the decrease in voter turnout seems surprising. It appears that negative campaigning may have been responsible for a lower voter turnout.<sup>61</sup>

With the General Assembly victory secured for the second time in less than a year, the DeLancey faction decided to celebrate its good fortune with an impromptu parade through the city. Residents followed the newly elected candidates from City Hall down Broad Way to the Merchants' Coffee-House. As the crowd marched through the streets, individuals played music, carried "Colours," and "saluted [the candidates] with loud Huzzas." Women watched the proceedings from the windows of their homes. According to the *Journal*, "The Number of principal Inhabitants who graced the Procession, and the Regularity and good Order with which the whole was conducted, exhibited one of the finest and most agreeable Sights ever seen in this City." The parade was effectively the symbolic coronation for the DeLanceys after a bitter, divisive election. It was a performance that gave them the appearance of a mandate from the people—despite lower voter turnout. The new representatives also reciprocated back to the public for their win. All four men collectively contributed £200 to the city's destitute.<sup>62</sup>

The DeLancey faction's electoral triumph was not complete, however. While Philip Livingston had been defeated in New York City and County, he took over his

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<sup>61</sup> Milton M. Klein, "Democracy and Politics in Colonial New York," *New York History* XL (July 1959): 237; and Champagne, "Liberty Boys," 125. On voting requirements, see Chapter Two.

<sup>62</sup> "NEW-YORK, February 2," *New-York Journal*, February 2, 1769. On parades as a cultural performance, see Mary Ryan, "The American Parade: Representations of the Nineteenth-Century Social Order" in *The New Cultural History*, ed. Lynn Hunt (Berkeley: University of California Press, 1989), 131-53. On crowd actions, see also Chapter One.

cousin Peter R. Livingston's position as family representative from the Manor of Rensselaerwyck. The DeLanceys set their sights on expelling Philip Livingston from the General Assembly for not being a resident of the manor. Under New York law, assemblymen were required to be residents of their districts. The law, however, was generally ignored. The DeLancey faction also targeted Lewis Morris, a Livingston member who was recently elected representative from the Borough of Westchester. Morris, too, was not a resident of the borough. Once the new assembly session began, the DeLanceys successfully purged these Livingston members for non-residency. They expelled Lewis in April and Livingston in May. They also expelled Justice Robert R. Livingston who in addition to being a member of the Supreme Court was the assemblyman for the Manor of Livingston. The DeLancey faction successfully passed a resolution banning Supreme Court justices from concurrently being members of the General Assembly.<sup>63</sup>

In the end, it appeared that the Livingston scheme to use religion to rally the city's dissenting Protestants had done little to change public opinion. Indeed, the Livingston faction may have even alienated the dissenting majority with its unseemly treatment of the Anglican Church. Fears of Parliament's potential abuses also appeared to outweigh any religious concerns. Despite this failure, however, the Livingstons continued to oppose Anglican encroachments and helped form the Society of Dissenters less than a month after the election. The Society united members from the Presbyterian,

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<sup>63</sup> [Anonymous], *The Case of the Manor of Livingston* (New York, 1769), Evans 11201; Robert R. Livingston, *The Address of Mr. Justice Livingston to the House of Assembly* (New York, 1769), Evans 11313; Champagne, "Family Politics versus Constitutional Principles," 75-79; and Leder, "The New York Elections of 1769."



Congregational, and Dutch Reformed Churches against infractions of religious liberty.<sup>64</sup>

The DeLanceys won the election of 1769 by a wide margin. Within the public sphere, they again did a better job of claiming the symbols of public power and authority. Their argument about reciprocity and re-election also seemed to resonate with the public. Both the election of 1768 and 1769 give insight into the political dynamics of New York City. Political culture served as a contested space in which the Livingston and DeLancey factions sought to gain political power and the sole right to rule. Both elections were rituals of power in which each faction sought not only to gain entry into the assembly, but also to exert its hegemony over the public-at-large.

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<sup>64</sup> Bonomi, *A Factious People*, 251, 253; Herbert Osgood, ed., “The Society of Dissenters at New York in 1769,” *American Historical Review* 6 (April 1901): 498-507; and Landsman, “The Episcopate, the British Union, and the Failure of Religious Settlement.”

## CHAPTER FOUR

### “WE HAVE A WILKES OF OUR OWN”:

#### ALEXANDER MCDOUGALL AND THE QUARTERING ACT

On February 14, 1770, New York City’s radicals meticulously prepared a special dinner. The main purpose of the feast was not to fill empty stomachs, though. Instead, the radicals who met on the forty-fifth day of the year were displaying an alternative political order as well as symbolic resistance to arbitrary power and taxation. The “forty-five Gentlemen, real Enemies to internal Taxation, by, or in Obedience to external Authority,” arrived at the city’s New Gaol to dine with one of its inmates, Alexander McDougall, and to celebrate “the glorious Cause of American Liberty.” On February 8, provincial authorities had arrested McDougall, a Livingston supporter, as the author of the seditious pamphlet, *To the Betrayed Inhabitants of the City and Colony of New York*, which denounced the Quartering Act of 1765. McDougall never admitted, or denied, being the pamphlet’s author. Instead, he refused to post bail in order to become a martyr for the causes of liberty and imperial reform. The radicals carefully selected the dinner menu. It consisted of “Forty-five Pounds of Beef Stakes, cut from a Bullock of forty-five Months old” along with forty-five bottles of wine. In the afternoon, as the dinner party grew, they drank a number of toasts, expressing “Loyalty” as well as “the warmest

Attachment to Liberty, its renowned Advocates in Great Britain and America, and the freedom of the Press.” In the evening, the dinner party adjourned for the day “in the most cordial Manner” and resolved to remain “united in the glorious Cause.”<sup>1</sup>

The February 14 feast was a fastidiously crafted political spectacle and performance, which drew on Wilkite symbolism. The city’s radicals connected McDougall’s political struggle and incarceration for libel to the plight of English radical John Wilkes, who was arrested in 1763 for a seditious article criticizing King George III and John Stuart, the Earl of Bute. Wilkes’s libel appeared in the forty-fifth issue of the *North Briton*. The issue number was a reference to the Jacobite uprising of 1745. During the uprising, the Jacobites had taken Edinburgh and proclaimed James Francis Edward Stuart, the son of James II, as the King of Scotland. Soon after, Jacobite rebels invaded England, advancing as far south as the Midlands. Wilkes and his supporters used the number to link the Hanoverian administration and its domestic and imperial abuses with illegitimate government and Stuart absolutism. The number also reflected anti-Scottish and anti-Jacobite sentiments. Even Wilkes’s use of the name *North Briton* for his

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<sup>1</sup> “NEW-YORK, February 15, 1770,” *New-York Journal*, February 15, 1770; Alexander McDougall, “To the Freeholders, Freemen, and Inhabitants of the Colony of New-York; and to all the Friends of Liberty in North-America,” *New-York Journal*, February 15, 1770; and D———R, “To the PRINTER,” *New-York Journal*, March 8, 1770. For a description of the New Gaol, see Bruce H. Mann, *Republic of Debtors: Bankruptcy in the Age of American Independence* (Cambridge and London: Harvard University Press, 2002), 86-87. On the second and third floors of the New Gaol, where McDougall was probably held, most rooms held four or five prisoners. These logistics shed some doubt on the number of people coming to visit McDougall. For information on the life of Alexander McDougall, see Anna Madeleine Shannon, “General Alexander McDougall: Citizen and Soldier, 1732-1786” (Ph.D. diss., Fordham University, 1957); Roger J. Champagne, *Alexander McDougall and the American Revolution in New York* (Schenectady: New York State American Revolution Bicentennial Commission in conjunction with Union College Press, 1975); and William L. MacDougall, *American Revolutionary: A Biography of General Alexander McDougall* (Westport, CT: Greenwood, 1977).

newspaper was meant to evoke anti-Scottish feelings. After Wilkes's incarceration, the number came to symbolize his plight and unjust treatment. At ceremonies, dinners, and toasts, radical Britons used the number forty-five as a symbol of protest and to demonstrate their support for Wilkes. Radical New Yorkers created their own hybridized version of Wilkite political culture by transforming McDougall, who was in fact a Scotsman, into a political symbol. They also linked symbolic representations of McDougall to other provincial symbols of resistance. As a result, he became more than just a simple political martyr.<sup>2</sup>

In this chapter, I investigate how radical New Yorkers tapped into a transatlantic political culture in order to redress local grievances and concerns. Radicals drew from a common British political culture and then appropriated, reinvented, and discarded symbolic elements to fit their local circumstances. New Yorkers borrowed elements from Wilkite political culture, which they transposed onto Alexander McDougall's

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<sup>2</sup> George Rude, *Wilkes and Liberty: A Social Study of 1763 to 1774* (Oxford: Clarendon Press, 1962), Ch. 2; John Brewer, "The Number 45: A Wilkite Political Symbol," in *England's Rise to Greatness, 1660-1763*, ed. Stephen Baxter (Berkeley: University of California Press, 1983), 349-80; Kathleen Wilson, *The Sense of the People: Politics, Culture and Imperialism in England, 1715-1785* (Cambridge: Cambridge University Press, 1995), Ch. 4; Peter Shaw, *American Patriots and the Rituals of Revolution* (Cambridge: Harvard University Press, 1981), Ch. 3; and David Hayton, "Contested Kingdoms, 1688-1756," in *The Eighteenth Century*, Short Oxford History of the British Isles, ed. Paul Langford (Oxford: Oxford University Press, 2002), 66-67. On the appropriation of John Wilkes and Wilkite symbolism in British America, see Pauline Maier, "John Wilkes and American Disillusionment with Britain," *William and Mary Quarterly* 20 (July 1963): 373-95. For information on Jacobitism and its persistence, see Paul Kleber Monod, *Jacobitism and the English People, 1688-1788* (Cambridge: Cambridge University Press, 1989); Linda Colley, *Britons: Forging the Nation, 1707-1837* (New Haven and London: Yale University Press, 1992), 71-85; Wilson, *The Sense of the People*, 101-17; and Nicholas Rogers, *Crowds, Culture, and Politics in Georgian Britain* (Oxford: Clarendon Press, 1998), Ch. 1. An article criticizing toasting suggests that New Yorkers might have used the number forty-five prior to the McDougall affair. See ALCANOR, "To the PRINTERS," *New-York Chronicle*, July 13, 1769.

situation. They used this transatlantic political culture as a means of sociopolitical negotiation and symbolic resistance.<sup>3</sup> The fallout from McDougall's pamphlet also coincided with the realigning of political factions in pre-Revolutionary New York City. New York's radicals switched their allegiance from the DeLancey faction to the Livingston faction. The DeLanceys now in power grew more conservative and less responsive to radical concerns, while the Livingstons who were now out of power grew increasingly radical.

### **The Betrayed Inhabitants**

On December 16, 1769, two months prior to Alexander McDougall's arrest, his pamphlet, *To the Betrayed Inhabitants of the City and Colony of New York*, became the talk of the town. He signed it simply A Son of Liberty. In conspiratorial tones, McDougall claimed that "the minions of tyranny and despotism in the mother country and the colonies" wanted "to enslave a free people" who were trying to "preserve their freedom; which to an Englishman is as dear as his life." He charged the General Assembly with undermining the liberty of New Yorkers by complying with the Quartering Act—often called the Mutiny Act. The DeLancey-controlled assembly had recently authorized £1000 from the treasury and another £1000 from loaned money to

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<sup>3</sup> For discussions on how North Americans appropriated British political rituals and symbols and turned them into hybrid, provincial forms, see Shaw, *American Patriots*, 9; and Alfred F. Young, "English Plebian Culture and Eighteenth-Century American Radicalism," in *The Origins of Anglo-American Radicalism*, eds. Margaret Jacob and James Jacob (London: George All & Unwin, 1984), 185-212. My use of symbolic resistance is influenced by discussions in James A. Epstein, *Radical Expression: Political Language, Ritual, and Symbol in England, 1790-1850* (New York and Oxford: Oxford University Press, 1994), Ch. 5.

imperial soldiers. By acquiescing to the act, the assembly was acknowledging Parliament's jurisdiction over and authority to tax provincial North America. McDougall believed that Parliament's Quartering Act was "taking money out of our pockets without our consent" and hurting New York financially. The assemblymen had betrayed New Yorkers because the imperial troops were "here not to protect but to enslave us."<sup>4</sup>

At the time McDougall was writing his pamphlet, attitudes towards funding imperial troops had completely changed. Parliament had a long history of passing bills for the support of troops in North America, especially during the various wars of the eighteenth century. Most imperial soldiers, however, were stationed on the frontier to protect the provinces from the French, Spanish, and Native Americans. Most provincials did not oppose funding these troops. After the Stamp Act Crisis, the situation rapidly altered. Parliament and provincial officials saw the need for soldiers to be stationed in cities to restrain the growing radicalization of the populace. In the summer of 1768, troops were redeployed from the frontier to the east coast. As average citizens came into contact with soldiers, their opinion of the Quartering Act changed. In North America, New York's General Assembly was the first to oppose the Quartering Act and its subsequent renewals. Prior to 1769, the province's assemblymen were notorious for dragging their feet over the funding of troops—so much so that Parliament passed the New York Restraining Act in 1767, which suspended the General Assembly until it

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<sup>4</sup> [Alexander McDougall] A Son of Liberty, *To the Betrayed Inhabitants of the City and Colony of New-York* (New York: James Parker, 1769), Evans 11319. For a discussion about the similarities between McDougall's pamphlet and the writings of William Livingston, William Smith, Jr., and John Moran Scott, see Leopold S. Launitz-Schürer, Jr., *Loyal Whigs and Revolutionaries: The Making of the Revolution in New York, 1765-1776* (New York and London: New York University Press, 1980), 83.

complied with the Quartering Act. Members of Parliament never enforced the act because as they passed it news came from across the Atlantic that New York's assembly had authorized payment to the troops with the Three Thousand Pound Act (1767). While these payments did not officially comply with the Quartering Act, Parliament was willing to call the matter closed.<sup>5</sup>

From roughly 1765 to 1769, the DeLanceys had taken a firm stance against legislation to fund further the imperial troops stationed in the province and city. They had also promised their radical allies in the Sons of Liberty that once in power they would continue to oppose the Quartering Act. New York's political landscape, however, dramatically changed in September 1769 with the death of Governor Sir Henry Moore, which once again positioned Cadwallader Colden as acting governor of the province. The DeLanceys had never gotten along with Governor Moore and took advantage of his death to forge an alliance with Colden who's daughter, Elizabeth, had married into the DeLancey family. On the new alliance, William Smith, Jr., wrote, "In an Instant of Wich [Moore's death] these old Enemies became intimate Friends."<sup>6</sup>

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<sup>5</sup> Nicholas Varga, "The New York Restraining Act: Its Passage and Some Effects, 1766-1768," *New York History* XXXVII (July 1956): 233-58; Lee E. Olm, "The Mutiny Act for America: New York's Noncompliance," *New-York Historical Society Quarterly* LVIII (July 1974): 188-214; and Thomas Gage, *By His Excellency The Honourable Thomas Gage [A Proclamation]* (New York, 1769), Evans 11277.

<sup>6</sup> Bernard Friedman, "The New York Assembly Elections of 1768 and 1769: The Disruption of Family Politics," *New York History* XLVI (January 1965): 15-19; Leopold S. Launitz-Schürer, Jr., "Whig Loyalists: The DeLanceys of New York," *New-York Historical Society Quarterly* LVI (July 1972): 180; and William Smith, Jr., *The Historical Memoirs of William Smith*, Vol. 1, ed., William H. W. Sabine (New York, 1956; reprint, New York: Arno Press, 1969), 67 (Hereafter cited as Smith, *Historical Memoirs*). On the merging of the radical and moderate Sons of Liberty, see also [United Sons of Liberty], *NEW-YORK, July 7, 1769* (New York, 1769), Evans 11379.

In *To the Betrayed Inhabitants*, McDougall surmised that the DeLancey-controlled assembly's actions must in reality be a "sacrifice of the public interest, to some corrupt source." The DeLancey faction had forged an alliance with Lt. Governor Colden for its own political gain. McDougall sarcastically noted, "The Assembly might as well invite the council to save the trouble of formalities, to take their seats in the house of Assembly, and place the Lieut. Governor in the Speaker's chair, and then there would be no wast[e] of time in going from house to house." McDougall firmly believed that the DeLanceys had supported the Quartering Act and aligned themselves with Colden in order to avoid another dissolution and protect their newfound political hegemony within the General Assembly.<sup>7</sup>

McDougall called for the public to put a stop to the Lt. Governor and General Assembly's collusion and corruption through a series of steps. First, on December 18, New Yorkers must assemble in the Common, "where your sense ought to be taken on this important point." Second, residents must personally ask their assemblymen not to support the Quartering Act and other revenue acts. Third, if these steps failed, the public must inform other legislatures throughout British North America, "the friends of our cause in England," and newspapers, so "the whole world may know your sentiments on this matter." He concluded, "Let the notification to call the people be so expressed that whoever absents himself, will be considered as agreeing to what may be done by such as shall meet."<sup>8</sup>

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<sup>7</sup> [Alexander McDougall] A Son of Liberty, *To the Betrayed Inhabitants of the City and Colony of New-York* (New York: James Parker, 1769), Evans 11319.



On Monday, December 18, fourteen hundred New Yorkers assembled at the city's Common to protest the General Assembly's compliance with the Quartering Act, which would lead to "dangerous Consequences" for "the common Cause of Liberty." John Lamb, a merchant and leader of the Sons of Liberty, took over speaking duties at the protest. McDougall had a lisp and therefore did not speak in public. Lamb was also a fierce opponent of the Quartering Act and had written his own attack on the actions of the General Assembly. He asked the crowd, "Whether they approved of the Vote of the House of Assembly, for granting the Money to support the Troops?" The majority answered, No. He then asked, "Whether they were for giving any Money to the Troops, on any Consideration whatsoever?" To this question, not as many people replied, No. This demonstrated a split within public opinion on the specifics for granting money to the troops. The meeting probably made provincial officials nervous since crowd actions were instances of extralegal, direct democracy, which could undermine and subvert the legal governmental authorities.<sup>9</sup>

The following day, the General Assembly resolved that McDougall's pamphlet was "a false, seditious, and infamous Libel" and that its intent was to "inflame the Minds of the good People of this Colony, against their Representatives." In a proclamation, Lt. Governor Colden offered a £100 reward for the author and any accomplices. The Lt.

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<sup>8</sup> [Alexander McDougall] *A Son of Liberty, To the Betrayed Inhabitants of the City and Colony of New-York* (New York: James Parker, 1769), Evans 11319.

<sup>9</sup> *New-York Gazette and the Weekly Mercury*, December 25, 1769; and Champagne, *Alexander McDougall and the American Revolution in New York*, 22. For John Lamb's attack on the General Assembly, see [John Lamb] *A SON OF LIBERTY, Union, Activity and Freedom, or Division, Supineness and Slavery* (New York, 1769), Evans 11508. On attributing this broadside to Lamb, see Lee R. Boyer "Lobster Backs, Liberty Boys, and Laborers in the Streets: New York's Golden Hill and Nassau Street Riots," *New-York Historical Society Quarterly* LVII (October 1973): 286, n6.

Governor and General Assembly also condemned an essay by LEGION, which also criticized the Quartering Act and the assembly's compliance. Evidence suggests either one or more Sons of Liberty, including McDougall, may have used the pseudonym, LEGION.<sup>10</sup>

Over the proceeding months, McDougall and other Sons of Liberty's suspicions of the dangers of a standing army among civilians proved correct. In mid-January 1770, residents and soldiers clashed a number of times over the Sons of Liberty's most cherished political symbol—the Liberty Pole. New Yorkers had erected the pole in 1766 to celebrate Parliament's repeal of the Stamp Act. For many residents, it was a symbol of liberty and victory over arbitrary power and taxation. Yet, when New Yorkers refused to enforce the Quartering Act, imperial soldiers interpreted the Liberty Pole as a symbol of hostility and resistance. Twice in 1766, soldiers cut or knocked down the pole, and twice New Yorkers replaced it. Violence between civilians and soldiers became commonplace. As conflict continued over the meaning of the Liberty Pole, New Yorkers began to view it, according to historian Paul A. Gilje, as “much more than a plebian fertility symbol; it now increasingly represented American virtue and liberty and became a focal point for patriotic festivities.” From March 1767 to January 1770, an uneasy truce lasted between

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<sup>10</sup> *Journal of the Votes and Proceedings of the General Assembly of the Colony of New-York* (New York, 1770), Evans 11366, 45-49; Cadwallader Colden, *By The Honourable Cadwallader Colden [A Proclamation]* (New York, 1769), Evans 11362; LEGION, *To the Public* (New York, 1769), Evans 11500 and 13673; and Cadwallader Colden, *By the Honourable Cadwallader Colden [A Proclamation]* (New York, 1769), Evans 11363. On how the Sons of Liberty, including McDougall, used the moniker LEGION again in 1775, see Wilbur C. Abbott, *New York in the American Revolution* (New York: Charles Scribner's Sons, 1929; reprint, Port Washington: Ira J. Friedman, 1962), 165-66 (page citations are to the reprint edition).

residents and soldiers over the Liberty Pole—that is, until hostilities reemerged, in part, due to McDougall’s pamphlet, *To the Betrayed Inhabitants*.<sup>11</sup>

The first attempt to destroy the Liberty Pole in almost three years took place around eight o’clock at night on January 13, 1770. Under the cover of night, forty soldiers from the Sixteenth Regiment, which had been part of the redistribution of troops in the summer of 1767, crept across the Common. They drilled a hole into the Liberty Pole, filled it with gunpowder, and placed a fuse into the hole, which they attempted to light. John White, a shoemaker, noticed the soldiers as he walked across the Common to Abraham Montanye’s Tavern, a popular hangout for the Sons of Liberty. Soon, a number of individuals came out of the tavern and “called out fire in order to alarm the Inhabitants.” The fuse failed to catch and the soldiers considered the exclamation of fire “as a taunt on their abortive labour.” Seeking retribution, the soldiers stormed into the tavern with their swords and bayonets drawn. They beat the waiter and “proceeded to destroy every thing they could conveniently come at. They broke eighty-four panes of glass, two lamps and two bowls.” After this senseless destruction, the forty soldiers fled the scene of their crime, but their commanding officers discovered their offense and arrested three of the conspirators. An officer also ordered a sentry to guard the Liberty Pole, which probably prevented the attempt on Monday, January 15.<sup>12</sup>

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<sup>11</sup> Paul A. Gilje, *The Road to Mobocracy: Popular Disorder in New York City, 1763-1834* (Chapel Hill: University of North Carolina Press, 1987), 52-55. During this period, broadsides appeared lampooning the Liberty Pole, see [Anonymous], *News from the Liberty-Pole; or A Friday Morning’s Conversation* (New York, 1769), Evans 11387; and [Anonymous], *The Procession with the Standard of Faction: A Cantata* (New York, 1770), Evans 11827.

