

T H E

S T A M P

C O N G R E S S

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A C T



UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WASHINGTON 25, D.C.

October 31, 1963

IN REPLY REFER TO:

To: D-N
then insert
in file copy
of this report

Dear Frank:

In reading Alfred Mongin's report on the Stamp Act Congress, I have noted a discrepancy in his discussion of Patrick Henry's Stamp Act speech of May 29, 1765, before the Virginia House of Burgesses, in which he introduced his Stamp Act resolutions. On page 21, Chapter III, of Mongin's report, where he is clearly discussing Henry's Stamp Act resolutions, Mongin says, lines 7-11: "It is certain that Henry offered resolutions and that he expressed himself unequivocally in their support in an address which has been recited by school boys and girls in one reasonably similar form or another ever since, as 'Patrick Henry's "Liberty or Death" speech'". (Underlining supplied) Mongin is confusing the May 29, 1765, Henry speech with his famous oration given on March 23, 1775, in St. John's church in Richmond, Virginia. This page should be corrected.

With regards,

Sincerely yours,

Rogers

Rogers W. Young

Northeast Region
143 South Third Street
Philadelphia 6, Pa.

H2215

May 6, 1963

Neilly
5/6

Memorandum

To: Superintendent, Statue of Liberty
From: Assistant Regional Director
Subject: Historical Report on the Stamp Act Congress

We have completed our review of the research study on the Stamp Act Congress by Park Historian Mongin, forwarded with your memorandum of March 29.

Mr. Mongin has written a very useful and interesting account of the Stamp Act Congress in its immediate period setting, indeed, a worthwhile contribution to broader understanding of this important event in American History.

J. Carlisle GRENCH

Assistant Regional Director

cc:
Director
Dr. Pitkin, Federal Hall

FBarnes/gmf
General
Daily
Area

H2215-CRDM

April 11, 1963

REGION FIVE		Initials
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Asst. Reg. Dir-Rp		
Co-op Services		
NP & Rec. Area		
Rec. Res. Surveys		
Hw		8/14

Memorandum

To: Superintendent, Statue of Liberty

From: Chief, Branch of Museums

Subject: Historical Report on the Stamp Act Congress, Federal Hall

We have received a copy of research report, "The Stamp Act Congress" by Historian Alfred Mongin (March 27, 1963), enclosed with a copy of your memorandum of March 29 to the Regional Director. Thank you for providing us with this highly readable report.

Since data on which to base an accurate diorama depicting a scene during the meeting of the Stamp Act Congress in City Hall would appear to be scarce, if in fact nonexistent, we wonder whether you and the Regional Director might not want to consider substituting the alternate suggestion outlined in Exhibit #14 in the Federal Hall Exhibit Plan, as yet unapproved. The alternate suggestion in the plan reads:

If information is lacking on which to base a diorama, we might consider an automatic projector, with audio, using portraits of delegates, facsimiles of documents, views of delegates' homes or capitals represented, with 1-1/2-minute commentary.

We are inclined to favor this substitute, but probably with a briefer commentary. We would appreciate your views and those of the Regional Director on this matter in the light of the apparent lack of information to insure an accurate diorama.

(SGD.) RALPH H. LEWIS

Ralph H. Lewis

cc:

Regional Director, Northeast

THE STAMP ACT CONGRESS

Research Report

by

Alfred Mongin

Historian

Statue of Liberty National Monument

March 27, 1963

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PREFACE

PREFACE

The intention in this paper is to describe the Stamp Act Congress, the first representative deliberative meeting conducted in the American colonies without sanction of the British government. The Stamp Act has been treated from virtually every possible aspect by scholars and other commentators in each succeeding generation. But the Congress has remained a shadow. The writer wishes to describe the Congress in its rightful three-dimensional perspective in order to present a more accurate and revealing picture of the processes which created the American nation.

The chain of events during the last quarter of the eighteenth century through which the British-American colonies emerged as the American nation could scarce have happened at all without some such catalytic force as the Congress proved to be. In the American colonial crisis of 1765, the formulators of the Stamp Act Congress acted quickly — for that age — while the machinery of Empire ground too slowly to thwart them. They joined in their meeting under the thin guise of representing the colonial assemblies, too rapidly for the colonial periphery of Empire officialdom to understand that here was a novel form of treason which could be treated only by prevention. Such "conspiracy" was not a crime under English law in 1765 for which these men might be arrested, and to call on the military for suppression of the meeting would probably have ended an official's career by branding

him a "troublemaker". The Stamp Act Congressmen met in a state of apparent calm, deliberated methodically (and dined at the best tables of the town), in apparent full appreciation of their course and objects — in a metropolis controlled more by mobs than by the officials of the Crown, who were for the most part reluctant to move out of the range of the protecting troops and guns of Fort George at the Battery.

Such mobs as materialized and ravaged in New York City and the other major population centers of the colonies held in view the same apparent aims as the Congress. The mob spirit was in time quelled and its energies diverted. The genius of republican institutions — exemplified in the Congress — lived on. The unwieldy machinery of the British colonial system continued its naive administration of the American colonies, rousing a succession of little smokes, and ultimately revived with pyrotechnics the spirit of the '65 Congress in 1774 when nine of the men who had served as representatives to the Stamp Act Congress filled chairs at the First Continental Congress in Philadelphia.

Alfred Mongin

Federal Hall National Memorial
New York City
March 27, 1963

THE STAMP ACT CONGRESS

CHAPTER I

BRITISH-COLONIAL RELATIONS FOLLOWING THE PEACE OF PARIS

In 1815 John Adams wrote that if it were possible to date the beginning of the American Revolution, then it began in February 1761 in the argument on the "great cause of Writs of Assistance" before the supreme judicature of the Province of Massachusetts in the council chamber in Boston, and that this important question, tainted from the beginning with an "odious and corrupt Intrigue" on the part of the colonial administration, opened the eyes of the colonists "to a clear Sight of the danger that threatened them and their Posterity and the Liberties of both in all future generations." "From Boston," summarized the venerable ex-President, "These Alarms spread through Massachusetts and all New England and in course to New York, New Jersey, Pennsylvania, Maryland Virginia the Carolinas and Georgia" ¹ Next in time only to events of 1761 in his beloved Boston and New England John Adams lists the locus of the next major alarm as New York City. The occasion of this next "odious and corrupt Intrigue" was the promulgation of

An act for granting and applying certain stamp duties, and other duties, in the British colonies and plantations in America, towards further defraying the expenses of defending, protecting, and securing the same; and for amending such parts of the several acts of parliament relating to the trade and revenues of the said colonies and plantations, as direct the manner of determining and ² recovering the penalties and forfeitures therein mentioned.

This paragraph is the caption of the Stamp Act. The year was 1765. The event — far more than a multiplication of the 1761 arguments of learned counsel to deaf ears — would be the Stamp Act Congress, which would convene in October 1765 in the Assembly Chamber of the City Hall at Wall and Broad Streets in New York City.

The sequence of events marking the path of deterioration in the relationships between the home government and the American colonies in that seventh decade of the eighteenth century would include the following:
3

<u>1760</u>	<u>October</u>	Accession of George III
<u>1761</u>	<u>February</u>	Otis' Speech Against Writs of Assistance
	<u>October</u>	Resignation of Pitt as Prime Minister
<u>1762</u>	<u>May</u>	Bute Became Prime Minister
<u>1763</u>	<u>February</u>	The Peace of Paris
	<u>April</u>	Grenville Became Prime Minister
	<u>May</u>	Pontiac's Uprising
	<u>October</u>	The Proclamation of 1763
<u>1764</u>	<u>March</u>	Grenville's Sugar Act Colonial Currency Act
<u>1765</u>	<u>March</u>	Stamp Act Quartering Act

<u>May</u>	Patrick Henry's Speech — The Virginia Resolves
<u>June 8</u>	Massachusetts House of Representatives Circular Letter to the Assemblies of North American colonies inviting them to send Commissioners to meet in a congress at New York the following October
<u>July</u>	Rockingham Became Prime Minister
<u>August</u>	Boston Stamp Act Riots
<u>October 7-24</u>	The Stamp Act Congress, New York City
<u>1766</u>	
<u>March</u>	Repeal of the Stamp Act Declaratory Act

In the British Empire of the 1760's no one person could be aware of events transpiring at far distance from him until long after the occurrence. Philadelphia was two days by stage coach from New York; New York at least four days from Boston;⁴ London weeks or months by sea, and the King, Cabinet and Ministries further removed in time and communicability by the intercession of a cumbersome bureaucracy.⁵ Considered at this distance the information of particular individuals at different parts of the Empire or even in different parts of the American colonies, concerning any specific object or sequence of events, would relate to each other pretty much as would the description of an elephant by various members of a class of blind men viewing the beast from varying aspects. Depending, then, upon where and in what company one happened to be during the period, the episodes concerned with the Stamp Act and with the Stamp Act Congress held not

only a different position, if any, on the scale of values, but assumed coloration ranging from a harmonious full blend to a direct clash with one's interest and views. The concern of this writer is the discovery of those acts of courage and definition which set the colonies upon the road toward their ultimate union as a free and independent nation;⁶ the purpose of this paper, to describe these acts in their relationship to the scene in colonial America.

In the course of the maturation of the Atlantic coastal colonies, this wilderness far across the sea from the home islands had received much of its population and many of its institutions as transplants from England. In the environment of the new world, these thirteen areas, governed as separate entities due both to distance from Whitehall and the human incidents in establishment of their governmental institutions, held important interests in community markedly different from those of the British colonies to the north of them and on the islands of the Caribbean Sea to the south of them.⁷ Since the turn of the century England had been a party to four European wars (and the bargaining in the intervals between them) in which these colonies and their fate had been a consideration and a pawn of the Empire more preciously considered than almost any other. The treaty of peace of 1763, removing the French as an organized threatening force from the

inland border of the Atlantic coastal colonies, removed from the inhabitants thereof all except the Indian tribes as physical threats to their existence.

During the century and a half preceding the pact of 1763 no major economic dispute had been precipitated between the home government⁸ and the Atlantic coastal colonies in North America as a group.

"The century closing with the Treaty of Paris of 1763," declares one of the most scholarly historians of the period, "was the Golden Age of commerce for the merchants of the thirteen continental English colonies."⁹ Up to the date of that event and for a brief time beyond, almost every resident of the colonies — of English ancestry at least — considered himself an Englishman and asserted proudly his claim to the rights and liberties of Englishmen.¹⁰ The events that followed brought into question what these "rights" and these "liberties" might be and who or what made one an "Englishman".

At a later time John Adams would comment that the great problem of the colonists was to get their thirteen separate clocks to strike at the same time.¹¹ Upon economic-historical lines, Carl Bridenbaugh suggests that for the historian there are really only three major geographic-area forces at work,¹² and Arthur M. Schlesinger, that there are, for purposes of studying the origins of the revolutionary movement,¹³ but two major geographic-area forces to be considered.

These eminent commentators are in general agreement, however, that the dominant force in the external relations of the colonies was the commercial power which was centered in the strip of coastal port cities that had emerged twenty years before to dominate the economic life of the colonies — principally Boston, Providence, Newport, New York, Philadelphia and Charleston.

The end of the French and Indian War four years before signalled a period of decline in trade from the commercial activity of the preceding decade. Other hints of change were ever present in edicts from the ^{home} government: no movement was to be permitted west of the Appalachian Ridge (approximately the line marked by the modern Appalachian Trail Route); the "Sugar Act" sought to raise revenue and to suppress smuggling; a new "Currency Act" forbade further "credit money" issuance in the colonies, while uneconomically failing to provide a working substitute. ¹⁴ "From 1761 to 1764," John Adams later would recall,

America was all alive with Jealousies and apprehensions of the designs of the British Ministry and their own Governors and their adherents.

In 1764 Mr. George Grenville moved and carried in the House of Commons fifty-five Resolutions, that it would be expedient to lay Taxes particularly Stamp Duties upon the Colonies.

Here, the Cloak was thrown off, and the Masque trampled underfoot. Nothing in Religions or Government touched to the quick, the People of all Classes in any Country like taxation. The Cry was, if Parliament can tax us, We are undone forever, . . .¹⁵

The merchants of Boston organized in April 1763 a "Society for encouraging Trade and Commerce within the Province of Massachusetts Bay", and the merchants of New York convened at Burns' Tavern in January 1764 to consider matters of common interest. ¹⁷ The impending stamp tax, which was a principal impetus for these meetings, was to be coupled with the severest of administrative measures. It was to be remittable only in specie and to be enforced by admiralty courts (without right of the accused to trial by jury) convened at places to be set by the court, and the courts would be compensated by a percentage of its executions.

Few matters of governmental decision receive such uniformly strong negative responses as do suggestions or announcements of new taxes — new either in degree or in method. The Stamp Act, as finally reported out for the American colonies, being worse in all respects and in its administrative and judicial provisions even than had been heralded, elicited immediate and loud words and actions in opposition from one end of the coastal plain to the other. Recent scholarship, in examining for the first time the utilization of stamp taxes by the British government previous to 1765, and in examining the development of the 1765 stamp tax bill in the light of the knowledge of this fiscal genealogy, is sufficiently revealing to make the most violent ¹⁸ events of the succeeding summer and autumn seem almost predestined.

From their earliest imposition in 1671 the stamp taxes in the British Isles, imposed by Parliament, repeatedly struck ". . . submerged rocks on which the ship eventually foundered." In consonance with the spirit of the age, the penalties permissible under the various 17th century stamp tax laws, coupled with pockets of popular and particular resistance, made the life of the stamp tax agent of English experience so unpopular that by 1730 the Treasury refused to take notice of applications of stamp officers seeking to
19
resign.

Despite a century of unpopular reaction to its theory and execution, the stamp tax commended itself in 1764 on two important grounds. It was the only instrument of taxation under Crown authority that was not burdened by a top-heavy bureaucracy. It possibly commended itself to Grenville's Treasury Board precisely because it did not en-
20
tail a numerous staff of high-salaried officials. The other basis of its possible recommendation — assuming for the moment the good faith of His Majesty's Responsible Government, and sublimating the repeated investigations and documented reports of the chicanery, massive forgery and almost total avoidance of the tax by particular
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groups — would be a report drawn up by a still anonymous Mr. Yeates at the end of the Seven Years' War, setting out a statement that the average gross of the duties for the period 1756-1763 was £287,307 per annum against an average administrative cost per annum during the

same period of £26,660, in England. Entering into much greater detail than is germane to our present subject, the author noted that the stamp taxes were then "an improving revenue".²³ Though Yeates' paper entered no suggestion for the extension of such a type of tax to the colonies,²⁴ such proposals had been made by Archibald Cummings²⁵ half a century earlier, and again in 1742 by Sir William Keith.²⁶

Sometime in the year 1764 a "circular" letter was sent to the governors of all the American colonies asking for a return of "all instruments made use of in public transactions, law proceedings, grants, conveyances, &c", to which responses of November and December²⁷ are recorded in the Calendar of Home Office Papers. Thomas Whatley, the Treasury Secretary, who would draft the final stamp act plan for submission to Parliament, had been busily engaged in the matter at least since June of 1764. One of Whatley's (and Prime Minister Grenville's) sources of information in America, John Temple, Surveyor General of the Customs in North America, when asked by letter for his evaluation of the response to be expected,²⁸ replied cryptically, fearing to offend his superior officer:

. . . Our People are Extravagantly fond of Shew and Dress, and have no bounds to their Importation of English Manufactures but their want of Money: Suppose then that a Stamp Act should take place, and yield Sixty thousand a Year, to be Collected in the Colonies and sent home, there certainly would be Sixty thousand pounds worth of English goods less Imported, besides the Inconvenience of such a Sum of Money

laying still in Coffers for the Crown, instead of
Circulating in the Colonies already very much drained
of Cash.²⁹

Whatley could not then alter the course of his program no matter
what results might impend. He responded to Temple's information
in phrases that would with little alteration become significant
political satire but two years later:³⁰

Treasury Chamber
5th Novemr 1764

Dear Sir

. . . I do not give entire Credit to all the objections
that are raised on your side of the Water, . . . the Colonies
must contribute their Share; . . . The Stamp Act seems the
easiest mode of collecting a considerable Sum; . . . I always
loved the Colonies, I am, I always was, curious about them, and
very happy when I am employed in any Business that related to
them:³¹

The full panel of Treasury Lords was present on December 17, 1764
to approve the plan for the American stamp bill,³² which had been
carefully considered and well prepared:

. . . the English board of stamps . . . were to be responsible
for supplying all stamped paper and parchment, and for the
appointment and control of the stamp officials in the colonies.
In the capital town of each province there was to be a 'responsible'
head distributor or collector and he was to be required to give
large security. It would be his duty to supply stocks of stamped
paper and to appoint clerks in the courts and 'under-distributors'
in the less thickly populated districts. It was expected that
such 'under-distributors will be but few'. On the other hand,
it was thought desirable to appoint joint head distributors in
most places 'if it can be made worth their while', to act as
check upon each other and to avoid 'any failure in office business'
in the event of death. If two were appointed, 'the clerk of the
council, who is always a considerable person, may be one and an
eminent merchant or planter the other'. . . . the head distributors

would serve on a poundage basis and would have power to prosecute offenders and compound for the penalties. . . . inspectors were to have . . . access to the registers of attorneys. . . . 33

The measure completed its circuit of the Parliamentary legislative
 34
 process March 22, 1765, to become effective November 1.

CHAPTER II

COLONIAL REACTION TO BRITISH POLICY

Following the usual delay occasioned by the nature of overseas communications, news of the passage of the Stamp Act arrived in the colonies to inflame the articulate in the coastal cities from Boston to Charleston. Commercial leaders and some locally prominent men of the colonial bar were well aware of the genealogy of the English stamp taxes.¹ Reaction appeared sequentially in three forms: the first, the city mobs, destructive and anarchical; the second, the convening of the Stamp Act Congress in New York in October, an academic exercise of the highest order, catalytic, but without direct effect at that moment; the third, embargo on English trade by agreement amongst the merchants and traders, was bluntly practical, touching the home government at its jugular vein. These activities were related to each other by the colonial press, which published and reprinted all news and suggestive information about the colonial reaction until it became common coin to the far reaches of the Appalachian frontier. Three months after the news reached the colonies, a prominent colonial official of the Crown raged that the newspapers of the colonies employed

every falsehood that malice could invent to serve their purpose of exciting the People to disobedience of the Laws & to Sedition. . . . at last they have denied the legislative authority of the Parliament in the Colonies. . . .2

The Royal Governor of Massachusetts wrote to officials in London that

to send you all the incendiary papers which are published upon this Occasion would be endless . . .³

The foreign language press in the colonies was doubly vehement, for the Act levied a double tax upon all documents and newspapers in languages other than English. Henry Miller's Wochentliche Philadelphische Staatsbote told the Germans that the double-taxation provision concerning their documents and press could be considered an attack on their cherished mother tongue and urged making common cause with the English-speaking colonists in an unrelenting attack upon the Act.⁴ The Boston press probably reacted most rapidly, still harboring memories of sub-⁵jection to a precursory form of the stamp tax during 1755-1757. The twenty-odd colonial weeklies of 1765 gave full expression to

. . . the 'People's Antipathy', condemning with relentless vigor, sarcasm, and not infrequently invective the unconstitutionality and injustice of the law; and, too, more than any other agency, they promoted active popular disregard of the Stamp Act and incited much of the violence accompanying it.⁶

Enrolled as in a crusade by the campaigning newsweeklies, mob violence erupted in every commercial seacoast community. Beginning in Boston in August, Anarchy ruled for hours or for weeks the coast cities of the British American colonies.⁷

In Boston, from August 12th until the 26th several incidents of mob activity built toward a crisis, the proposed stamp office was destroyed, the appointed stamp distributor's home was damaged, and

several hangings staged in effigy on the "Liberty Tree", of public
⁸
officials suspected of Stamp Act sympathies. At dusk on the 26th
a great assembly gathered before the Town House, lighted a bonfire
⁹
and cheered for "Liberty and Property". That night several of the
most impressive homes of Boston were looted and the home of Thomas
Hutchinson, an impressive three-story structure, was gutted to
". . . the bare walls and floors", by a mob intent upon all measures
which would impress upon the authorities the power of the populace
and its determination to destroy — possibly murder — any who would
¹⁰
uphold the Stamp Act or attempt its execution. Hutchinson, Lt.
Governor of Massachusetts since 1758, having profited handsomely
throughout a long career in the royal civil service in Massachusetts,
was using all his influence toward enforcement of both the Sugar and
Stamp Acts. He had influenced appointment of his brother-in-law as
Massachusetts stamp agent, and was symbolic of the nepotism, undue
enrichment and ministerial pompousness so irritating and alien to
the great majority of the colonists. His humbling and barely
escaping with his life was a consequence of long-mounting grievances
¹¹
now violently expressed.

The mob in Boston, as in the other commercial centers, was encouraged and perhaps incited by strong minds among the mercantile class. In the Boston riots (which would erupt periodically until

repeal of the Act) the inertia carried through to extremes not
 anticipated even by the original instigators.¹² Though the mobs
 were composed of the lower economic elements of the towns, and
 of unemployed seamen, it is significant that the actual suggestion
 or request to the various stamp agents to resign their commissions¹³
 was made in person by committees of men of the mercantile class.
 In Philadelphia, for example, the committee was composed of five
 merchants, one attorney and one printer.¹⁴

The opportunity for violence provided at many levels outlets for
 other emotions and grievances usually kept closely bridled both in
 the body politic and in its government. At one time or another
 during 1765, each of the major coastal cities, Boston, Providence,
 New York, Baltimore, Philadelphia, and Charleston, at least, suffered
 a state of relative anarchy. The mob actions, which are detailed in
 a proliferation of articles in state and local history journals, were
 completely effective in forcing the resignation of every prospective¹⁵
 stamp agent in the colonies. The organization of the nuclei of the
 mobs originated in local mercantile circles, but the roots of popular
 discontent expressed so violently in the mob activities were in the
 deep-seated and pejorative differences between colonial governors and
 their assemblies, beginning in some of the colonies many years earlier
 than 1765. As John Adams later saw it:

This open resistance by force was a virtual declaration, by the people of all the colonies, of their independence on parliament, and on the crown, too, whenever that crown should cease to defend and protect their fundamental laws and essential liberties, and especially when it united with Lords and Commons in a plan to destroy them all. For this resistance was as decided to the executive, as it was to the legislative power of Great Britain.¹⁶

Having learned early in 1764 of the imminent passage of a Stamp Act, the assemblies of Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, Virginia, North Carolina and South Carolina enacted formal protests for delivery through their London representatives to

¹⁷ King, Lords and Commons. Some of these assembly remonstrances, not concurred in by the colonial governor, were forwarded despite this

¹⁸ "pocket-veto", contrary to the protocol of the situation; assembly deliberation upon these petitions served to precipitate and galvanize colonial opinion, but upon their delivery to the ministries in London they were stranded in the bureaucratic maze until at the time of ¹⁹ consideration they might be nothing more than querulous anachronisms.

A collection in the Huntington Library of transcripts of papers flowing from the colonies to the king through the ministries in 1764 and 1765, in the "Stowe Papers — America", well illustrates the ²⁰ functioning of this unwieldy machine, the great nepotic web of administration in which matters of policy were bogged down by considerations of family relationships, preferments, sinecures and personal politics which ultimately determined the course of the Empire.

Communiques from at least some of the royal governors were treated quite as cavalierly. Activities of the citizenry, the merchants, the printers and the assembly were subjects of a steady stream of reports and remonstrances by Governor Bernard of Massachusetts, all of which were duly noted, entered on records in London as having been received, and passed into the paper-maw limbo of the ministries, together with those from other governors — but no governor of any other colony was so prolific as Bernard in his communications or so pedantic in offering grand designs for total solution to the "problem" of the American colonies.

Following four years of mounting tensions in the American colonies, the final twenty months witnessing a steadily deteriorating situation, including an unrelenting newspaper attack on Parliamentary prerogatives, riots in all the principal coastal cities and some still not quelled, and the call to and meeting of the Stamp Act Congress in New York City many weeks past, on December 11, 1765 a Committee of the ministries (Hillsborough, Jenyns, C. Bacon and J. Dyson) transmitted a volume of papers about the colonial crisis to King George, which did not even²¹ take official notice of the meeting of the Stamp Act Congress. Recounting official and non-official activity in the colonies in reaction to the legislation of 1764 and 1765, the committee reported to their sovereign that

These are in our judgement calculated to raise groundless suspicions, and distrust in the Minds of Your Majestys good Subjects in the Colonies, and have the Strongest tendency to Subvert those principles of constitutional relation and Dependence, upon which the Colonies were Originally established contain matter of so high importance that we shall not presume to Offer any Opinion what may be proper to be done thereupon, Submitting it to Your Majesty, to pursue such Measures as your Majesty shall in your great Wisdom and with the advice of your Council think most prudent and necessary. . . .²²

Following months of parliamentary debate, of legislation, of urgent public and private correspondence back and forth across the Atlantic, this committee at the highest level of the Empire, in the face of the colonial defiance of which all were aware, would ". . . not presume to Offer any Opinion what may be proper to be done thereupon" That chronic illness of colonial bureaucracy, greed for authority coupled with reluctance or fear to administer the prerogatives of responsible government, was more than symptomatic in Whitehall. This continuing indecision was a direct reflection of the rapid changes in the political complexion of the home government, so deep that it affected the stability of day-to-day decisions, so fundamental that almost any decision would be marked in some important quarter as an improper decision. It had been into/^{such} an administrative hiatus that the colonial assemblies rushed with momentum gained in their contests with the colonial governors; their banner bespeaking the "rights of Englishmen", their clarion the call to a Stamp Act Congress contained in the Massachusetts Circular Letter of June 8, 1765.²³

CHAPTER III

COLONIAL INITIATIVE

Upon becoming prime minister in April 1763, George Grenville had considered the possibility of revising the colonial charters as a step in imperial reorganization. Seeing the impracticability of achieving this, he abandoned the plan.¹ He was equally determined as an immediate measure to enact a stamp tax, and to that end Commons² enacted a set of declaratory resolves on March 9, 1764. Grenville speciously communicated to the colonies that alternatives to the proposed tax would be acceptable.³

The Virginia assembly -- the House of Burgesses -- responded on December 18, 1764, in an address to King George III and memorials to the houses of Parliament.⁴ These statements of the views of the Virginia lower house maintained the loyalty of Virginia, but denied the right of Parliament to enact such legislation. Virginia's Governor, Francis Fauquier, described the expressions of the assembly as being ". . . very warm and indecent. . ." ⁵ The remonstrances from Virginia, together with those from other colonies, were laid aside by the prime minister without communicating them to the houses of Parliament, and Grenville offered on February 6, 1765, his fifty-five resolutions embracing the Stamp Act details, which soon became the American Stamp Act.⁶

In the absence of files of the Virginia Gazette for the greater part of the period from November 1764 through May 1765, public expressions in Virginia on the proposed stamp act are little more than speculation.⁷ When the Virginia House of Burgesses convened in an adjourned session on May 1, 1765, all indications were for so dull a session that attendance was low.⁸ On the 18th or 20th of May a delegate for Louisa County, Patrick Henry, elected to fill a vacancy created by resignation, took the oath and entered upon his duties⁹ in the House. On the 29th of May, of a total of 116 burgesses, only the speaker and thirty-nine other burgesses were in the chamber after the bulk of the day's business was done, when George Johnston of Fairfax moved that the House go into committee of the whole to consider the "steps necessary to be taken in consequence of the resolutions of the House of Commons of Great Britain relative to the charging certain Stamp duties in the Colonies and Plantations in America."¹⁰ The motion was seconded by Patrick Henry, and Johnson deferred to Henry to open the matter on the floor.

Having taken his seat in the House of Burgesses little more than a week earlier, Henry already had earned the suspicion of the landed members in his successful floor attack upon a pet scheme of theirs, which Douglas Southall Freeman termed "the speciously mysterious 'loan office bill'".¹¹ Henry now offered a series of Resolves that were quite similar to the petitions sent to England by the House (and ignored

See 10/31/63
memo degen young

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by Parliament and the prime minister) a few months earlier.¹² Now, however, the situation was considerably altered: the Stamp Act was law and Henry urged defiance of the law as an act of the Virginia House of Burgesses. Edmund S. Morgan succinctly describes the state of our best knowledge of the events of that day and the next, in writing that "What Henry said and what the Burgesses did are clear in¹³ legend but cloudy in history". It is certain that Henry offered resolutions and that he expressed himself unequivocally in their support in an address which has been recited by school boys and girls in one reasonably similar form or another ever since, as "Patrick Henry's 'Liberty or Death' speech". Four of Henry's Resolves were¹⁴ recorded in the House Journal as being adopted:

Resolved, That the first Adventurers and Settlers of this his Majesty's Colony and Dominion of Virginia brought with them, and transmitted to their Posterity, and all other his Majesty's Subjects since inhabiting in this his Majesty's said Colony, all the Liberties, Privileges, Franchises, and Immunities, that have at any Time been held, enjoyed, and possessed, by the people of Great Britain.

Resolved, That by two royal Charters, granted by King James the First, the Colonists aforesaid are declared entitled to all Liberties, Privileges, and Immunities of Denizens and natural Subjects, to all Intents and Purposes, as if they had been abiding and born within the Realm of England.

Resolved, That the Taxation of the People by themselves, or by Persons chosen by themselves to represent them, who can only know what Taxes the People are able to bear, or the easiest Method of raising them, and must themselves be affected by every Tax laid on and the distinguishing Characteristick of British Freedom, without which the ancient Constitution cannot exist.

Resolved, That his Majesty's liege People of this his most ancient and loyal Colony have without Interruption enjoyed the

inestimable Right of being governed by such Laws, respecting their internal Polity and Taxation, as are derived from their own Consent, with the Approbation of their Sovereign, or his Substitute; and that the same hath never been forfeited or yielded up, but hath been constantly recognized by the Kings and People of Great Britain.¹⁵

These Resolves were voted upon, and passed, one by one, together with
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the fifth and culminating Resolve of the series:

Resolved, therefore, that the General Assembly of this Colony have the only and exclusive¹⁷ Right and Power to lay Taxes and Impositions upon the Inhabitants of this Colony, and that every Attempt to vest such Power in any Person or Persons, whatsoever, other than the General Assembly aforesaid, has a manifest Tendency to destroy British as well as American Freedom.¹⁸

It is not clear from the conflicting contemporary descriptions of that day in Williamsburg that have come to light whether Henry's defense of his resolves opened or closed the debate, or whether he spoke at both ends of the question. His best known "words" were uttered in a situation reconstructed by Douglas Southall Freeman:

. . . As Henry asserted that self-taxation was the rock and the fortress of freedom, his words took on the nobility of his theme. Listeners were carried up to new heights of thought. Their breath came faster, as if they were on a mountain-peak. Young Thomas Jefferson standing at the door, was swept back to Troy by the rhythmic eloquence of Henry. "He appeared to me," said Jefferson long afterwards, "to speak as Homer wrote." The air became wine. Every auditor was possessed of a nobler self. A tax was lost in a principle. Williamsburg became Runnymede. The walls of the chamber melted into the deep background of the Englishman's struggle to shape his own destiny. Henry's imagery took bolder and still bolder form. Presently he began to describe the consequences for Britain as for America, if the power to tax were exercised otherwise than by the elected representatives of the people. The Stamp Act itself was tyrannical—the work of Parliament and of King, not of the people of Virginia. With a sweeping, defiant gesture and a voice that impaled

his hearers, Henry shouted: "Tarquin and Caesar each had his Brutus, Charles the First his Cromwell, and George the Third—

"Treason," ruled the outraged Speaker.

Henry lefted his shoulders still higher as he paused for an instant only—"and George the Third may profit by their example! If this be treason make the most of it!"

. . . Henry had made his point; he had no intention of having prejudice aroused against his resolutions because of a ruling that the author of them had uttered treasonable words. He promptly apologized to the Speaker and to the House and avowed his loyalty to the King, even to the last drop of his blood. 19

Henry left Williamsburg that evening, believing that his Resolves were firmly a matter of record as the expression of the Burgesses. Noting his absence from the House on the 31st, his opponents succeeded in having the fifth of his Resolves expunged from the record without²¹ note of its having ever been offered, entered or considered. Not only in the votes which supported him, but in his desire to give voice to his feelings of the moment, Henry was not alone. During the days of this jousting, at least two other resolves were offered, but not by Henry, "... to the effect that the people of Virginia were under no obligation to obey laws not enacted by their own assembly, and that any one who should maintain the contrary, should be deemed an enemy to the²² Colony." These two did not pass.

Joseph Royale, editor of the Virginia Gazette, vigorously objecting to the Resolves, failed to print even those recorded in the Journal of the House of Burgesses, though word of them spread rapidly to other colonies. Consequently, instead of obtaining a relatively reliable

text from a Virginia publication, the other colonies got the news through their local newspapers, which obtained their texts from the more ardent supporters of the resolutions.²³ This resulted in most newspapers which carried the Resolves printing the fifth, sixth and seventh as though they had been adopted, confirmed and published in the Journal with the first four. With some alterations from the official version as recorded in the Journal, the Newport Mercury published the five original Resolves, and an added sixth one, on June 24.²⁴ July 4 the Maryland Gazette ran the original Resolves with two additional paragraphs, which read as follows:

That his Majesty's Liege People, Inhabitants of this Colony, are not bound to yield Obedience to any Law or Ordinance whatsoever, designed to impose any Taxation upon them, other than the Laws or Ordinances of the General Assembly as aforesaid.

That any Person who shall, by Speaking, or Writing, assert or maintain, That any Person or Persons, other than the General Assembly of this Colony, with such Consent as aforesaid, have any Right or Authority to lay or impose any Tax whatever on the Inhabitants thereof, shall be Deemed, AN ENEMY TO THIS HIS MAJESTY'S COLONY.²⁵

To the other colonists, then, the Virginia Burgesses appeared much bolder than they actually had been, and their supposed example stirred up other assemblies to a degree of emulation which sometimes surpassed the original.²⁶ Later that year General Thomas Gage, the British commander in North America, informed his government that the Virginia resolves "gave the signal for a general outcry over the continent."²⁷

According to Governor Bernard of Massachusetts, the publication of these seven resolutions served as "an Alarm Bell" to the people of New England.²⁸ From early in 1764 the activities of the Massachusetts Assembly paralleled quite closely those of the Virginia House toward the home government.²⁹ Seeking quite artlessly to divert his assembly's energies, Governor Bernard, in his speech on the opening of the annual meeting of the Massachusetts Assembly, May 29, 1765, addressed himself to the assemblage most condescendingly, without prompting from the home government.³⁰ First informing the assembly that the colony was functioning most satisfactorily in producing pot-ash, hemp, and the carrying of lumber to the British markets — which he considered the type of activities to which the colonists should devote their energies — he proceeded to lecture:³¹

The general settlement of the American provinces, which has been long ago proposed, and now probably will be prosecuted to its utmost completion, must necessarily produce some regulations, which, from their novelty only, will appear disagreeable. But I am convinced, and doubt not but experience will confirm it, that they will operate as they are designed, for the benefit and advantage of the colonies. In the mean time a respectful submission to the decrees of the Parliament, is their interest, as well as their duty.

In an empire, extended and diversified as that of Great Britain, there must be a supreme legislature, to which all other powers must be subordinate. It is our happiness that the supreme legislature, the parliament of Great Britain, is the sanctuary of liberty and justice; and that the prince, who presides over it, realizes the idea of a patriot King. Surely then, we should submit our opinions to the determinations of so august a body; and acquiesce in a perfect confidence, that the rights of the members of the British empire will ever be safe in the hands of the conservators of the liberty of the whole.³²

By avoiding any statement on the Stamp Act in order to speak only of broad policy matters, Governor Bernard permanently injured his rapport with the Assembly and crippled this most vital single line of two-way communication between the home government and the body politic of the colony. Most of these assemblymen were active believers in the principle that ". . . the inherent and inalienable rights of man to his life, liberty, and property . . ." were wrought into the English Constitution as fundamental laws, and refused to be so cavalierly talked down to.³³ If distance from Whitehall alone might permit such a snub by the King's representative, complete disaffection might be considered. The Atlantic Ocean was just as far³⁴ across from one side as from the other.

The following day the Assembly created a committee consisting of the Speaker and eight other members, to consider what measures had best be taken in view of "the many difficulties to which the colonies were and must be reduced by the operation of some late Acts of Parliament".³⁵ (In 1765 the deliberations of the colonial legislatures were conducted in chambers usually not opened to the public. The business conducted at this time by the Massachusetts Assembly, during the weeks following the address by the King's Governor, were kept by the delegates in confidence. Not at least until June 25 were the proceedings³⁶ recorded in the House Journal.) On June 6, before news of the

Virginia Resolves of Patrick Henry reached Boston, the Massachusetts House determined to consider not only "what dutiful, loyal and humble Address may be proper to make to our Gracious Sovereign and his Parliament in relation to the several Acts lately passed for levying Duties and Taxes on the Colonies," but the desirability of a meeting of "committees" representing the popular branch of the assembly in each of the continental colonies "to consult together on the present Circumstances." ³⁷ The nine-member committee which had reported out these

recommendations, stated further that

. . . a Meeting of such Committees should be held at New York on the first Tuesday of October Next, and that a Committee of three Persons be chosen by this House on the part of this province to Attend the same

And that Letters be forthwith prepared and transmitted to the respective Speakers of the several Houses of Representatives or Burgesses in the Colonies aforesaid, Advising them of the Resolution . . . and inviting such Houses of Representatives or Burgesses to join . . . in the Meeting . . . ³⁸

The letter of invitation to the colonial assemblies was the work of a committee composed of the Speaker and Mr. Otis and Mr. Lee. ³⁹ The three "Persons" chosen by the assembly to attend the congress as its ⁴⁰ Commissioners were James Otis, Oliver Partridge and Timothy Ruggles. Otis was the front-runner of the movement to assert for the colonists their rights as Englishmen, and in these endeavors, as during the ⁴¹ preceding four years, his name led all the rest.

The sentiments of the Assembly and of much of the populace at the time were well expressed in a volume of anonymous authorship published

the same year in London, titled Brief State /ment / of the Services
and Expences of the Province of the Massachusetts Bay. In the
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Common Cause:

Upon the whole, this country granted by the King of Great-Britain to his subjects, included also in grants, made by the French King to his subjects, was at a very critical time settled by the subjects of the former, who also fairly purchased the Indian claim.

From small beginnings thro' innumerable toils, hardships and sufferings, a rude desert is become a well peopled and fruitful Plantation. From its first infancy to its present age of puberty, this Colony, with no expence to the Crown, hath defended the territory granted to it, and thereby hath mightily extended the British Empire, and immensely increased the British commerce: It hath ever been ready to afford its help when the King's service called, hath actually made divers valuable conquests for the Crown, and by its great exertions and expenses in the last war, hath impoverished and enfeebled itself, so as it will not in many years recover the state it was in at the beginning of the last French war.

It is not intended . . . to derogate from the merits of the other Colonies, most of them have had their share in these great conquests Nor do the Massachusetts desire to be distinguished from the other Colonies by any new grants and immunities, neither are they seeking any further rewards. They desire only that the Privileges their ancestors purchased so dearly, and they have never forfeited, may be continued to them. . . . 43

The letter drafted by the committee for transmission to the other colonial assemblies, and popularly credited to the pen of James Otis, read as follows:

BOSTON, June 1765

SIR,

The House of Representatives of the Province, in the present Session of the General Court, have unanimously agreed to propose a Meeting, as soon as may be, of COMMITTEES, from the Houses of Representatives or Burgesses of the several British Colonies on

this Continent, to consult together on the present Circumstances of the Colonies, and the Difficulties to which they are, and must be reduced, by the Operation of the Acts of Parliament for levying Duties and Taxes on the Colonies; and to consider of a general, and united, dutiful, loyal and humble Representation of their Condition, to his Majesty and the Parliament, and to implore Relief. The House of Representatives of this Province, have also Voted to Propose, That such Meeting be at the City of New-York, in the Province of New-York, on the first Tuesday in October next; and have appointed a Committee of Three of their Members, to attend that Service, with such as the other Houses of Representatives, or Burgesses, in the several Colonies, may think fit to appoint to meet them. And the Committee of the House of Representatives of this Province, are directed to repair to said New-York, on said first Tuesday in October next, accordingly.

If therefore, your Honourable House should agree to this Proposal, it would be acceptable, that as early Notice of it as possible, might be transmitted to the Speaker of the House of Representatives of this Province. ⁴⁴

/signed:/ SAMUEL WHITE, Speaker.

The leading politicians of Massachusetts had set their own precedents for the Circular Letter of June 8, 1765. ⁴⁵ A year earlier the Massachusetts House of Representatives had sent a circular letter to the other colonies, urging them to ask their agents in England "to unite in the most serious Remonstrance" against the Sugar Act and the proposed Stamp Act. ⁴⁶ Governor Bernard was fearful ⁴⁷ that the earlier circular letter would end in trouble. "Altho' this may seem at first sight only an Occasional measure for a particular purpose," Bernard wrote to the Lords of Trade,

yet I have reason to believe that the purposes it is to serve are deeper than they now appear. I apprehend that it is intended to take this opportunity . . . to lay a

foundation for connecting the demagogues of the several Governments in America to join together in opposition to all orders from Great Britain which don't square with their notions of the rights of the people. Perhaps I may be too suspicious; a little time will show whether I am or not.⁴⁸

This estimate could scarcely have been more precisely accurate.