The sentry failed, however, to prevent the attempt the following night. Three soldiers again placed gunpowder inside the Liberty Pole. In an old house near the pole, armed soldiers in hiding guarded the three by the pole. Not long after the soldiers “were discovered an explosion was heard at the pole.” The soldiers had succeeded in splitting it. They quickly fled from the Common, expecting that “the noise of the explosion would alarm the citizens.” The soldiers were not done, however. They returned at one o’clock in the morning to finish cutting down the Liberty Pole. They sawed the pole into fifty-eight pieces, which they placed at the door of Montayne’s Tavern.<sup>13</sup>

The soldiers were no doubt inspired to succeed at destroying the Liberty Pole owing to the appearance earlier that day of an essay signed BRUTUS. Like similar pamphlets, BRUTUS denounced the imperial soldiers and submission to the Quartering Act. Historians have cited either Alexander McDougall or John Lamb as the possible author of the pamphlet. Like *To the Betrayed Inhabitants*, BRUTUS contended that the troops were in the city not to “protect” its citizens, but to “enslave” them. The author also believed the presence of the soldiers was hurting the city financially, since they were draining money out of the treasury and taking jobs away from poorer residents. BRUTUS told New Yorkers that the money provided to the troops thus far “has only taught them to despise and insult you.” The troops had even attempted the previous Saturday night to destroy the Liberty Pole. Lastly, the author called for “the friends of

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<sup>12</sup> *New-York Journal* (Supplement), March 1, 1770; BRUTUS, “To the Public,” *New-York Journal* (Supplement), March 1, 1770; and Boyer, “Lobster Backs,” 282-83, 289-91.

<sup>13</sup> *New-York Journal* (Supplement), March 1, 1770; and Boyer, “Lobster Backs,” 291-92.

liberty” who were against the Quartering Act to assembly at noon in front of the Liberty Pole on Wednesday, January 17.<sup>14</sup>

Between two- and three-thousand New Yorkers “of all Ranks” heeded BRUTUS’s call and arrived at twelve o’clock at the ruins of the Liberty Pole. Many residents were incensed over the destruction of the pole and some “could hardly be restrain’d from proceeding to some Acts of Violence.” At one point during the meeting, participants and soldiers nearly clashed at the house that the conspirators had used as a lookout. Some New Yorkers surmised that the soldiers had destroyed the Liberty Pole because the residents did not wish to use public money to fund the troops. The soldiers’ actions also offended New Yorkers due to the symbolic nature of the Liberty Pole. By blowing up the pole, imperial soldiers were debasing New Yorkers’ liberty and freedom. John Lamb, who helped to organize the meeting, read a series of resolutions for the crowd to support. The preamble and resolves contained rhetoric and language similar to McDougall’s *To the Betrayed Inhabitants*. Indeed, McDougall and Lamb probably collaborated on the resolves. Participants resolved not to employ soldiers, that soldiers could not continue to “insult” and threaten civilians, and that those who continued to insult civilians would be “treated as Enemies to the Peace of this City.”<sup>15</sup>

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<sup>14</sup> BRUTUS, “To the Public,” *New-York Journal* (Supplement), March 1, 1770; and A. B., “To the Printer,” *New-York Journal*, January 18, 1770. For speculation that McDougall used the pseudonym BRUTUS, see Champagne, *Alexander McDougall and the American Revolution in New York*, 24, 227, n42. For speculation about John Lamb, see Boyer, “Lobster Backs,” 292, 294-95.

<sup>15</sup> A. B., “To the Printer,” *New-York Journal*, January 18, 1770; “NEW-YORK, January 25: From Mr. PARKER’S GAZETTE,” *New-York Journal*, January 25, 1770; *New-York Journal* (Supplement), March 1, 1770; and Boyer, “Lobster Backs,” 292-295.

On January 19, two days after the public meeting, members of the Sixteenth Regiment published a broadside and posted it in “the most public places of the city.” The soldiers claimed that BRUTUS was a libel and that the Sons of Liberty were the real enemies to the city’s residents. The broadside also mocked the Sons of Liberty for thinking that “their freedom depended on a piece of wood.” The soldiers were again insulting New Yorkers’ liberty and freedom.<sup>16</sup>

Isaac Sears and Walter Quackenbos, members of the Sons of Liberty, stopped soldiers who were posting the broadsides near the Fly-Market. Grabbing one soldier by the collar, Sear inquired, “[W]hat business he had to put up libels against the inhabitants?” Quackenbos seized the soldier holding the copies of the broadside. They brought the two soldiers to the home of Mayor Whitehead Hicks. Soon after, soldiers brandishing guns, bayonets, and swords appeared at the mayor’s home and demanded that the two captured soldiers be released. Their request was refused. The soldiers “contemned the civil authority, and declared war against the inhabitants.” In a rancorous mood, the group departed and walked through the city streets, slowly growing in number. At the top of John Street, also called Golden Hill, the scene turned violent. The soldiers called, “[W]here are your Sons of Liberty now?” and proceeded to attack civilians. Most of the civilians were unarmed. According to newspaper accounts, only “six or seven” had “clubs and sticks,” which they used to defend the unarmed citizens “against the furious and unmanly attacks of armed soldiers.” Several residents were

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<sup>16</sup> Sixteenth Regiment of Foot, *God and a Soldier all Men doth adore* (New York, 1770), Evans 11936. It also appeared in *New-York Journal* (Supplement), March 1, 1770.

injured during the fray, including “a boy going for sugar.” The Battle of Golden Hill preceded the Boston Massacre by six weeks and justified to New Yorkers their fears of a standing army. Not long after the incident, military officials transferred the hated Sixteenth Regiment to Pensacola, Florida, and replaced them with the Fourteenth Regiment from Boston.<sup>17</sup>

In early February, five Sons of Liberty, including McDougall and Sears, brought a petition signed by many residents to the City Corporation asking for permission to build a new Liberty Pole exactly where the old one had stood. They argued that the Liberty Pole was “*scared to Constitutional Liberty*” because it was a symbol of “the Triumph of Constitutional Liberty over the Attempts of arbitrary Power to destroy it.” It was also a symbol of gratitude to King George III, the British Parliament, and the patriots “both in and out of Parliament” that had sought to repeal the Stamp Act. Because the Liberty Pole symbolized all these things, the Sons of Liberty were surprised when the City Corporation refused the petition. As one writer in the *New-York Journal* commented, “The original Design of erecting the pole, being so loyal and laudable, it is surprising it should have given Umbrage of Displeasure to any but the real enemies of his Majesty, the Rights and Liberties of his Subjects, and the British Constitution.” The writer believed that the imperial soldiers had either misunderstood the symbolic nature of the Liberty Pole or “pretended to understand it as an Insult upon them.” He also felt that the only

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<sup>17</sup> AN IMPARTIAL CITIZEN, *New-York Journal* (Supplement), March 1, 1770; and *New-York Journal*, March 1, 1770. For an extended discussion of the riot, see Boyer, “Lobster Backs,” 297-308. On fallout from the riot, see Whitehead Hicks, *To the Inhabitants of this City [A Proclamation]* (New York, 1770), Evans 11776. New Yorkers also paid attention to coverage of the Boston Massacre; see [Anonymous], *An Account of a late Military Massacre at Boston, or the Consequences of Quartering Troops in a populous Town* (New York, 1770), Evans 11543.

way for the soldiers to construe the pole as offensive was if they “consider’d themselves as Instruments of arbitrary Power, intended to enslave the People, destroy the British Constitution, and do the greatest Injury to his Majesty himself and all his Dominions.”<sup>18</sup>

After the City Corporation refused the petition to build a new Liberty Pole on public land, members of the Sons of Liberty purchased a plot near the original spot. On February 6, they dug a twelve-foot hole and placed a large “Pitch Pine Mast” in it. They used “Iron Bars” to anchor the new pole securely in the ground. The radicals turned the erection of a new Liberty Pole into a ceremony. Thousands of residents watched as six horses, “decorated with Ribbands” drew the pole “through the Streets from the Ship-Yards.” The Sons of Liberty also had “3 Flags flying, with the Words Liberty and Property.” As participants hoisted up the Liberty Pole, “French Horns played God save the King.” The main mast was forty-six feet and on top of the main mast was a “Top Mast of 22 Feet, on which is fixt a Gilt Vane, with the Word LIBERTY. No Sort of Disturbance happened during the whole Affair.”<sup>19</sup>

### **“A Wilkes Suffering for the Good of His Country”**

Although Lt. Governor Cadwallader Colden had informed the public of the £100 reward in mid-December, it was not until early February 1770 that an informant came

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<sup>18</sup> “To the PRINTER, New-York, Feb. 7, 1770,” *New-York Journal*, February 8, 1770; and “New-York, February 5,” *New-York Gazette, and Weekly Mercury*, February 5, 1770.

<sup>19</sup> “To the PRINTER, New-York, Feb. 7, 1770,” *New-York Journal*, February 8, 1770; “New-York, February 5,” *New-York Gazette, and Weekly Mercury*, February 5, 1770; and [Anonymous], *To the Sons of Liberty in this City* (New York, 1770), Evans 11891.



forward. Michael Cummins of Cork, Ireland, was a former journeyman for James Parker, the printer of the *New-York Gazette, or Weekly Post-Boy*. Parker, however, had “discharged [him] for bad Behavior.” Cummins “allured by the proffered Reward” and perhaps eager to get back at his old boss turned in Parker as the printer of *To the Betrayed Inhabitants*. On Wednesday, February 7, provincial authorities, including Lt. Governor Colden, Chief Justice Daniel Horsmanden, and members of the Common Council discussed how to proceed with the newfound evidence. William Smith, Jr., a member of the Council and Livingston faction, weighed in on the legal nature of matter. He said, “[T]he Path was plain if they chose to prosecute—That the Paper was a Libel.” According to historian Leopold S. Launitz-Schürer, Smith’s response was an elaborate stratagem. By prosecuting those individuals involved with the pamphlet, Colden and the DeLanceys would be opposing political liberty and the resistance movement. His response also suggests that the Livingston faction had planned early on to turn McDougall into a martyr for liberty. At the end of the meeting, Attorney General John Tabor Kempe issued a warrant for Parker. Sheriff John Roberts arrested Parker and charged him as the printer of the seditious pamphlet. Parker was detained at Fort George and “examined” by the Lt. Governor and Council. While the authorities held Parker, Sheriff Roberts went back to Parker’s home to take into custody his apprentices for questioning.<sup>20</sup>

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<sup>20</sup> Alexander McDougall, “To the Freeholders, Freemen, and Inhabitants of the Colony of New-York,” *New-York Journal*, February 15, 1770; Smith, *Historical Memoir*, 73; Launitz-Schürer, *Loyal Whigs and Revolutionaries*, 85-86; and L. F. S. Upton, *The Loyal Whig: William Smith of New York and Quebec* (Toronto: University of Toronto Press, 1969), 69-71.

At Fort George, the authorities removed Parker from the room and proceeded to question each apprentice separately. They first questioned Anthony Carr, who refused to answer any questions even after being threatened by the Chief Justice. Next the authorities questioned Carr's brother, John. When asked if he had ever seen the pamphlet, John Carr replied, "that he had frequently seen it, as many others had, for that print Copies of it had been dispersed about the City." While initially refusing to state whether Parker had indeed printed the pamphlet, the apprentice eventually caved under pressure. Carr stated that his boss was the printer, but "he was ignorant of the Author." He had, however, seen McDougall "correct a Letter or two" during a visit to Parker's shop. After hearing Carr's statements, the other apprentices concurred with his story.<sup>21</sup>

With proof in hand, the Lt. Governor and other authorities called Parker back into the room to reexamine him. They repeatedly asked him to reveal the pamphlet's author. Parker remained steadfast, however. Eventually, they threatened to have him dismissed from his job at the post office. In addition, if he did not reveal the author's name, Parker would have to "either give Bail or be committed." Parker stated that he would only reveal the author's name if the Lt. Governor, Chief Justice, and Council granted him immunity from prosecution. The authorities agreed and released Parker on the promise to "appear and give Evidence against the Person, whom he charged as the Publisher of the Paper."<sup>22</sup>

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<sup>21</sup> McDougall, "To the Freeholders, Freemen, and Inhabitants of the Colony of New-York," *New-York Journal*, February 15, 1770; Smith, *Historical Memoir*, 74; and "Substance of the Evidence Against Capt. M'Dougall, 1770," Alexander McDougall Papers [Microfilm], New-York Historical Society, New York, New York, Reel 1 (Hereafter cited as McDougall Papers).

On the morning of February 8, Sheriff Roberts arrived at Alexander McDougall's home with a warrant, charging him with circulating "a *false, seditious and infamous Libel*." The sheriff brought McDougall before Chief Justice Horsmanden of the Supreme Court to be questioned. Horsmanden said to him, "So you have brought yourself into a pretty Scrape"? McDougall replied, "May it please your Honour, that must be judged of by my Peers." The Chief Justice then told him "'that there was full Proof, that I was the Author or Publisher of the abovementioned Paper,' which he called a *false, vile, and scandalous Libel*. I replied again, 'this must also be tried by my Peers.'" When asked if he would give bail or not, McDougall stated, "Sir, I will give no Bail." Horsmanden ordered Roberts to bring McDougall to New Gaol, where he would stay "until I shall thence be delivered by due Course of Law."<sup>23</sup>

The day following his incarceration, McDougall wrote a new essay, "To the Freeholders, Freemen, and Inhabitants of the Colony of New-York," which discussed *To the Betrayed Inhabitants* as well as recounted his arrest. The essay also informed the public of the unique nature of his case. McDougall declared that his case was the first instance in the provinces to censor the press and "imprison any of the numerous Writers in this glorious Cause." More importantly, McDougall wrote that he was up for the challenge.

And tho' a Person of my humble Station, and so unequal to a Combat with Men in Authority, must necessarily foresee numerous Difficulties, and perhaps suffer private Ruin in the End; yet as I trust in God, *that he will preserve this Country*

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<sup>22</sup> McDougall, "To the Freeholders, Freemen, and Inhabitants of the Colony of New-York," *New-York Journal*, February 15, 1770; and Smith, *Historical Memoir*, 74-75.

<sup>23</sup> McDougall, "To the Freeholders, Freemen, and Inhabitants of the Colony of New-York," *New-York Journal*, February 15, 1770.

*from Slavery*; and as I was early in Sentiment opposed to the detestable Stamp-Act (and as far as I know my own Heart upon true Principles of Patriotism) I am willing to RISK ALL, and shall think the Destruction of my Family, and the Loss even of my Life, trifling Sacrifices, if I can be in the least DEGREE serviceable to the common Cause of these distressed Branches of the Empire.”<sup>24</sup>

While never admitting to writing *To the Betrayed Inhabitants*, McDougall’s essay reiterated and supported every point from the seditious pamphlet. He never defended himself as falsely accused, but instead he professed his innocence because the alleged libel was the truth, not a seditious falsehood. McDougall viewed himself as wrongly imprisoned because provincial authorities were infringing on his freedom of speech and he even cited John Peter Zenger’s libel trial of 1735. Unlike the authorities, he did not believe “that it is a Crime to speak or write the Truth.” McDougall appeared to have an astute knowledge of the law and fastidiously researched legal statutes and precedents, including the Zenger Case, with his defense attorney and political ally, John Morin Scott. McDougall even seemed excited about the prospect of his own trial; “That I rejoice that I am the first Sufferer for Liberty since the Commentement of our glorious Struggles” even though he “abhor[ed] even the momentary Loss of personal Liberty.” He continued,

Let it be tried, let it be fairly tried, whether Freedom of Speech and Freedom of Writing are not the natural Effect of the Freedom of our excellent Constitution, and whether on suppressing that Freedom, the Constitution can possibly survive. I should therefore be sorry that any of my Friends should give themselves the least Pain or Anxiety on Account of my Imprisonment. For myself I feel none. The Cause for which I suffer is capable of converting Chains into Laurels, and transforming a Gaol into a Paradise.

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<sup>24</sup> McDougall, “To the Freeholders, Freemen, and Inhabitants of the Colony of New-York,” *New-York Journal*, February 15, 1770.

McDougall commented that he had already received many visits from “the Friends of Liberty of all Ranks.”<sup>25</sup>

Many of these “Friends of Liberty” saw in McDougall the perfect opportunity to turn him into a symbol of liberty standing defiantly in the face of arbitrary power. They quickly began to craft and manipulate the symbolism surrounding McDougall. To better reinforce their point, the Sons of Liberty used political symbolism that was readily understood—John Wilkes and the number forty-five. Two days after the authorities placed McDougall in New Gaol, he received a cut of venison with a forty-five on it. Because forty-five was a Wilkite symbol for liberty, radicals created a dichotomous statement as they contrast symbolic liberty with McDougall’s imprisonment and lack of liberty. The choice of the number forty-five was strangely ironic. The General Assembly’s discussion of *To the Betrayed Inhabitants* appeared on page forty-five of the published legislative proceedings. Radicals also ignored McDougall’s Scottish heritage in order to use the number’s anti-Scottish and anti-Jacobite connotations to attack Lt. Governor Colden, who, according to local rumor, had some Jacobite connections in his younger days. By utilizing the number forty-five, radicals symbolically linked Colden’s

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<sup>25</sup> McDougall, “To the Freeholders, Freemen, and Inhabitants of the Colony of New-York,” *New-York Journal*, February 15, 1770; and Champagne, *Alexander McDougall and the American Revolution in New York*, 31. In New York City, there was a resurgence of interest in the Zenger Trial, see John Peter Zenger, *A Brief Narrative of the Case and Trial of John Peter Zenger* (Reprint, New York: John Holt, 1770), Evans 11952. On the Zenger Trial, see Eben Moglen, “Settling the Law: Legal Development in New York, 1664-1776” (Ph.D. diss., Yale University, 1993), 222-28; Eben Moglen, “Considering *Zenger*: Partisan Politics and the Legal Profession in Provincial New York,” *Columbia Law Review* 94 (June 1994): 1495-1524; and Jill Lepore, *New York Burning: Liberty, Slavery, and Conspiracy in Eighteenth-Century Manhattan* (New York: Vintage, 2006), 70-78.

autocratic nature and governmental abuses to those of the seventeenth-century Stuart monarchs. Radicals had used a similar tactic during the Stamp Act Crisis.<sup>26</sup>

The allusion to Wilkes was not lost on the provincial authorities. Even though they had arrested the author of *To the Betrayed Inhabitants*, McDougall became a more visible problem for officials as the Sons of Liberty transformed him into a symbol of resistance. An annoyed Lt. Governor Colden wrote to the Earl of Hillsborough, the Secretary of State of the Colonies, “He is a person of some fortune, and could easily have found the Bail required of him, but he choose to go to Jail, and lyes there imitating Mr. Wilkes in every thing he can.” James Duane, who later attacked McDougall under the moniker The Dougliad, commented that the lower sorts wrongly believed that McDougall “is a Wilkes Suffering for the good of his Country.”<sup>27</sup>

It was not strange that New Yorkers would transform McDougall into the American Wilkes. From Boston, Massachusetts, to Charleston, South Carolina, provincials celebrated and exalted Wilkes and his cause. Many radically minded individuals compared Wilkes to John Hampden, Algernon Sidney, and other radicals from the English Civil War and Glorious Revolution. In the pre-Revolutionary era,

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<sup>26</sup> Brewer, “The Number 45”; and Champagne, *Alexander McDougall and the American Revolution in New York*, 28. On the rumor that Cadwallader Colden had been a Jacobite, see Jesse Lemisch, *Jack Tar vs. John Bull: The Role of New York’s Seamen in Precipitating the Revolution* (New York and London: Garland, 1997), 109-10, n62. On the Stamp Act Crisis and Jacobite symbolism, see Chapter One.

<sup>27</sup> “Cadwallader Colden to Earl of Hillsborough, New York, February 21, 1770”; quoted in Patricia U. Bonomi, *A Factious People: Politics and Society in Colonial New York* (New York and London: Columbia University Press, 1971), 270; “James Duane to Robert Livingston, Jr., New York, July 19, 1770”; quoted in Bonomi, *A Factious People*, 270; and Champagne, *Alexander McDougall and the American Revolution in New York*, 29.

according to historian Pauline Maier, many radicals viewed “the Stuart era as the dark age of the English constitution” and saw similarities between that era and their own:

George III’s choice of John Stuart, Earl of Bute, as his chief advisor and the reappearance of seventeenth-century problems such as standing armies, interference with judicial procedure, and illegal taxation, all awoke their fears. Commonwealthmen on both sides of the Atlantic saw in these incidents a monarchical encroachment on the constitutional balance achieved by the Glorious Revolution.