In October of 1764 the New York State Assembly had authorized its Committee of Correspondence (which had been created in 1761 to correspond with its agent in London "during the Recess of the House")⁴⁹

. . . to write to, and correspond with, the several Assemblies, or Committees of Assemblies on this Continent, on the subject Matter of the Act, commonly called the Sugar Act, of the Act restraining Paper Bills of Credit in the Colonies from being a legal Tender, and of the several other Acts of Parliament lately passed, with Relation to the Trade of the Northern Colonies; and also on the Subject of the impending Dangers, which threaten the Colonies of being taxed by Laws to be passed/Great-Britain.⁵⁰
by

The present state of evidence that has been developed concerning the functioning of these intercolonial-interassembly committees of correspondence is purely circumstantial.⁵¹ The result of this correspondence is clear and certain, and has been the subject of comment⁵² through each succeeding generation. That the actual invitation to convene, issued by the Massachusetts assembly in Boston as a consequence of preceding intercolonial correspondence, should have specified New York City as the place of meeting is no more remarkable than that nine years later the invitation to a congress in Philadelphia would emanate from Providence, from New York, and from

Williamsburg, as well as from Philadelphia. The Massachusetts Assembly instructed its Commissioners that should they receive advice that the houses of representatives or burgesses of the other colonies, or any of them, agree to send committees to join in this "Interesting Affair", they then

are directed to repair to New-York, at the Time appointed, and endeavour to unite with them in Sentiment, and agree upon such Representations as may tend to preserve our Rights and Privileges⁵⁴

Responses from the other colonial assemblies to the Massachusetts Circular Letter of June 8, 1765, were as varied as were the individual colonies and the nature in each case of the relationship between the assembly and the royal governor. As had Massachusetts, the assemblies in Rhode Island, Connecticut, Pennsylvania, Maryland and South Carolina, each chose a committee to attend the proposed congress.⁵⁵ Of these colonies, only in Rhode Island and Connecticut did the governor concur in the decision of the assembly, which is to say that in Massachusetts, New York, New Jersey, Pennsylvania, Delaware, Maryland and South Carolina the decision of the colonial assembly in responding affirmatively to the Circular Letter was an overt act of defiance of the authority of the home government as represented in the person of the royal governor.

The assemblies of New Jersey and Delaware not being in session, their members assembled upon their own initiative and appointed

Commissioners to attend; in New Jersey "a large Number of the Representatives of the Colony" assembled to consider the invitation,⁵⁶ in Delaware all eighteen members assembled. Such was the intensity of feeling both in New Jersey and in Delaware that the informal meeting of these assemblies authorized their commissioners to the congress to enter into activities there binding upon their respective houses.⁵⁷ In New York a committee which had been created by the assembly in 1761 to correspond during recess of the assembly with its London agent and had been augmented both in membership and duties in 1762 and 1764, had been instrumental in having New York City selected as the place of meeting and now, in the prerogation of the New York Assembly, took upon itself to represent that body in the congress.⁵⁸ In Georgia, New Hampshire, North Carolina and Virginia assembly initiative was not effective in overcoming delaying tactics on the part of their royal governors; from each of these colonies, which were not represented by their own commissioners, word was sent of interest, of alliance with the congress in spirit, and requesting continuing notice of events as they might develop.⁵⁹

Of the nine colonies represented at the meeting, the instructions to the commissioners from Massachusetts, Rhode Island, Pennsylvania, Delaware, Maryland and New Jersey granted plenipotentiary powers in the aggravating situation with the home government.⁶⁰ Instructions to the commissioners for Connecticut and South Carolina limited their

authority to reporting the proceedings to their respective assemblies. Not only was the climate of feeling and opinion in New York City receptive to such a meeting and the physical and psychological setting strikingly appropriate and conducive to the undertaking, but as with Rome of old, all major roads in the seaboard colonies led to or through New York City, facilitating assembly of the commissioners and dispatch of the business at hand.

The economic, perhaps more accurately, the occupational, divisions among the New York City electorate of 1765 have been described as representing the interests respectively of the merchants, Crown officers, landowners, lawyers, shepkeepers and artisans. News of the passage of the Stamp Act terminated for the time being all important partisan political struggles; in New York City all economic interests and all religious sects united in opposing this measure of the home government.

New York City in 1765 contained approximately 3200 houses. The churches included Trinity, St. Paul's (under construction), St. George's Chapel, the Old and the New Dutch Churches, a synagogue, and churches or meetinghouses of the French Presbyterians, German Calvinists, Seceders, or Scotch Presbyterians, Anabaptists, Moravians, and Quakers. The Lutherans also had two places of worship. Other public structures included the "Governor's Palace" at Fort George, King's College, the Alms House, Exchange, New Gaol, Hospital at the Battery, the Barracks, and five markets known as Coenties, Old Slip, Fly, Oswego and New.

The New York City of 1765 seemed "an odd-looking, overgrown village."⁶⁷
 Broadway, the principal street, beautified by rows of luxuriant shade-
 trees on either side through its entire length, was opened for but a
 brief distance above Wall; beyond to the north were gardens and green
 fields. The other streets were short and irregular, although not so
 creaked as the streets of Boston.⁶⁸ The west side of Broadway was lined
 by a superior class of aristocratically appointed private dwellings,
 whose grounds, cultivated in terraces and ornamented with fruit trees
 and flower gardens, extended to the river's edge.⁶⁹ Hanover square was
 the principal business center, the families of many shopkeepers and
 artisans occupying rooms behind or over their shops or places of employ-
 ment.⁷⁰ Wall Street was a choice residential area, and Broad Street was
 considered "Extremely pleasant, its shade trees almost as refreshing
 as that of Broadway, and most of its houses . . . large and roomy."⁷¹

Where Broad and Wall Streets meet stood the City Hall, an "edifice
 as old as the century", wherein the executive, legislative and judicial
 affairs of the city and many of those of the colony transpired.⁷² The
 City Hall was a strong three-storied brick structure surmounted by a
 cupola atop a canted roof.⁷³ Its floor plan might most graphically be
 described as a rather flat "H" with the deep cross-bar or lintel
 occupying more than its share of space relevant to the parallel wings.⁷⁴
 The earliest account of the interior appearance and utilization of

space in the structure in 1765 dates from some years later, in a description written in 1786. This describes the structure with no major changes in the interim and is, therefore, accurate for our date of interest:

. . . a brick building, more strong than elegant . . . three stories in height, with wings at each end . . . fronts Broad-street, which affords an extensive prospect. The first floor is an open walk, except two [?] small apartments . . . In the second story of the Eastern wing, is the Assembly-chamber, . . .

The Western wing contains a room for the Council or Senate . . . and another for the Mayor's Court. In the body of the house is a spacious hall for the Supreme Judicial Court.⁷⁵

A 1787 description relates the structure as

. . . more than twice the width of the State House in Boston, but, . . . not so long. The lower story is a walk; at each corner are rooms . . . Between the corner rooms, on each side and at the ends, it is open for a considerable space, supported by pillars. In front is a flight of steps from the street [to the first floor?], over which is a two-story piazza [As high as the second story?], with [Assembly] Chamber at the east end, and with the chamber where the Mayor and Aldermen hold their courts at the west end. [Assembly] Chamber is [on the second floor] up the eastern stairs; it is nearly square.⁷⁶

Through all the years of its sittings in the City Hall of 1699-1788, the customary place of meeting of the New York Provincial and State Assembly was the eastern wing of this second floor.⁷⁷ As the culminating act of a prolonged struggle between successive royal governors (and lieutenant governors) and the assembly of colonial New York, during a period of prerogation of the assembly, in 1765

the first general meeting on their own initiative of representatives of a substantial number of the colonies would convene in this chamber as the Stamp Act Congress.

For half a century, at least, prior to 1765, the central fact in the political history of New York was the contest between the royal governor, representing the English government, and the assembly,⁷⁸ representing the colony. Theoretically the interests of the colony were identical with those of the British government; in fact the assembly looked upon the empire from the local point of view, while the British government looked upon the colony from the broader imperial standpoint. ". . . the governor and the assembly not only represented different constituencies; they also represented opposing principles."⁷⁹

Having for some time employed an agent in London for contact with the ministry and Parliament, while sometimes bypassing the royal governor, in April 1761 the New^{York} assembly appointed the members from New York City to correspond with this "colonial agent" during recess⁸⁰ of the House. In view of the increasing commercial importance of the port of New York such a "direct line" might have been viewed as being quite in keeping with the commercial importance of the colony, and the agent viewed in his work very much as the modern commercial consul, but the arrangement matured otherwise. When the plans for a stamp tax became known in the colonies early in 1764, New York was foremost

in voicing protests against this invasion of what she considered her⁸¹ rights. The assembly's memorial to the ministry of March 18, 1764, and other expressions later that year, being ignored by the officials and official agencies of the home government to whom it traditionally addressed itself, well-founded suspicions emerged of attempted restraints upon the assembly. That body therefore proceeded on October 18, 1764 to authorize its Committee of Correspondence to communicate with other assemblies or committees of assemblies "on the Subject of⁸² the impending Dangers, which threaten the Colonies . . ." . Two days after this authorization, on October 20, 1764, the Acting Governor of New York, Cadwallader Colden, prorogued the assembly, and continued⁸³ to defer formal meetings of the assembly until November 12, 1765.

During 1764 and 1765 a momentum was achieved in the various colonies to organize and execute a coordinated, though informal, program for protecting and advancing the welfare of the colonies as distinct from the welfare of the entire British Empire. The essentials of that movement have been described as reflected in the activities of the Virginia, Massachusetts and New York assemblies. The Massachusetts Circular Letter brought activities of the colonial assemblies to their moment of decision, and presented in addition an opportunity for deliberate and specific action by the representatives of the home government to regain control of the colonial governments.

In all the published and manuscript material concerning the Stamp Act Congress, during the several years preceding it and during its deliberations in New York, all relationships, references and correspondence concerning intercolonial activities are found to be centered around the colonial assemblies and committees of the assemblies. This is so whether the committees were created in normal procedure, as was the New York Committee of Correspondence, or whether committees were created by the assemblies convened without sanction of the colonial governor, as did the assemblies of New Jersey and Delaware in designating their commissioners to the Stamp Act Congress.⁸⁴ The Massachusetts Circular Letter invited the meeting to New York City by prearrangement with representatives of the New York assembly's committee of correspondence; the actual suggestion most likely emanated from Robert R. Livingston, the chairman of that New York assembly committee, and John Cruger, a member of the committee,⁸⁵ Speaker of the assembly and Mayor of New York.

As crowded and overused as was the New York City Hall in 1765, the one room completely out of routine use during the month of October 1765, the one room exclusively devoted to the use of the assembly, was the room on the second floor of the east wing of the structure taken up exclusively by the assembly since the completion of the City Hall⁸⁶ some sixty years earlier. That the committee of correspondence of the New York assembly and its counterparts from eight other colonies

should meet in the assembly chamber would be patent under the circumstances, however unusual the occasion of their meeting. So confident of support for its decisions by the assembly was this committee of correspondence, that it cited the legislation under which it had first been created in 1761, under which it had been sustained and broadened in 1762 and 1764, and proceeded to nominate itself to attend the congress as the commissioners representing the New York assembly.⁸⁷ Due to the prerogation^{of} that assembly, no conflict in meeting schedules was encountered and the occupancy of the chamber by these circuitously invited "guests" of the assembly committee was so unremarkable as apparently to elicit no comment from any quarter.

In no community in all the colonies was the populace more aroused by the Stamp Act, than in New York City. Acting Governor Colden wrote in a letter of August 31, 1765, that

The people of New York are surprisingly excited to sedition by a few men, but I hope their wicked designs will be defeated and their machinations and in their obtaining the reward they deserve. . . .⁸⁸

The animosity of the acting governor was reciprocated; his unpopularity⁸⁹ in the province of New York had been pronounced for many years. As representative of the home government his position was difficult enough since the Stamp Act enactment, but he chose to intensify the feelings of the populace by making proposals for review of the tenure of judges and of the verdicts of juries.⁹⁰ His meddling with their courts was taken by the colonists only slightly less seriously

than their reactions to the Stamp Act. A third grievance, which was related to the mechanics of the Stamp Act but which also assumed independent status, was the fear by the populace, particularly the mercantile interests, of the disappearance from the colony of specie.⁹¹

By August of 1765 Cadwallader Colden was barely on speaking terms even with his Council.⁹² Colden, his Council, and, in fact, his colony, and all the other colonies, were at an impasse. Even if one could assume his good faith, despite prejudices and personal enmities which enter into difficult human situations, the acting governor could take no definite line of action on any matter with any confidence that the home government would sustain him. This failure of communication, or of a "dialogue" between the home government and its colonial representatives, is described succinctly by Professor Leonard Woods Labaree:

. . . in this case as in many others, the difficulty was aggravated by the absence of any machinery within the province for the effective and final interpretation of the instructions [from the home government]. . . . the governor . . . lacked power to enforce his views against organized opposition, and in cases such as this in New York, when the governor and council disagreed, the result was confusion worse confounded. Of course the final decision upon the meaning of an instruction was in the hands of the privy council in England, who could approve or disapprove the governor's action or issue a fresh instruction upon the subject. But this body was remote and invisible to the colonists, it was slow in arriving at conclusions, and it failed to reflect the colonial point of view. It might even reverse itself within a short space of time, thus adding to the difficulties of the provincial administration93

Colden spent the summer months at his country house, Spring Hill,
 about two hours travel time from the Battery.⁹⁴ Frightened by news
 of the treatment accorded the stamp agent at Boston, late in August
 the stamp agent appointed for New York, James McEvers, communicated⁹⁵
 his resignation by letter to Colden at Spring Hill. Receipt of this
 message from McEvers climaxed fears which Colden had nurtured through⁹⁶
 the summer in the face of a steady flow of incendiary broadsides.
 He had communicated his forebodings to General Gage, Commander-in-
 Chief of British forces in North America, who drew a clear line for
 the acting governor at the division between their exclusive areas of
 authority:

. . . if you think there is occasion for it, . . . make your
 requisition [for troops] in proper time, for such numbers
 of men as you judge necessary. . . . It's needless for me
 to tell you, that the military can do nothing by themselves,
 but must act wholly and solely in obedience to the civil
 power. I can do nothing but by requisition of that power,
 and when troops are granted agreeable to such requisition,
 they are no longer under my command, or can the officers
 do anything with their men, but what the Civil Magistrate
 shall command. This must be the situation [of] military
 force, and ought to be so, in every country of liberty. When
 people go into open rebellion and that no law subsists, then
 other measures are taken.⁹⁷

General Gage, who was writing from New York City, commented further:

It must give every well wisher to his country, the greatest
 pain and anxiety to see the public 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. Every lie, that malice can invent,
 is propagated as truths by those enemies of their country, to
 sow dissension and create animosities between Great Britain

and the colonies. All this is done with impunity, and without any notice taken of the printers, publishers or authors of these seditious papers. My zeal for the welfare of my country and for the preservations of its laws and constitution, prompts me to say what I do. You will therefore pardon it. You doubtless must be the ablest judge, how you ought to act, what you can do, and what shall be most proper to be done.⁹⁸

Colden replied that he desired to have at least a battalion of
⁹⁹
 troops converge upon the city "without delay". Since all royal governors in the colonies were forbidden by their instructions from London to request military aid without the consent of their councils, Colden, who had been at his country place when he sent the request to General Gage, returned to the city and held a Council session at Fort
¹⁰⁰
 George on September 7. The Council, while apprehending some measure of unrest, was unsympathetic with the unauthorized request of Colden to General Gage for troops, refusing to take action against those who were so enthusiastically expressing in print their dislike of the Stamp Act and its sponsors and refusing to ratify the request that troops be
¹⁰¹
 dispatched to New York City. On September 7, also, a "regiment" of artillery arrived from England, garrisoning Fort George with somewhat more than 100 (possibly as many as 130) officers and men, much to the
¹⁰²
 relief of the beleagured and thoroughly frightened acting governor.

Early in September Colden learned of the meeting planned for October
¹⁰³
 by the committees of the colonial legislatures. He termed the plan

an illegal convention and inconsistent with the constitution of the Colonies by which their several governments are made distinct and independent of each other. ¹⁰⁴

General Gage felt that the meeting in New York was likely to precipitate actual armed conflict, believing that the colonists were determined to recognize no authority in the British Parliament to tax them, and that Parliament would not back down before the American propagandists and rioters. Accordingly, despite his previous exchange of letters with Colden, Gage ordered troops to converge upon (but not to enter into) the New York City area, and by mid-December 500 British regulars were within the settled parts of the middle colonies prepared to maintain the rights of Parliament and the Crown.

Through the month of September Colden stayed under the protecting wing of the troops at Fort George. On the 21st a mock journal, the Constitutional Courant, appeared on the streets, allegedly "Printed by ANDREW MARVEL, at the Sign of the Bribe refused, on Constitutional Hill, North-America," and "containing Matters interesting to LIBERTY, and no wise repugnant to LOYALTY." The cartoon of the divided snake, earlier used at the time of the Albany Congress, headed the first page with the injunction: "JOIN or DIE." This was the most brazen publication to date, and signified the intensity of the situation. Colden might at that point have capitulated to any demands of the insurgents, but he felt secure in the covert knowledge that Gage was taking measures, surreptitious though they were, to protect the

royal interest. Colden knew of Gage's activities through confidential reports "leaked" to him by General Gage's military engineer, Captain John Montresor.

108

Various forces have been described of colonial reaction to the enactment of the Stamp Act. Two of these forces were moving now toward a rendezvous in New York City in October of 1765: waves of mob excitement were being stirred up by the inflammatory press; committees of determined men from eight other colonies were journeying to consult together there on their common concern over their relationship to the home government. They probably were well aware that men acting in concert in the way that they planned must create a new force, more potent for good or evil than the sum of its components. On October 1 a committee of the ministry, in sending a note of alarm for forwarding to the king through the layers of the home government bureaucracy, succinctly described the meeting now rapidly shaping up in New York as

109

. . . the first Instance of any General Congress appointed by the Assemblies of the Colonies without the Authority of the Crown a Measure which we Conceive of as a dangerous Tendency in itself . . . 110

CHAPTER IV

THE CONGRESS

The New York General Assembly's representation to the congress consisted of the five assemblymen from New York City, Robert R. Livingston, John Cruger, Philip Livingston, William Byard [sic]¹ and Leonard Lispenard. The first delegation to arrive from outside the colony came from South Carolina on September 15.² The men were Thomas Lynch, Christopher Gadsden and John Rutledge.³ The bulk of the delegations came upon the scene between September 16 and October 1.⁴ James Otis, Oliver Partridge and Timothy Ruggles arrived from the Colony of Massachusetts.⁵ The Colony of Rhode-Island and Providence Plantations (referred to hereafter as Rhode Island) sent Metcalf Bowler and Henry Ward.⁶ From the Colony of Connecticut came Eliphalet Dyer, David Rowland and William Samuel Johnson.⁷ John Dickinson, John Morton and George Bryan constituted the delegation from Pennsylvania.⁸ Ceasar Rodney and Thomas McKean represented the Government of the Counties of New-Castle, Kent, and Sussex, on Delaware.⁹ Commissioners from Maryland and New Jersey were yet to be chosen and would arrive the following week.

Upon arriving in New York City, the Massachusetts commissioners, Otis, Partridge and Ruggles, called upon Acting Governor Colden in his stronghold at Fort George. Despite the manifestly conservative position taken consistently by Partridge and Ruggles in the issues of colonial rights in their own Massachusetts Assembly, Colden is supposed to have told them curtly and summarily that such a congress as that which they had come to New York City to attend was unprecedented and unlawful, and that he would give them no countenance in their present status. ¹⁰ Colden was anxiously awaiting and hoping for the arrival of his new superior officer, the recently appointed royal governor for the colony of New York. The honor and authority of his office were much to his liking, but the necessity of determining policy under such difficult conditions as now faced him was alien to his taste. Fearful of the populace of the community, he was a virtual prisoner in Fort George. His attempt to forestall this condition through persuading General Gage to send a body of troops into the city on his own authority had failed. He had been further set back by his council's rejection of his request for authority to ask for military aid from Gage. With problems enough in his own colonial capital, Colden now was confronted by the unhappy prospect of ^a meeting of leaders of the colonial rights movement here in his own front yard.

He might have ordered the arrest of these commissioners for some crime, if there had been one in English law to fit the case and its political implications. He might have declared the colony to be in a state of insurrection and arrested the commissioners as they arrived, upon some minor charge and, in abeyance of such charge, permitted each to depart peaceably, the mission miscarried. He might have chosen to make an example of them by charging them with inciting local disorder, or even by charging them with treason in assembling for their unauthorized meeting. Any one of these possibilities Colden could have endeavored to execute only at risk of handing the reins of government over to General Gage, thereby risking in consequence the loss of the profits and preferments of his years of service as a royal official in his adopted colony of New York. The mere convening of men to act in a congress, to perform an act as a group which was legal when performed individually, was not yet answerable to a charge of conspiracy under English law. Unless he should sacrifice his prestige and status in the highest royal office available to him in his own colony, there was no law which the acting governor could call upon in this contingency to prevent the congress, either by arrest or threat of arrest of the persons of its constituents.

In Parliament Sir William Blackstone spoke ponderously of the authority of Parliament in enacting the Stamp Act, but nowhere did

the great commentator provide comfort for the dilemma of the colonial official. Although in theory the acting governor was to do all necessary to execute the law as expressed in the Stamp Act and its preceding legislation, his ultimate responsibility in the matter and to what authority he would be held accountable for his actions were so vague and ambiguous that the choice of action was virtually a governmental "fielder's choice". Taking the path of least resistance, which involved for him personally no greater risk than embarking upon another course fraught with the necessity for immediate physical action, for which he had no taste and which promised at best no easier solution, Colden played for time — prayed for the early arrival of his new governor, and followed his harsh words to the Massachusetts commissioners with no impeding action whatever.

On Tuesday, October 1, the date set for the convening of the delegations, word arrived that a representation was about to be selected from Maryland, and on the 2nd, another message arrived that a delegation was being chosen for New Jersey. The commissioners reporting from the Province of Maryland were William Murdock, Edward Tilghman and Thomas Ringgold. From New Jersey, where the commissioners were selected on October 3d, came Robert Ogden, Hendrick Fisher and Joseph Borden. These men and those named above, twenty-seven in all, met at New-York, in the Province of New-York, on Monday the Seventh Day

of October 1765. . . .¹⁹ Massachusetts having called the meeting,
 one of her commissioners, Timothy Ruggles, took the chair as temporary
²⁰ chairman. In selecting their permanent chairman the commissioners
²¹ voted individually, by ballot, electing their temporary chairman to
²² the post by a single vote over James Otis. They also elected one
²³ John Cotton to be "Clerk at this Congress", accepted the qualifications
 of the committees from New-York, New Jersey and Delaware despite the
²⁴ limitations placed upon their respective commitment authority, and
 voted "That the Committee of each Colony shall have One Voice only, in
 determining any Questions that shall arise. . . .",²⁵ thus adopting the
 unit rule in voting. Having organized and determined their basic rules
 of procedure, the congress adjourned, to meet at "IX o'Clock" on the
²⁶ morning of the 8th.

On Tuesday morning, October 8, Mr. Livingston of New York, Mr.
 McKean of Delaware and Mr. Rutledge of Massachusetts were appointed
 and approved to "be a Committee to inspect the Proceedings and Minutes,
²⁷ and Correct the same." It is one of the curiosities of the documentation
 of this period that no manuscript copy of the records of the Stamp Act
²⁸ Congress has come to light.

Then the Congress took into Consideration the Rights and
 Privileges of the British American Colonists, with the several
 Inconveniences and Hardships to which they are, and must be
 subjected, by the Operation of several late Acts of Parliament,
 particularly the Act called the STAMP-ACT: and after some Time
 spent therein, the same was postponed for further Consideration.²⁹

On Wednesday, October 9, "The Congress resumed the Consideration of the Rights and Privileges of the British American Colonists, &c. . . ." ³⁰ and continued to debate the matter each day, with the exception of Sunday, October 13 when they were in recess, until the morning of ³¹ October 19. The deliberations of those ten days in the Assembly Chamber of the New York City Hall may be regarded as the opening move ³² in the American Revolution. If "it is quite other than a rhetorical ³³ commonplace to speak of the Revolution as a drama", its character was sounded in the prologue composed here for delivery to King, Lords and Commons. From the outset the business of the meeting was conducted ³⁴ behind closed doors.

There were some local diversions. John Dickinson wrote to his mother on the opening day of the meeting of his concern that they "will be not a little interrupted by . . . Invitations to Dinner with the Gentlemen of the Town, & by sittings afterwards which I am afraid will ³⁵ consume the greatest Part of our afternoons." Not only the gentlemen of the city striving behind the scenes for the repeal of the Stamp Act, but also those of other primary interests, issued invitations. General Gage, for example, kept an anxious eye upon the delegates, and issued some invitations of his own to those most likely to be of use to his design of doing all possible to prevent the congress from uniting in ³⁶ strenuous opposition to the authority of Parliament. When the Massachusetts assembly had proposed this congress, Governor Bernard, feeling

himself helpless to prevent the meeting, had made the best of a bad business by taking the lead in it, so as to control the choice of the Massachusetts commissioners. Owing to Governor Bernard's efforts, of the three there were two "prudent and discreet men such as I am assured," stated Barnard, "will never consent to any undutiful or improper application to the Government of Great Britain." ³⁷ These two men were ³⁸ Timothy Ruggles and Oliver Partridge. They, together with their colleague from Massachusetts, James Otis, and possibly William Bayard ³⁹ from New York, who was a cousin of Mrs. Gage, dined with the General.

Within the New York Assembly Chamber where the congress convened and ⁴⁰ deliberated, efforts were put forth by this most able company to make their nine clocks tick "as one". "As chairman of the meeting," ⁴¹ comment Professor and Mrs. Morgan

Ruggles was in a good position to carry out the instructions Bernard had given him: to get the congress to recommend submission to the Stamp Act until Parliament could be persuaded to repeal it.⁴² Had he been successful in dominating the men who made him their chairman, probably the congress would have confined itself to arguing for repeal of the Stamp Act and Sugar Act on the grounds that they would hurt Anglo-colonial trade and bankrupt the colonies. As it turned out, the men who took the lead after the meetings were organized showed a different temper. General Gage exaggerated only a little when he wrote to Secretary of State Conway, "They are of various Characters and opinions, but it's to be feared in general, that the Spirit of Democracy, is strong amongst them." By "Democracy" Gage did not mean a belief in rule by the people so much as a belief that the colonists were beyond the control of Parliament, for he went on to inform Conway that the question which the congress was debating was not one "of the inexpediency of the Stamp Act, but that it is unconstitutional, and contrary to their Rights, Supporting the Independency of the Provinces, and not subject to the Legislative Power of Great Britain." ⁴³

"There are," continued General Gage's letter:

some moderate men amongst the Commissioners, from whence well meaning people hope that the meeting will end in the drawing up a modest, decent & proper address, tho' there wants not those, who would spirit them up, to the most violent, insolent & haughty remonstrance. 44

After days of arguing, drafting, crossing out and filling in, the
Congress convened at "IX o'Clock, SATURDAY, October 19, 1765"⁴⁵

And upon mature Deliberation, agreed to the following
Declarations of the Rights and Grievances of the Colonists,
in America, . . .

The Members of this Congress, sincerely devoted, with the warmest Sentiments of Affection and Duty to his Majesty's Person and Government, inviolably attached to the present happy Establishment of the Protestant Succession, and with Minds deeply impressed by a Sense of the present and impending Misfortunes of the British Colonies on this Continent; having considered as maturely as Time will permit, the Circumstances of the said Colonies, esteem it our indispensable Duty, to make the following Declarations of our humble Opinion, respecting the most Essential Rights and Liberties of the Colonists, and of the Grievances under which they labour, by Reason of several Acts of Parliament.

I. That his Majesty's Subjects in these Colonies, owe the same Allegiance to the Crown of Great-Britain, that is owing from his subjects born within the Realm, and all due Subordination to that August Body the Parliament of Great-Britain.

II. That his Majesty's Liege Subjects in these Colonies, are entitled to all the inherent Rights and Liberties of his Natural born Subjects, within the Kingdom of Great-Britain.

III. That it is inseparably essential to the Freedom of a People, and the undoubted Right of Englishmen, that no Taxes be imposed on them, but with their own Consent, given personally, or by their Representatives.

IV. That the People of these Colonies are not, and from their local Circumstances cannot be, Represented in the House of Commons in Great-Britain.

V. That the only Representatives of the People of these Colonies, are Persons chosen therein by themselves, and that no Taxes ever have been or can be Constitutionally imposed on them, but by their respective Legislatures.

VI. That all Supplies to the Crown, being free Gifts of the People, it is unreasonable and inconsistent with the Principles and Spirit of the British Constitution, for the People of Great-Britain, to grant to his Majesty the Property of the Colonists.

VII. That Trial by Jury, is the inherent and invaluable Right of every British Subject in these Colonies.

VIII. That the late Act of Parliament, entitled, An Act for granting and applying certain Stamp Duties, and other Duties, in the British Colonies and Plantations in America, &c. by imposing Taxes on the Inhabitants of these Colonies, and the said Act, and several other Acts, by extending the Jurisdiction of the Courts of Admiralty beyond its ancient Limits, have a manifest Tendency to subvert the Rights and Liberties of the Colonists.

IX. That the Duties imposed by several late Acts of Parliament, from the peculiar Circumstances of these Colonies, will be extremely Burthensome and Grievous; and from the scarcity of Specie, the Payment of them absolutely impracticable.

X. That as the Profits of the Trade of these Colonies ultimately center in Great-Britain, to pay for the Manufacturers which they are obliged to take from thence, they eventually contribute very largely to all Supplies granted there to the Crown.

XI. That the Restrictions imposed by several late Acts of Parliament, on the Trade of these Colonies, will render them unable to purchase the Manufactures of Great-Britain.

XII. That the Increase, Prosperity, and Happiness of these Colonies, depend on the full and free Enjoyment of their Rights and Liberties, and an Intercourse with Great-Britain mutually Affectionate and Advantageous.

XIII. That it is the Right of the British Subjects in these Colonies, to Petition the King, or either House of Parliament.

Lastly, That it is the indispensable Duty of these Colonies, to the best of Sovereigns, to the Mother Country, and to themselves,

to endeavour by a loyal and dutiful Address to his Majesty, and humble Applications to both Houses of Parliament, to procure the Repeal of the Act for granting and applying certain Stamp Duties, of all Clauses of any other Acts of Parliament, whereby the Jurisdiction of the Admiralty is extended as aforesaid, and of the other late Acts for the Restriction of American Commerce. 46

The definition of these fundamentals embodies in essence the remonstrances previously submitted to the home government by the colonial assemblies. 47 The matter that appears to have kept the congress in debate for ten days was the crucial one of whether to balance the denial of Parliament's authority to tax the colonies with an acknowledgment of what authority it did have. 48

Many, if not most, of the commissioners to the congress, having discussed the questions of the moment in their own bailiwicks, were meeting each other for the first time. 49 They were for the most part, a body of moderates, 50 who had been spurred to action by a few who refused to permit the situation to drift. 51 Having found it to be necessary at the outset to make certain alterations in their respective positions, they had during those days made those concessions and established a common ground for their expedition. 52 Caesar Rodney later wrote " . . . a Short Detail of the proceedings. . . . " 53

When the Congress opened, the Members took into Consideration the British Constitution, and the Rights and privileges of the Colonists under that Constitution as Subjects of Great Britain, and after eight or ten Days spent in Debating on Prerogative Power of Parliament, Rights, Liberty, Privileges, etc. We formed a Short Declaration of Rights, in the nature of Simple Resolves. . . . 54

Credit for the draft of the "Declaration of Rights" from which the congress worked toward its final declaration, is now generally
⁵⁵
 given to John Dickinson.

Having hammered out a common ground in the framing of the declaration, committees were immediately designated (October 19) to prepare, respectively, an Address to the King, a Memorial and Petition to the Lords in Parliament, and a Petition to the House of Commons of Great-Britain, all to be completed for the consideration of The Congress
⁵⁶
 on Monday, October 21.

Robert R. Livingston, William Samuel Johnson and William Murdock
⁵⁷
 were to prepare a draft Address to the King. Again, despite his not being named to this committee, John Dickinson is credited with having
⁵⁸
 prepared the draft copy of the Address to the King, which was considered by the congress on the 21st and formally approved on the
⁵⁹
 22nd. John Rutledge, Edward Tilghman and Philip Livingston were designated to prepare a draft Address to the House of Lords; and Thomas Lynch, James Otis and Thomas McKean selected to prepare a
⁶⁰
 Petition to the House of Commons. Both committees had their drafts prepared on October 21, and they were read for formal adoption,
⁶¹
 respectively on the 22nd and the 23d. These statements, drafted in the form of communiques to King, Lords and Commons, were designed to provide models for each of the colonies to communicate to these branches

of the home government. In taking into consideration "the Manner in which their several Petitions should be preferred and solicited in Great-Britain," the commissioners determined as follows:

It is recommended by the Congress, to the several Colonies, to appoint special Agents for soliciting Relief from their great Grievances, and unite their utmost Interest and Endeavours for that Purpose.⁶³

"No other American writings," commented Moses Coit Tyler

. . . are stronger in thought, or nobler in form, or more precious to us now as authentic utterances of the very mind and conscience and heart of the American people in that awful crisis of their affairs, than are the several papers put forth by the Stamp Act Congress. . . masterly and impressive pieces of political statement, — learned, wise, firm, temperate, conservative, even reverent, — as far removed from truculence as from fear . . . official announcements of political faith touching imperial problems; the first ever issued by an intercolonial body of American-Englishmen, then for the first time united against a common danger, and standing up, as their ancestors in the old home had often done before them, against dangerous encroachments upon their rights. Expressed in legal and constitutional language, and employing many of those aphorisms of justice and of civil courage which had been freely used by Englishmen ever since Magna Charta — exactly five hundred and fifty years before — they constitute the first group in that wonderful series of state-papers which the American colonists, speaking through their official representatives, sent forth to the world during the period of their Revolution. ⁶⁴

One incident marred the conclusion of the meeting. Despite the operation of the unit rule in voting, Chairman Ruggles of Massachusetts refused to sign the documents produced by the congress, and skulked out of the city before the conclusion of the meetings. The formal adjourn-⁶⁵ment was on Friday, October 25.⁶⁶

CHAPTER V

CRISIS IN NEW YORK CITY

The commissioners from the nine colonies had convened, deliberated and adjourned, apparently secure from interference and quite removed from the forces and events swirling about them in New York City, the headquarters city of the British forces in North America, in which General Gage wielded the powers of viceroyalty.¹ In the taverns and streets of the city, in the coastal cities and towns of the other colonies, and, indeed, in London, the matters debated in the New York meeting were receiving increasing attention and producing expressions of strong feelings. Shipments of the stamps had arrived in Boston September 23, consigned to Massachusetts, New Hampshire and Rhode Island, and in Philadelphia October 5, consigned to Pennsylvania, New Jersey and Maryland.² On October 12 General Gage still held to the belief that the Stamp Act could be put into effect in several of the colonies and that once enforced in some provinces it soon would be accepted in the others.³ Gage's major error of judgment in this was in trusting that Colden, who appeared determined to do his duty, would be able to force the use of the stamps in New York City.⁴

On Tuesday, October 22, the merchant ship Edward, dramatically announced by the firing of several cannon late that night from a waiting British warship,⁵ approached lower New York harbor bearing ten parcels of British Treasury stamps for New York and Connecticut.⁶

Ships of colonial ownership in the harbor inverted their colors "in
⁷ mourning, lamentation & awe". Acting Governor Colden summoned the
 New York stamp agent, McEvers, who had resigned by letter in August,
⁸ to receive the shipment. McEvers responded that he would have no-
⁹ thing to do with the stamps. Ingersoll, the Connecticut stamp agent,
¹⁰ sent a similar though more diplomatic re-declination. Reaffirmation
 of these declinations was abetted by the posting throughout the city
 that night and the next of handwritten notices reading

Pro Patria
 The first Man that Either distrib-
 utes or makes use of Stampt Paper
 let him take care of his House,
 Person, & Effects
 Vox Populi¹¹
 We dare.

After being convoyed into the harbor on the 23rd by a warship
 and a tender with "great parade" observed by "a vast number of people
 . . . most furiously enraged," the Edward was anchored under the
¹² protecting guns of Fort George.

As these events transpired in the American colonies in mid-term
 of the sessions of the congress in New York City, reports of the
 August riots in the colonies reached responsible officials in London
¹³ through the channels of the home government. Whereas seven weeks
 earlier Cadwallader Colden had been stymied in his attempt to have

regular troops enter New York City, by the requirement in his instructions that such an action required concurrence of his Council, on October 23rd King George III eliminated the concurrence requirement, issuing Orders in Council directing that

in Case by the Exigency of Affairs in any of the provinces, it should be necessary to procure the Aid of the Military in Support of the Civil power, that for that purpose, the Govr of the province where that may happen to Apply to the Commanders of His Majestys Land and Sea Forces in America or either of them as the Occasion may require to whom his Majesty hath Directed the necessary Orders to be given for their Concurrence and Assistance.¹⁴

This significant change in the administrative rules, which would not become known in the colonies until at least January 1766, was too late to aid Colden in his efforts to forestall convening of the Stamp Act Congress, and now would become known to him too late to help him in the gravest crisis of his public life, as he attempted to enforce the Stamp Act in the colonial city of New York.

On October 23rd Colden dispatched repeated messengers to the
¹⁵
 members of his Council, to meet with him at Fort George. On the
¹⁶
 24th but three of the seven appeared. Colden informed them that it would be necessary to unload some of the cargo from the ship Edward before the parcels of stamps could be located in the ship's cargo hold, and that it was necessary also that unloading of the ship proceed with haste because of possible legal liability to
¹⁷
 merchants to whom other goods aboard were consigned. The stamps

were in the ship's hold with general cargo because "They were ship'd so privately, that not a Passenger in the Ship knew of their being on board, till a Man of War. . . came . . . to take care of their Security," as the ship entered New York harbor.¹⁸ The councillors advised him to charter a vessel to lighter the cargo to shore so that the parcels could be located.¹⁹ As no owner or captain in the port would make a ship available, the British escort ship Garland was utilized for this service.²⁰ In this way sufficient cargo was removed from the Edward's hold to locate seven parcels of the stamps, which were brought ashore on the 26th and deposited within the walls of Fort George.

Neither an inventory, bill of lading, nor any other form of instructions was found with the parcels of stamps. This might have been an oversight or else due to instructions having been transmitted separately to the stamp agents. Not having any way of discovering the contents of the packages without opening them, which he determined not to do, Colden hoped that he and the stamps could remain unmolested in Fort George, and prayed that the newly appointed governor for the province, Sir Henry Moore, would arrive before the first of November.²² Colden believed that he had done enough and wished that circumstances²³ would force him to do nothing more.

Colden also prepared for the possibility that the new governor would not arrive by November 1. Under date of October 26, his private secretary, who was his son David, wrote under instruction to the Commissioners of the Stamp Office in London, that

I must be employed under my father in taking care of, and distributing the stamped papers &c. and I shall incur that danger and odium, which appears to every man in this place, to be of most serious consequence. If Sir Henry Moore does not arrive before the 1st of November, this will probably be my situation till your pleasure is known.²⁴

This letter to the Stamp Commissioners continued with a sentence worthy even of the senior Colden at his most nepotic, and indeed, might have been dictated by him:

. . . Perhaps it will appear reasonable to you gentlemen to favor me with an appointment as distributor of Stamps for this Province, that I may likewise enjoy the advantages of that office, when it is quietly submitted to: as no doubt it will be in a few months.²⁵

On Thursday, October 31st, before the full seven-member panel of his Council, Cadwallader Colden took the oath of office prescribed
26
by the Stamp Act. In New York City the date was termed the "Last
27
Day of Liberty."

During these last days of October there was brought to bear upon the home government the most powerful and direct engine of a non-violent nature available to the colonists in this controversy. A month earlier newspaper writers in New York and Connecticut had urged that the people should abstain from the use of British manufactures until the trade restrictions and taxes imposed since 1763 should be repealed, and a number of Boston merchants, in

writing to England for spring shipments of goods, ordered them to
 be sent only if and when the Stamp Act should be repealed.²⁸

Credit for the first formal action for the boycotting of British goods belongs to the merchants of New York City, over two hundred of whom signed an agreement on October 28 at the coffee-house of George Burns, on the west side of Broadway opposite the Bowling Green,²⁹ to buy no English wares until the Sugar Act should be altered, trade conditions relieved and the Stamp Act repealed. Three days later they held a general meeting and agreed to make all past and future orders for British merchandise contingent upon the repeal of the Stamp Act.³⁰ The retail store keepers of the city bound themselves to buy no goods whatsoever which should be shipped from Great Britain after January 1, 1766, until the Stamp Act should be repealed, and to purchase no goods from unrestricted importers of other colonies during the term of the boycott.³¹ The merchants organized a committee of correspondence, composed of five "Sons of Liberty," to solicit the cooperation of similar interests in the other seaport cities.³² The New York non-importation agreement was copied by merchants of Philadelphia, within a week, and by Bostonians on December 9.³³ A London newspaper of December 17th would note that British merchants doing business with the American colonies had received upwards of one hundred letters from New-York, countermanding orders for goods.³⁴

Through the addresses uttered by the Stamp Act Congress and in the implementation of the boycott agreements of the merchants of the colonial seacoast cities, the colonists had clearly laid down the line as to where they believed that Parliamentary authority must yield to colonial self government.³⁵ In fact, in all thirteen colonies later to enter the formal confederation of states, with the exception of Georgia, no man could any longer safely take issue with any position assumed by the forces committed to preventing the distribution of British Treasury stamps on November 1, 1765, when the Stamp Act administration was to become operational.³⁶ So effective were the colonial forces of nullification that of all the commercial centers in the thirteen colonies, only in New York City was there any unusual display of violence when the effective date³⁷ arrived.