In many respects, McDougall was a fitting figure to become the American Wilkes—despite the number forty-five’s anti-Scottish connotation.<sup>28</sup>

New Yorkers also associated McDougall with another symbol of liberty—the Liberty Pole. When authorities brought McDougall to New Gaol, a prisoner allegedly commented, “*here is fine times indeed, ! a Son of Liberty brought to gaol, and the Liberty-Pole put in Irons.*” The reference to irons was an allusion to the metal used to reinforce the new Liberty Pole.<sup>29</sup> In a contemporary political cartoon, artist Pierre Eugène du Simitière lampooned the New York City resistance movement’s most cherished and visible symbols of liberty—the Liberty Pole and Alexander McDougall. The cartoon depicted a panorama of the Common. On the left-hand side, Simitière drew the Liberty Pole with a weather vane on its top that read “LIBERTY” and the number forty-five directly above the weather vane. In the background stood a second Liberty Pole. In the middle of the cartoon, an ominous building loomed, which was the Upper Barracks for troops. “Libel Hall” or Abraham Montanye’s Tavern was located on the

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<sup>28</sup> Maier, “John Wilkes and American Disillusionment,” 375-76; Brewer, “The Number 45,” 351; and Wilson, *The Sense of the People*, 214-15.

<sup>29</sup> “To the Printer, New York, 14<sup>th</sup> Feb.,” *New-York Journal*, February 15, 1770.

right-hand side of the cartoon. From the second floor window of the tavern, a figure that was probably McDougall looked out over the Common and lamented, “Is there no other road to thee, Sweet Liberty.”<sup>30</sup>

While residing in New Gaol, McDougall continued to write and publish political essays. His “To the Freeholders and Freemen and Inhabitants of the City and Province of New-York” appeared in the *New-York Journal* on March 8. In the article, McDougall sketched a history of the General Assembly’s grants of money to soldiers under the Quartering Act.<sup>31</sup>

Like McDougall, other political commentators thought some good would arise from his imprisonment. A. L. wrote, that, while “the Imprisonment of Capt. M Dougall fill’d the People at first, with a melancholy,” it would “open the Eyes of the Public, with Respect to the Politics of certain Families, who have been twice concern’d in prosecuting for what the Star Chamber Lawyers call Libels.” Indeed, a number of articles appear in the city’s papers, discussing libels and the Zenger case.<sup>32</sup>

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<sup>30</sup> For the cartoon, see Gilje, *The Road to Mobocracy*, 56; and MacDougall, *American Revolutionary*, 31. MacDougall contends that the building on the right-hand side of the cartoon is the New Gaol, but the “Beef Stakes” advertisement suggests it is a tavern.

<sup>31</sup> Alexander McDougall, “To the Freeholders and Freemen and Inhabitants of the City and Province of New-York,” *New-York Journal* (Supplement), March 8, 1770.

<sup>32</sup> A. L., “[Letter to Printer],” *New-York Journal*, March 1, 1770. For continued interest in libel and the Zenger Trial, see BRITANNICUS, “From the Political Register: To a Juryman,” *New-York Journal*, March 15, 1770; and “NEW-YORK, March 22,” *New-York Journal*, March 22, 1770.



### Wilkite Rituals and Symbols

One month after the February 14 feast, the second political spectacle occurred in support of Alexander McDougall. This time, however, it was not men who took part in the Wilkite ritual, but women. On the evening of Monday, March 14, forty-five virgins, the *New-York Journal* reported, walked in “Procession to pay their Respects to a Patriot, now unjustly confined in the Common Jail.” A gentleman introduced the forty-five women “to the Illustrious Prisoner, who entertained them with Tea, Cakes, Chocolate and Conversation adapted to the Company.” After the meal, the forty-five virgins sung the second half of the Forty-Fifth Psalm, “having first undergone some slight Alterations.”

- Ver. 10. But thou, oh *Patriot brave*, give Ear,  
 And to *our* Words attend;  
 Forget thy *Father's* Country now  
 And ev'ry former Friend.
11. So shall thy *Writings* charm the Mob,  
 Nor shall *their* Love decay;  
 For *they* are now become our Lords;  
 To *them* due Rev'rence pay.
12. The *zealous* Matrons, rich and proud  
 Shall humble Presents make;  
 And all the *Sons of Freedom* sue  
 Thy Favour to partake
13. The *Green's* fair Virgins' fairer Souls,  
 All inward Graces fill;  
*Their* Raiments are of various hue  
*Bepatch'd*, with *curious* Skill.
14. *They*, in their *motley* Garments dress,  
 With Needles *nicely* wrought,  
 Attended by the *noisy* Train,  
 Shall to the *Chief* be brought
15. With all the State of solemn Joy  
 The Triumph moves along,  
 Till with wide Gates the *Prison* Court,  
 Receives the pompous Throng.
16. *What*, though a *Dungeon* be thy Room,  
 A happier Fate Expect,  
 Sons *shalt thou have*, who diff'rent Realms,  
 Shall govern and protect.

17. Whilst this *our* Song to future Times  
 Transmits thy glorious Name;  
 And makes the World with one Consent,  
 Thy lasting Praise proclaim.

This altered version of the Forty-Fifth Psalm praised McDougall's bravery for becoming a martyr for political liberty. The virgins advised McDougall to forget his father country—an allusion probably to Scotland—and old acquaintances. In some respects, this appeared to foreshadow the revolutionary transformations that waited on the horizon for New Yorkers. The phrase may be telling McDougall to think of himself as an American. The song also appeared to endorse—or perhaps even warn—about the rise of participatory democracy. Virgins noted that the people had “now become our Lords.” The “*motley* Garments” worn by the women was probably a reference to New York City's non-importation agreement and embracement of homespun clothing. Lastly, the forty-five virgins proclaimed that they would continue to visit McDougall in jail and that his name would live on and be commemorated.<sup>33</sup>

The Forty-Fifth Psalm was a wedding song for the Davidic kings of Israel. The original version was broken into two sections. The first part exalted the king and the second part praised the royal bride. What the forty-five virgins sang to McDougall was actually an altered version of the section about the future queen. The second section, however, provided the female participants with interesting imagery.

14. She [the bride] shall be brought unto the king in raiment of needlework:  
 the virgins her companions that follow her shall be brought unto thee.  
 15. With gladness and rejoicing shall they be brought:  
 they shall enter into the king's palace.

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<sup>33</sup> “New-York, 19<sup>th</sup> March, 1770: To the PRINTER,” *New-York Journal*, March 22, 1770. On non-importation and homespun, see Chapter Five.

The virgins were the bride's companions—though, in the altered version, they became McDougall's companions. The notion of forty-five virgins visiting McDougall may also be an allusion to his virile, manly patriotism. Many British political operatives—including John Wilkes—constructed themselves as manly, while concurrently depicting their opponents as effeminate and weak. The ritual's imagery constructed McDougall as strong and masculine, since he needed forty-five virgins to satisfy his sexual appetite. According to some religious scholars, the ninth verse of the Psalm actually referred to the king's harem.<sup>34</sup>

On March 19, five days after the forty-five virgins visited McDougall, New York City celebrated the fourth anniversary of Parliament's repeal of the Stamp Act. The anniversary was yet another occasion for the Sons of Liberty to display their symbols of resistance and celebrate the cause of liberty. While March 18 was the actual day of the repeal, New Yorker celebrated the following day due to the Sabbath. The radicals combined the repeal celebration with Wilkite rituals and symbols. On March 19, two groups calling themselves the Sons of Liberty claimed the day as their own.

Just before two o'clock in the afternoon, "Two hundred and thirty of the principal Inhabitants of this City, Friends to Liberty and Trade" arrived at Abraham Montayne's Tavern for "an eligant Entertainment" to celebrate the repeal of the Stamp Act. The revelers raised a flag or banner outside the tavern with the words, "G. R. III Liberty and Trade." The group proclaimed themselves the "true" Sons of Liberty. These Sons of

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<sup>34</sup> 45<sup>th</sup> Psalm, *Bible*, King James Version. For commentary on the 45<sup>th</sup> Psalm, see Kenneth Barker, et. al., eds., *The NIV Study Bible*, Tenth Anniversary Edition (Grand Rapids, MI: Zondervan, 1995), 823-25. On Wilkite radicals and manly patriotism, see Wilson, *The Sense of the People*, 219-28.

Liberty were not associated with the likes of John Lamb, Isaac Sears, and Alexander McDougall. These Sons of Liberty were, in fact, members of the DeLancey faction, which had backed away from its previous alliance with the radicals. These imposters had rented Montayne's Tavern, a haunt of the actual Sons of Liberty, in order to subvert and redefine the radical message.<sup>35</sup>

To undermine the radical message, the DeLanceys circulated to the city's newspapers a list of their thirty-four toasts, which shed light on their political ideology. The dinner guests drank the toasts in the usual "loyal" order. The revelers demonstrated their loyalty by first drinking to the King, royal family, lords, governmental officials, and then provincial and city officials. The toasters raised their glasses to Parliament's repeal of the Stamp Act and the patriots who stood against the act. They also toasted John Wilkes and the "Liberty of the Press," which was most likely an attempt to dissociate Wilkes and the freedom of the press from McDougall and his attack on the DeLancey faction. Demonstrating their reluctance towards the non-importation agreement, the DeLanceys drank to "Trade and Navigation, and a speedy Removal of their Embarrassments."<sup>36</sup>

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<sup>35</sup> *New-York Gazette, and Weekly Mercury*, February 12, 1770; *New-York Gazette, and Weekly Mercury*, March 12, 1770; "NEW-YORK, March 22," *New-York Journal*, March 22, 1770; "New-York, March 26," *New-York Gazette, and Weekly Mercury*, March 26, 1770; and Benjamin L. Carp, *Rebels Rising: Cities and the American Revolution* (Oxford and New York: Oxford University Press, 2007), 92.

<sup>36</sup> "NEW-YORK, March 22," *New-York Journal*, March 22, 1770, which was also reprinted in "New-York, March 26," *New-York Gazette, and Weekly Mercury*, March 26, 1770. On the same day, a contingent of DeLanceys also celebrated the repeal anniversary at Samuel Waldron's Tavern on Long Island (see "NEW-YORK, March 22," *New-York Journal*, March 22, 1770). On the importance of toasts as indicators of political ideology and alliance, see Epstein, *Radical Expression*, Ch. 5; Peter Thompson, "'The Friendly

While the DeLancey faction dined in the radicals' old haunt, the Sons of Liberty dined just down the street in their new meetinghouse, purchased by Sears, Lamb, and the incarcerated McDougall, called Hampden Hall. Their reference to John Hampden alluded to the English Civil War and anti-Stuart sentiment. At two o'clock, three hundred and forty "Gentlemen, Freeholders and Freemen" sat down for dinner. The celebration at Hampden Hall appeared to be more egalitarian, since it also included freeholders and freemen, and not just the "principal inhabitants" of the city. Prior to dinner, the revelers sent ten individuals to have supper with McDougall at New Gaol. After everyone had eaten, the radicals sent "two Barrels of Beer and what was left of the Dinners, to the poor Prisoners in the Gaol, which was received with great Thanks."<sup>37</sup>

Later in the day, the guests at Hampden Hall drank forty-five "loyal and patriotic Toasts," turning the celebration into a Wilkite ritual. After first following the loyal pattern of toasting, the Sons of Liberty could later express more radical sentiments. In addition to toasting the King, royal family, and British Constitution, the radicals voiced their hopes that Great Britain and the North American provinces would remain

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Glass': Drink and Gentility in Colonial Philadelphia," *Pennsylvania Magazine of History & Biography* CXIII (October 1989), 549-73; Peter Thompson, *Rum Punch and Revolution: Taverngoing and Public Life in Eighteenth-Century Philadelphia* (Philadelphia: University of Pennsylvania Press, 1999), Ch. 4; David W. Conroy, *In Public Houses: Drink and the Revolution of Authority in Colonial Massachusetts* (Chapel Hill: University of North Carolina Press, 1995); Sharon V. Salinger, *Taverns and Drinking in Early America* (Baltimore: Johns Hopkins University Press, 2002); and Carp, *Rebels Rising*, Ch. 2. On the DeLancey faction's attitude towards non-importation, see Chapter Five.

<sup>37</sup> *New-York Journal*, February 15, 1770; *New-York Gazette, and Weekly Mercury*, March 12, 1770; "NEW-YORK, March 22," *New-York Journal*, March 22, 1770; "New-York, March 26," *New-York Gazette and Weekly Mercury*, March 26, 1770; "Fort George, New-York, March 24, 1770," *New-York Journal*, March 29, 1770; and Champagne, *Alexander McDougall and the American Revolution in New York*, 30.

connected. Other toasts, however, did not seem loyal. They drank to the Scottish barons who were loyal to King Robert I of Scotland. Robert I had fought against the English in the First War of Scottish Independence. Around this time, a rumor had circulated in the city that McDougall was related to Robert I. The radicals praised the Glorious Revolution and specifically toasted William of Orange and radical Algernon Sidney. In eighteenth-century British political culture, it was common for opponents of oligarchy to use symbolic language from 1688. They also toasted Wilkes “for his noble Struggles in the Cause of Liberty” and McDougall “who had nobly stood forth in its [liberty’s] Defence.” In the later toasts, the theme of freedom of the press appeared several times. They toasted Andrew Hamilton, a lawyer for John Peter Zenger, as well as the “total Abolition of the Star-Chamber Doctrine of Libels.” Unlike their DeLancey counterparts, radicals hoped for “A Continuance of the Non-Importation Agreement, until the Revenue Acts are repealed.” In many respects, the two sets of toasts were in competition. As historian James A. Epstein writes, “Radicals responded [to opponents’ toasts] in ritual kind, offering counterpoints to the national memory of loyalism and asserting their own brand of popular patriotism.”<sup>38</sup>

The day’s festivities were not over. Just before sunset, the guests from Hampden Hall joined other New Yorkers on the Common. From there, they marched to New Gaol

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<sup>38</sup> [Sons of Liberty], *The following Patriotic Toasts* (New York, 1770), Early American Imprints, Series I: Digital Supplement 49255; and “Fort George, New-York, March 24, 1770,” *New-York Journal*, March 29, 1770. For how British radicals used a different version of seventeenth-century history for their own political ends, see Kathleen Wilson, “Revolution of 1688 and Eighteenth Century Politics,” *Journal of British Studies* 28 (October 1989): 349-86; Wilson, *The Sense of the People*, 212-18; and Epstein, *Radical Expression*, 150, 153. On the rumor that McDougall was related to King Robert I of Scotland, see SATIRICUS, *New-York Gazette, and Weekly Mercury*, April 30, 1770.

“with Music playing and Colours flying.” The participants “saluted Capt. M’Dougall, with three Cheers, which were answered in like Manner by the Company within.” In return, McDougall gave a brief speech through a barred window and thanked the revelers “for this Mark of their Respect.” As the sun set, the crowd proceeded to the Liberty Pole and took down the flag. The impromptu parade continued down Chapel Street to the Merchants’ Coffee-House and then up Broad Way back to the Liberty Pole. “And thus closed the Day, to the great Satisfaction of all present.”<sup>39</sup>

Five days later was the forty-fifth day of McDougall’s imprisonment in New Gaol. On March 24, a number of gentlemen and “Friends to American Liberty” dined with McDougall in his chamber. On the same day, forty-five members of the city’s Chamber of Commerce allegedly “waited on his Honour the Lieut. Governor, and returned him their Thanks for granting them Letters of Incorporation.” This may have been a radical attempt to subvert the Chamber of Commerce, which was a DeLancey institution.<sup>40</sup>

Jonathan Landon of the Borough of Westchester was one of the gentlemen who met with McDougall on March 24. After spending a half hour “almost alone” with McDougall, Landon was “charmed” by him. Of his impressions, he wrote,

whatever may be reported of him as an insignificant and obscure man, I assure that from the Little Conversation that passed while we visited him he appeared to be as well read in History as any Person I ever conversed with, an extream distinct manner of conveying his Ideas, and his Language composed of as well Chosen

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<sup>39</sup> “Fort George, New-York, March 24, 1770,” *New-York Journal*, March 29, 1770.

<sup>40</sup> “Fort George, New-York, March 24, 1770,” *New-York Journal*, March 29, 1770.

Words as you would expect from an accomplished Speaker, in a Word I was charmed with the Man, and disposed to think much better of him than I ever should had not I been personally acquainted with him.

Landon thought that McDougall and his cause had captivated many people; “His Cause gathers Partizans Daily from one End of the Continent to the Other.” Like McDougall, he believed that a standing army during peacetime could “enslave” the government. While some used McDougall for “selfish political Motives,” Landon wrote that his cause was “a Serious Matter and really I believe our Liberty is as much attacked now By the Mutiny Act & others Act of Trade as it was by the pestilent Last Act [the Stamp Act]—and therefore there ought to be a Stand made, and I rejoice that McDougall is imprisoned for the Cause as the like best way to bring things to a Crisis.”<sup>41</sup>

Also on March 24, imperial soldiers again targeted the Liberty Pole. Around eleven o’clock at night, roughly fifteen soldiers went to the pole. One of the soldiers shimmied up the pole, intending to take the weather vane with the word “LIBERTY” on it. People walking across the Common discovered the soldiers, who then ran off before they could be caught.<sup>42</sup>

The last of the Wilkite rituals surrounding McDougall took place on March 26. “45 and 92 Ladies (making 137)” marched from Chapel Street to New Gaol to call on McDougall. The ninety-two was a reference to the Massachusetts General Assembly’s vote of ninety-two to seventeen against Lord Hillsborough’s order for the assembly to rescind their Circular Letter of 1768. At the prison, the women were received in two rooms and “were entertained with Tea and Cakes; and after that they sung a Number of

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<sup>41</sup> “Jonathan Landon to Robert Morris, March 24, 1770”; quoted in Bonomi, *A Factious People*, 272-73.

<sup>42</sup> “New-York, April 2,” *New-York Gazette and Weekly Mercury*, April 2, 1770.



patriotic Songs.” After visiting McDougall, the women marched back down Chapel Street, while “a vast Number of Spectators” watched, to the home of McDougall’s second wife, Hannah, who was also one of the 137 women. Many New Yorkers “were pleased that so many of the Daughters of Liberty patronized the glorious Cause, which daily gains Friends of both Sexes.”<sup>43</sup>

### **“Transposition and Alteration”**

By the end of March, the DeLancey faction had become fed up with the Sons of Liberty and their use of Wilkite rituals and symbols. Almost immediately, DeLancey-leaning essayists began to attack, manipulate, and negotiate the meanings of the radical ceremonies. By undermining radical symbolism, the DeLanceys hoped to transform and discredit the radical message. The DeLancey faction targeted the incidents with the forty-five virgins, forty-five toasts, and forty-five members of the Chamber of Commerce.

The March 14 political spectacle purportedly shocked one reader of the *New-York Journal*. In a March 29 letter to the editor, S. P. complained that the political ritual and the account of it had “so little regard to the sacred Laws of Truth, and want of Reverence for the holy Scripture.” He continued,

What I principally object to is, that he [the reporter of the ritual] represents the Virgins to the world, as so weak and profane, as to predicate of Mr. M’Dougal, what the holy Spirit does of the Church of Christ, in the Second Part of the 45<sup>th</sup> Psalm, which he asserts they sang “after having undergone some slight alteration,” intending thereby to hold them to the Public, as fit subjects of

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<sup>43</sup> “NEW-YORK, April 2,” *New York Gazette, or Weekly Post-Boy*, April 2, 1770; and Maier, “John Wilkes and American Disillusionment,” 379.

Ridicule, for such an enthusiastick Fondness for the Patriot, as to prostitute sacred Writ, in applying the Words of it to him.

S. P. claimed that the narrative of the forty-five virgins was “wickedly misrepresented.” He maintained that in reality only twenty-eight virgins from the Dutch Reformed Church had visited McDougall. After the serving of tea, the author claimed, the women sang the 128<sup>th</sup> Psalm. S. P. probably wrote it was the 128<sup>th</sup> Psalm, because the message of the Psalm served his purposes. It began, “Blessed is every one that feareth the LORD; that walketh in his ways.” Lastly, he reminded the reporter of the March 14 spectacle that “‘lying Lips are an abomination to the Lord,’ and that if he continues in this his wickedness, the Vengeance of a God awaits him from which the Party he endeavours to serve by his Falsehood and Profanation, will be unable to save him.”<sup>44</sup>

In the same edition of the *Journal*, a DeLancey supporter charged that the radicals were lying when they claimed that over three hundred people attended the repeal celebration at Hampden Hall. He wrote that in reality “there were no more, including Gentlemen, Freeholders, Freemen and *Boys*, who dined and *paid* for their Dinners, than about 126.” The author appeared to be stating that those dining at Hampden Hall were less refined and gentlemanly. He also attacked the progression of the political toasts.

The first and second Toasts which those *loyal* Sons of Liberty *actually* drank, as appears from a printed Copy of them for *the Day*, were, 1<sup>st</sup>. May the American Colonies fully enjoy the British Constitution. 2d. The King, *as the Head and Preserver of the Constitution*. The Transposition and Alteration of these two Toasts, may possibly not have been calculated to answer any *particular* Purpose; but it resembles too closely their *Fraud* and *Deceit* [.]

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<sup>44</sup> S. P., “[Letter to Mr. Holt],” *New-York Journal*, March 29, 1770; and 128<sup>th</sup> Psalm, *Bible*, King James Version.