On the evening of October 31st, after the merchants and shopkeepers had concluded their respective agreements,

a mob in 3 squads went through the Streets crying "Liberty" at the same time breaking the Lamps and threatening particulars that they would the next night pull down their Houses. Some thousands of windows [were] Broke.³⁸

Following this single outburst the mob dispersed for the night. Colden requested Mayor Cruger that he do his utmost to quiet the populace, but gave no hint of retreat from his position.³⁹

On the morning of November 1, work began early to complete⁴⁰ the defenses of Fort George against threatened acts of violence. The work entailed preparing the rear or landside of the fort for defense against the city which it had been built to defend against⁴¹ invasion from the sea. Colden's request to one of the British naval ship captains for marine reinforcements at the fort, resulted in the arrival of twenty-four men from one of the ships, together with a reminder to Colden that even these could ill be spared, because much of the ships' crews were impressed seamen, held by force of arms,⁴² and would desert at any opportunity.

According to our best account, it was extremely dark the night⁴³ of November 1—dark, still, and cool. In early evening a man⁴⁴ brought a letter to the fort gate for the Acting Governor. This missive, similar in tone to notices posted in taverns through the preceding day, reflected the prevailing mood of the city:

To the Honorable Cadwallader Colden Esq. Lieut. Governor of
the City of New York

Sir,

The People of this City and Province of New York, have been inform'd that you bound yourself under an Oath to be the Chief Murderer of their Rights and Privileges, by acting as an Enemy to your King and Country to Liberty and Mankind in the Inforcement of the Stamp-Act which we are unanimously determined shall never take Place among us, so long as a Man has Life to defend his injured Country. . . We can with certainty assure you of your Fate if you do not this Night Solemnly make Oath before a Magistrate, and publish to The People, that you never will, directly nor indirectly, by any Act of yours or any Person under

your Influence, endeavour to introduce or execute the Stamp-Act, or any Part of it, that you will to the utmost of your Power prevent its taking Effect here, and endeavour to obtain a Repeal of it in England. So help you God.

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 die, a Martyr to your own Villainy, and be Hang'd like Porteis⁴⁵ upon a Sign-Post, as a Memento to all wicked Governors, and that every Man, that assists you Shall be, surely, put to Death.

New York⁴⁶

By seven that evening some two thousand candle-bearing men were gathered in the fields, the present day City Hall Park area, to march⁴⁷ on the fort. Another mob was winding through the lanes and alleys of the lower city, shouting to attract additions to their numbers.⁴⁸ Both groups carried effigies of Colden.⁴⁹ A witness described them as "a mob the most formidable imaginable."⁵⁰ Mayor Cruger and the city aldermen had convened at the City Hall to decide upon possible measures to forestall violence. Encountering a main stream of the mob as it swept past the City Hall, they succeeded in throwing down an effigy of Colden, but it was thrust up again into the air and the Mayor and aldermen told they would be safe only if they stood aside. They⁵¹ yielded to the superior force and the mob proceeded on its way.

Before Fort George the mobs joined and surged to within eight or ten feet of the fort gate.⁵² After taunts and threats were unanswered by those inside the fort, the mob, which now had an inertia of its own, hung figures of Colden and of others in effigy, then burned them in

Bowling Green, together with the contents of Colden's coach house,
a scene attended by a "great number of gentlemen of the Town."⁵³

A large segment of the mob left that fire to hasten to Vauxhall,
the home of Major Thomas James, commander of Fort George. This
sumptuously furnished house, recently occupied by Major James and
his family, was guarded by a few sentries, who were quickly driven
away. Within ten minutes the house was sacked to its bare walls and
put to the torch.⁵⁴ Mob activities and destruction continued until
⁵⁵
four in the morning.

Major James later testified before Parliament that if his men
had fired upon the mob from the fort that night, 900 of them could
have been killed, but added that the opposition could thereupon have
assembled 50,000 fighting men from New York and New Jersey alone, and
that it would have been impossible to hold out against such a force.⁵⁶
There were in the city outside the fort approximately 14,000 small
arms and other military equipment belonging to the British army, some
of it stored in the City Hall,⁵⁷ all of which could have been seized
by the rioters.⁵⁸ General Gage later wrote that firing into the ranks
of the rioters from the fort on that night could have meant the begin-
ing of civil war, in which the troops in the fort would have been
⁵⁹
massacred.

The military engineer, Montresor, noted in his journal,
 "The Engineers all on Duty this night to fortify the Fort —
 its Garrison between 150 and 200 strong." Information came
 intermittently to Colden's attention, beginning early in the
 morning of the 2nd, that further efforts would be made to fire
 the fort that night. Although the soldiers had held their fire
 the night before, Colden was apprehensive that future attempts
 to storm the fort "may be attended with much bloodshed, because
 a great part of the Mob consists of Men who have been Privateers
 and disbanded Soldiers whose view is to plunder the Town." After
 two stormy meetings with his Council, the morning and the afternoon
 of the 2nd, Colden sent word to the Common Council at the City
 Hall declaring that he would distribute no stamp papers except if
 "they are called for" and was willing to put them on board a man
 of war "if Captain Kennedy would take them." This was as far as he
 was willing to go.

That evening a crowd began to form, but dispersed upon learning
 of Colden's declaration that he would do nothing with the stamps
 until the arrival of the new governor, who was still hourly expected.
 For that night the crisis eased, to simmer on just below the boiling
 point through Sunday, the 3rd, and into Monday. Sunday Colden received
 another letter threatening himself and his family, the Customs House
 officials received missives threatening extreme consequences if they
 should fail to clear vessels as usual despite lack of tax stamps,
 and notices appeared urging the mob to attack the fort on Tuesday.

The government of the city was without effective means even to
68
defend its principal officers; anarchy reigned.

Responsible men of the community felt a revulsion to the snow-
69
balling effect of events of the days just past. "It was high time
now," commented Robert R. Livingston, who had been a New York
commissioner to the Stamp Act Congress,

for those inclined to keep the peace of the City to Rouse
their Sleeping Courage, a meeting was appointed for that
purpose to be on Monday, and all the Citizens were invited
to be at the Coffee House at about Ten o 'Clock. There
they all come to form a union few cared openly to declare
the Necessity of it, so intimidated were they at the
Secret unknown party which had Threatened such bold things,
and had put the Fort in such Terrors, that every day new
measures were taken to put it in a posture of defence.
This Continual adding to the Strength of the Fort kept up
the dissatisfaction of the people and made every Report of
the Strength and preparations of the party who it was said
designed to attack it more Credible. I ventured however to
tell them that it was high time to form a Resolution to keep
the peace & to enter into an engagement for that purpose,
and set before them in as strong a light as I could all the
Terrors of a mob Government in such a City as this. All
agreed to this tho some dreading the Secret party who called
themselves Vox Populi thought I declared my Sentiments too
freely. I soon after heard that I was threatened, however
what was said made its due Impression, and that Evening
many of those that Determined to keep the peace met, and went
out into the Common to quell any new Disturbances, and at
night several Captains of vessels and others met together
at a Tavern and sent word to the Mayor and Corporation that
they were Resolved to Join in the design to keep the peace.
70

In the presence of Mayor Cruger, Robert R. Livingston,
 Beverly Robinson and John Stevens, Colden reiterated on Monday
 his determination to issue no stamps. This agreement was publicized,
 but appeared to effect no relief of prevailing tension. It appeared
 as if only the release of the stamps by Colden would placate the
 mobility. Livingston related further that

. . . the next morning being the 5th of November the day
 which all feared, as we did not know but by an attack on
 the Fort an open Rebellion would be Commenced, tho' we
 could not tell by whom or how formidable this Vox Populi
 was. The Corporation met and proposals were made in
 writing to the Governor to take the stamps into their own
 Custody in Consequence of a question he had asked the
 Mayor . . . whether he would take them and a desire at
 the same time that proposals might be made him in writing... ."

Colden's first choice of depository for the stamps, if they had
 to pass from his grasp, was a British warship in the harbor, but in
 this choice he was thwarted by the refusal of the ship's commanding
 officer to accept the responsibility. Receiving a request the
 morning of the 5th from the mayor and aldermen to deposit the stamps
 in their custody in the City Hall, Colden sent a message to General
 Gage requesting his advice:

Sir.

Enclosed is a minute of Council, with the [Common]
 Council's advice to me this day, in which you will see my
 thoughts on the subject when I demanded the [Common]
 Council's advice. The delivering the stamped papers on
 the threats of a Mob who may still make further demands,
 greatly effects the dignity of his Majesty's government,

and may have a tendency to encourage perpetual Mobbish proceedings hereafter. Your opinion & advice therefore I think necessary before I can determine or satisfy my own mind in following the advice of Council, I beg an answer from your Excellency as soon as possible, the Mayor & Corporation are waiting for my answer. . . .⁷⁸

Not only were the mayor and members of the Common Council waiting, but an armed mob was forming to culminate the riots by taking the stamps from the fort and destroying the fort and whoever might attempt to intercede.⁷⁹ General Gage responded immediately in writing, reviewing⁸⁰ the urgency of conditions in the city and concluding that

. . . The fort though it can defend itself, can only protect the spot it stands on, in these circumstances it seems to me necessary to temperise, and I must concur with you in the measure of delivering the Stamps to the Corporation, who offer me this day, as soon as you give them proper authority, to put themselves in arms, and to prevent further confusion. At present no time is to be lost.⁸¹

Not only was Colden aware of what Gage's response would be, but he had already received expression of it when the problem had been one of whether to retain the stamps in Fort George or to remove them to a warship in the harbor.⁸² Colden was slyly attempting to shift from his own shoulders and to place upon Gage's the burden of responsibility⁸³ for the condition of his governance and the uncontrolled disorders. In this design Colden would fail and earn thereby retribution both⁸⁴ from the home government and from the people of his adopted New York. The Governor's Council also advised him, stating that

. . . the City appeared to them to be in a perfect anarchy, and the power of government either military or civil [is] unequal to the protection of the inhabitants from the ravages and violence. . . . That the destruction of [a] great part of the City would be involved in the necessary defence of the Fort, and that they conceived it more adviseable to yield to the necessity of the times, than by a contrary resolution abandon the inhabitants to the consequences of an attack upon the fort, which his Honor . . . and the Council feared would actually be attempted. . . . they do unanimously advise his Honor upon the assurances given by the corporation, who are willing to receive and defend the stamps and in case of loss to be answerable for all damages,⁸⁵ to deliver the Stamped paper and parchment into their care and custody.⁸⁶

The mobility is supposed to have gathered upwards of one hundred
⁸⁷
 barrels of gunpowder for the proposed assault upon the fort. At
 seven in the evening an estimated five thousand persons, forming a
⁸⁸
 disorderly throng assembled for the night's mischief, witnessed the
⁸⁹
 loading into carts of the seven parcels of stamp papers, which weighed
⁹⁰
 altogether approximately one and one-half tons. "Then followed a
 triumphant return to Wall Street, the victorious populace surrounding
 the bearers of the captured papers . . . their surrender being the
 signal for outbursts which recalled the demonstrations accorded [Andrew]
 Hamilton's first victory for the people [in the trial of John Peter
⁹¹
 Zenger] on the same spot thirty years before." With the parcels of
 stamped paper, Colden sent a message:

Fort George November the 5th 1765

Mr. Mayor and Gentlemen of the Corporation

In Consequence of your Earnest Request and Engageing to
 make Good all Such Sums of money as might be Raised by the
 distribution of Such of the Stamps, Sent over for the use
 of this province as shall be Lost destroy'd or Carry'd out

of the province, and in Consequence of the unanimous advice of his Majesty's Councill, and the Concurrence of the Commander in Chief of the Kings forces, and to prevent the Effusion of blood and the Calamities of a Civil Warr, which might ensue by my withholding them from you, I now deliver to you the packages of Stamp'd paper and parchment, that were deposited in my hands, in this his Majesty's Fort, and I doubt not you will take the Charge and Care of them Conformable to your Engagement to me.

92

[signed:] Cadwallader Colden

Mayor Cruger sent Colden a receipt which repeated the obligations undertaken to protect the stamps from harm and Colden from liability

93

for them.

94

With the stamps safely lodged in the City Hall, the mob dispersed.

Governor Moore finally arrived, on November 13, after a storm-swept ten

95

week crossing of the Atlantic. He found it expedient to disarm that

part of Fort George which Colden had fortified and armed against the

96

town. Two more shipments of stamps arrived, one on the same ship with

97

Governor Moore in November and another on January 28, 1766. These

additional shipments of stamps were lodged with the first in the City

98

Hall, under constant guard.

Fort George had emerged as the symbol of armed British tyranny, a mailed fist in the Colden glove. Up the hill at the intersection of Broad and Wall Streets, where the colonial assembly had deliberated during more than six decades, where the first autonomous congress of the colonies had issued its definitive proclamations, and where now

reposed under guard the stamps symbolic of ministerial expediency and of British oppression, the City Hall had emerged as the bastion of colonial liberties. As City Hall and as Federal Hall the structure at that site would hold that symbolic and functional position in American life from that day until the beginning of the third year of the administration of George Washington as President of the United States under the federal⁹⁹ Constitution of 1787.

FOOTNOTES TO THE TEXT

FOOTNOTES TO CHAPTER I:

BRITISH-COLONIAL RELATIONS FOLLOWING THE PEACE OF PARIS

1. Adams to Jedidiah Morse, Nov. 29, 1815, "John Adams 1735-1826," Letters, Case 1, Box 3, Autograph Collection of Simon Gratz, Historical Society of Pennsylvania, cited hereinafter as Gratz Coll., HSP. For concurring comment see Moses Coit Tyler, Literary History of the American Revolution (N.Y.: Frederick Unger Publishing Co., 1957), I, 122, cited hereinafter as Tyler, Lit. Hist.; Zoltan Haraszti, John Adams and the Prophets of Progress (Cambridge: Harvard Univ. Press, 1952), 436, cited hereinafter as Haraszti, John Adams.

2. Edmund S. Morgan, Prologue to Revolution (Chapel Hill: Univ. of N. Car. Press, 1959), 35 (cited hereinafter as Morgan, Prologue to Revolution, quoting from Pickering, ed., The Statutes at Large, XXVI, 179-187, 201-204.

3. Adapted from Max Beloff, ed., The Debate on the American Revolution 1761-1783 (London: A. and C. Black, 1960), 41 (cited hereinafter as Beloff, Debate), with ref. to Henry Steele Commager, ed., Documents of American History (N.Y.: F.S. Crofts, 3d ed., 1943), xi, cited hereinafter as Commager, Docs. For an early English historiographical chronology, see "American War," in Bernard Woodward Bolingbroke and William L.R. Cates, Encyclopedia of Chronology, Historical and Biographical (London: Longmans, Green and Co., 1872), 69-74, referred to hereinafter as Bolingbroke and Cates, Encyclopedia.

4. Arthur M. Schlesinger, Prelude to Independence. The Newspaper War on Britain 1764-1776 (N.Y.: Alfred A. Knopf, 1958), 5, cited hereinafter as Schlesinger, Prelude to Independence.

5. Leonard Woods Labaree, Royal Government in America; A Study of the British Colonial System Before 1783 (New Haven: Yale University Press, 1930), 418-419, cited hereinafter as Labaree, Royal Government in America.

6. "what men in the past have believed to be true may well be as important to the historian as the actual truth. Keeping this in mind, we should examine the Stamp Act crisis, being careful to distinguish between the assumptions of fact which impelled people to act and the facts themselves.
 "Let us begin with the facts"
 — Lawrence Henry Gipson, The Coming of the Revolution 1763-1775 (N.Y.: Harper & Bros., 1954), 85, cited hereinafter as Gipson, Coming of Rev.

7. See, for example, W.B. Kerr, "The Stamp Act in Quebec," English Historical Review, XLVII, No. 188, Oct. 1932, 648-651.
8. For the effects of the British commercial policy prior to 1763, see Arthur M. Schlesinger, The Colonial Merchants and the American Revolution 1763-1776 (N.Y.: Frederick Ungar Publishing Co., 1957), 15ff. and sources in 15nl, cited hereinafter as Schlesinger, Col. Merchants.
9. Ibid., 15.
10. Leonard Woods Labaree, Conservatism in Early American History (N.Y.: New York Univ. Press, 1948), 155, cited hereinafter as Labaree, Conservatism.
 " . . . The Merchants in this place think they have a right to every freedom of Trade which the Subjects of Great Britain enjoy." Cadwallader Colden to Secretary Conway, Nev. 9, 1765. E.B. O'Callaghan, ed., Documents Relative to the Colonial History of New York (Albany: Weed, Parsons & Co., 10 vols., 1853-1858), VII, 773-774, cited hereinafter as O'Callaghan, ed., Docs.
11. Adams to Niles, Feb. 13, 1818; Schlesinger, Prelude to Independence, 13nl2.
12. Carl Bridenbaugh, Cities in Revolt: Urban Life in America, 1743-1776 (N.Y.: Alfred A. Knopf, 1955), 418, cited hereinafter as Bridenbaugh, Cities in Revolt.
13. Schlesinger, Col. Merchants, 6.
14. Bridenbaugh, Cities in Revolt, 418-419; Schlesinger, Prelude to Independence, 6-7.
15. Catherine Drinker Bowen, John Adams and the American Revolution (Boston: Little, Brown, 1950), 252, cited hereinafter as Bowen, John Adams.
16. Adams to Morse, Dec. 5, 1815, Gratz Coll., HSP. See also John Pendleton Kennedy, ed., Journals of the House of Burgesses of Virginia 1761-1765 (Richmond: [Commonwealth of Virginia], 1907), lviii, cited hereinafter as Journ. H.B., 1761-1765.
17. Schlesinger, Col. Merchants, 59-60.

18. Edward Hughes, "The English Stamp Duties, 1664-1764," English Historical Review, LVI, No. 222, April 1941, 234-264. "It is a curious fact that no one has been concerned to investigate the antecedents of the famous Stamp Act which was fraught with such consequences for the American colonies." Ibid., 234.

19. Ibid., 247.

20. Ibid.

21. Ibid., 249.

22. Ibid., 251.
23. Ibid.
24. Ibid., 254.
25. Then Governor of New York, Ibid., 256.
26. Then ex-Deputy Governor of Pennsylvania, Ibid., 254n6, 256. Bolingbroke and Cates, Encyclopedia, 69, give the year as 1734.
27. Edward Hughes, Loc.cit. 257nl. Cadwallader Colden, Lt. Governor of New York was among those making responses.
28. Whately to Temple, June 8, 1764, Transcript in Stowe Papers — America, Huntington Library.
29. Temple to Whately, Sept. 10, 1764, Transcript in Stowe Papers — America, Loc.cit.
30. " . . . a certain Minister lately in Office. . . goes into a long incoherent explanation that does not explain:
 '. . . Your Fortune is my Care! . . . abstain from the Word Liberty — it ferments the English Mind — A little Liberty is a generous Cordial . . . the very Sound inebriates! . . . Again we will confer — at present the Party expects me — I must go abroad upon some Business.'"

—Robert B. Heilman, America in English Fiction, 1760-1800: The Influence of the American Revolution (Baton Rouge, La. State Univ. Press, 1937), 203-204, quoting an English satire on the English merchant and ministerial reaction to the Stamp Act, in the English novel titled The Adventures of a Bale of Goods from America, In Consequence of the Stamp Act (1766).
31. Whately to Temple, Nov. 5, 1764, Transcript in Stowe Papers — America, Loc.cit. See also Edmund S. Morgan, The Birth of the Republic (Chicago: Univ. of Chicago Press, 1956), 18-19, cited hereinafter as Morgan, Birth of the Republic.
32. Edward Hughes, "The English Stamp Duties, 1664-1764," Loc.cit., 257. See also Justin Winsor, ed., The Memorial History of Boston (Boston: James R. Osgood & Co., 1881), III, 9, cited hereinafter as Winsor, ed., Mem. Hist. of Boston.
33. Edward Hughes' exposition of the stamp tax plan as presented by Whately to the Board. Edward Hughes, "The English Stamp Duties, 1664-

1764," Loc.cit., 258-259. See also Carl Lotus Becker, History of Political Parties in the Province of New York 1760-1776 (Madison, Wisc., Apr. 1909, Bulletin of Univ. of Wisc., no. 286), 25, cited hereinafter as Becker, Hist. of Pol. Parties; Schlesinger, Col. Merchants, 65.