This was an attempt to transform the radical Sons of Liberty into a disloyal opposition since Britons viewed not toasting the king first as disloyal and audacious.<sup>45</sup>

The author denounced other Wilkite propaganda associated with McDougall as inaccurate. Radicals had “lugged in [the Chamber of Commerce] to give a Sanction to their *dirty* Politicks.” The DeLancey faction had established the Chamber of Commerce as a means to take away power from the Livingston lawyers. He claimed only thirty-eight members of the chamber, not forty-five, visited Lt. Governor Cadwallader Colden. The author estimated that of the seventy-three members of the Chamber of Commerce, only about fifteen did not “heartily despise” McDougall. He also attacked McDougall’s intellectual abilities by stating that the Scotsman was “incapable of writing” *To the Betrayed Inhabitants*. The author conceded, however, that McDougall might have been the publisher. “Let the Faction who compiled it for him,” he continued, “magnify his Abilities, boast of his 45 Virgins, of 45 Years old, and toast him for having *nobly stood forth in the Defence of Liberty*.” The author stated that McDougall’s defense of liberty was only a recent development. In the past, McDougall had been at odds with some of the members of the Sons of Liberty, among them Isaac Sears. This was because, however, Sears had sided with James DeLancey and McDougall had sided with the triumvirate of William Livingston, William Smith, Jr., and John Morin Scott.<sup>46</sup>

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<sup>45</sup> “New-York, March 29<sup>th</sup>,” *New-York Journal*, March 29, 1770; and Epstein, *Radical Expression*, 154.

<sup>46</sup> “New-York, March 29<sup>th</sup>,” *New-York Journal*, March 29, 1770. For antagonism between McDougall and Sears, see SEMPER IDEM, “[Letter to Mr. Holt],” *New-York Journal* March 1, 1770; and Champagne, *Alexander McDougall and the American Revolution in New York*, 16-17.

On April 5, in the *Journal*, HAMPDEN answered the anonymous author's accusations of March 29. HAMPDEN stated that three hundred people did attend the dinner at Hampden Hall. He called the anonymous essayist a "Tool" for his party, because there were more dinner guests at Hampden Hall than Montanye's Tavern, where "so great Pains were taken to collect People from every Corner to make a shew." HAMPDEN produced a deposition from Henry Bicker, the innkeeper at Hampden Hall, to demonstrate to the public and "this empty headed Sycophant" that three hundred persons celebrated the repeal and paid for their dinners at Hampden Hall on March 19.<sup>47</sup>

HAMPDEN also denounced the author's allegation that the toasts were drunk in a different order.

The Truth of the Matter is just this, Several Gentlemen drew up a Set of Toasts, proper for the Day, and to save the Trouble of copying them, got a few printed to serve the different Tables. When the committee who were appointed to conduct the Business of the Day, came to peruse the Toasts, they altered the one, and transposed the other before Dinner, and I do assert, that they were actually drank in the Manner and Order, they were published in [the newspapers.]

The testimonies of the sixteen or eighteen toastmasters could, wrote HAMPDEN, verify this statement. He questioned how the guests at Montayne's Tavern could toast Lt. Governor Colden who had enforced the Stamp Act, and still claim to be friends of liberty. Lastly, he stated that it was "of little Importance to the Public" whether forty-five or thirty-eight members of the Chamber of Commerce had visited the Lt. Governor. The gentlemen were simply thanking him for their charter.<sup>48</sup>

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<sup>47</sup> HAMPDEN, "[Letter to Mr. Holt]," *New-York Journal*, April 5, 1770.

<sup>48</sup> HAMPDEN, "[Letter to Mr. Holt]," *New-York Journal*, April 5, 1770.

On April 12, PLAIN TRUTH sought to expose the alleged lies of HAMPDEN. The DeLancey essayist wrote that no one contradicted that “300 People, *gentle* and *simple*, may have met and dined at Hampden-Hall.” Instead, the DeLancey faction was stating, “no more than about 126, including Gentlemen, Freeholders, Freemen and *Boys*, dined and *paid* for their Dinners.” He challenged HAMPDEN to produce the names of the men who dined and paid for their own dinners. In the spirit of full disclosure, PLAIN TRUTH maintained that 233 paid for their dinners at Montanye’s Tavern—and only nine or ten had yet to pay. He asked why the guests at Hampden Hall had printed and circulated a list of toasts if they did not mean to drink them in that order. He conceded, however, that “the Toasts may have been altered and transposed before Dinner, many, as well as myself are nevertheless convinced that it was done *only* to save Appearances.” Finally, he wrote, “No Man has a Right to lug the Chamber of Commerce into any political Controversy; or to apply Words spoken in Ridicule to support their ludicrous Number 45.”<sup>49</sup>

Also in the April 12 *Journal*, A DUTCHMAN stated that the political ritual probably occurred how the original narrative stated. The author noted how McDougall

has been visited by Men and Women, who call out 45, and go in that Number, and they have been asked the Reason, why they adopted that Number, to which they can give no Answer, but call, “we have a Wilkes of our own,” this makes me think, they use the Number 45, to make his Case similar to Alderman Wilkes’s Case[.]

He found it “strange,” however, that the forty-five virgins would be members of the Dutch Reformed Church, who were “dutiful and loyal to their King, and fond of good

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<sup>49</sup> PLAIN TURTH, “[Letter to Mr. Holt],” *New-York Journal*, April 12, 1770.

and peaceable Government, and abhor all Seditions, Factions, Riots and Tumults.” He hypothesized that the virgins were members of an anonymous minister’s “pretended Dutch Congregation.” If true, he believed S. P. was correct and should inform the public, so “the Dutch be cleared from the Scandal, if it is not them.”<sup>50</sup>

James Duane, who wrote “The Dougliad” series, made the most sustained attack against McDougall. Duane was a Livingston by marriage, but a DeLancey by political persuasion. In a repetitive series of essays, he dismissed McDougall as a demagogue who published essays just to stir the fires of the people. Duane believed that an individual should not have absolute freedom of the press because inflammatory writing could cause unrest against the government. Similarly, he criticized the Sons of Liberty’s use of extralegal assemblies to exercise political power, since it subverted the legal authorities. Like other DeLancey commentators, Duane criticized the symbols surrounding McDougall; “Let men admire, virgins sing, and matrons mumble thy exalted virtues! . . . A dreary prison is, in his estimation, the paradise of Mahomet, graced with forty-five black-eyed virgins who are continually caressing him.” Yet, McDougall soon left New Gaol.<sup>51</sup>

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<sup>50</sup> A DUTCHMAN, “[Letter to Mr. Holt],” *New-York Journal*, April 12, 1770. On the Anglicization of Dutch residents, especially the elite, in the eighteenth century, see Randall Balmer, *A Perfect Babel of Confusion: Dutch Religion and English Culture in the Middle Colonies* (New York and Oxford: Oxford University Press, 1989), Ch. 7; and Joyce D. Goodfriend, *Before the Melting Pot: Society and Culture in Colonial New York City, 1664-1730* (Princeton: Princeton University Press, 1992), Ch. 8 and 9. On the persistence of religious disputes and their effect on revolutionary politics, see Joseph S. Tiedemann, *Reluctant Revolutionaries: New York City and the Road to Independence, 1763-1776* (Ithaca and London: Cornell University Press, 1997).

<sup>51</sup> [James Duane], “The Dougliad, No. 1,” *New-York Gazette and Weekly Mercury*, April 9, 1770; [James Duane], “The Dougliad, No. 2,” *New-York Gazette and Weekly Mercury*, April 16, 1770; [James Duane], “The Dougliad, No. 3,” *New-York*

### “Vanished Into Air”

On April 25, authorities brought Alexander McDougall before the grand jury. The indictment for *The King v. Alexander McDougall* claimed that McDougall was “a Person of a Turbulent and unquiet mind and Seditious disposition,” who meant to “Scandalize” the Lt. Governor, Common Council, General Assembly, and Sixteenth Regiment. In addition, McDougall had placed “unreasonable Fears in the minds” of the public that their liberties and government “were in the utmost Peril and danger of being Subverted and overturned by the evil measures of the said General Assembly.” In order for McDougall to demonstrate that *To the Betrayed Inhabitants* was not libelous, the Supreme Court expected him to prove every point he made in the pamphlet.<sup>52</sup>

The evidence against McDougall was inconclusive. The authorities had previously questioned James Parker’s apprentices about the night McDougall was in the printing office. John Carr recalled that McDougall had taken a pen and corrected “a word or Letter” on the proof sheet—though, he conceded that someone else had also corrected it previously. He also saw McDougall take copies of the broadside. Another apprentice did not see McDougall correct the manuscript, but saw him cut some of the papers and

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*Gazette and Weekly Mercury*, April 23, 1770; [James Duane], “The Dougliad, No. 4,” *New-York Gazette and Weekly Mercury*, April 30, 1770; [James Duane], “The Dougliad, No. 5,” *New-York Gazette and Weekly Mercury*, May 7, 1770; and Janice Potter, *The Liberty We Seek: Loyalist Ideology in Colonial New York and Massachusetts* (Cambridge and London: Harvard University Press, 1983), 77-83. The quote is from “The Dougliad, No. 1.”

<sup>52</sup> “The King Agt Alexr. M’Dougal, Brief [The Supreme Court *The King v. Alexander McDougall*],” John Tabor Kempe Papers, New York, New York, Box 2, Folder 1; “Copy of Indictment for Libel, April 27, 1770,” McDougall Papers, Reel 1; and “NEW-YORK, May 3,” *New-York Journal*, May 3, 1770.

carry them away. Anthony Carr was the least helpful, since he did not remember anything from that night. Captain John Berrien, McDougall's companion at the printing office, stated that he did not know if McDougall was the author or publisher of the pamphlet. He also did not see McDougall correct, carry away, or distribute copies of the manuscript. Berrien, however, saw Parker correct the manuscript. There was little evidence for the grand jury to go by. The proof sheet with McDougall's alleged handwriting was lost and there was no proof that he had distributed the pamphlet. It was also the last day of the court's term, so McDougall's trial was held off for another term. His friends, "being satisfied his Confinement must be grievous and oppressive, procured Bail for his Appearance."<sup>53</sup>

In the interim, the provincial authorities' chief witness, Parker, died. Rumors circulated throughout the city that McDougall had poisoned Parker—accusations which McDougall denied. With Parker dead, it did not seem that McDougall would ever be brought back to trial. It was not until the afternoon of December 13 that the Sergeant at Arms for the General Assembly came to tell McDougall that the assembly requested his presence. McDougall recalled being brought before the assembly. John Cruger, the Speaker of the Assembly and member of the DeLancey faction, "informed me that I was charged by a Member with being the Author or Publisher" of *To the Betrayed Inhabitants*. He told McDougall that he was "by an Order of the House, to answer to the Question, Whether I was or was not Guilty." McDougall replied, "I cannot answer the Question for two Reasons." First, he refused to incriminate himself. Second, his case

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<sup>53</sup> "Substance of the Evidence Against Capt. M'Dougall, 1770," McDougall Papers, Reel 1; and "NEW-YORK, May 3," *New-York Journal*, May 3, 1770.



was still pending in the Supreme Court, “where the Matter would be tried by a Jury of my Peers.” For not answering Speaker Cruger’s questions, the assembly found McDougall to be in “Breach of Privilege and Contempt of the Authority of the House.” The General Assembly asked for his pardon. McDougall replied, “That I had not committed any Crime.” Since the Sergeant at Arms could not take McDougall into custody, provincial authorities had a warrant issued for his arrest and brought him back to New Gaol.<sup>54</sup>

For the time being, McDougall’s use as a political symbol was over. The DeLancey faction, however, continued to harass him. If it could not get him to pay through the legal system, it would turn McDougall’s use of the press against him. Two satirical pieces attempted to tarnish his reputation. *A Letter to the Celebrated Patriot of New-York* discussed the fleetingness of McDougall’s popularity.

Tho’ ladies, like the queen of *Sheba*, came from different parts to *behold your wisdom*, tho’ *saints* proved food for your table, and *sinners*, like good Christians, *visited you, when you was in prison*; tho’ many were anxious to become your concubines, and would gladly have eaten their own bread, and worn their own apparel, for the pleasure of being instrumental in increasing the number of those who shall be called after your name; yet Sir! I am sorry to find, I sincerely condole with you, that all these flattering marks of honour, like shinning drops of early dew, glittered only for moment, then vanished into air!<sup>55</sup>

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<sup>54</sup> *Journal of the Votes and Proceedings of the General Assembly of the Colony of New-York* (New York, 1771), Evans 12158, 7-8; Alexander McDougall, “To the Freeholders of the City and Colony of New-York, and all the Friends of Liberty in the British Empire,” *New-York Journal*, January 24, 1771; and Alexander McDougall, “The Conclusion of Capt. McDougall’s Narrative,” *New-York Journal*, January 31, 1771. Portions of the essay also appear in Alexander McDougall, *To the Freeholders and Freemen of the City and Colony of New-York* (New York, 1770), Evans 11710. For more information about his meeting with the Assembly and information about his imprisonment, see Alexander McDougall, *To the Freeholders and Freemen of the City and Colony of New-York, and to all the Friends of Liberty in the British Empire* (New York, 1771), Evans 12103.

<sup>55</sup> LAELIUS, *A Letter to the Celebrated Patriot of New-York* (New York, 1770), Evans 11697. On McDougall’s temporary retirement from public life, see also Champagne, *Alexander McDougall and the American Revolution in New York*, 41-45.

In December, SAWNEY, who claimed to be McDougall, wrote *Paradise Regain'd*. The pamphlet's tone and rhetoric did not match McDougall's. In addition, McDougall—with the exception of *To the Betrayed Inhabitants*—usually signed pamphlets with his own name. The pamphlet depicted McDougall as attention-hungry. The satirized McDougall asserted that once his confinement was over people “from all Quarters, the highest and noblest crowded round, [would be] gazing at me, as at the Sun in an Eclipse.” It also portrayed him as a brute. The satirized McDougall recalled that once, when a schoolmaster tried to discipline him, “I most manfully discharg'd my Urine in his Face.” The pamphlet also referenced the earlier split between McDougall and the more radical elements of the Sons of Liberty. The satirized McDougall asked,

How many Nights at *Hampden-Hall*, have these Lids been unclosed! How often, with the *sagacious* Captain [Isaac Sears], and intricate John [Lamb], have I stood arm'd with Sword and Musket, and suffered not a Dog to p[i]ss against our sacred Pole of Freedom, with impunity? Can none remember?

Even though back in prison, he wrote, “I hope however, my dear Countrymen, that this last Reason will not obstruct your visiting me; as every Day, I shall set some Time apart for that Purpose; and *the Ladies* may be assured I shall devote some Hours each *Evening* with Pleasure, *to their particular Service*.” Lastly, he complained of his “powerful Friends who used to Visit me in their Chariots at Noon day, but now steal in, like *Nicodemuses*, at Midnight; as my Enemies may conclude they are *ashamed of their Cause*.”<sup>56</sup>

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<sup>56</sup> SAWNEY, *Paradise Regain'd: To All the Great and Glorious Patriots in New-York, —throughout America, —and around the Globe* (New York, 1770), Evans 11849. For other satires about McDougall, see [Anonymous], *Out-Lines* (New York, 1770),

Ultimately, the controversy surrounding the funding of imperial troops caused New York City's political factions to realign themselves. The DeLancey faction had lost its credibility with the Sons of Liberty, causing radicals like John Lamb and Isaac Sears to ally themselves with Alexander McDougall, John Morin Scott, and other members of the Livingston faction. In order to attack the provincial authorities and the DeLancey faction, the Sons of Liberty borrowed and reinvented elements from British political culture—in this case, Wilkite symbols and rituals—for their own local circumstances. Radicals and authorities, however, decoded these symbols in variety of ways, creating a contested public sphere and site of sociopolitical negotiation. While the Sons of Liberty and their Livingston allies did not always have access to the corridors of power, they were able to negotiate and exercise power through the politics outdoors.

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Evans 11795; and [Anonymous], *Consolation for Sinners', An Epigram* (New York, 1770), Evans 11610.

## CHAPTER FIVE

### **“NOT AS SLAVES, BUT AS FREEMEN, OUR MONEY WE’LL GIVE”: CONSUMER POLITICS AND THE TOWNSHEND REVENUE ACTS**

Simeon Cooley had only lived in New York City for a short period of time. He had emigrated from London and set up shop as a “Haberdasher, Jeweller and Silversmith.” His business—located near the Merchants’ Coffee-House—quickly became prosperous and allowed Cooley the means to purchase a home inside the city. In the late 1760s, however, his reputation rapidly soured when New Yorkers discovered that he was “amongst the first” to violate the city’s newest non-importation agreement. Cooley apologized for the infraction and promised that in the future he would comply with the agreement. It seemed like the matter was dropped—even though some New Yorkers carried a grudge and viewed him as a “vile Ingrate” and “Judas like.”

Several months later, Cooley again stirred up trouble when New Yorkers found out that the merchant had continued to disobey the non-importation agreement. On July 21, 1769, a public meeting convened to discuss Cooley’s unsavory business practices. The participants appeared particularly distressed about the merchant’s “contempt of the public Interest.” “[H]e must not expect the People[,] with whom he lived in Society, would permit him with Impunity, to transgress and violate the Rules and Agreement they

had entered into for their Welfare and Security in their highest and most weighty Interests.” In his failure to comply with non-importation, Cooley had committed a much worse crime—he had gone against the public’s wishes and “the sense of the city.” The attendees selected two gentlemen to call on the obstinate merchant and inform him that they required his presence at the public meeting. Cooley did not greet the gentlemen on the street, but instead talked with them from his parlor window. He declined their request to appear before the public, citing fears for his personal safety despite assurances otherwise.

When the participants heard about Cooley’s refusal to attend the meeting, they “immediately proceeded towards his House.” Before the crowd arrived, Cooley fled to Fort George for safety. He did have a change of heart, however. The following afternoon, Cooley attended a meeting at the Common (also called the Fields) to “publicly acknowledged his Crimes; [and he also] implored the Pardon of his Fellow Citizens.” He agreed “to store an Equivalent to the Goods he had sold, together with all those he had in Possession that were imported contrary to Agreement; and so to conduct for the future as not to render himself obnoxious to the Contempt and just Resentment of an injured People.” Cooley had gone from a popular and prosperous businessman to local pariah.<sup>1</sup>

Over the course of the city’s non-importation agreement, New Yorkers turned their ire on unscrupulous individuals like Cooley who sought personal profit while others suffered and sacrificed financially. Merchants like Cooley were not just violating the

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<sup>1</sup> [Anonymous], *Advertisement, Of greater IMPORTANCE . . .* (New York, 1769), Evans 11380; Simeon Coley, *To the PUBLIC* (New York, 1769), Evans 11224; and *New-York Journal*, July 27, 1769.

non-importation agreement, but also violating public opinion and the corporate ideal. Ultimately, New York City's consumer movement was a means of correcting societal forces—such as the rise of individualism and nascent capitalism—that stood in opposition to corporatism. New Yorkers symbolically linked these forces with the destructive ends of British imperial policy that threatened North America. In many respects, the non-importation agreement was a means to return to something else—an older, customary commercial system rooted in corporatism and a moral economy. It was an excuse to return to an idealized historical memory—a past that may or may not have existed. This chapter investigates the city's consumer politics to uncover the tensions between a moral economy and a market economy, corporatism and individualism, and the past and present.<sup>2</sup>

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<sup>2</sup> For similar suggestions, see Edmund S. Morgan, "The Puritan Ethic and the American Revolution," *William and Mary Quarterly* 24 (January 1967): 3-43; and Barbara Clark Smith, "Food Rioters and the American Revolution," *William and Mary Quarterly* 51 (January 1994): 14. In some respects, this chapter attempts to reconcile between historians who view British Americans as yearning to maintain an older, pre-capitalist economy, and historians who view them as wanting to engage with the emerging transatlantic market economy. Both viewpoints contain elements of truth. Many provincials participated in commerce and consumerism, but concurrently expressed a willingness to return—or at the very least uphold—corporatism. They also very often expressed anxiety over nascent capitalism. On anxiety towards the market economy, commerce, and luxury, see Morgan, "The Puritan Ethic and the American Revolution"; J. G. A. Pocock, "Virtue and Commerce in the Eighteenth Century," *Journal of Interdisciplinary History* 3 (Summer 1972): 119-34; and Drew R. McCoy, *The Elusive Republic: Political Economy in Jeffersonian America* (New York and London: W. W. Norton, 1980), Ch. 1. On embracing the market economy and its byproducts, see Joyce Appleby, *Capitalism and a New Social Order: The Republican Vision of the 1790s* (New York and London: New York University Press, 1984), Ch. 2; and T. H. Breen, *The Marketplace of Revolution: How Consumer Politics Shaped American Independence* (Oxford and New York: Oxford University Press, 2004). For a succinct overview of these debates, see T. H. Breen, "An Empire of Goods: The Anglicization of Colonial America, 1690-1776," *Journal of British Studies* 25 (October 1986): 467-99.

### Revisiting Non-Importation

Roughly a year after repealing the Stamp Act, the British Parliament again levied a tax on its provincial possessions in mainland North America. The Townshend Revenue Acts of 1767 placed import duties on luxury items, among them paint, paper, lead, glass, and tea. Charles Townshend, the new Chancellor of the Exchequer, believed that provincials would not argue with the taxes. Unlike the Stamp Act, the Revenue Acts were a series of customs duties or indirect taxes. These duties only directly affected merchants who paid the taxes in port. The average consumer never actually saw the tax. Many provincials did, in fact, oppose the duties. They believed Parliament should only use indirect taxation as a means of regulating the trade and commerce of the British Empire. Parliament, however, was utilizing the Townshend Revenue Acts not to regulate trade, but to raise funds to pay the salaries of royal governors in order to make them independent of provincial assemblies.<sup>3</sup>

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Historian E. P. Thompson defined the moral economy as “a popular consensus as to what were legitimate and what were illegitimate practices in marketing, milling, baking, etc. This in turn was grounded upon a consistent traditional view of social norms and obligations, of the proper economic functions of several parties within the community.” His conception of the early modern economy was based on custom and social reciprocity. A baker, for example, did not charge exorbitant prices for bread when people were starving. Such unfair pricing practices legitimated the right of the people to riot. See E. P. Thompson, “The Moral Economy of the English Crowd in the Eighteenth Century,” *Past and Present* 50 (February 1971): 76-136, quote on page 79; and E. P. Thompson, “The Moral Economy Reviewed,” in *Customs in Common: Studies in Traditional Popular Culture* (New York: New Press, 1993), 259-351.

<sup>3</sup> For a general discussion of the Townshend Revenue Acts of 1767, see Breen, *The Marketplace of Revolution*, Ch. 7.

Many provincials saw the new taxes as purposely deceitful and part of a larger conspiracy to strip away their rights and subject them to abject slavery.<sup>4</sup> In 1768, a song published in the *New-York Gazette, and Weekly Mercury* articulated many New Yorker's fears towards arbitrary taxation.

In FREEDOM we're BORN, and in FREEDOM we'll LIVE,  
Our Purses are ready,  
Steady, Friends, Steady,  
Not as SLAVES, but as FREEMEN, our Money we'll give.

Perhaps the most famous articulation of this sentiment was not a New Yorker, but John Dickinson who wrote a series of essays entitled, "Letters from a Farmer in Pennsylvania." His essays were widely read and appeared in New York City's newspapers. In his seventh essay, Dickinson speculated that Parliament was using the Townshend Revenue Acts as a precedent. "To console ourselves with the *smallness* of the duties, is to walk deliberately into the snare that is set for us, praising the *neatness* of the workmanship," he warned. Dickinson viewed the taxes as a scheme to enslave politically the people of British America. "*Those* who are *taxed* without their own consent, expressed by themselves or their representatives, are *slaves*. We are *taxed* without our own consent, expressed by ourselves or our representatives. *We* are therefore—SLAVES."<sup>5</sup>

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<sup>4</sup> My understanding of British American beliefs regarding conspiracy and slavery in the Revolutionary era is derived primarily from Bernard Bailyn, *The Ideological Origins of the American Revolution* (Cambridge: Belknap Press of Harvard University Press, 1967), 94-159, 232-46. For more on the historiography of these concepts, see Chapter Two and Chapter Three.

<sup>5</sup> *New-York Gazette, and Weekly Mercury*, July 18, 1768; and John Dickinson, "Letters from a Farmer in Pennsylvania," in *Colonies to Nation, 1763-1789: A*



In an effort not “to walk deliberately into the snare,” many New Yorkers began to rethink their attitudes towards consumption and the market economy. In December 1767, New Yorkers decided to give local manufacturing and homespun clothing a second chance. Through local manufacturing, they would provide jobs for the city’s poor, promote frugality, and more importantly apply economic pressure on Parliament. Local manufacturing and homespun symbolically stood as the opposite of everything the city’s economy had become. It would usher in a return to a moral economy, not a market economy. Many New Yorkers believed local production made perfect sense. AMICUS suggested creating a local bank to provide loans and incentives for manufacturing and commerce. PHILO PATRIAE noted that North America with “yields in great Plenty” had more resources than Europe. “[W]hy then may not our Manufactures supply the Place of Europe?” he asked.<sup>6</sup>

In this vein, the newly created Society for Promoting Arts (a successor to the Society for the Encouragement of Arts, Agriculture, and Economy) discussed schemes to encourage local manufacturing and the production of homespun clothing. The Society provided monetary assistance and incentives to manufacturers. At a December 21, 1767, meeting, for example, Thomas Taylor asked for the Society’s help for his flax-dressing business—which spun the straw-like fiber into a yarn for making clothing. Members

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*Documentary History of the American Revolution*, ed. Jack P. Greene (New York and London: W. W. Norton, 1975), 132-33.

<sup>6</sup> PHILO PATRIAE, *New-York Journal* (Supplement), January 23, 1768; AMICUS, “To the PUBLIC,” *New-York Gazette, and Weekly Mercury*, February 22, 1768; [Anonymous], *The Commercial Conduct of the Province of New-York Considered* (New York, 1767), Evans 10584; and Edwin G. Burrows and Mike Wallace, *Gotham: A History of New York City to 1898* (Oxford and New York: Oxford University Press, 1999), 207. On New York City’s first consumer movement, see Chapter One.

became quite interested in flax's potential for making clothing since it was readily available. The Society noted that there was "now no Want of Flax." One industrious New Yorker even wrote a short article on how to make "FLAX as soft as SILK." At the same December meeting, members also contemplated "a proposal for setting up the Business of Silk-throwing . . . but judged [it] improper, at least at present, for this Colony." Silk was a luxury item and therefore inappropriate within the city's present economic climate and possibly a violation of the moral economy. Throughout early 1768, the Society continued to award monetary incentives and bounties in an effort to encourage local production. Peter Chapell, for example, received money for producing "the greatest Number of Pairs of Wove Stockings for the Year 1767." He produced 292 pairs. For her linen spinning abilities, the Society presented a young woman with a medal for her efforts "as an Encourager of Frugality and Industry."<sup>7</sup>

In early February 1768, the Society decreed that its members would refrain from eating lamb prior to May 1 "as it would promote Industry, and assist in Clothing our numerous Poor." Lamb, sheep, and similar animals became vital sources of textile material and therefore they were too important to eat. After observing sheep being shipped from the city's port, A CITIZEN wrote to the *New-York Journal* in dismay. He believed this was clearly "bad Policy" and that the local government should "prohibit the Exportation of that useful Animal, of which we have not sufficient for our own Manufactories, to the Support whereof they are absolutely necessary." Another New

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<sup>7</sup> "NEW-YORK, January 14," *New-York Journal*, January 14, 1768; "Minutes of the Society for promoting Arts, . . .," *New-York Journal* (Supplement), January 16, 1768; "FLAX as soft as SILK," *New-York Journal* (Supplement), February 6, 1768; and "NEW-YORK, February 4," *New-York Journal*, February 4, 1768.

Yorker opined that the butcher of lambs should be held off until mid summer—around July 20. By that time, he reasoned, the animals would be larger and be able to provide more meat and more material for making clothing. In April 1768, the Sons of Liberty and Society of Cordwainers also agreed not to eat lamb until the summer.<sup>8</sup>

During the same month that local residents formed the Society for Promoting Arts, New Yorkers established an ad hoc committee to create a report on the city's economy and to contemplate "Measures to encourage Industry and Frugality, and employ the Poor." On February 2, 1768, the committee made the report public at the Exchange Room. They described the province's economy as being "in a State of Poverty and Distress; chiefly arising from the Decline of Commerce, and a vast consumption of British Manufactures and foreign Commodities, altogether incompatible with our present calamitous Circumstances." The committee encouraged the continued use of the Society for Promoting Arts' linen manufactory, which would stimulate the local economy by producing and selling goods that New Yorkers would have otherwise purchased from English merchants. They noted that residents should stop wearing expensive clothing as well. "[T]he Use of Silk Velvets, Gold and Silver Lace, and Cloth above the Price of Twenty-five Shillings Currency per Yard; and the Importation of Clothes ready made, ought in our present Circumstances wholly to be laid aside." Interestingly, the ad hoc committee also suggested banning the slave trade, which "hath on many Accounts been injurious [to New York society] . . . and therefore ought for the Future to be

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<sup>8</sup> "NEW-YORK, February 4," *New-York Journal*, February 4, 1768; A CITIZEN, "To the PRINTER," *New-York Journal*, February 11, 1768; "To the PRINTERS," *New-York Journal*, March 26, 1768; and "NEW-YORK, April 13," *New-York Journal*, April 13, 1769.

discouraged.” The members also recommended restricting the importation of other goods from England that could be locally produced. If New Yorkers took these steps, the committee believed, the British Parliament would repeal the Townshend Revenue Acts.<sup>9</sup>

In this political climate, many New Yorkers became more conscious of the city’s vast disparities of wealth. As the gap between the rich and poor widened even more in the 1760s, many social commentators questioned the elite’s conspicuous consumption.<sup>10</sup> Articles appeared in the city’s press questioning the need for luxury and asking for citizens to help their fellow man. One such essay by PHILANDER embraced the need for charity while simultaneously decrying luxury and opulence amidst extreme poverty. He accused fellow New Yorkers of “hoard[ing]” their money for selfish purposes instead of helping the destitute. Citizens had a moral responsibility to look out for those less fortunate than themselves.

The poor have a warrant from heaven to draw upon the treasury of the rich, and in the rich man’s breast they have a voucher, that gives a force and sanction to their demand. He feels himself bound by the internal and powerful laws of his nature, to consider the requisition as a matter of right, and therefore cannot without difficulty disregard it.

The author referred to his conception of a moral economy as a “social duty of beneficence.” Benevolent acts improved “the internal felicity of our minds, and a much more lasting and substantial happiness results from it, than can be found in all the devices that flow from a vicious self-love, confined to the gratitude of our meaner passions.”

Ultimately, luxury and frivolous consumption achieved fleeting happiness and was

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<sup>9</sup> [Anonymous], *The Committee appointed by inhabitants . . .* (New York, 1768), Evans 11008; and [Anonymous], *New-York, February 2, 1768 . . .* (New York, 1768), Evans 11009.

<sup>10</sup> See Chapter One.

unhelpful to the public good. Charitable contributions were a means to use one's money to achieve genuine happiness and fulfillment. Philanthropic individuals saw their money do something useful by providing a service, by “feed[ing] the hungrey, and cloth[ing] the naked.”<sup>11</sup>

For PHILANDER and many other contemporary essayists, the theater became symbolic for all that was wrong within New York society. “The money thrown away in one night at a play, would purchase wood, provisions and other necessaries sufficient for a number of poor to make them pas thro’ the winter with tolerable comfort,” he wrote. The essay estimated that a box seat for the entire season cost an individual £50. In a second essay, PHILANDER expanded on his hatred of the theater. In addition to being a waste of money, it weakened “the guards of virtue” and “tend[ed] to introduce licentiousness of sentiment, dissipation of manners, and corruption of morals.” For some provincials, the theater was viewed as vital to maintaining and promoting British identity and culture—the theater came to symbolize Great Britain. Therefore, PHILANDER’s criticism of the theater might have also been a calculated slight against the British Empire and its relationship with the emerging market economy.<sup>12</sup>

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<sup>11</sup> PHILANDER, *New-York Journal*, January 7, 1768. On Anglo-American objections to luxury, see Morgan, “The Puritan Ethic and the American Revolution”; and McCoy, *The Elusive Republic*, Ch. 2.

<sup>12</sup> PHILANDER, *New-York Journal*, January 7, 1768; and PHILANDER, *New-York Journal*, January 14, 1768. The PHILANDER continued his denouncement of the theater, see *New-York Journal*, February 4, 1768; and *New-York Journal*, February 11, 1768. For similar attacks on the theater, see THRIFTY, *New-York Journal*, January 21, 1768; and R. S., *New-York Journal*, January 28, 1768. On the theater’s role in promoting British identity and culture, see Heather S. Nathans, *Early American Theatre from the Revolution to Thomas Jefferson: Into the Hands of the People* (Cambridge: Cambridge University Press, 2003), 13; and Kathleen Wilson, “Rowe’s *Fair Penitent* As Global

Women also weighed in on the subject of the theater. BELINDA claimed to be “one of those unfashionable Creatures among the fair Sex, who are not ashamed to confess myself an Enemy to the Play-House.” She believed that wives had a role to play in the economic choices of their households. Women had to become more frugal and thrifty. “I am sure that Man must be a Fool who thinks an extravagant Wife a Blessing . . . I am really anxious that the Ladies of the present Day be taught a little of the good old Dutch Maxim of *saving* what their husbands may get.” Women also had a vital role to play in encouraging their husbands and children to avoid frivolous luxuries like the theater. She declared,

And it is as certain a Truth that the Ladies can either support or destroy a Play-House by their sole Influence. Let *us* once desert it, and the strongest Motive the Gentlemen now have for going there will be taken away; but as long as we continued to Grace the Boxes with our Presence, so long will there be an unfailling support for the Theatre.

If women changed their ways, men would do so as well.<sup>13</sup>

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History: Or, A Diversionsary Voyage to New South Wales,” *Eighteenth-Century Studies* 41 (Winter 2008): 231-51.

In the pre-Revolutionary era, the theater was subject to other critiques as well. Religious groups—in particular, Presbyterians, Puritans, and Quakers—targeted the theater for its alleged promotion of lewd and immoral behavior. Theater also became a point of contention between the Livingston and DeLancey factions. In the 1750s, the Presbyterian Livingstons opposed David Douglass and his efforts to build a new theater at Cruger’s Wharf—probably due to the Cruger family’s connections to the DeLancey faction. According to theater historian Heather S. Nathans, the Livingston faction opposed the theater as a means “to exert its authority against a pro-Anglican, pro-crown party . . . by deny[ing] it its luxuries and diversions.” In the early 1760s, Douglass finally built his theater on Chapel Street, which the Sons of Liberty destroyed during the Stamp Act riots. See Nathans, *Early American Theatre*, 13-14, 31-33.

<sup>13</sup> BELINDA, *New-York Journal* (Supplement), April 9, 1768. On the role of women in consumer politics, see Laurel Thatcher Ulrich, *The Age of Homespun: Objects and Stories in the Creation of an American Myth* (New York: Alfred A. Knopf, 2001), Ch. 5; and Breen, *The Marketplace of Revolution*, 279-89. On women in revolutionary

In early April 1768, the DeLancey merchants within the recently created Chamber of Commerce debated the possibility of entering into a new non-importation agreement if cities like Boston and Philadelphia did the same.<sup>14</sup> Public opinion appeared to support the merchants' proposal. On April 14, the *Journal* published a letter supporting a possible non-importation agreement. In language that appeared to borrow from Dickinson's "Letters from a Farmer in Pennsylvania," the author wrote:

[W]e are not only impoverish'd by the Restrictions upon Trade, but the Blessing we most valued is departed from us,—the Evil we most fear'd is come upon us,—we are no longer a free People,—we are actually *now* in a State of Slavery!—we are taxed,—our Money is taken from us without our own Consent, given either by our selves or our Representatives,—we are to all Intents and Purposes actually Slaves!"

The article called for all New Yorkers to come together to support a non-importation agreement.<sup>15</sup>

Not everyone—including merchants in Boston and Philadelphia—was exuberant over the proposed non-importation agreement, however. One New Yorker suggested that the opposition to the plan stemmed from the fact "That the Stoppage does not take Place

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politics, see Linda K. Kerber, *Women of the Republic: Intellect and Ideology in Revolutionary America* (Chapel Hill: University of North Carolina Press, 1980); and Jan Lewis, "The Republican Wife: Virtue and Seduction in the Early Republic," *William and Mary Quarterly* 44 (October 1987): 689-721.

<sup>14</sup> "New-York, April 8," *New-York Gazette, and Weekly Mercury*, April 18, 1768; and Carl Lotus Becker, *The History of Political Parties in the Province of New York, 1760-1776* (Madison: University of Wisconsin Press, 1909; reprint, Madison: University of Wisconsin Press, 1960), 60-61 (page citations are to the reprint edition). One historian has suggested that the DeLanceys were the biggest proponents of non-importation because it was a means to curtail the power of the crowd, see William M. Fowler, Jr., "A Yankee Peddler, Nonimportation, and the New York Merchants," *New-York Historical Society Quarterly* LVI (April 1972): 148.

<sup>15</sup> [Anonymous], "To the Gentlemen of the Committee of Merchants in New-York," *New-York Journal*, April 14, 1768.

immediately, but gives Opportunity to designing Men to enlarge their Orders so as to defeat the Design, and engross an Advantage from which others who aim'd solely at the public Good, would be excluded." He also noted that the rescinding of the Quartering Act was not made a condition for lifting the agreement. The author then went on to defend the DeLancey plan. The architects of the proposed agreement did not want to begin non-importation immediately because the agreement was not meant "to hurt and distress Great Britain or any of its Inhabitants." The intention of non-importation was to redress provincial grievances with parliamentary policies. They did not wish to harm the English manufacturers and merchants and therefore wanted to give them ample time to send out goods that were already produced or being produced. There was also a sense that the architects did not desire to hurt the workingmen who were completing goods already in production. The non-importation agreement made a distinction between Parliament and the people. New York's merchants only aimed their resentment at the policymakers at Westminster. The merchants' proposal recognized the existence of a moral economy. A more cynical view suggests another motive—one that did not adhere to a moral economy. It was also possible the DeLancey merchants sought to delay non-importation in order to reap huge profits. The deadline for non-importation would cause an enormous demand for soon-to-be banned items.<sup>16</sup>

New York City did not officially consent to a non-importation agreement until August 27, 1768. The city's merchants met and drew up a series of resolves stating that

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<sup>16</sup> G., "To the PRINTER," *New-York Journal*, April 21, 1768. For the use of a similar cynical tactic, see Woody Holton, *Forced Founders: Indians, Debtors, Slaves, and the Making of the American Revolution in Virginia* (Chapel Hill: University of North Carolina Press, 1999), Ch. 3.



effective November 1 they would not directly or indirectly import goods from or sell goods to Great Britain. Those caught importing goods “shall by us be deemed Enemies to their Country.” The resolves were agreed to “*by nearly all the Merchants and Traders in Town.*” The merchants probably chose November 1 due to its symbolic importance. November 1, 1765, had been the day New Yorkers first stood up to Parliament’s policies.<sup>17</sup> Roughly one week later, on September 5, the city’s tradesmen and artisans entered into a nearly identical non-importation agreement and issued their own series of resolves “in order to support and strengthen our neighbours, the merchants in this city.” In their resolves, the tradesmen also refused to conduct business with merchants who did not support the non-importation agreement.<sup>18</sup>

Throughout the city and province, public opinion seemed to support the new non-importation agreement. In the *Journal*, one author suggested non-importation was a good thing and that for too long provincials had “vainly” believed they should buy goods in the store. He had attended a meeting “*in one of the Back Towns of this Province,*” where the inhabitants had declared,

We have gone (said they) these several Years past, clearing new Lands, and raising Grain only, and have foolishly neglected the raising of Sheep and Flax, because we vainly thought we cou’d buy them cheaper at the Stores, then make them at our Houses, until now our Cash is nigh wholly carried to England for their Fineries.

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<sup>17</sup> “NEW-YORK, September 8,” *New-York Journal*, September 8, 1768. For a general discussion of the beginnings of non-importation, see Breen, *Marketplace of Revolution*, 244-54.

<sup>18</sup> “The following RESOLVES are agreed to by the TRADESMEN of this City,” *New-York Gazette, and Weekly Mercury*, September 12, 1768, which also appeared in “The following is a Copy of the Resolves . . .,” *New-York Gazette, or Weekly Post-Boy*, September 12, 1768; and “NEW-YORK, September 15,” *New-York Journal*, September 15, 1768.

Part of the town's resolves in support of non-importation recognized the economic and political stranglehold English goods and products had on them.

That for them to buy any more Scotch or English Goods from Merchants, was in fact a sure wicked Way to qualify Britain, tyrannically and inflexibly, from Time to Time or impose upon Americans, whatsoever *new Laws, new Admiralty Courts*, or BISHOPS COURTS, *they pleased*, to take away our Civil and Religious Liberties Piece-meal, until we and our Posterity were finally enslaved as deep as any Spaniard or African.

Many New Yorkers believed that non-importation was the solution to the city's economic and political concerns.<sup>19</sup>

### **Popular Protests and Mobilization**

On November 14, 1768, two weeks after the non-importation agreement went into effect, the DeLancey faction and its radical allies—the relationship did not become strained until after the General Assembly election of 1769—coordinated a massive demonstration against the Townshend Revenue Acts and in support of the Circular Letter of the Massachusetts House of Representatives. It was an effort by the DeLanceys to rouse public opinion in favor of endorsing the circular letter and perhaps bring about the dissolution of the New York General Assembly. City officials had heard rumors about the protest and dispatched armed soldiers throughout the city to “intimidate” any potential participants. The troops' presence did not serve as a deterrent, however.

Between eight and nine o'clock at night, a crowd paraded through the streets displaying

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<sup>19</sup> “Extract of a Letter from a Gentleman in one of the Back Towns of this Province . . .,” *New-York Journal*, August 3, 1769. For a similar sentiment, see CETHSSUS, “To the Printers of the New-York Chronicle,” *New-York Chronicle*, June 22, 1769.

effigies of Massachusetts officials, including Governor Sir Francis Bernard, “hanging on a Gallows.” The effigies may have been only partially completed because the protestors had begun their march early after authorities had discovered their staging area. The participants walked towards Peck’s Slip and down Queen Street on the eastside of Manhattan Island. Residents gathered on street corners to salute the demonstrators and effigies “with loud Huzzas.” Eventually, the crowd stopped in front of the Merchants’ Coffee-House, where the effigies were “publicly burnt, amidst the Acclamations of the Populace, who testified their Approbation by repeated Huzzas, and immediately dispersed, and returned to their respective Homes.”<sup>20</sup>

Local authorities quickly dismissed the protest as a small, isolated incident that by no means reflected the general consensus of the city. In his recollection of events, Augustus Van Cortlandt, the town clerk, claimed, “this whole Proceeding is disapproved of by the Majority of the Citizens.” William Smith, Jr., a Livingston member of the Common Council, believed the riot hurt the credibility of those with legitimate grievances against imperial policy.<sup>21</sup> In a November 19 statement, Governor Sir Henry Moore dismissed the protest as a “*Riot*” and the work of “*sundry ill-disposed Persons, to*

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<sup>20</sup> “NEW-YORK, November 17,” *New-York Journal*, November 17, 1768; “New-York, November 21,” *New-York Gazette, and Weekly Mercury*, November 21, 1768; “NEW-YORK, November 21,” *New-York Gazette, or Weekly Post-Boy*, November 21, 1768; William Smith, Jr., *The Historical Memoirs of William Smith*, Vol. 1, ed., William H. W. Sabine (New York, 1956; reprinted, New York: Arno Press, 1969), 46-48 (Hereafter cited as Smith, *Historical Memiors*); and Roger Champagne, “Family Politics versus Constitutional Principles: The New York Assembly Elections of 1768 and 1769,” *William and Mary Quarterly* 20 (January 1963): 70. Augustus Van Cortlandt wrote the description of the crowd action that appeared in the *Weekly Mercury* and *Weekly Post-Boy* to counter the report in John Holt’s *Journal*.