34. Passed the House of Commons, Feb. 27, 1765 (Journ. House of Commons, Vol. 30, 192-193), House of Lords, Mar. 8, 1765 (Journ. House of Lords, Vol. 31, 303); Royal assent was by commission, the King then being insane. —Douglas Southall Freeman, George Washington: A Biography (N.Y.: Charles Scribner's Sons, 1951), III, 131n26, cited hereinafter as Freeman, Washington.

FOOTNOTES TO CHAPTER II

COLONIAL REACTION TO BRITISH POLICY

1. Examination of contemporary diaries and correspondence, English and colonial, in this regard, might prove interesting and profitable. See also Fred J. Ericson, "The Contemporary British Opposition to the Stamp Act, 1764-1765," Michigan Academy of Science, Arts and Letters, XXIX (1943), 489-505; John Richard Alden, General Gage in America (Baton Rouge: La. State Univ. Press, 1948), 108-110, 109n3, cited hereinafter as Alden, Gen. Gage.
2. Cadwallader Colden, Lt. Governor of New York, ltr to Secretary Conway, Sept. 23, 1765; O'Callaghan, ed., Docs., VII, 759-761; quoted also in part in Schlesinger, Prelude to Independence, 72.
3. Schlesinger, Prelude to Independence, 67.
4. Arthur M. Schlesinger, "The Colonial Newspapers and the Stamp Act," New England Quarterly, VIII, No. 1, March 1935, 63-83, 70-71; Bridenbaugh, Cities in Revolt, 391; [John Almon], A Collection of Interesting, Authentic Papers, Relative to the Dispute Between Great Britain and America, shewing the Causes and Progress of that Misunderstanding, from 1764 to 1776 (London: Printed for J. Almon, Opposite Burlington-House, in Piccadilly, 1777), 16 (made available on micro-film, from their original copy, by the Mss. Div., N.Y. Public Library), cited hereinafter as Prior Docs.
5. Bridenbaugh, Cities in Revolt, 186.
6. Ibid., 391.
7. "The people . . . everywhere . . . arose like a Hurricane and bore down the Stamp Act, the Stamps their Officers and principal Abettors as Nullities." Adams to Morse, Dec. 15, 1815, Gratz Coll., HSP.
8. The subject of the "Sons of Liberty" is too broad and important for treatment as a separate topic within the limitations of this paper. As suggested above at p. 12, it is one of the three major channels of reaction in the colonies to the enactment of the Stamp Act. See Prior Docs., 5-6; Bowen, John Adams, 262.

9. George P. Anderson, "Ebenezer Mackintosh: Stamp Act Rioter and Patriot," Colonial Society of Massachusetts Publications, Transactions, XXVI, 1924-1926, 15-64, 30; Schlesinger, Col. Merchants, 71.
10. George P. Anderson, "Ebenezer Mackintosh: Stamp Act Rioter and Patriot," Loc.cit., 32-35; Schlesinger, Col. Merchants, 71-72; "The Boston Riot of 1765," Business Historical Society, Bulletin, VII, No. 4, 12-13; Alden, Gen. Gage, 112-113; "The Portsmouth Liberty Pole," The Magazine of History, IX, No. 5, May 1909, 294-300, 296-299; John Adams, Diary and Autobiography of John Adams, ed. by L.H. Butterfield et al (Cambridge: Harvard Univ. Press, 1961), I, 259-260, cited hereinafter as Adams, Diary and Autobiog., Butterfield ed.
 "The whistle of the mob and some occasional rioting were no new feature of Boston life. Sheriff Stephen Greenleaf had had no end of trouble with spontaneous and unruly assemblages long before the show-down of 1765, and suspicion of Thomas Hutchinson and the oligarchy of gentlemen at the top of the province traced directly back to the days of the currency crisis of the forties. Nor was the raising and managing of the mobility by members of the upper class any innovation. What was new after the Stamp Act Riots was the systematic and highly effective translation of mass anger over wrongs into overt action participated in by members of all classes by means of secret caucuses, the press, and town meetings." —Bridenbaugh, Cities in Revolt, 306.
 A number of communications describing the riots in Boston, New London, Newport, Providence, New York City, and elsewhere in the colonies appear in transcript in the Stowe Papers — America, Loc.cit. For a most readable narrative description of the Boston rioting see Bowen, John Adams, 269-275.
11. Carl Lotus Becker, "Thomas Hutchinson," Dictionary of American Biography, Vol. 9, 439-443, 440.
12. Schlesinger, Col. Merchants, 71-73.
13. Ibid., 72-73.
14. Ibid., 73.
15. Gipson, Coming of Rev., 90-92.
16. John Adams to Jedidiah Morse, Dec. 5, 1815, in John Adams, The Works of John Adams, ed. by Charles Francis Adams (Boston: Little, Brown & Co., 1856), X, 188-191, 190, cited hereinafter as Adams, Works C.F. Adams ed.
17. Morgan, Prologue to Independence, 3. See also Journ. H.B., 1761-1765, lvii-lviii.

"To understand rightly the agitation against Parliament after 1763, it is important to note that a century of exceptional opportunities had given to the colonial merchants a sense of power in dealing with Parliament and had developed between the chief trading towns in America a consciousness of a fundamental identity of interests. Therefore, when Parliament in 1764 began to pass legislation injurious to their commerce, the merchants of Boston, New York and Philadelphia undertook to create a public opinion favorable to preserving the conditions that had brought them prosperity. Their object was reform, not rebellion; their motives were those of a group of loyal subjects in any country intent upon securing remedial legislation. . . ." — Schlesinger, Col. Merchants, 32. . . —the Colonies protest against Grenville's scheme, May to Dec. [1764.] Woodward and Cates, Encyclopedia, 69.

18. Adams, Diary and Autobiog., Butterfield ed., I, 260; Hillsborough et al ltr to King George III, Dec. 11, 1765, Stowe Papers — America, Loc. cit.

19. Compare Carl Lotus Becker, "Nominations in Colonial New York," American Historical Review, VI (1901), 260-275, 270.

20. Identified and transmitted to the writer on microfilm through the good offices of Helen S. Mangold, Department of Manuscripts, Henry E. Huntington Library and Art Gallery.

21. Stowe Papers — America, Loc. cit.

22. Ibid.

23. ". . . in the House of Lords, Philip Yorke, Earl of Hardwicke, in a moving address . . . to the King, took a more realistic view of the American crisis when he asserted that 'the state of affairs in America . . . is indeed of the highest magnitude; if I had not heard that term so often misapplied, I should say the greatest in its extent, and likewise made by the opposition among the peerage to alter this address along the lines of the Grenville amendment in the lower house, but it was not approved. In other words, most of the members of Parliament took the position that not until the fullest information had been secured on the actual situation in the colonies were they prepared to consider a course of action. As a result, the two houses soon adjourned until January 14 of the new year." — Gipson, Coming of Rev., 106.

"In January 1766, in the debate on Repeal of the Stamp Act, George Grenville (1712-1770), who had been Prime Minister from April 1763 to July 1765, and was thus a prime mover of the series of Acts and actions which brought about the crisis in the relations of the mother country with the colonies, began the statement of his views by censuring the Ministry very severely for delaying to give earlier notice to parliament of the disturbances in America. Grenville said they began in July 1765, and only in January did the Ministry convey the information to Parliament.

He is quoted as saying that '. . . lately they were only occurrences; they are now grown to disturbances, to tumults, and riots. I doubt not they border on open rebellion; and if the doctrine I have heard this day be confirmed, I fear they will lose that name, to take that of a revolution. The government over them being dissolved, a revolution will take place in America. . . .' — Beloff, Debate, 97.

" . . . the Empire was suddenly faced with a sectional crisis as dangerous to its integrity as was the sectionalism that preceded the Civil War in America almost a century later. Both the American colonies in 1765 and the South before 1861 insisted that certain local or states' rights could not be impaired by a central authority and set forth these claims in impassioned tones." — Gipson, Coming of Rev., 86.

FOOTNOTES TO CHAPTER III: COLONIAL INITIATIVE

1. Journ. H.B., 1761-1765, liv.
2. Ibid.
3. Ibid., liv, lviii.
4. Ibid., liv-lviii. George Wythe had drawn up the petition to the House of Commons. Edmand S. Morgan and Helen M. Morgan, The Stamp Act Crisis (Chapel Hill: Univ. of N. Car. Press, 1953), 93 (cited herein-after as Morgan and Morgan, Stamp Act Crisis), citing Pa. Mag. of Hist., 34 (1910) 400.
5. Fauquier to Board of Trade, Dec. 24, 1764, quoted in Journ. H.B., 1761-1765, lviii.
6. Ibid., lviii. "Parliament had not rejected the American petitions; Parliament had simply refused to consider them at all, and thereby made painfully clear how much [a majority] of its members cared for the rights of the colonies." Morgan and Morgan, Stamp Act Crisis, 88.
7. Freeman, Washington, III, 127nl3.
8. Ibid., 127-128.
9. Ibid., 128nl6.
10. Journ. H.B., 1761-1765, 358; Freeman, Washington, III, 130-131.
 "The Stamp Act passed the House of Commons Feb. 27, 1765 and the House of Lords March 8. Royal assent was given by commission, the King then being insane, March 22. It would have been possible for a ship leaving the Thames promptly after that date to have anchored in Hampton Roads in time for its dispatches to have reached Williamsburg by May 29, but it seems more reasonable to assume that only the action of the Commons would have been known with certainty in Virginia by [the 29th of May]." — Freeman, Washington, III, 131nl26.
 "According to Edmund Pendleton, writing in 1790, the news of the Stamp Act [passage] came in a letter from Edward Montague, the Virginia agent, toward the end of the session. . . ." — Morgan and Morgan, Stamp Act Crisis, 88nl. Pendleton to James Madison, April 21, 1790, Md. Historical Society, quoted in David John Mays, Edmund Pendleton 1721-1803 (Cambridge: Harvard Univ. Press, 1952), I, 161.
 ". . . On Wednesday the 29 of May just at the End of the Session, when most of the Members had left the Town, there being but thirty nine present out of 116, of which the House of Burgesses now Consist a Motion was made to take into Consideration the Stamp Act, a Copy of which had

crept into the House" — Francis Fauquier, Lt. Gov. of Virginia, to the Lords Commissioners for Trade and Plantations, June 5, 1765, Transcript in Stowe Papers — America, Loc.cit.

As with the entire range of developments, the events of this day were taken note of by a functionary in the Ministry in August 1765, brought to the full and formal attention of King George III in December 1765 and considered by the House of Commons in January 1766, creating an ever widening breach between the home government and the American colonies. Had Grenville been as much statesman as he was politician, the matter would have been debated in Parliament in January 1765 with full consideration given to the colonial assembly petitions, rather than in 1766, under irresistible pressures for immediate repeal of the Stamp Act.

See also Gipson, Coming of Rev., 86.

11. Freeman, Washington, III, 131.
12. Morgan and Morgan, Stamp Act Crisis, 93.
13. Ibid., 89. Principal sources for description of these two days in the Virginia House of Burgesses are Journ. H.B. 1761-1765, liii-lxviii, 359-360, and "Journal of a French Traveler in the Colonies, 1765," American Historical Review, XXVI, No. 4, July 1921, 726-747. Most scholarly narratives of the events of these two days are: Freeman, Washington, III, 125-139, 592-595; and Morgan and Morgan, Stamp Act Crisis, 88-98.
14. Journ. H.B., 1761-1765, 360.
15. Annotated in Freeman, Washington, III, 131-135; and in Morgan and Morgan, Stamp Act Crisis, 91-92.
16. Freeman, Washington, III, 138.
17. "In Henry's original copy, the words 'only and exclusive' are underlined, and 'sole' is scrawled in the space above them. See the reproduction Journ. H.B., 1761-1765, frontispiece." Ibid., III, 138.
18. Quoted from Freeman, Washington, III, 135.
19. Ibid., III, 135-136. Compare "... The most Strenuous Opposers of this rash Heat / Act? / were the late Speaker The Kings Attorney, and Mr. Wythe, but they were overpowered by the Young hot and Giddy Members. In the Course of the Debates I have heard that very Indecent Language was used by a Mr. Henry A Young Lawyer who had not been a Month a Member of the House who carried all the Young Members with him" Fauquier to Lords Commissioners for Trade and Plantations, June 5, 1765, Stowe Papers — America, Loc.cit.

20. Freeman, Washington, III, 137-138.

21. Ibid., 138. The vote for this fifth Resolve, both in the Committee of the Whole House on the 29th and in the House on the 30th, had been but 20 to 19, the least majority by which any of the Resolves had carried. Journ. H.B., 1761-1765, lxxvii. See also Morgan and Morgan, Stamp Act Crisis, 93-94; Nathan Schachner, Thomas Jefferson: A Biography (N.Y.: Thomas Yoseloff, 1957), 55, cited hereinafter as Schachner, Jefferson. Despite the elimination from the Journal of the House of Burgesses of the most offending of the original five Resolves, the matter was described by the lieutenant governor to the Commissioners for Trade and Plantations in so emphatic a manner that they in turn described ". . . These Resolutions as they contain an Absolute Disavowal of the Right of the Parliam^{ent} of Great Britain to impose Taxes upon her Colonies and a daring Attack upon the Constitution of this Country. . . ." — Extract of a Representation from the Lords Commissioners for Trade and Plantations dated the 27 August 1765 with the Papers annexed. . . , included as an Attachment to Hillsborough et al, ltr to King George III, Dec. 11, 1765, Stowe Papers — America, Loc.cit.

22. Freeman, Washington, III, 593, quoting Charles Campbell, History of Virginia, 541n; see also in Freeman, Op.cit., 594-595.

23. Morgan and Morgan, Stamp Act Crisis, 98.

24. Ibid., 94.

25. Quoted in Morgan and Morgan, Stamp Act Crisis, 95. See also Commager, ed., Doc9, 57-58.

26. Morgan and Morgan, Stamp Act Crisis, 98. It is more than a mere curiosity that in transmission of papers in the matter to the King through the channels of the Ministry, the material brought into play touched upon much more than merely the Stamp Act resistance, and included mention of several major areas of control being considered by the home government for reorganization in the American colonies, viz, the frontier Indian tribes and the violation by colonies of the western boundary line of 1763:

"1. Relative to several of his Majesty's Subjects on Lands near the River Ohio in Disobedience to his Majesty's Proclamation of 7 October 1763.

"2d. Relative to Ten Cherokee Indians who were Attacked by some of the Frontier Inhabitants and the Chief and Four other Indians Massacred.

"3. Relative to the Resolutions of the House of Burgesses with respect to the late Act of Parliament for levying a Duty upon Stamps.

—"At the Court of St. James's the 6th day of September 1765," attached to Hillsborough et al, ltr to King George III, Dec. 11, 1765, Stowe Papers — America, Loc.cit.

27. Freeman, Washington, III, 140, quoting Gage to Secretary Conway, Sept. 25, 1765, in C.F. Carter, ed., The Correspondence of General Gage with the Secretaries of State, 1763-1775, I, 67.

"This example was in general followed by the other colonies . . ."
Sir Henry Clinton, The American Rebellion, ed. by William B. Willcox (New Haven: Yale University Press, 1954), 2.

28. Gipson, Coming of Rev., 88, quoting Bernard to the Board of Trade, Aug. 15, 1765, Huntington Library Mss., H.M. No. 1947, p.35; quoted also in Samuel Eliot Morison and Henry Steele Commager, The Growth of the American Republic (N.Y.: Oxford Univ. Press, 1950), I, 151, (cited hereinafter as Morison and Commager, Growth of Amer. Republic) and in Schachner, Jefferson, 56.

29. See transcripts titled "Extract from the printed Votes of the House of Representatives of the Massachusetts Bay of the 1st, 8th, 12th and 13th of June 1764," attached to Hillsborough et al., ltr to King George III, Dec. 11, 1765, Stowe Papers — American, Loc.cit.

30. ". . . he . . . began by saying that he had no orders from his Majesty to communicate to them, nor anything to offer himself but what related to their internal policy. . . ." Charles Francis Adams, "Life of John Adams," in Adams, Works, C.F. Adams ed., I, 67.

31. Prior Docs., 8-9. See also Gipson, Coming of Rev., 88-89.

32. Prior Docs., 8-9. ". . . on the very day that Patrick Henry, in the Virginia House of Burgesses, was violently denouncing the [Stamp] act and seeking to incite resistance, the Massachusetts assembly (the 'General Court') gathered in session and at once set on foot a plan to assemble a congress of all the colonies. . . ." Edmund C. Burnett, The Continental Congress (N.Y.: The Macmillan Company, 1941), 9, cited hereinafter as Burnett, Continental Congress.

33. Haraszti, John Adams, 43.

34. Ibid., 42. The daily routine of the home government was performed by clerks of varying levels of ability and discretion, who were quite uniform in considering any petition to the home government, no matter how mild, to be at very least, an expression of "most Indecent Disrespect" on the part of the colonial legislators. See papers attached to Hillsborough et al., ltr to King George III, Dec. 11, 1765, in Stowe Papers — America, Loc.cit. For an excellent statement of the "broad picture" of home government — colonial relations at this juncture see Tyler, Lit. Hist., I, 44-45.

35. Quoted in Charles Francis Adams, "Life of John Adams," in Adams, Works, C.F. Adams ed., I, 68. Members of the Committee were, in addition to the Speaker, Messrs. Ruggles, Partridge, Werthington, Winslow, Otis, Cushing, Saltinstall [?] and Sheaffe; in attachment to Hillsborough et al, ltr to King George III, Dec. 11, 1765, in Stowe Papers — America, Loc.cit.

36. ". . . they kept Secret till the last Day of their Session, when they published them in their printed Journals" In attachment to Hillsborough et al, ltr to King George III, Dec. 11, 1765, in Stowe Papers — America, Loc.cit.

37. Gipson, Coming of Rev., 88-89, quoting "Proceedings of the [Mass.] House of Representatives, June 6, 1765," Huntington Library MSS., H.M. No. 1947, 16-20. ". . . news of this plan for an American congress reached the Lords Commissioners for Trade and Plantations late in September They proceeded on October 1 [1765] to frame a representation covering both the proposed congress and the Virginia Resolves, addressing it to the King in Council. The latter thereupon referred the representation to its own committee, the Lords of the Committee of Council for Plantation Affairs, which reported on October 3. This report was considered on October 18, when it was agreed 'That it is a Matter of the Utmost Importance to the Kingdom and Legislature of Great Britain, and is of too high a Nature for the Determination of Your Majesty in Your Privy Council, and is proper only for the Consideration of Parliament. . . .'" Gipson, Loc.cit., 89, citing representation of Oct. 1, 1765, to the King in Council, Huntington Library MSS., H.M. No. 1947, 23-24, and quoting J. Munro, ed., Acts of the Privy Council of England, Colonial Series (Hereford, 1911-1912), IV, 732.

38. Attachment to Hillsborough, et al, ltr to King George III, Dec. 11, 1765, in Stowe Papers — America, Loc.cit. See also Charles Francis Adams, "Life of John Adams," in Adams, Works, C.F. Adams ed., I, 68-69.

39. Attachment to Hillsborough, et al, ltr to King George III, Dec. 11, 1765, in Stowe Papers — America, Loc.cit.; Charles Francis Adams, Loc.cit., I, 69.

40. Attachment to Hillsborough, et al, ltr to King George III, Dec. 11, 1765, in Stowe Papers — America, Loc.cit.; Charles Francis Adams, Loc.cit., I, 69; Proceedings of the Congress at New-York ([Annapolis: Printed by Jonas Green, printer to the province, 1765], 2 (cited hereinafter as Proceedings), from photostatic copy of an original in the collections of the John Carter Brown Library of Brown University, supplied through the courtesy of the John Carter Brown Library; Prior Docs., 9; Journal of the First Congress of the American Colonies, in Opposition to the Tyrannical Acts of the British Parliament. Held at New-York, October 7, 1765 (New-York: E. Winchester, 24 Ann-Street, 1845) 8-9 (cited hereinafter as Journal), from photostatic copy of an original

supplied by Gardner Osborn, Executive Secretary, Federal Hall Memorial Associates.

41. "The act of Parliament was a grievance. But the principles in the concluding paragraph of [Governor Bernard's] speech required an answer other than of words." Charles Francis Adams, Loc.cit., I, 69.