<sup>21</sup> “New-York, November 21,” *New-York Gazette, and Weekly Mercury*, November 21, 1768; and Smith, *Historical Memoir*, 46.

*the Number of about Twenty.*” He also wrote off the audience as “*a Rabble of Negroes and Children, who had joined the Rioters in their Progress.*” Moore called for law enforcement to bring the offenders to justice and offered a £50 reward to any citizen who could bring forth a protestor to be convicted.<sup>22</sup>

In response to Van Cortlandt’s description and accusation that he had written and printed a misleading report of the demonstration, John Holt, publisher of the *New-York Journal*, fired back with a rather poor defense. He claimed to have not witnessed the demonstration, nor wrote about it, nor verified the truth of the event; “for no Body supposes that Printers are to be Vouchers for the Truth of the Articles of Intelligence they publish.” In spite of not confirming the truth, he had consulted two city officials—one of them being Van Cortlandt—before publishing the article. Holt stood by the author who he knew to be reliable and “a great Number of Witnesses” who could corroborate the author’s narrative.<sup>23</sup>

The present and future state of commerce and trade between the city and the rest of the British Empire became a source of anxiety in the days and months after the non-importation agreement. This apprehension was evident during the annual celebration of the Stamp Act repeal. The repeal celebration of 1769 blended together condemnations of Parliament’s past and present abuses of power. On March 18, two groups of Sons of Liberty celebrated the day. The DeLancey faction and its radical allies assembled at

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<sup>22</sup> Sir Henry Moore, “A PROCLAMATION,” *New-York Gazette, and Weekly Mercury*, November 28, 1768. The matter was also discussed in the General Assembly, see “Extracts from the Votes of the General Assembly . . .,” *New-York Gazette, or the Weekly Post-Boy*, December 5, 1768.

<sup>23</sup> *New-York Journal*, November 24, 1768.

Edward Smith's Tavern at the Common. In adherence to the moral economy and social reciprocity, the revelers sent their leftovers "and a quantity of Strong Beer . . . to the New Gaol." Many of New Gaol's inmates were actually debtors. The DeLanceys "spent the Day in a joyous Manner" and drank twenty-two toasts. After drinking to the King and royal family, they turned to more politically-minded toasts.

4. The Earl of Chatham, Marquis of Rockingham . . . and every other generous Asserter of American Rights.
5. Alderman WILKS.
6. John Dickinson, Esq; the ingenious Author of the Farmer's Letters.
12. The late worthy Members of the Assembly of this Province, who asserted the Rights of themselves and their Constituents.
13. The Friends of Liberty, and Enemies of Oppression and arbitrary Power in Great-Britain, Ireland, and elsewhere.
15. Prosperity to Great-Britain and her Colonies.
17. Trade and Navigation, and a speedy Removal of the Difficulties with which they are now embarrassed.
18. A perpetual Union and Harmony between Great-Britain and her Colonies, and Infamy and Disgrace to the Enemies of either.
20. Success to the American Manufactures.<sup>24</sup>

While the DeLancey faction dined at Smith's Tavern, the Livingstons celebrated at Henry Van De Water's Tavern. They also ate "a very elegant Dinner" and drank toasts similar to the above celebration. Alexander McDougall and others from Van De Water's Tavern attempted to bridge the gap between the two groups, but Isaac Sears, John Lamb, and others at Smith's Tavern were uninterested in these overtures.<sup>25</sup>

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<sup>24</sup> "NEW-YORK, March 20," *New-York Gazette, and Weekly Mercury*, March 20, 1769; "NEW-YORK, March 23," *New-York Journal*, March 23, 1769; and Benjamin L. Carp, *Rebels Rising: Cities and the American Revolution* (Oxford and New York: Oxford University Press, 2007), 87. On the New Gaol and its conditions, see Bruce H. Mann, *Republic of Debtors: Bankruptcy in the Age of American Independence* (Cambridge and London: Harvard University Press, 2002), 86-88.

<sup>25</sup> "NEW-YORK, March 20," *New-York Gazette, or Weekly Post-Boy*, March 20, 1769; and Carp, *Rebels Rising*, 87. See also "NEW-YORK, March 23," *New-York*

The repeal celebration caused a minor controversy in the local newspapers. After reading the narrative in Holt's *Journal*, one anonymous correspondent—perhaps affiliated with the Livingston faction—wished to add the following paragraph:

There was distributed to one of the Rooms, in which there is Ten Prisoners (almost One Half of all the Debtors now in Gaol) the best Part of a Round of Beef, not exceeding Ten Pounds Weight, and two Loaves of Bread, of the Value of Eight Coopers, but no Beer, nor any other Liquid——It might have been forgot, or perhaps a Mistake of the Printer.

The following week, on April 3, a DeLancey supporter took exception to the above remarks. He wanted a clarification placed in Parker's *Gazette*. He noted that "The victuals sent to the Gaol, cost the company £4.15" and the food was given to "the rooms [that] contained the most distressed of the prisoners." The author admitted that for "the room from whence the complaint was sent . . . they left what they thought a sufficiency (as they were informed that the persons in that room were not in much want)." He also conceded that the barrel of beer (which cost the company 32 shillings) was only distributed "by mistake" to one room. Ultimately, the author believed the whole controversy was being "influenced by some others out of the prison, who were actuated by private pique."<sup>26</sup>

In New York City and its surrounding environs, women also mobilized against the Townshend Revenue Acts. Women became intimately involved with the production of homespun garments. On March 9, 1769, three Long Island women got into the spirit of the non-importation agreement and "agreed to try their Dexterity at the Spinning-

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*Journal*, March 23, 1769; and "New-York, March 27," *New-York Gazette, and Weekly Mercury*, March 27, 1769.

<sup>26</sup> "NEW-YORK, March 27," *New-York Gazette, or Weekly Post-Boy*, March 27, 1769; and "NEW-YORK, April 3," *New-York Gazette, or Weekly Post-Boy*, April 3, 1769.

Wheel; accordingly the next morning they set themselves down, and like the virtuous Woman, put their Hands to the Spindle, and held the Distaff; at Evening they had 26 Skeins of good Linen yarn.” Homespun became a way for women—who were excluded from the political sphere—to resist British policy. Of the Long Island example, one political author hoped that “the same Spirit will spread thro’ the Continent. That the Ladies, while they vie with each other in Skill and Industry in this profitable Employment, may vie with the Men, in contributing to the Preservation and Prosperity of their Country, and equally share and Honour it.”<sup>27</sup>

There were plenty of critics from England and “among the Enemies of our Liberty” who believed that women could not effectively involve themselves in consumer politics because of their “inordinate attachment to European Superfluities” and their lack “of a sufficient Share of Virtue to discontinue their Use.” Some critics opined that women would be the ultimate downfall of non-importation. One defender of women believed this was not the case. He came up with an idea for getting women involved in non-importation.

The Method I would propose to their Consideration is, that the married Ladies, unite in one general Agreement, that they will respectively use their Influence (which is not a little) with their Husbands; not to rescind from that noble Resolution of Non-Importation, now subsisting among them. And that they will not only recommend it within the respective Spheres of their Acquaintance, but will likewise enforce it by their own Example, of quitting the Use of those Tinsels Gewgaws, and exuberant Fineries, which costs their Husbands much Toil in Acquisition, and a serious Sum of Money in the using.

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<sup>27</sup> “NEW-YORK, March 20,” *New-York Gazette, and Weekly Mercury*, March 20, 1769, which was also reprinted in “NEW-YORK, March 23,” *New-York Journal*, March 23, 1769. For another meeting of Long Island women, see PHILANDER, *New-York Gazette, or Weekly Post-Boy*, April 10, 1769.

In essence, women would use their influence and virtue within the domestic sphere to get their families involved with non-importation. He continued,

Such a Deportment might indeed tend to lengthen out, the tedious & irksome State of Celibacy, and Procrastinate, that conjugal Felicity, peculiar to the connubial Relation, but such Instances of Female Heroism, would afford a striking and incontestable Evidence, that the most refin'd Terrestrial Enjoyments, are held in their Estimation, and ought to be considered in no other Light than as subservient to the public Good.

The author appeared to be suggesting that being patriotic would increase a woman's libido.<sup>28</sup>

On November 1 to celebrate the first anniversary of the non-importation agreement, the DeLancey faction and its allies within the Sons of Liberty met at Abraham Montayne's tavern (formerly Edward Bardin's tavern) in the Fields. For the fete, they drank twenty-seven toasts "in festive Glasses." The sequence of toasts did not begin with the traditional first toast to the King, but with "May the North American Colonies fully enjoy the British Constitution." They referred to the King second.

4. May the British Colonies in North America ever unite; to the Exclusion of Slavery and support of their Rights.
10. The Farmer of Pennsylvania, or the American Cicero.
13. May the last Agreement of the Boston Merchants, respecting Non-Importation of British Goods become general throughout America.
14. Success to the Manufactories of America and their zealous Promoters.
25. The Printers who nobly disregarded the detestable Stamp-Act, preferring of the public Good to their private interest, in 1765.

The toasts praised those individuals who were looking out for provincial rights and liberties. The toasts also symbolically linked together opposition to Stamp Act with opposition to the Townshend Revenue Acts. November 1 was not just the beginning of

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<sup>28</sup> "NEW-YORK, June 26, 1769," *New-York Journal*, June 29, 1769. For a satire of women's fashion, see [Anonymous], *Advertisement* (New York, 1770), Evans 11652.



non-importation, but also the beginning of resistance to the Stamp Act and other parliamentary abuses.<sup>29</sup>

By the end of 1768, local manufacturing and popular mobilization had brought the city's transatlantic trade and commerce to a standstill. In May 1769, one estimate suggested "*The Duty on European Goods imported into this Province last Fall, we are told, amounted to some Hundreds Sterling, but we are credibly informed it does not exceed 40s. this Spring.*" The non-importation agreement in New York City proved so effective that "It is reported, that the two last Ships are to bring over £20,000 in Cash, for the Use of his Majesty's Troops, the Duties here not producing enough to pay them."<sup>30</sup>

### **"Enemies to this Country"**

In March 1769, New Yorkers formed a Committee of Merchants (also called the Committee of Inspection) to oversee the strict adherence of the non-importation agreement. DeLancey supporters and radicals like Isaac Sears dominated the membership of the committee. Isaac Low, an associate of the DeLancey faction, served as the chairman of the committee. In early May 1769, the committee was pleased to report that "they discovered nothing imported contrary to the Agreement, except a few Articles of small Value, for Household Use, which they thought too inconsiderable to take Notice of, and one Parcel of Goods sent without Order to a Merchant in Town,

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<sup>29</sup> "NEW-YORK, November 2," *New-York Journal*, November 2, 1769; and Carp, *Rebels Rising*, 91. The description also appeared in "New-York, November 6," *New-York Gazette, and Weekly Mercury*, November 6, 1769.

<sup>30</sup> "NEW-YORK, May 1," *New-York Gazette, or Weekly Post-Boy*, May 1, 1769; and "New-York, May 8," *New-York Gazette, and Weekly Mercury*, May 8, 1769, which also appeared in "NEW-YORK, May 11," *New-York Journal*, May 11, 1769.

which he intends to send back to London.”<sup>31</sup> The committee declared that those individuals violating the agreement “should be deemed Enemies to this Country.” In most instances, however, non-compliance with the non-importation agreement brought a slap on the wrist for the offending merchant. The committee simply confiscated the goods contrary to the agreement, leaving them unopened and placing them into storage until Parliament rescinded the Townshend Revenue Acts. Joseph Allicock, a member of the Sons of Liberty, ran one of the warehouses storing contraband. In some instances, the committee might even ship the confiscated goods back to England. They also threatened to publish the names of known offenders of the non-importation agreement. The Committee of Merchants even appealed to women.

And it is now hoped that all Persons whatever, the LADIES in particular, whose Conduct may have great Influence, will rouse and show their public Spirit and Virtue, in maintaining the Agreement entered into for the public Good by not having any Connection with any such selfish People; and that they will not buy from them, or any others who may purchase from him or them, any Goods that they have now imported, or have on Hand, but deem them obnoxious, and hold them in the Contempt they deserve, let their Station in Life be what it will.

Those in the boycott movement again sought the help of women to maintain the moral economy and resist arbitrary taxation.<sup>32</sup>

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<sup>31</sup> “To ISAAC LOW . . .,” *New-York Gazette, and Weekly Mercury*, November 20, 1769; and “New-York, May 1,” *New-York Gazette, and Weekly Mercury*, May 1, 1769, which was reprinted in “NEW-YORK, May 4,” *New-York Journal*, May 4, 1769; and Burrows and Wallace, *Gotham*, 210.

<sup>32</sup> “By Order of the Committee of Merchants in New York,” *New-York Gazette, and Weekly Mercury*, May 15, 1769; “New-York, October 9,” *New-York Gazette, and Weekly Mercury*, October 9, 1769, which was reprinted in “To the PRINTER,” *New-York Journal*, October 12, 1769; and Fowler, “A Yankee Peddler, Nonimportation, and the New York Merchants,” 148. On the policing of merchants in other provinces, see Breen, *The Marketplace of Revolution*, 254-67.

Not all residents were pleased with the Committee of Merchants' policies. In *A Pill for the Committees of Non-Importation*, PARACELTUS disagreed with the committee's decision to store goods contrary to the non-importation agreement. "What do the Merchants of Great-Britain regard the *Use* you make of the Goods, if you satisfy them?" he asked. "Can it affect their *present Circumstances*, whether you store or sell them, provided that, they receive their full Value?" There was no difference between buying goods and storing goods.<sup>33</sup>

Yet even with the committee's measures, reports and allegations circulated in the local newspapers and broadsides about various merchants who had broken the non-importation agreement.<sup>34</sup> For the most part, the merchants caught violating the agreement were quick to plead ignorance and then rectify the situation. In July 1769, when New Yorkers discovered a merchant importing earthenware, wrought iron, and other goods from New Haven, Connecticut, which had originated from Liverpool, he "very cheerfully sign[ed] an Order to the Master of the Vessel who brought them, to take them immediately back." The Committee of Merchants also exposed Thomas Charles Willett, a milliner who worked on Wall Street. The culprit had purchased goods from Philadelphia and Boston, which he claimed to not know were "contrary to the Agreement of Merchants here." He had attempted to sell the goods in New York City. The newspapers left the verdict to the public; "How far *these Excuses* will exculpate the

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<sup>33</sup> PARACELTUS, *A Pill for the Committees of Non-Importation* (New York, 1769), Evans 11395.

<sup>34</sup> See "To the Printer," *New-York Gazette, and Weekly Mercury*, April 17, 1769; *New-York Gazette, and Weekly Mercury*, November 20, 1769; [Anonymous], *ADVERTISEMNT, Of Great IMPORTANCE to the PUBLIC* (New York, 1769), Evans 11137; and Alexander Robertson, *To the PUBLICK* (New York, 1769), Evans 11445.

Conduct of the said *Willett*, must be submitted to the *impartial* Public, and the *patriotic* Ladies of this City, who will undoubtedly *treat* him accordingly.”<sup>35</sup>

In mid-September 1769, Thomas Richardson, a jeweler and recent migrant from London, stirred up the ire of residents after placing jewelry and other “Non-enumerated Goods, &c. for Sale” in his shop window. The Committee of Merchants told him to place his goods into storage, but Richardson refused citing “his immediate Want of Cash.” After reason did not work with Richardson, the committee took a different approach. On the Common in view of the Liberty Pole, they built a “Scaffold.” Committee members then told Richardson that residents required his presence at a public meeting. He went to the meeting and stood upon the makeshift scaffold. The committee used what philosopher Michel Foucault would call “the spectacle of the scaffold” to coax a confession from Richardson. In front of the large crowd, he apologized and appealed for forgiveness. He finally agreed “to Store his Goods, and not to perpetrate the like Atrocity in Future.” After the mock execution, Richardson safely returned to his home.<sup>36</sup>

Like Simeon Cooley and Thomas Richardson, many merchants who violated non-importation appeared to be individuals with few connections or roots in the community. Many violators were either not from the city or they were recent migrants from other

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<sup>35</sup> “NEW-YORK, July 13,” *New-York Journal*, July 13, 1769. The article also appeared in “New-York, July 17,” *New-York Gazette, and Weekly Mercury*, July 17, 1769.

<sup>36</sup> *New-York Journal*, September 21, 1769; “NEW-YORK, September 21,” *New-York Chronicle*, September 21, 1769; [Anonymous], *ADVERTISEMENTS: New-York, September 18, 1769* (New York, 1769), Evans 11381; and Michel Foucault, *Discipline and Punish: The Birth of the Prison*, trans. Alan Sheridan (New York: Vintage, 1977), Ch. 2.

places. Therefore, they did not have a stake in the community or an understanding of “the sense of the city.”

Other cities also contended with items slipping through their non-importation agreements. Boston merchants sent a letter to New York City explaining the irregularities in their agreement. They vehemently assured New Yorkers that they had not broken the agreement—only a few items had slipped through. New Yorkers paid careful attention to the reports of violations in other cities and provinces. Some of these reports turned out to be false.<sup>37</sup>

### **“The Sense of a Few”**

From 1769 to 1770, countless rumors circulated within the city’s public sphere about the possibility of Parliament repealing the Townshend Revenue Acts. Several political reporters speculated that Parliament wanted to repeal the duties, but could not risk losing credibility and authority. There was also news that London merchants were pressuring Parliament to repeal the taxes since they were hurting commerce and trade. In April 1770, after much speculation, Parliament finally repealed all of the Townshend Revenue Acts—except the import duty on tea. New Yorkers received the news in early May. Parliament had bowed not to political pressure, but economic pressure. Similar to its actions towards the Stamp Act, Parliament had ignored provincial political philosophy and insisted on its right to tax and legislate for its overseas possessions. Like the

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<sup>37</sup> *New-York Journal*, May 4, 1769. Numerous reports of goods slipping through other provinces’ non-importation agreements appeared in the city’s newspapers.

Declaratory Act (1766) after the repeal of the Stamp Act, the tax on tea was a demonstration of Parliament's absolute right to tax provincial North America.<sup>38</sup>

New Yorkers now faced a dilemma, however. Should they count the partial repeal as a victory and lift the non-importation agreement? Or should they continue non-importation until Parliament also repealed the tax on tea? Many New Yorkers viewed the repeal of most of the duties as a great victory. The city's economy was in shambles and many merchants were eager for commerce to resume. The circumstances had been so dire that the publishers of the short-lived *New-York Chronicle* ceased publication in early 1770. On May 18, a large meeting of merchants decided to hold off on lifting the non-importation agreement for a few weeks until they could ascertain if Parliament would also repeal the tea tax. On the evening of May 30, a wide spectrum of residents held a public meeting at City Hall. The attendees resolved, "That we will, to the utmost of our Power, by all legal Means, preserve the Non-Importation Agreement inviolate in the City and Colony, until the Act aforesaid is totally repealed."<sup>39</sup>

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<sup>38</sup> "NEW-YORK, May 7," *New-York Gazette, or Weekly Post-Boy*, May 7, 1770.

<sup>39</sup> "NEW-YORK," May 21," *New-York Gazette, or Weekly Post-Boy*, May 21, 1770; "NEW-YORK, June 4: ADVERTISEMENT," *New-York Gazette, or Weekly Post-Boy*, June 4, 1770; [Anonymous], *NEW-YORK, May 17, 1770* [Advertisement] (New York, 1770), Evans 11780; [Anonymous], *Advertisement* (New York, 1770), Evans 11781; Burrows and Wallace, *Gotham*, 212; and Roger Champagne, *Alexander McDougall and the American Revolution in New York* (Schenectady: New York State American Revolution Bicentennial Commission in conjunction with Union College Press, 1975), 35-36. The above items also appeared in "NEW-YORK, May 24," *New-York Journal*, May 24, 1770; *New-York Gazette, or Weekly Post-Boy*, June 4, 1770; and "NEW-YORK, June 7," *New-York Journal*, June 7, 1770. In the November 1769, the publishers of the *New-York Chronicle* noted that the "strict adherence to the NON-IMPORTATION AGREEMENT has confined our Business to very narrow Limits" and asked "our KIND CUSTOMERS for another half year's Advance." See *New-York Chronicle*, November 20, 1769.

The Committee of Merchants took offense to the May 30 meeting. The following evening, members issued a statement that the gathering had occurred without their “Knowledge” and therefore “they considered themselves no longer a Committee.” They also called for a public meeting on June 1 at the Merchants’ Coffee-House to select new members for the committee. Residents decided to retain the same committee members and thanked them “for their upright Conduct in supporting the Non-Importation Agreement; which the Inhabitants of this Province are determined strictly to adhere to.”<sup>40</sup>

Yet, the DeLancey-dominated Committee of Merchants appeared to have other thoughts on its mind. On June 2, the committee sent a letter to Boston, Philadelphia, and other cities asking their opinion on lifting the non-importation agreement on all goods except for tea. The letter also suggested having a summit in Norwalk, Connecticut, on June 18 to discuss the future of non-importation in North America. New York City’s proposed delegation consisted of Isaac Low, Isaac Sears, Henry Remsen, Jr., Peter Curtenius, and Peter Van Devoort. Most recipients of the letter were not receptive to the committee’s proposal. Merchants in Boston and Philadelphia refused to endorse the proposal to alter the non-importation agreement.<sup>41</sup>

On June 11, local merchants and artisans paid a visit to the Committee of Merchants. They told the committee “the sense of this city should be taken by subscription, whether an alteration should not be made in our non-importation

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<sup>40</sup> [Anonymous], *NEW-YORK, May 31<sup>st</sup>, 1770* [Advertisement] (New York, 1770), Evans 11782; and *New-York Gazette, or Weekly Post-Boy*, June 4, 1770, which also appeared in “NEW-YORK, June 7,” *New-York Journal*, June 7, 1770.