References to the episodes in the Massachusetts assembly culminating in the Circular Letter appear also in J.H. Ellis, "James Otis," American Law Review, Vol. 3, July 1869, 641-665, 659; Commager, ed., Docs. I, 57; Richard B. Morris, ed., Encyclopedia of American History (N.Y.: Harper & Brothers, 1953), 74, cited hereinafter as Morris, Encyclopedia, Gipson, Coming of Rev., 88-98; Morgan and Morgan, Stamp Act Crisis, 103; Morison and Commager, Growth of Amer. Republic, I, 151; Schachner, Jefferson, 55.

"Thus far in his career, this protagonist for colonial rights [James Otis] had grappled only with the subordinate and local agents of the English government, — with such small foemen as custom-house officers, provincial judges, and colonial governors, all of whom he was at liberty to treat as though they misrepresented the benignant and free spirit which he adroitly assumed as the commanding trait, not only of the British empire, but of its King and of its king's ministers. Behind this pleasant fiction, however, he was not long permitted to conduct the controversy. The new zeal of English officers in America had been the result of a new and a sterner policy on the part of the government in England; and by the middle of the year 1764, Otis found it necessary to look beyond the petty colonial agents and consignees of the imperial authority, and to address his appeals directly to that authority itself."

—Tyler, Lit.Hist., I, 44.

42. (London: Printed for J. Wildie, in St. Paul's Church-yard, 1765). Copy consulted in the Rare Book Room, N.Y. Public Library.

43. Pp. 22-23.

44. Text as it appears in Proceedings, I-2. See also in Prior Docs., 26; Journal, 7-8; Attachments to Hillsborough et al, ltr to King George III, Dec. 11, 1765, in Stowe Papers — America, Loc.cit.

45. Morgan and Morgan, Stamp Act Crisis, 102-103.

46. Ibid., 102, citing Connecticut Historical Society, Collections, 18 (1920), 284-285.

47. Morgan and Morgan, Stamp Act Crisis, 102-103.

48. June 29, 1764, Ibid., 103, quoting from Bernard Papers, III, 157, in Harvard College Library.

49. Proceedings, 6, quoting New York General Assembly, Journal of the Votes and Proceedings of the General Assembly of New-York, II, April 4, 1761.

50. Proceedings, 6-7, quoting Ibid., II, Oct. 18, 1764.

51. As a prospect for the researcher this remains almost virgin territory.

52. Adams to Morse, Dec. 22, 1815, in Adams, Works, C.F. Adams ed., X, 192-197, 196; "Editor's Note," The Journal of American History, Vol. 19, No. 1, Jan-Mar 1925, 83; "Old New York Coffee-Houses," Harper's Magazine, LXIV, No. 382, March 1882, 481-499, 492.

"Livingston was chairman of the New York committee of correspondence appointed to concert measures with the other colonies in opposition to the execution of the Stamp Act, and was one of the earliest promoters of the movement which culminated in the Stamp Act Congress." —Robert C. Hayes, "Robert R. Livingston," Dictionary of American Biography (N.Y.: Charles Scribner's Sons, 1933), Vol. 11, 319-320, 320, cited hereinafter as D.A.B.

53. Burnett, Continental Congress, 19; Schlesinger, Col. Merchants, 393.

54. Proceedings, 2; Journal, 9.

55. Proceedings, 3, 4-5, 7-8, 10-11, 11-13.

56. Ibid., 7, 8-10.

57. Ibid.

58. Ibid., 6-7; Becker, Hist. of Pol. Parties, 26-27.

59. Proceedings, 24-25, 27.

60. Ibid., 2-3, 7-11.

61. Ibid., 4-5, 11-13; Richard Frothingham, The Rise of the Republic of the United States (Boston: Little, Brown and Co., 1872), 184-189, referred to hereinafter as Frothingham, Rise of the Republic. See also Livingston to [?], Nov. 2, 1765, Livingston Papers, 25-26, Bancroft Transcripts, N.Y. Public Library.

62. See, for example "Colonial Roads," Plate #55 in James Truslow Adams and R.V. Coleman, Eds., Atlas of American History (N.Y.: Charles Scribner's Sons, 1943). For brief summary of difficulty of travel and, consequently, of intercolonial personal contact, see Schlesinger, Prelude to Independence, 5.

63. George W. Edwards, "New York City Politics Before the American Revolution," Political Science Quarterly, Vol. 36, 1921, 586-602, 586-587. In the same place the denominational interests are delineated as Anglican, Dutch Reformed, Presbyterian and Lutheran, with Catholics, Jews and Quakers playing practically no role in the city's affairs. Ibid.

64. Ibid., 598.

65. 3223 houses in 1766. Esther Singleton, Social New York Under the Georges, 1714-1776 (N.Y.: D. Appleton and Co., 1902), 37, cited hereinafter as: Singleton, Social New York.

66. Ibid.

67. Martha J. Lamb, "The Golden Age of Colonial New York," Magazine of American History, XXIV, No. 1, July 1890, 1-30, 3.

68. Ibid.

69. Ibid., 4-5.

70. Ibid., 6.

71. Ibid., 5,7.

72. Ibid., 20-22; Singleton, Social New York, 37.

73. The third story was added between 1763 and 1765. For description at an earlier period, see William A. M. Smith, The History of the Province of New York from the First Discovery to the Year MDCCXXXII, quoted in W.L. Andrews, New Amsterdam, New Orange, New York (N.Y.: Dodd, Mead and Co., 1897), 124-125. For a comprehensive account of the appearance and utility of the structure during the nine decades of its life, see Louis Torres, "A Construction History of the City Hall on Wall Street and the Building's Historic Associations 1699-1788" [Typescript] (N.Y.: Statue of Liberty National Monument, 1962), cited hereinafter as Torres, "Constr. Hist.". For the New York City Hall in 1765, see Torres, "Constr. Hist.", Chapters 3 and 4, passim.

74. Torres, "Constr. Hist.", 48-49, 54-58, 60.

75. Noah Webster, "General Description of the City of New York," The American Magazine, March 1788, p. 221, quoted in Torres, "Constr. Hist.", 55-56.
76. W.P. and Julia P. Cutler, Life, Journals and Correspondence of Manasseh Cutler, LL.D. (Cincinnati: Robert Clarke & Co., 1888), 237-238, quoted in Torres, "Constr. Hist.", 57.
77. Torres, "Constr. Hist.", Chapter 4, passim, esp. 72-75.
78. Becker, Hist. of Pol. Parties, 5-6; Frederick Trevor Hill, The Story of a Street (N.Y.: Harper and Bros., 1908), 48-49; George W. Edwards, "New York City Politics Before the American Revolution," Loc.cit., 586.
79. Becker, Hist. of Pol. Parties, 6.
80. Proceedings, 6, quoting N.Y. General Assembly, Votes and Proceedings of the General Assembly of New York, April 4, 1761.
81. Mary Louise Booth, History of the City of New York (N.Y.: W.R.C. Clark, 1866), 408, cited hereinafter as Booth, History.
82. Proceedings, 6-7, quoting N.Y. General Assembly, Votes and Proceedings of the General Assembly of New York, October 18, 1764.
83. N.Y. General Assembly, Votes and Proceedings of the General Assembly of New York, II, 781, Oct. 20, 1764, Nov. 12, 1765; "Hutchinson Correspondence, 1762-1769," I, Bancroft Transcripts, N.Y. Public Library. N.Y. Mercury, Sept. 30, 1765, No. 727, Oct. 14, 1765, No. 729.
84. One undocumented note contra did appear, viz, "The Stamp-Act Congress assembled in the City Hall, in the room where thirty years before Andrew Hamilton had pleaded the cause of John Peter Zenger. . . ." Rufus R. Wilson, New York: Old and New Its Story, Streets and Landmarks (Phila.: J.B. Lippincott Co., 1903), II, 84. Other references state as blandly that the Assembly Chamber was the meeting-room, as, for example: ". . . when on Monday, October 7, gathered in the Assembly Chamber of the City Hall at New York the Stamp Act Congress called for that date." Daniel Van Pelt, Leslie's History of the Greater New York (N.Y.: Arkell Publishing Co., 1898), I, 174.
85. ". . . on the authority of the late Henry Cruger, of this city, . . . the first movement toward this Convention was made by two gentlemen of New York city, Mr. John Cruger and Mr. Robert Livingston, the former of whom was at that time Mayor of the city, and Speaker of the House of Assembly,

. . . . These gentlemen (with three others) had been appointed a committee of the House of Assembly to correspond, as well with their agent in Great Britain, as with the Assemblies of the other Colonies, on the subject of opposing the Stamp Act, and other oppressive Acts of Parliament. In the discharge of these duties, Mr. Cruger and Mr. Livingston took great interest, and prosecuted their correspondence with great zeal and assiduity, urging upon the Colonial Assemblies the necessity of holding a Convention of Delegates, to remonstrate and protect against the continued violation of their Rights and Liberties. In compliance with these suggestions, the subject was earnestly discussed in the Assembly of Massachusetts, and a circular letter issued by that body to the Legislatures of the sister Colonies, recommending that the proposed Congress be held in the city of New York on the first Tuesday of October 1765. At this time and place, the Delegates accordingly assembled,

"In a subsequent number of Niles's National Register, under the present able editor, are the following remarks upon this ancient document:

"The proposal for holding a Congress of Delegates from the respective Colonies, was made by the corresponding committee of the New York Assembly, (appointed in October, 1764,) and was repeatedly agitated in the different legislatures. At length the Assembly of Massachusetts issued a circular letter, proposing the first Tuesday of October, 1765, as the day of their meeting, at the city of New York. To this the other colonies assented, and on that day (or rather on the first Monday,) the proposed Congress commenced their session,"

"

"To Jeremiah Hughes, Esq., Editor of Niles's Weekly Register:

"Dear Sir: — In passing through Baltimore, last month, I had the pleasure of a short conversation with you on the subject of . . . that rare and valuable work of Mr. Niles, entitled, "The Acts and Principles of the Revolution. . . . In this venerable Journal of that Convention no mention is made of the mater-spirits in the city of New-York who first suggested and carried through this most important movement, which may most properly be termed the fountain spring of our Revolution and Independence. . . . These gentlemen were Robert Livingston and John Cruger, whose names you find among the first on the roll of that Convention. . . . In the year of its session he held the important offices of Speaker of the Assembly and Mayor of the city of New-York, and was, in other respects, one of its most distinguished citizens. . . ."

—Journal, iii, v, vi, 45-46.

See also Charles Worthen Spencer, "John Cruger," D.A.B., Vol. 4, p. 582; f.n. #52, above.

86. Torres, "Constr. Hist.," 72-75.

87. Proceedings, 6-7; Morgan and Morgan, Stamp Act Crisis, 103.

88. Colden to Sir William Johnson, Colden Papers, Vol. 3, 1764-1767, N.Y. Public Library.
89. Labaree, Royal Government in America, 415.
90. Ibid., 415-416. See also John Watts to Sir William Baker, Oct. 12, 1765, in John Watts, Letter Book of John Watts: Merchant and Councillor of New York, January 1, 1762 - December 22, 1765 (N.Y.: Collections of the N.Y. Hist. Soc. for the Year 1928. The John Watts DePeyster Publication Fund Series, LXI, 1928), 390-391, cited hereinafter as Watts, Letter Book.
91. Watts to James Napier, Sept. 23, 1765, Watts, Letter Book, 385; Schlesinger, Col. Merchants, 67-68.
92. Colden to Sir William Johnson, Aug. 31, 1765, Colden Papers, Vol. 3, 1764-1767, N.Y. Public Library.
93. Labaree, Royal Government in America, 418-419.
94. Colden to Henry Seymour, Sept. 23, 1765, Colden Papers, Loc.cit.; Colden to Conway, ltr Sept. 23, 1765, O'Callaghan, ed., Docs., VII, 759-761.
95. Ibid.; Colden to Johnson, Aug. 31, 1765, Colden Papers, Loc.cit.
96. Becker, Hist. of Pol. Parties, 28.
97. Gage to Colden, Aug. 31, 1765, Colden Papers, Vol. 3, Loc.cit.; Alden, Gen. Gage, 114.
98. Gage to Colden, Aug. 31, 1765, Loc.cit.
99. Colden to Gage, Sept. 2, 1765, Colden Papers, Vol. 3, Loc.cit.; Colden to Conway, ltr Sept. 23, 1765, Loc.cit.
100. Minutes of Council, Sept. 7, 1765, Colden Papers, Loc.cit.
101. Ibid., also loc.cit., Sept 9, 1765; Alden, Gen. Gage, 114; Colden to Conway, ltr, Sept. 23, 1765, Loc.cit.
102. Colden to Conway, Sept. 23, 1765, Colden Papers, Loc.cit.; O'Callaghan, ed., Docs., VII, 759-761; Alden, Gen. Gage, 114-115.
103. Colden to Conway, Sept. 23, 1765, Loc.cit.

104. Ibid.

105. Alden, Gen. Gage, 116.

106. Ibid.

107. Schlesinger, Prelude to Independence, 73. See also Colden to Conway, Sept. 23, 1765, Loc.cit., Oct. 12, 1765, Colden Papers, Loc.cit.; Arthur M. Schlesinger, "The Colonial Newspapers and the Stamp Act.", New England Quarterly, VIII, No. 1, March 1935, 63-83, 69-70.

108. "Enclosed is, as nearly as I can recollect, the copy of my report to Genl Gage, delivered yesterday afternoon. Your hon^{ored} friendship for me will sufficiently justify my presenting you with this copy for your private perusal xx" — Montresor to Colden, Sept. 6, 1765, Colden Papers, Loc.cit. See also, I.N. Phelps Stokes, The Iconography of Manhattan Island (N.Y.: Robert H. Dodd, 1928), IV, 750, referred to hereinafter as Stokes, Iconography. Re Montresor, see Ibid., VI, 496.

109. See Becker, Hist. of Pol. Parties, 21.

110. Dartmouth, Dyson, Roberts and Fitzherbert to the Kings Most Excellent Majest^y, October 1, 1765, Attachment to Hillsborough et al, ltr to King George III, Dec. 11, 1765, Stowe Papers — America, Loc.cit. See also Becker, Hist. of Pol. Parties, 26-27; Burnett, Continental Congress, 9-10; J.H. Ellis, "James Otis," American Law Review, Vol. 3, July 1869, 641-665, 659; Morgan and Morgan, Stamp Act Crisis, 103; Morris, Encyclopedia, 74-75; John Adams, History of the Dispute with America: from its origin in 1754, 24.

FOOTNOTES TO CHAPTER IV: THE CONGRESS

1. Proceedings, 6-7; Prior Docs., 27; Journal, 8, 14-16; see also: Thomas Jefferson Wertenbaker, Father Knickerbocker Rebels (N.Y.: Charles Scribner's Sons, 1948), 11.
2. New-York Mercury, Sept. 16, 1765, No. 725; Robert H. Woody, "Christopher Gadsden and the Stamp Act," South Carolina Historical Association, Proceedings, 1939, 3-12, 4.
3. Proceedings, 11-13; Prior Docs., 27; Journal, 8, 22-25. The S. Car. assembly voted six hundred pounds sterling expenses to its Commissioners to the Stamp Act Congress. Proceedings, 12; Journal, 24.
4. By October 1, of the nine colonies that would ultimately be represented, only Maryland and New Jersey Commissioners were not yet on hand. Frothingham, Rise of the Republic, 184, citing Boston Post Boy, Oct. 14, 1765.
5. Proceedings, 2-3; Prior Docs., 27; Journal, 8, 9-10.
6. Proceedings, 3; Prior Docs., 27; Journal, 8, 10-11. The Rhode Island Commissioners arrived Sept. 28. Stokes, Iconography, IV, 750, citing N.Y. Merc., Sept. 30, 1765.
7. Proceedings, 4-5; Prior Docs., 27; Journal, 8, 11-14.
8. Proceedings, 7-8; Prior Docs., 27; Journal, 8, 16-18. The Proceedings and Prior Docs. both used the spelling: "Dickenson" for "Dickinson". The Penna. commissioners arrived Sept. 28. Stokes, Iconography IV, 750, citing N.Y. Merc., Sept. 30, 1765.
9. Proceedings, 8-10; Prior Docs., 27; Journal, 8, 18-21. Delaware elected a third Commissioner, Jacob Kellock, who did not report to New York City and attended no meetings of the congress. Proceedings, 9-10; Journal, 18-21; Gipson, Coming of Rev., 96n31.
10. Prior Docs., 10; cited also in Booth, History, 412-413, but without source citation.
11. "Blackstone confines the offence [of conspiracy] to malicious accusation, and enters into the discussion of no other species of confederacy . . . At the present day the meaning of the offence is much more extensive. Chitty's Criminal Law, 1138." William Blackstone, Commentaries on the Laws of England, W.L. Draper, ed. (Phila., George T. Bisel Co., 1928), IV, 136n44. See also Oliver Wendell Holmes, Jr., The Common Law (Boston: Little, Brown and Company, 1946), 141-142.
12. ". . . no laws had been enacted against such a contingency." Bowen, Jehn Adams, 280.

13. "Debates on the Declaratory Act and the Repeal of the Stamp Act, 1766," American Historical Review, XVII (April 1921), 563-586, 568-569; Beloff, ed., Debate, 90-91.

14. Such problems are a continuing bane to administrators whose office is by appointment. See, for example, William Seagle, Law: The Science of Inefficiency (N.Y.: The Macmillan Co., 1952), 102-103, 121, 147. "Although it is apparent that the obstructive devices of criminal procedure, as well as the existence of criminal codes, which themselves act as rigid limitations upon the effective treatment of criminal law enforcement, they are not often discussed as obstructions or evasions. Instead, they are designated grandly as 'the safeguards of liberty.' As long as it is recognized that the protection of liberty is more important than the suppression of crime, the criminal law will remain hopelessly inefficient. The state is the Leviathan, and the criminal law is the means of its power. Ever since states have existed they have been regarded with fear and hostility, and curbs upon their tremendous powers have been sought. The checks of the modern criminal law, which were devised in the eighteenth century, are still regarded not as 'an outworn bit of Eighteenth Century romantic rationalism' but as 'an indispensable need for a democratic society.' (Justice Frankfurter in Harris v. United States, 331 U.S. 145, 161, 1947.)" Seagle, Op.cit., 121.

15. "I have at all times endeavoured to perform my duty and in some instances where I perceived the doing of it would be greatly prejudicial to my private interest; and I beg you'll be assured, Sir, that I shall continue to do so while the Administration is in my hands:" Colden to Conway, Sept. 23, 1765, Loc.cit.

16. Frothingham, Rise of the Republic, 184, citing Boston Post Boy, Oct. 14, 1765.

17. Proceedings, 10-11; Prior Docs., 27; Journal, 8, 21-22.

18. Proceedings, 7; Prior Docs., 27; Journal, 8, 16.

19. Proceedings, 2; Prior Docs., 26; Journal, 8, John Dickinson, ltr to his mother, Oct. 7, 1765, John Dickinson Papers, 1756-1769, D-16-3, Section 2, Robert R. Logan Coll., HSP: "on Monday last the commissioners from the several colonies appointed for holding the general Congress, being all arrived, assembled and entered upon Business — The most important that ever came under Consideration in America," New-York Mercury, Oct. 14, 1765, No. 729, See also New York Mercury, Oct. 7, 1765 No. 728.

20. The extant records of the congress, all printed, none in manuscript form, relate that Ruggles counted the ballots for the office of chairman, the only indication in the records extant that he served as temporary Chairman. That he was elected permanent Chairman of the congress is support for the hypothesis as to his serving as temporary chairman. Proceedings, 13; Prior Docs., 27; Journal, 25.

21. Ibid.; Thomas McKean to John Adams, Aug. 20, 1813, McKean Papers, Vol. IV, p. 25, HSP; Adams, Works, C.F. Adams ed., X, 60-62.

22. Proceedings, 13; Prior Docs., 27; Journal, 25. ". . . Mr. James Otis appeared to me to be the boldest and best speaker. I voted for him as our President, but Brigadier Ruggles succeeded by one vote, owing to the number of the committee from New York, . . ." McKean to Adams, Aug. 20, 1813, Loc.cit. See also Gipson, Coming of Rev., 198.

23. Proceedings, 13; Journal, 25.

24. Ibid. "At this time and place, the Delegates accordingly assembled, although it was an earlier day than had at first been contemplated, and before the regular sessions of the Assemblies in some of the Colonies took place, to allow of their making an official appointment of Delegates; in consequence of which a rule was adopted to admit as Delegates several committees of the members of Assembly from such Colonies." Journal, iii-iv. If there was to be a congress at all, it was vital that it be convened, that it function and disperse before the cumbersome bureaucracy of the Ministry could act in the matter, so that this crucial procedure of the acceptance of ad hoc credentials without debate attests to the premeditation of the managers of the meeting in their understanding of what they were about. This swift disposal of the problem of validation of ad hoc credentials had about it most decidedly the taste of a revolutionary body.