<sup>41</sup> *New-York Journal*, June 28, 1770; “NEW-YORK, July 2,” *New-York Gazette, or Weekly Post-Boy*, July 2, 1770; and Champagne, *Alexander McDougall and the American Revolution in New York*, 36.

agreement.” In the evening, the committee met and selected individuals to canvass the city’s six wards regarding the public’s opinion on non-importation. The poll asked residents if they favored the non-importation of all goods, or just non-importation for tea and other goods subject to an import tax. The Committee of Merchants quickly received twelve hundred signatures in favor of altering the city’s non-importation agreement. The committee members sent a second letter to Boston and Philadelphia on June 16, stating that New Yorkers wanted to alter the non-importation agreement. The Committee of Merchants did note, “[I]f this Agreement should be rejected by the other Colonies, the Sense of this Town will be again taken.”<sup>42</sup>

The public opinion poll was shrouded in controversy. Radicals—who by this point had dissolved their alliance with the DeLancey faction—posted notices telling residents not to sign the poll.<sup>43</sup> Alexander McDougall declared that the poll was the work of “selfish, mercenary importers, and a few mechanicks, the tools of a party.” It was the work of the DeLancey faction who had abandoned the people first over the Quartering Act and now the Townshend Revenue Acts. McDougall also disputed the authority of such a small polling sample. According to him, twelve hundred signatures did “not amount to above one third of the inhabitants of this city.” Indeed, the city probably had

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<sup>42</sup> *New-York Gazette, and Weekly Mercury*, June 18, 1770; [Anonymous], *NEW-YORK, June 12, 1770* [Advertisement] (New York, 1770), Evans 11784; and Champagne, *Alexander McDougall and the American Revolution in New York*, 36-37. See also *New-York Journal*, June 21, 1770; “NEW-YORK, June 25,” *New-York Gazette, or Weekly Post-Boy*, June 25, 1770; and “To the PUBLIC,” *New-York Gazette, or Weekly Post-Boy*, July 23, 1770. For the second polling, see *New-York Gazette, or Weekly Post-Boy*, July 11, 1770; and *New-York Journal*, July 19, 1770.

<sup>43</sup> [Anonymous], *NEW-YORK, June 12, 1770* [Advertisement] (New York, 1770), Evans 11783. On the fallout between the DeLancey faction and radicals, see Chapter Four.



slightly less than 4,000 eligible voters.<sup>44</sup> In mid-June, A CARD also laid the blame for the attempts at altering non-importation with the DeLancey faction. In a satirical manner, the piece declared, “A *Member of the CHURCH OF ENGLAND and A SON OF LIBERTY, presents his Compliments* to those Gentlemen, who are for an immediate and *untimely* Importation of Goods from *Great-Britain*.” This was clearly a reference to James DeLancey who was an Anglican and had been associated with the Sons of Liberty.<sup>45</sup> In the *New-York Gazette, and Weekly Post-Boy*, a letter accused the canvassers of using “the most diabolical means” to obtain signatures against non-importation.<sup>46</sup>

The public opinion poll also fractured the Committee of Merchants. Isaac Low, the chairman of the committee, and other DeLancey members had signed the poll in favor of altering the non-importation agreement. This angered the more radical members of the committee. On June 14, Isaac Sears and Peter Van Devoort sent a letter to Low, resigning from the committee. The two men were upset that “many of this Committee seemed desirous of breaking thro the said [Non-Importation] Agreement” and therefore they “cannot act in future as Members of a Committee, with Men who are using every

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<sup>44</sup> A Son of Liberty, *New-York Journal*, June 21, 1770, which also appeared in *New-York Gazette, or Weekly Post-Boy*, June 25, 1770. For a response, see CATO, “To the PRINTER,” *New-York Gazette, or Weekly Post-Boy*, July 2, 1770. On McDougall’s authorship of the piece, see Champagne, *Alexander McDougall and the American Revolution in New York*, 36. My estimate of eligible voters is based on the following: Milton M. Klein, “Democracy and Politics in Colonial New York,” *New York History* XL (July 1959): 234-37.

<sup>45</sup> [Anonymous], *A CARD, NUMBER 1* (New York, 1770), Evans 11594, which also appeared in “A CARD,” *New-York Gazette, or Weekly Post-Boy*, June 18, 1770; and “A CARD,” *New-York Gazette, and Weekly Mercury*, June 18, 1770.

<sup>46</sup> “Extract of a letter from New-York, dated June 19,” *New-York Gazette, or Weekly Post-Boy*, July 2, 1770.

Effort to counteract the very Design of our Appointment.” While Sears and other radicals had previously had an alliance with the DeLanceys, the faction’s support of Lt. Governor Cadwallader Colden as well as actions with regards to the Quartering Act and now non-importation had severed the partnership. Radicals now began to associate with John Morin Scott, Alexander McDougall, and other members of the Livingston faction.<sup>47</sup>

In spite of having misgivings about the future of non-importation, many New Yorkers remained adamant about continuing the boycott and cracking down on those who violated it. Nathaniel Rogers, a Boston merchant who had notoriously refused to comply with his city’s non-importation agreement, paid a visit to New York City in the spring of 1770. He did not go unnoticed. Many “respectable” New Yorkers found his presence “obnoxious” and “suspected that his Designs in visiting this City, was to use his Endeavours to prevail on the Merchants here, to break through and put an end to their Agreement.” On the evening of May 10, New Yorkers staged a protest in an effort to encourage Rogers to leave the city. They paraded throughout the city with an effigy of Rogers “hanging on a Gallows, with Labels on the Back and Breast of it, expressing his Crime.” The crowd “attended by some Thousand Spectators” then marched from the Merchants’ Coffee-House to his lodgings at around nine o’clock. Rogers, however, was not home. Although “disappointed,” the crowd “proceeded through several of the principal Streets to the Common, where the Effigy and Gallows were committed to the Flames, amidst the joyful Acclamations of the People, who immediately after dispersed,

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<sup>47</sup> Isaac Sears and Peter Van Devoort to Isaac Low, *New-York Journal*, June 21, 1770; A FREEMAN, “[Letter to Mr. Holt],” *New-York Journal*, July 12, 1770; Champagne, *Alexander McDougall and the American Revolution in New York*, 37; Burrows and Wallace, *Gotham*, 212-13; and Chapter Four.

and returned to their respective Homes.” At twelve o’clock, a group of New Yorkers left a letter for Rogers informing him to “depart this City within 24 Hours from this Time, or you may depend upon being visited in a more disagreeable Manner.” After receiving the letter, Rogers “immediately ordered a Servant, around two o’clock in the Morning, to bring out his Carriage and Baggage, and decamped for BOSTON.”<sup>48</sup>

Another individual who stirred up controversy was David Hill, a peddler from Massachusetts. On June 26, New Yorkers had discovered Hill attempting to sell illicit goods that he had obtained in Boston and Newport. He immediately turned over the goods, among them “174 Packs of Pint” and “a Parcel of Silk Handkerchiefs,” to the Committee of Merchants, which stored them in the home of Jonas Platt. Radicals, however, wanted to see Hill punished further. In the middle of the night, around one or two o’clock, several disguised individuals went to Platt’s home and “demanded and obliged him to deliver the Goods.” The radicals then took the goods “to an adjoining vacant Lot, and kindling a large Fire, committed the Whole to the Flames.” The estimated value of the destroyed items was £200. The Committee of Merchants suspected that the individuals did the act perhaps out of “a false Zeal to acquire the Title of Sons of Liberty.” The committee found the whole “riotous Conduct” to be “a high Insult.” After the incident, rumor had it that Hill had “absconded” from the city.<sup>49</sup>

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<sup>48</sup> *New-York Gazette, and Weekly Mercury*, May 14, 1770; [Anonymous], *The Dying Speech Of the Effigy of a Wretched Importer* (New York, 1770), Evans 11639; and “John Lamb to the Sons of Liberty in Philadelphia, May 1770,” John Lamb Papers [Microfilm], New-York Historical Society, New York, New York, Reel 1.

<sup>49</sup> “NEW-YORK, June 28,” *New-York Journal*, June 28, 1770; and *New-York Gazette, and Weekly Mercury*, July 2, 1770, which also appeared in *New-York Journal*, July 5, 1770. The *Mercury* version also contained a list of the members of the Committee of Merchants (also called the Committee of Inspection). For more on David Hill and the

The disagreement between proponents and opponents of non-importation, however, soon came to blows in the streets. In early July, news had reached the city that both Boston and Philadelphia would not support altering the non-importation agreement. The Committee of Merchants—which appeared unwavering in its decision to alter the agreement—decided to take a second poll of residents regarding non-importation. The Sons of Liberty who had severed any association with the DeLancey-dominated committee remained determined to stop any attempt at ending non-importation—including the new opinion poll. On July 7, the committee met at the Merchants’ Coffee-House and the Sons of Liberty met at City Hall. In the afternoon, committee members began polling residents. Isaac Sears, Alexander McDougall, and other Sons of Liberty were determined to stop them and had resolved “at the expence of blood” to do so. They split up into small groups and followed the canvassers through the city’s wards. The Liberty Boys “insulted and abused, and tore their papers,” but the committee members continued their opinion poll.<sup>50</sup>

The frustrated Sons of Liberty regrouped at Jasper Drake’s Tavern on Waters Street in the late afternoon. Drake was the father-in-law of Sears. At the tavern, the Liberty Boys began “carousing and drinking very plentifully, and heating themselves

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subsequent trial over the destruction of his goods, see Fowler, “A Yankee Peddler, Nonimportation, and the New York Merchants.” The Committee of Merchants did become a subject of criticism, see *New-York Gazette, or Weekly Post-Boy*, September 3, 1770; *New-York Journal*, September 6, 1770; *New-York Gazette, and Weekly Mercury*, September 10, 1770; *New-York Gazette, or Weekly Post-Boy*, September 10, 1770; *New-York Gazette, or Weekly Post-Boy*, November 5, 1770; and *New-York Gazette, and Weekly Mercury*, November 19, 1770.

<sup>50</sup> [Anonymous], *Advertisement* (New York, 1770), Evans 11785; A CITIZEN, *New-York Gazette, and Weekly Mercury*, July 23, 1770; and Champagne, *Alexander McDougall and the American Revolution in New York*, 37-38.

with liquor.” By the evening, they wandered back into the streets, “carrying with them musick, colours, and staffs, upon which were labels fixed with the inscription of *Liberty, and Non-Importation.*” As they paraded through the city, they chanted “*No Importation*” and “insulting and abusing those whom they knew did not favour their measures.”

Meanwhile at the Merchants’ Coffee-House, the Committee of Merchants and Alderman Elias Desbrosses decided to put an end to the Liberty Boys’ demonstration as well as capture the principle “ringleaders.” They began searching the city for the Sons of Liberty. The two parties eventually met on Wall Street, where they exchanged blows. Both sides used anything they could get their hands on—makeshift clubs, walking sticks, and stones. During the scuffle a Son of Liberty struck the alderman “with the end of the staff on which the colours were fixed.” Eventually, Mayor Whitehead Hicks came onto the scene and dispersed both groups.<sup>51</sup>

Two days later, on July 9, the Committee of Merchants finished their second public opinion poll. Eight hundred residents had signed in favor of substantially altering the non-importation agreement. Although these signatures represented probably less than a quarter of eligible voters, the committee declared victory and the following day merchants sent out orders for English goods. The Sons of Liberty were furious and resolved not to purchase items from merchants who opposed non-importation.<sup>52</sup>

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<sup>51</sup> A CITIZEN, *New-York Gazette, and Weekly Mercury*, July 23, 1770; “Extract of a Letter from New-York . . .,” *New-York Gazette, or Weekly Post-Boy*, July 16, 1770; Champagne, *Alexander McDougall and the American Revolution in New York*, 38-39; and Carp, *Rebels Rising*, 80.

<sup>52</sup> “Extract of a Letter from New-York . . .,” *New-York Gazette, or Weekly Post-Boy*, July 16, 1770; and Champagne, *Alexander McDougall and the American Revolution in New York*, 39.

On July 25, the Sons of Liberty held a meeting at Hampden Hall. Sears and McDougall drew up a protest against the merchants who had lifted the non-importation agreement. The radicals urged the public to take a stand with the other North American provinces and wait for a total repeal of the Townshend Revenue Acts. The Committee of Merchants' decision to alter the non-importation agreement was based on the signatures of only eight hundred residents. Therefore, alteration was "grounded on the Sense of a few." In fact, the Sons of Liberty laid the blame for lifting non-importation at the feet of the DeLancey faction, which had ruined the province's "Reputation" for "the vile Purposes of a Party." The radicals resolved to continue the non-importation agreement as originally intended. Signers of the protest included Sears, McDougall, John Lamb, and John Morin Scott. The Sons of Liberty left the protest at Drake's Tavern until August 4 for more residents to sign. Not many more signed the protest, however. The Sons of Liberty had failed to win the battle over non-importation. For the moment, the market economy had replaced the moral economy. Local economic and financial concerns took precedence over political philosophy and patriotic principles.<sup>53</sup>

From July through the rest of the year, New York City became the target of ridicule and contempt from other provinces and towns. Numerous items from near and far appeared in New York's newspapers denouncing the city for terminating the non-importation agreement. On Long Island, residents of Huntington issued a protest against the conduct of the city's merchants and others declared they would not trade with them.

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<sup>53</sup> "To the PRINTER," *New-York Journal*, July 26, 1770; "A PROTEST," *New-York Gazette, or Weekly Post-Boy*, July 30, 1770; "To the PUBLIC," *New-York Gazette, or Weekly Post-Boy*, July 30, 1770; and Champagne, *Alexander McDougall and the American Revolution in New York*, 39.

Albany merchants were split. Some denounced the actions of those in New York City. Other merchants appeared to follow the city's lead and lifted the boycott on English goods—except for tea.<sup>54</sup> A Connecticut man believed that the city's merchants were “dead to all Sense of Honour and Love to their Country.” Citizens in Essex County, New Jersey, resolved not to trade with New York merchants. A New Jersey man declared “the love of Mammon has been too prevalent with you to this Idol, you have prostituted your Honour and stained your Character.” Philadelphians asked New Yorkers if they would “lend them their OLD LIBERTY POLE, as they imagine they can, by their *late Conduct*, have no further Use for it.”<sup>55</sup>

### “No Duty On Tea”

During the fall of 1770, a relative calm came over New York City as the squabbles over political factionalism and non-importation diminished to a faint hum. In October 1770, the province welcomed its new governor, John Murray, the Earl of Dunmore. Lord Dunmore, however, loathed New York and allegedly wandered the streets in a drunken stupor cursing the province. In July 1771, Lord Dunmore received

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<sup>54</sup> J. P., a Farmer, “To the Farmers of the several Counties of the Province of NEW-YORK,” *New-York Gazette, or Weekly Post-Boy*, July 30, 1770; “A PROTEST,” *New-York Gazette, and Weekly Mercury*, August 27, 1770; “NEW-YORK, August 23,” *New-York Journal*, August 23, 1770; and *New-York Gazette, and Weekly Mercury*, August 20, 1770.

<sup>55</sup> “To all the Friends of CONSTITUTIONAL LIBERTY in the Colony of Connecticut,” *New-York Gazette, or Weekly Post-Boy*, July 30, 1770; *New-York Journal*, July 26, 1770; A JERSEY MAN, “To the PRINTER,” *New-York Journal*, August 2, 1770; and “A CARD,” *New-York Gazette, or Weekly Post-Boy*, July 23, 1770. Numerous other examples appeared in the city's newspapers.

his wish with the arrival of William Tryon as the new governor of New York. Tryon was a career military officer and colonial administrator who had gained notoriety for suppressing the Regulator Movement in North Carolina. The lifting of the non-importation agreement caused in late 1770 a brief reprieve from the economic recession, but by 1772 the city's economy was in shambles yet again. During the years of relative quiet, New Yorkers—as seen in the Stamp Act repeal celebration of 1771—still held out hope for their future as Britons and a conclusion to their commercial woes.<sup>56</sup>

This interlude of peace and quiet ended in May 1773 when the British Parliament passed the Tea Act. Parliament intended for the act to help the British East India Company, which was financially struggling, by letting it bypass and undercut provincial middlemen and merchants. Provincial merchants were furious with the act. Many provincials also believed it was Parliament's last attempt to get them to comply with the last of the Townshend Revenue Acts as well as “a devious ploy to make the colonists swallow the principle of parliamentary taxation.”<sup>57</sup>

Within the political milieu of New York City, tea was incredibly symbolic. In many respects, tea and the cultural practices surrounding it represented the prosperity of the past fifty years and it represented a link to the culture of the metropole. As historian T. H. Breen has noted, tea was “Perhaps the central item in this rapidly changing

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<sup>56</sup> “NEW-YORK, March 25,” *New-York Gazette, and Weekly Mercury*, March 25, 1771; Burrows and Wallace, *Gotham*, 213-14; and Gary B. Nash, *The Urban Crucible: The Northern Seaports and the Origins of the American Revolution*, Abridged Edition (Cambridge and London: Harvard University Press, 1986), 205-206.

<sup>57</sup> Nash, *Urban Crucible*, 203-204; and Burrows and Wallace, *Gotham*, 214. For a general discussion of the Tea Act, see Breen, *The Marketplace of Revolution*, 299-317; and Benjamin Woods Labaree, *The Boston Tea Party* (Oxford: Oxford University Press, 1964; reprint, Boston: Northeastern University Press, 1979).



consumer society.” Tea had first appeared in the early eighteenth century among the wealthier provincial families. Tea became the focal point of social gatherings and ritualized practices developed around the drinking of tea. It required “the correct cups and saucers, sugar bowls, and a collection of pots.” Provincials imported many of these items from Great Britain. By the middle of the eighteenth century, the practice of drinking tea also appeared in the homes of the lesser sort. This was done probably due to “social emulation” as well as tea’s property as a stimulant. Like other locales, tea culture grew extremely popular in New York City. One newspaper article suggested that residents should take classes on the practice of tea, since they were “utterly ignorant in the Ceremony of the Tea-Table” and needed someone “to teach them the Laws, Rules, Customs, Phrases and Names of the Tea Utensils.” “Our people,” William Smith, Jr., noted, “both in town and country, are shamefully gone into the habit of tea-drinking.”<sup>58</sup>

Yet, when Parliament repealed all of the Townshend Revenue Acts except the tea tax, tea became a constant reminder of Parliament’s attempt to exert power and control over North America. The Sons of Liberty continued to support the moral economy by refusing to import English goods and drink tea. As with earlier consumer boycotts, evidence suggests women also became involved with the opposition against tea. In May 1770, soon after hearing that the tax on tea would remain, THE FEMALE PATRIOT addressed the “TEA-DRINKING LADIES of NEW-YORK.” The poem contained a discussion between a husband and wife.

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<sup>58</sup> Breen, “An Empire of Goods,” 488; Breen, *The Marketplace of Revolution*, 170-72; and T. H. Breen, “‘Baubles of Britain’: The American and Consumer Revolutions of the Eighteenth Century,” *Past and Present* 119 (May 1988): 83-84, newspaper and Smith quotes on page 83.

Last Day her Husband said, “My dearest Life,  
 My Kind, my Fair, my Angel of a Wife;  
 Just now from LONDON, there’s a Ship come in  
 Brings noble News will raise us Merchants Fame,  
 The Fruits of our non-importation Scheme.  
 The Parliament, dear Saint, may they be blest  
 Have great part of our Grievances redrest.”  
 “Have they indeed,” replies the frowning Dame,  
 “Say, is there not some Tea and China come.”  
 “Why, no! We can’t import that Indian Weed,  
 That Duty’s still a Rod above our Head.”

The poem suggested that women must play a role in getting their husbands to continue to comply with non-importation and to not drink East Indian tea.<sup>59</sup>

Supporters of the Tea Act began to publish essays aimed at alleviating New Yorkers fears of the act. John Vardill, a future loyalist who wrote under the pseudonym POPLICOLA, did not see the act as a nefarious scheme to take away English liberties; “That, if we purchase the Tea, our Money will be taken from us *without our Consent*, is, I believe, a Position too ridiculous to be any longer imposed on the most Credulous.” He also blamed “Partizans of the *Dutch Company*” for much of the anti-Tea Act sentiment in New York City.<sup>60</sup> Supporters also published satirical broadsides that ridiculed Dutch tea

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<sup>59</sup> [Anonymous], *THE FEMALE PATRIOT, No. 1* (New York, 1770), Evans 11653.

<sup>60</sup> [John Vardill] POPICOLA, *To the Worthy Inhabitants of the City of New-York* (New York: James Rivington, 1773), Evans 12955; and Leopold S. Launitz-Schürer, Jr., *Loyal Whigs and Revolutionaries: The Making of the Revolution in New York, 1765-1776* (New York and London: New York University Press, 1980), 141. For his other essays, see [John Vardill] POPICOLA, *To the Worthy Inhabitants of New-York* (New York: James Rivington, 1773), Evans 12956; and [John Vardill] POPICOLA, *To the Worthy Inhabitants of New-York* (New York: James Rivington, 1773), Evans 12957. For replies to Vardill, see A TRADESMAN, *To the Free-Holders and Free-Men, Of the City, and Province of New York* (New York, 1773), Evans 13040; A MECHANIC, *To the Worthy Inhabitants of New-York* (New York, 1773), Evans 13042; and A STUDENT OF LAW,

merchants for being greedy exploiters of the boycott on English tea. ISAAC VAN POMPKIN noted,

the Parliament of Great-Britain have passed that damnable law, which allows the English East-India Company to send Tea to this country, without paying any duty in America; by which means, the people here will have an opportunity of buying good English Tea, for half the price we expected to extort from them, for the trash lodged in your hands from Holland.

He urged Dutch merchants to send their tea to North America before the arrival of the East India Company's tea. The anti-Dutch rhetoric appeared to be a means to blame political troubles on foreign influences.<sup>61</sup>

In early October 1773, gossip spread throughout the city that the East India Company was shipping six hundred chests of tea to Boston, Philadelphia, and New York City to be sold under the rules of the Tea Act. Many New Yorkers believed Parliament was doing this “in Order to trick them into a tacit Acknowledgement of the Rights of the British Parliament to impose Taxes upon them.” In the *New-York Journal*, a letter warned that the Tea Act was “*a tax upon the Americans, unconstitutionally laid, by a parliament which has not . . . any pretence to act as their representatives, nor consequently any right to impose taxes upon them.*” Similar to John Dickinson's indictment of the Townshend Revenue Acts, the letter also warned that Parliament was using the act as a precedent. In an anonymous letter to local newspapers, a London gentleman expressed hope that New Yorkers would not purchase the tea. “I have told

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*Fellow Citizens, Friends to Liberty and Equal Commerce* (New York, 1773), Evans 12765.

<sup>61</sup> ISAAC VAN POMPKIN, *To the Agents Of their High Mightiness the Dutch East-India Company* (New York, 1773), Evans 13037. For similar satirical piece, see JOHN BEETES VAN CATCH MONEY, *Letter Found on Board the Sloop Illicit* (New York, 1773), Evans 12831.

several of the Company that the Tea and Ships will be all burnt; which I really believe will be the Case, as I think you will never suffer an Act of Parliament to be so crowded down your Throats; for if you do, its all over with you.”<sup>62</sup>

In mid-October, New Yorkers began to mobilize against the Tea Act. On October 15, residents met at the Merchants’ Coffee-House to thank London ship captains “for their patriotic Conduct, in refusing to take from the East India Company on Freight, a Quantity of Tea, on which a Duty, laid by the British Parliament, was made payable in America, on Importation.” The Sons of Liberty also came out of retirement and sought to protect the moral economy. Isaac Sears and Alexander McDougall created a Committee of Vigilance to resist the tax on tea. McDougall, under the pseudonym HAMPDEN, began publishing an essay series entitled “The Alarm.”<sup>63</sup> In “The Alarm,” John Locke and other Whig philosophers informed McDougall’s writing. McDougall decried the East India Company as an unfair monopoly that had received too much power during the Stuart period. He noted, “multiplied and unnecessary monopolies were among the black catalogue of grievances and apprehensions complained of, and so long borne by the people of England in the Stuart reign.”<sup>64</sup> Similarly, A TRADESMAN denounced the

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<sup>62</sup> “NEW-YORK, October 7,” *New-York Journal*, October 7, 1773; “To the PRINTER,” *New-York Journal*, October 14, 1773; and “Extract of a Letter from London,” *New-York Journal*, October 7, 1773. See also “A CONSTITUTIONAL CATECHISM,” *New-York Journal*, December 9, 1773.

<sup>63</sup> *New-York Journal*, October 21, 1773; and Burrows and Wallace, *Gotham*, 214.

<sup>64</sup> [Alexander McDougall] HAMPDEN, “The ALARM, Number 1,” *New-York Journal*, October 14, 1773. For further entries in the series, see “The ALARM, Number 2,” *New-York Journal*, October 21, 1773; “The ALARM, Number 3,” *New-York Journal*, October 28, 1773; “The ALARM, Number 4,” *New-York Journal*, November 4, 1773; “The ALARM, Number 5,” *New-York Journal*, November 11, 1773; and “The ALARM,

company for being a monopoly that allows “a few Men” to enjoy “Profits.” He also viewed the Tea Act as dangerous to provincial liberties.<sup>65</sup>

On November 5, the Committee of Vigilance decided to incorporate William Kelly, a local merchant, into its Pope’s Day celebrations. Kelly had run into trouble because he had allegedly wanted to be a tea commissioner and had told officials in the East India Company,

That there was no Danger from the Resentment of the People of New York, if it should be as high as it was in the Time of the Stamp Act. That then they had an old Man (Mr. Colden) to deal with, but now they had Governor Tryon, (a Military Man) who had suppressed the Insurrection in North Carolina; and he would cram the Tea down their Throats[.]

Kelly words had betrayed the community and its sense of a moral economy. Some New Yorkers believed that his statements had “emboldened” the East India Company to ship its tea to North America. The committee hanged Kelly in effigy from a gallows attached to a cart. Pinned to Kelly’s breast was a label that read “The just Reward of that black and horrid Crime, Ingratitude.” Written on his back were the words, “A Disgrace to my Country.” In his hands, the effigy also held “a Tea Cannister” inscribed with “Tea, Three Pence Sterling Duty” and on each side “The infamous Kelly.” In honor of Pope’s Day, the participants also suspended an effigy of the devil from the gallows. The devil held “a Harpoon in its right Hand, directed to Kelly’s Breast, looking him full in the Face with a sarcastical Grin.” The participants pulled the cart through the streets. City residents watching the spectacle shouted “loud Huzzas” and “no Duty on Tea.” Eventually, the

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Number 5 [Continued],” *New-York Journal*, November 18, 1773. Each article was also published slightly earlier as a separate broadside.

<sup>65</sup> A TRADESMAN, *To the Free-Holders and Free-Men, Of the City, and Province of New York* (New York, 1773), Evans 13040.

committee brought the cart to the Merchants' Coffee-House, where they committed it to flames. One man commented to the crowd "That he wished he had the base Original, they would treat him in the same Manner."<sup>66</sup>

By late 1773, New York City had still not received definitive news on the arrival of the East Indian tea. Many residents resolved not to receive the tea since it would be "contrary to the general Sense of our fellow Citizens." Reports circulated amongst the populace about the rising prices of non-East Indian tea—much to the chagrin of proponents of the moral economy. One observer blamed the phenomena on "the Agents of Darkness, and the Tools of the present Ministry to facilitate the Landing of the infamous and abominable Tea." In effect, this would make the cheaper East Indian tea even more attractive. The observer warned, "Spurn then the deceitful Proposal of cheap Tea, from the bottom of your Hearts."<sup>67</sup> On December 1, the opponents of the Tea Act did gain a major victory when the province's three tea agents—Henry White, Abraham Lott, and Benjamin Booth—bowed to pressure and all resigned their commissions. The provincial government would now take into custody any imported tea.<sup>68</sup>

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<sup>66</sup> *New-York Journal*, November 18, 1773; "NEW-YORK, November 15," *New-York Gazette, and Weekly Mercury*, November 15, 1773; CASSIUS, *To the Friends of Liberty, and Commerce* (New York, 1773), Evans 12711; and Burrows and Wallace, *Gotham*, 214.

<sup>67</sup> *New-York Journal*, December 2, 1773; and Z, "To the PEOPLE of NEW-YORK," *New-York Journal*, November 25, 1773.

<sup>68</sup> "NEW-YORK, December 6," *New-York Gazette, and Weekly Mercury*, 1773; and Champagne, *Alexander McDougall and the American Revolution in New York*, 46. For an example of public pressure, see SCAEVOLA, *To the Commissioners Appointed by the East-India Company for the Sale of Tea in America* (New York, 1773), Evans 12999.

On November 29, as the year drew to a close, radicals formed on the Association of the Sons of Liberty, which vowed to stand against the Tea Act and those who supported it. The Association's membership included John Lamb, Isaac Sears, Alexander McDougall, Philip Livingston, and other members of the Livingston faction.<sup>69</sup> On December 17, the Association held a public meeting at City Hall in which as many as three thousand residents attended in spite of the poor weather. Lamb moderated the meeting and read letters from the Philadelphia and the Boston Committees of Correspondence. The attendees then picked fifteen individuals to serve as New York's Committee of Correspondence to answer the above letters and to communicate with other provinces. City officials also attended the meeting. Mayor Whitehead Hicks read a statement from the Governor William Tryon:

The Governor declares that the Tea will be put into the Fort at Noon-Day; and engages his Honour that it shall continue there, till, the Council shall advise it to be delivered out, or till the King's Order, or the Proprietor's Order is known; and then the Tea will be delivered out at Noon Day. Gentlemen, is this satisfactory to you?

The participants replied, "No, No, No." They eventually decided to adjourn the meeting "till the Arrival of the Tea Ship."<sup>70</sup>

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<sup>69</sup> "To the PUBLIC," *New-York Journal*, December 16, 1773; [Sons of Liberty], *The Association of the Sons of Liberty* (New York, 1773), Evans 12652; and Champagne, *Alexander McDougall and the American Revolution in New York*, 45-46.

<sup>70</sup> "Committee of the Association," *New-York Journal*, December 23, 1773; Smith, *Historical Memoirs*, 159-61; [Sons of Liberty], *Advertisement* (New York, 1770), Evans 12637; [Sons of Liberty], *Proceedings at a Numerous Meeting of the Citizens of New-York* (New York, 1773), Evans 12894; Burrows and Wallace, *Gotham*, 214-15; and Champagne, *Alexander McDougall and the American Revolution in New York*, 47. For a similar sentiment, see TOM BOWLINE, *A LETTER* (New York, 1773), Evans 12700. For a dissenting viewpoint, see [Anonymous], *Whereas an Association Has Lately Been Entered into by the Inhabitants of the City of New-York* (New York, 1773), Evans 13078.

Over the next several months, New Yorkers daily expected the arrival of the *Nancy* and its cargo of tea. The ship did not arrive until April 18. A second tea ship, the *London*, arrived a few days later on April 22. The radicals were determined to prevent the ships from landing their despised cargo. At eight o'clock in the evening, New Yorkers and residents dressed as Mohawk Indians raided the *London* dumped eighteen boxes of tea into the East River. The action was a direct rebuff of parliamentary policies and those who sought to profit from the imperial crisis.<sup>71</sup>

Not long after the tea party, residents heard news about the Intolerable Acts, which Parliament had passed as a means to punish Boston after its very public destruction of tea. In opposition to these acts, the Livingston faction and Sons of Liberty proposed a new non-importation agreement in May 1774. The DeLancey faction, however, still vehemently opposed non-importation and sought to engage in the market economy. Through a series of public meetings in mid-May, the DeLancey faction established a Committee of Fifty-One, which avoided the issue of non-importation. Undeterred by the DeLanceys' repudiation of the moral economy, laborers and artisans proposed their own committee with twenty-five members primarily drawn from the Sons of Liberty and Livingston faction. Throughout the summer of 1774, the two sides butted heads and disagreed. After hearing the call for a Continental Congress in Philadelphia, each committee created its own slate of delegates. In October, the congress called for the establishment of a Continental Association, which endorsed a platform of "nonimportation, nonconsumption, and nonexportation." The DeLancey-controlled

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<sup>71</sup> *New-York Journal*, April 21, 1774; and "NEW-YORK, April 25," *New-York Gazette, and Weekly Mercury*, April 25, 1774. The April 25 edition contained a description of the Tea Party. See also my Introduction.



Committee of Fifty-One balked over non-importation. A month later, radicals demanded a new committee, which would follow the Continental Association. On November 22, residents chose members for a Committee of Sixty, which would enforce non-importation and prosecute those who violated the agreement—sometimes too zealously. The Committee of Sixty and the Continental Association alienated many New Yorkers, pushing many into the emerging loyalist camp.<sup>72</sup>

Throughout the crisis over the Townshend Revenue Acts, both political factions put forth a vision for New York City's economic and political welfare. The Livingstons and their allies in the Sons of Liberty endorsed what historians have come to call a moral economy. This conception was rooted in financial and social reciprocity in which economic actors embraced the common good as opposed to individual greed. For the Livingstons and radicals, consumer politics and boycotts were a means to preserve a commercial system based on corporatism and a moral economy. In contrast, the DeLanceys endorsed the emerging market economy in which individuals sought to profit from competition and transatlantic commerce. It is difficult to discern their motives. A cynical view suggests their opposition to non-importation stemmed from a loss of

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<sup>72</sup> [Anonymous], *To the Freemen, Freeholders, and other Inhabitants of the City and County of New-York* (New York, 1774), Evans 13657; Roger Champagne, "New York and the Intolerable Acts, 1774," *New-York Historical Society Quarterly* XLV (April 1961): 195-207; and Burrows and Wallace, *Gotham*, 215-19. Printer James Rivington published most of the emerging Loyalist coalition's writings; see *Rivington's New York Gazetteer* between 1773 and 1775. On New York's Loyalists, see Bernard Mason, *The Road to Independence: The Revolutionary Movement in New York, 1773-1777* (Lexington: University of Kentucky Press, 1966); Janice Potter, *The Liberty We Seek: Loyalist Ideology in Colonial New York and Massachusetts* (Cambridge and London: Harvard University Press, 1983); Philip Ranlet, *The New York Loyalists* (Knoxville, University of Tennessee Press, 1986); and Judith L. Van Buskirk, *Generous Enemies: Patriots and Loyalists in Revolutionary New York* (Philadelphia: University of Pennsylvania Press, 2002).

business and profit. Given their history of self-interest, this view makes the most sense.

The DeLancey faction might have, however, sincerely believed that engaging the transatlantic market economy was the only means to repair the stagnated financial situation and create employment for the jobless.

## EPILOGUE

In the wake of the Intolerable Acts (1774), New York City entered a new phase of partisan politics as moderates, radicals, and loyalists sought to push forward their agenda. In the final years of the pre-Revolutionary era, new faces emerged on the political scene as the old guard disappeared. The Livingston faction continued to embrace the resistance movement against British tyranny and arbitrary power. A new generation of leaders, however, replaced the triumvirate of William Livingston, John Morin Scott, and William Smith, Jr. The three men had split politically. Livingston remained a moderate, but had moved to New Jersey in 1772 and eventually became the governor during the American Revolution. Scott's political views had grown progressively radical and he more often sided with the Sons of Liberty. Smith could not make up his mind, oscillating between patriot and loyalist—eventually deciding on the later. A “new Livingston triumvirate” consisting of John Jay, James Duane (a former DeLancey supporter), and Robert R. Livingston, Jr., took over leadership of the faction. The three men embraced a moderate stance, which often frustrated the Livingston's radical allies within the Sons of Liberty.<sup>1</sup>

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<sup>1</sup> Roger Champagne, “New York Politics and Independence, 1776,” *New-York Historical Society Quarterly* XLVI (July 1962): 282-84, 295; and L. F. S. Upton, *The Loyal Whig: William Smith of New York and Quebec* (Toronto: University of Toronto Press, 1969), Ch. 8. On the frustration between radicals and the Livingston faction, see

The DeLancey faction, who had allied themselves with the royal governor after the General Assembly election of 1769, came to represent increasingly the loyalist stance. The faction had become committed to blocking the more radical initiatives of the resistance movement, especially during the non-importation agreement. During the debate over the Tea Act (1773) and Intolerable Acts (1774), a more outspoken loyalist presence had emerged within the city. In 1773, James Rivington began publishing a newspaper and pamphlets critical of non-importation and the Continental Congress. His press quickly became the center of loyalist activity within the public sphere.<sup>2</sup>

In early 1775, New York's legal government and judicial system began to fall apart. Governor William Tryon, who had taken a leave of absence in 1774, had still not returned from England. In February, the General Assembly became dysfunctional after assemblymen refused to select delegates to the Second Continental Congress. The judicial system also suffered with appointments and replacements being held up. Members of the extralegal Committee of Sixty took matters into their own hands. They established a Provincial Convention comprised of representatives from all counties to select new delegates to the upcoming Continental Congress. A few months later, after hearing the news about Lexington-Concord, the committee proposed the creation of a

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Roger J. Champagne, "New York's Radicals and the Coming of Independence," *Journal of American History* 51 (June 1964): 21-40.

<sup>2</sup> Champagne, "New York Politics and Independence," 282-84. See *Rivington's New York Gazetteer* between 1773 and 1775. Rivington's newspaper elicited responses from John Holt's *New-York Journal* and John Anderson's *Constitutional Gazette*. On the emergence of loyalism, see Bernard Mason, *The Road to Independence: The Revolutionary Movement in New York, 1773-1777* (Lexington: University of Kentucky, 1966); and Philip Ranlet, *The New York Loyalists* (Knoxville: University of Tennessee Press, 1986).

Provincial Congress to replace the General Assembly. The committee also formed a new Committee of One Hundred to assume control over New York City's government.<sup>3</sup>

After Lexington-Concord, the Livingston faction and radicals grew increasingly at odds over what course of action to take. The "radical triumvirate" of John Lamb, Isaac Sears, and Alexander McDougall became outspoken advocates for independence, while the moderate Livingstons led by Jay, Duane, and Livingston hoped for reconciliation between North America and Great Britain. In disgust with the moderates, Sears left New York and went to Connecticut. Lamb joined the military effort and was eventually captured in Canada. McDougall remained in the city for the time being, but he too grew frustrated and left to pursue a military career. In the final months of the pre-Revolutionary era, the radicals had abandoned New York City.<sup>4</sup>

In addition to the radical leadership leaving the city, loyalists also fled in droves. James DeLancey, the once popular assemblyman and resistance leader, left for England. Lt. Governor Cadwallader Colden retreated to his home in Flushing, Queens County. In June 1775, Governor Tryon returned to the city after being away for a little over a year. He quickly decided the city was too unsafe and moved to a warship in the harbor. Many loyalists fled to nearby Kings County and Queens County. Those loyalists who did stay became the targets of mob justice. Isaac Sears, for example, briefly returned with one hundred men to destroy Rivington's print shop. The city began to take on the façade of a ghost town, as residents boarded up homes and left. In the wake of those leaving the city,

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<sup>3</sup> Champagne, "New York Politics and Independence," 289-90, 294; and Edwin G. Burrows and Mike Wallace, *Gotham: A History of New York City to 1898* (Oxford and New York: Oxford University Press, 1999), 223-24.

<sup>4</sup> Champagne, "New York's Radicals and the Coming of Independence," 21-40.

patriot military personnel moved in. Historians Edwin G. Burrows and Mike Wallace estimate that “By the end of 1775 more than ten thousand of the city’s twenty-five thousand inhabitants had gone; thousands more would go in the months that followed. By July 1776 only five thousand or so remained.”<sup>5</sup>

With the radicals and DeLanceys gone, the Livingston faction was left to its own devices. The Livingstons were uneasy over pursuing independence, however. Like most provincials, they still viewed themselves as British subjects. They also believed that independence and revolution were not to be taken lightly. Revolution could lead to lawlessness and disorder. Concurrently, the Livingstons were upset over the Intolerable Acts and Lexington-Concord. They took a middle ground by continuing to support the Continental Congress, but dragging their feet over independence. They still hoped for reconciliation.<sup>6</sup>

In the summer of 1776, events forced the Livingston faction to endorse independence. In early July, the Continental Congress declared independence and ratified the “Declaration of Independence.” A few days later, on July 9, New York’s Provincial Congress also endorsed the “Declaration.” That same day, a motley group of soldiers and civilians gathered at six o’clock in the evening on Bowling Green to commit an act of “symbolic regicide.” Using ropes, they pulled down the statue of George III,

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<sup>5</sup> Burrows and Wallace, *Gotham*, 224-27, 230-31; and Judith L. Van Buskirk, *Generous Enemies: Patriots and Loyalists in Revolutionary New York* (Philadelphia: University of Pennsylvania Press, 2002), 11-15, 18-19.

<sup>6</sup> Champagne, “New York Politics and Independence,” 284-89. On how many patriots were ambivalent towards independence and revolution, see Wood Holton, *Forced Founders: Indians, Debtors, Slaves, and the Making of the American Revolution in Virginia* (Chapel Hill: University of North Carolina Press, 1999), 191-205.

which had been put up in 1770 to celebrate the now despised monarch. Participants removed King George's head and later placed it on a pike near Fort Washington farther north on Manhattan Island. The rest of the two-ton lead statue was sent to Connecticut to be melted down into musket balls. One soldier commented, "It is hoped that the emanations from the leaden George will make . . . deep impressions in the bodies of some of his red-coated Tory subjects." New Yorkers later replaced the deposed statue of George III with a wooden reproduction of General George Washington, which many referred to as George IV. With this act of symbolic regicide, New York City's pre-Revolutionary chapter came to a close. Soon after, patriot forces lost control of the city and the British army and navy took it over and used it as a base of operations for the remainder of the American Revolution.<sup>7</sup>

Over the course of the pre-Revolutionary era, political partisans utilized elements of popular culture—such as rituals, symbols, literature, poetry, satire, consumerism, parades, and street theater—to vie with each other for control of public opinion and “the sense of the city.” These elements—although in many cases transatlantic in origin—took on localized meanings. British political culture was never monolithic, but varied by time and space. In its travels through the Atlantic world, participants adjusted and refined political culture for their own local needs and circumstances. New Yorkers did the same. This dissertation calls for the wider application of the valuable insights of the “newest political history.” Instead of focusing exclusively on the early Republic, historians must

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<sup>7</sup> Burrows and Wallace, *Gotham*, 232; and Joseph J. Ellis, *Founding Brothers: The Revolutionary Generation* (New York: Vintage, 2000), 127. For an exceptional look at New York City during the revolution, see Van Buskirk, *Generous Enemies*.

also use these insights on the Colonial and Revolutionary eras. Historians of the “newest political history” must also be wary of the Americanization trend of many of its adherents. My dissertation suggests continuity with British political culture, not change.



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