25. Proceedings, 13; Journal, 25.

26. Ibid.

27. Ibid.

28. A trace of one such ms. appeared during the research proceeding this paper. At the foot of a page in the Colden Papers in the N.Y. Public Library Mss. Div., is a handwritten note reading, "Mem. Wm. B. Reed of Philadelphia has Charles Thomson's Journal of Congress of 1765." Colden Papers, Vol. 3, 1764-1767, 207.

"I can at length furnish you with a copy of the proceedings of the Congress held at New York in 1765; it is inclosed herewith. After diligent enquiry I had not been able to procure a single copy,

either in manuscript or print, done in the United States, but fortunately met one, published by I. Almon in London, in 1767, with a collection of American tracts in four Octavo volumes, from which I caused the present one to be printed: it may be of some use to the historian at least." McKean to Adams, Aug. 20, 1813, Loc.cit.

The editor of the most comprehensive published edition of the records of the congress, published in 1845, commented:

"The following Journal of the first Congress, or Convention, of the American colonies, to oppose the tyrannical Acts of Great Britain, was found (with the official signature of John Cotton, Clerk,) among the papers of the Hon. Caesar Rodney, the Delegate from Delaware, by his nephew, Caesar A. Rodney, Esq., and was by him handed to Mr. Niles, of the 'National Register' for publication, in the year 1812, after having been long sought for in vain by the statesmen of that day. Of this interesting and fortunate discovery, Mr. Niles gives a brief account, which he has prefixed to the first page of the Journal. . . .

"INTRODUCTORY REMARKS.

"Journal of the First American (Or Stamp Act) Congress, of 1765

"Remarks of Mr. Niles, in the 'National Register,' of July, 1812.

"We have several times promised to treat our readers with a correct copy of this venerable manuscript, detailing the first movements of the friends of freedom in the New World. It is an official copy, under the signature of John Cotton, Esq., Clerk to that illustrious body; and we have reason to believe the only one extant. It was handed to the editor by his much respected friend, Caesar A. Rodney, Esq., of Delaware, who found it among the papers of his late revered uncle, the estimable and patriotic Caesar Rodney, one of the Delegates, and for many years the great prop and stay of Whigism in his native State. On a loose sheet of paper in the manuscript book is a list of the members, which we have prefixed to the Journal itself, in the handwriting of Caesar Rodney. We are thus particular, to show the entire authenticity of this venerable document, which, we are informed, many of our sages have sought for in vain. In this Journal the reader will not find anything to astonish or surprise him, but much to admire and revere. In every line he will discover a lofty spirit of decision and firmness, totally irreconcilable with a state of servitude, and highly worthy of imitation at the present day. . . .

"In a subsequent number of 'Niles's National Register,' under the present able editor, are the following remarks upon this ancient document:

"The First American Congress. — Competition for the honor of originating the American Revolution, has been the occasion of retrieving a precious relic from oblivion. It is to be hoped that the incentive may still operate, for the sake of making the present as well as future generations better acquainted with the men and the principles of that eventful period. . . .'" Journal, iii, iv-v.

29. Proceedings, 13; Journal, 25-26.
30. Proceedings, 13; Journal, 26.
31. Proceedings, 13-15; Journal, 26-27.
32. For interpretations of this concept, see Morison and Commager, Growth of Amer. Republic, 151; Morgan, Birth of the Republic, 27; Burnett, Continental Congress, 11.
33. Tyler, Lit.Hist., 30.
34. "This event, so important in light of the subsequent trend toward union, received scarcely any contemporary mention in the newspapers, even at New York." Schlesinger, Col. Merchants, 75. Even the scant local newspaper reports were worded as rumors. For example: "We hear they have already begun their Conferences, which it is supposed will be continued a sufficient Time to answer the Purposes of their appointment." New-York Mercury, Oct. 7, 1765, No. 728.
35. In John Dickinson Papers, 1756-1769, D-16-3, Section 2, Robert R. Logan Coll., HSP.
36. Alden, Gen. Gage, 117.
37. Morgan and Morgan, Stamp Act Crisis, 104, citing Sparks mss., 43, British mss., IV, Harvard College Library.
38. Morgan and Morgan, Op.cit., 104.
39. Alden, Gen. Gage, 117.
40. ". . . an Assembly of the greatest Ability I ever Yet saw." Caesar Rodney to Thomas Rodney, Oct. 20, 1765, quoted in Caesar Rodney, Letters to and from Caesar Rodney, 1756-1784, George H. Ryden, ed. (Phila.: Univ. of Penna. Press, 1933), 25, cited hereinafter as Rodney, Letters.
41. Morgan and Morgan, Stamp Act Crisis, 105.
42. Bernard to Ruggles, Sept. 28, 1765, Bernard Papers, IV, 72. cited in Morgan and Morgan, Op.cit., 105.
43. Oct. 12, 1765, Clarence E. Carter, ed., The Correspondence of General Thomas Gage with the Secretaries of State, 1765-1775 (New Haven, 1931), I, 69-70, quoted in Morgan and Morgan, Op.cit., 105.

44. Gage to Conway, Oct. 12, 1765, extracted in "England and America, Jan. 1764-Dec. 1765," 506, Bancroft Transcripts, N.Y. Public Library.

45. Proceedings, 15; Prior Docs., 27; Journal, 27.

46. Proceedings, 15-16; Prior Docs., 27-28; Journal, 27-29. Reprinted from Proceedings, 15-16, in Morgan and Morgan, Stamp Act Crisis, 105-107.

47. ". . . I take their resolves to be pretty much upon the Philadelphia Plan with some elucidations, I mean the resolves of that Colony. . . ." Watts to Monckton, Oct. 26, 1765, Watts, Letter Book, 396-397.

48. Morgan and Morgan, Op.cit., 107. In this same volume is an admirable synthesis from all available materials of the expressions of opinion which must have shaped in debate and conference the results of the congress. Ibid., 107-113. See also Livingston Papers, 25, in Bancroft Transcripts, N.Y. Public Library.

49. Frothingham, Rise of the Repub., 185.

50. Burnett, Continental Congress, 10; Gipson, Coming of the Rev., 95.

51. See for example Robert H. Woody, "Christopher Gadsden and the Stamp Act," South Carolina Historical Association, Proceedings, 1939, 3-12.

52. Eliphalet Dyer to William Samuel Johnson, Dec. 8, 1765, "Connecticut Papers, 1759-1776," p. 87, Bancroft Transcripts, New York Public Library; Adams to Morse, Dec. 22, 1815, in Adams, Works, C.F. Adams ed., X, 192-197, 196; Winsor, ed., Mem. Hist. of Boston, III, 15, Schlesinger, Col. Merchants, 76.

53. Rodney to Mr. Wilner, n.d., Papers of Caesar Rodney, Historical Society of Delaware.

54. Ibid.

55. For many years the draft of the declaration was attributed to John Cruger of New York. Journal, 27n; C.W. Spencer, "John Cruger," D.A.B., Vol. 4, p. 582; John Dickinson, The Writings of John Dickinson, Vol. I, Political Writings 1764-1774, Paul Leicester Ford, ed., in Historical Society of Pennsylvania, Memoirs, XIV (Phila.: Historical Society of Penna., 1895), 182, referred to hereinafter as Dickinson, Writings, P.L. Ford ed.

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The view that John Dickinson deserves credit for the working draft of the declaration has received general — but not universal — acceptance since publication in 1895 of Ford's edition of the Writings. See Dickinson, Writings, P.L. Ford ed., ix-xi, 171-188, esp. 182. "Although Dickinson was not a member of this Committee, he prepared a draft, the similarity of which with the resolutions as adopted indicates that he was practically the scribe of the committee. This draft is printed from the original preserved among his own papers." Ibid., 171. Ford printed the working draft and the adopted declaration in parallel columns. Ibid., 183-187.

"The Resolutions were probably drafted by John Dickinson, though there is some support to the claim that they are from the pen of John Cruger of New York." Commager, Docs., 57.

56. Proceedings, 16; Prior Docs., 28; Journal, 29-30.

57. Ibid.

58. Dickinson, Writings, P.L. Ford ed., 189-196.

59. Proceedings, 17-19; Prior Docs., 28-30; Journal, 30-34.

60. Proceedings, 16; Prior Docs., 28; Journal, 30.

61. Proceedings, 17, 19-24; Prior Docs., 28-29, 30-33; Journal, 30-31, 34, 41.

62. Proceedings, 24; Prior Docs., 34; Journal, 41. Texts of the three statements are in Proceedings, 17-24; Prior Docs., 29-34; Journal, 31-41.

63. Proceedings, 24; Prior Docs., 34; Journal, 41.

64. Tyler, Lit.Hist., 112-114.

65. Returning to Boston, Ruggles was censured by the Mass. assembly and not permitted to enter a statement in its journal in defense of his refusal to sign the papers produced by the Stamp Act Congress. John Adams, "Diary," Aug. 29, Sept. 3, 1774, in Adams, Works, C.F. Adams ed., II, 358, 364; McKean to Adams, Aug. 20, 1813, Loc.cit.; Charles Fairman, "Timothy Ruggles," D.A.B., Vol. 16, 221-222, 221; Gipson, Coming of Rev., 101; Bowen, John Adams, 281. "Otis says that when they came to sign, Ruggles moved that none of them should sign, but that the petitions should be carried back to the Assemblies to see if they would adopt them. This would have defeated the whole enterprise. . . ." John Adams, "Diary," Jan. 16, 1766, Loc.cit.,

II, 180. For the reprimand of Ruggles by the Speaker of the Mass. assembly, see the Pennsylvania Gazette, Feb. 27, 1766, for his defense see Ibid., May 15, 1766, cited in Gipson, Coming of Rev., 101n2.

66. Proceedings, 26; Prior Docs., 35; Journal, 44; Watts to Monckton, Oct. 26, 1765, Watts, Letter Book, 396-397; New-York Mercury, Oct. 28, 1765, No. 731.

FOOTNOTES TO CHAPTER V: CRISIS IN NEW YORK CITY

1. Frothingham, Rise of the Repub., 184.
2. Gipson, Coming of the Rev., 103.
3. Alden, Gen. Gage, 118, citing Gage Correspondence, I, 70.
4. Ibid.
5. Robert R. Livingston to Monckton, Nov. 8, 1765, Transcripts of Robert R. Livingston Letters, N.Y. Public Library; F.L. Engelman, "Cadwallader Colden and the New York Stamp Act Riots," William and Mary Quarterly, 3d Ser., Vol. 10, No. 4, Oct. 1953, 560-578, 568; Stokes, Iconography, IV, 751.
6. Watts to Monckton, Oct. 26, 1765, Loc.cit.; Gipson, Coming of the Rev., 103; Watts, Letter Book, 397nl93.
7. New York Gazette, Oct. 24, 1765, in Colden Papers, Vol. 3, 1764-1767, p. opp. 213, N.Y. Public Library; also in Engelman, Loc.cit., 568.
8. See above, p. 41. See also Stokes, Iconography, IV, 751.
9. See f.n. #7, above; Minutes of Governor's Council held at Fort George, Oct. 23, 1765, Colden Papers, 263, Loc.cit.; Stokes, Iconography, IV, 751.
10. Ingersoll to Colden, Oct. 31, 1765, Colden Papers, 221, Loc.cit.
11. See f.n. #7, above; Colden to Conway, Oct. 26, 1765, Colden Papers, 213, Loc.cit.; Robert R. Livingston to Monckton, Nov. 8, 1765, Loc.cit. See also Becker, Hist. of Pol. Parties, 29-30; Gipson, Coming of Rev., 103.
12. Livingston to Monckton, Nov. 8, 1765, Loc.cit.; "Council held at Fort George . . . Oct. 24, 1765," Colden Papers, 265-267, 265, Loc.cit.; Colden to Conway, Oct. 26, 1765, Loc.cit.; Alden, Gen. Gage, 118; Becker, Hist. of Pol. Parties, 28; Engelman, Loc.cit., 568; Stokes, Iconography, IV, 751. Montresor wrote that 2000 persons were at the Battery as the Edward sailed into port. Stokes, Loc.cit.
13. See correspondence described in and attached to Hillsborough et al, ltr to King George III, Dec. 11, 1765, Loc.cit.

14. "Copy of an Order of his Majesty's in Council directing Mr. Secry Conway to Signify his Majesty's pleasure to the several Govrs in North America to cause a Stop to be put to the Riots in Oppositn to the Stamp Act, At the Court at St. James's the 23d of Octr 1765," Attachment No. 12 to Hillsborough et al, ltr to King George III, Dec. 11, 1765, Loc.cit. Note the contemporary comment by John Watts: ". . . the Management is so unintelligible at home [i.e., the Home Government] it would puzzle a Newton." Watts to Moses Frank, Nov. 9, 1765, Watts, Letter Book, 398.
15. Colden to Conway, Oct. 26, 1765, Loc.cit.
16. "[Minutes] At a Council held at Fort George in the City of New York on Thursday the twenty fourth day of October 1765," Colden Papers, Loc.cit.; Colden to Conway, Oct. 26, 1765, Loc.cit.
17. Council Minutes, Oct. 24, 1765, Loc.cit.
18. Stokes, Iconography, IV, 751, quoting N.Y. Post-Boy, Oct. 24, 1765.
19. Council Minutes, Oct. 24, 1765, Loc.cit.; Colden to Conway, Oct. 26, 1765, Loc.cit.; Becker, Hist. of Pol. Parties, 29.
20. Becker, Hist. of Pol. Parties, 29; ". . . I suspected they were desirous I should press a Sloop, that they [the populace?] might have an opportunity to begin a riot; I therefore desisted from that design, and desired the Captains of the King's Ships to assist in removing the goods to make room to have the Packages with the stamped Papers taken out. . . ." Colden to Conway, Oct 26, 1765, Loc.cit.
21. Colden to Conway, Oct. 26, 1765, Loc.cit.; Alden, Gen. Gage, 118; Watts, Letter Book, 397; Becker, Hist. of Pol. Parties; 29.
22. Colden to Conway, Oct. 26, 1765, Loc.cit. "... our New Governor who is hourly expected." Collector, Port of New York, to Commissioners of Customs, London, ltr, Nov. 4, 1765, Attachment No. 5 to Hillsborough, et al, ltr to King George III, Dec. 11, 1765, Stowe Papers — America, Loc.cit. "Sir Henry Moore has been daily expected above a fortnight past." Colden to Conway, Nov. 9, 1765, O'Callaghan, Docs., VII, 773-774, 774.
23. Professor Alden writes that Colden ". . . intended to do nothing more." Alden, Gen. Gage, 118-119. Colden himself states that he was "resolved to have the Stamped Papers ready to be delivered at the time the law directs. . . ." Colden to Conway, Oct. 26, 1765, Loc.cit.

24. David Colden to Commissioners Stamp Office, Oct. 26, 1765, Colden Papers, 217, Loc.cit.
25. Ibid.
26. Council Minutes, Oct. 31, 1765, Colden Papers, 267, Loc.cit.; Alden, Gen. Gage, 119; Engelman, Loc.cit., 569n29.
27. Robert R. Livingston to Monckton, Nov. 8, 1765, Bancroft Transcripts, N.Y. Public Library; Engelman, Loc.cit., 570.
28. Schlesinger, Col. Merchants, 78.
29. "Non-Importation Agreements," American Historical Record, Vol. 3, No. 28, April 1874, 157-159; "Old New York Coffee-Houses," Harper's Magazine, LXIV, No. 382, March 1882, 481-499, 492. "Burn's Coffee-House in 1765," [illus.], American Historical Record, Vol. 3, No. 28, 158. See also John Austin Stevens, "Old New York Taverns," Harper's Magazine, LXXX, No. 480, May 1890, 842-864, 858. "If the American Revolution was 'cradled' in any place, it was in the urban public houses." Bridenbaugh, Cities in Revolt, 358-359.
30. Schlesinger, Col. Merchants, 5, 78. See also Robert R. Livingston to [unknown], Nov. 2, 1765, Livingston Papers, 25, Bancroft Transcripts, N.Y. Public Library; Livingston to Monckton, Nov. 8, 1765, Loc.cit.; Alden, Gen. Gage, 119; Becker, Hist. of Pol. Parties, 30; Booth, History, 414, 417; Stokes, Iconography, IV, 752; Wertenbaker, Father Knickerbocker, 11.
31. Schlesinger, Col. Merchants, 78; Booth, History, 417; Stokes, Iconography, IV, 752; Wertenbaker, Father Knickerbocker, 12. See also Engelman, Loc.cit., 570.
32. Alden, Gen. Gage, 119; Becker, Hist. of Pol. Parties, 30; Wertenbaker, Father Knickerbocker, 12. The committee consisted of John Lamb, Isaac Sears, William Willen, Gershom Mott and Thomas Robinson. Booth, History, 417.
33. Schlesinger, Col. Merchants, 79, 80.
34. Ibid., 78
35. Morgan and Morgan, Stamp Act Crisis, 113.
36. Gipson, Coming of Rev., 101.

37. Collector, Port of New York to Commissioners of Customs, London, ltr, Nov. 4, 1765, attachment No. 5 to Hillsborough et al, ltr to King George III, Dec. 11, 1765, Stowe Papers — America, Loc.cit.; Gipson, Coming of Rev., 103.
38. Engelman, Loc.cit., 570, quoting Montessoro, Journals, 336.
39. Engelman, Loc.cit., 570, "I have . . . been . . . informed, that a riot, or tumultuous proceedings, were intended this day or tomorrow. . . ." Colden to John Cruger, Oct. 31, 1765, Colden Papers, 225, Loc.cit.
40. Engelman, Ibid.
41. Montessoro wrote that he was on November 1 "sent for by the Governor with Capt Sowers Engineer, to [again] inspect into the present situation of the Fort. We took down boarded fences of the wood yard and part of the Garden that screened the fire of the Flank, also removed from the Works, the wood that was piled against them, divided the Crows foot in 4 parts for the Gates & Sorties, fixed the Chevaus des fraises within the Gate 4 deep & picketed those in the Works, cleared the pile-wood from the left face of the North Polygon to give a raking fire to the right Flank Guns. Made our report to the General. This by request of the Governor [Colden] & direction from the General [Gage]." Stokes, Iconography, IV, 753, quoting Montessoro's Jour., 336-337.
42. Colden to Arch Kennedy, and Kennedy to Colden in reply, Nov. 1, 1765, Colden Papers, Loc.cit.
43. Engelman, Loc.cit., 560.
44. Council Minutes, Nov. 2, 1765, Colden Papers, Loc.cit.
45. "Porteis" refers to Captain Porteous [sic] of the Edinburgh city guard, who was lynched in 1736 for giving the orders to fire on a mob. Engelman, Loc.cit., 56ln2.
46. Quoted in Ibid., 561, from The Letters and Papers of Cadwallader Colden, in New York Historical Society, Collections, LVI (1923), 84,85. The missive is unsigned.
For a slightly variant version of the text see Colden Papers, 223-235, N.Y. Public Library.
47. Engelman, Loc.cit., 571.
48. Ibid.

49. Ibid.
50. Livingston to Monckton, Nov. 8, 1765, Loc.cit.
51. Ibid.; Becker, Hist. of Pol. Parties, 31.
52. Colden to Conway, Nov. 5, 1765, O'Callaghan, ed., Docs., VII, 771-772.
53. Ibid.; Becker, Hist. of Pol. Parties, 31; Livingston to Monckton, Nov. 8, 1765, Loc.cit.
54. Engelman, Loc.cit., 572-573; Comptroller, Port of New York to Commissioners of Customs, London, ltr, Nov. 6, 1765, Attachment No. 5 to Hillsborough et al, ltr to King George III; Dec. 11, 1765, Stowe Papers — America, Loc.cit.
55. For accounts of the riots of Nov. 1 see also Alden, Gen. Gage, 119-121; Booth, History, 418-421; Engelman, Loc.cit., 572-573, 573n41; Gipson, Coming of Rev., 103; Stokes, Iconography, IV, 753-754. The description in Morgan & Morgan, Stamp Act Crisis, 198-199, excellent in other particulars, appears to be in error, when it dates this riot as October 31 rather than November 1.
56. Morgan and Morgan, Stamp Act Crisis, 198-199; Alden, Gen. Gage, 575-576.
57. Alden, Gen. Gage, 121. Alden does not specify the location of the military equipment and small arms, some of which must have been in the barracks. Concerning a storage place in the City Hall, "In 1756 a closet Opposite to the one lately made in the Common Council Chamber was constructed for the purpose of storing arms." Torres, "Const. Hist.," 29. See also Colden to Conway, Dec. 13, 1765, O'Callaghan, ed., Docs., VII, 793-794.
58. Alden, Gen. Gage, 121.
59. See f.n.#56, above; Gage to Colden, Nov. [5?], 1765, Colden Papers, 285, 290, Loc.cit.
60. Quoted in Stokes, Iconography, IV, 754.
61. Engelman, Loc.cit., 573, quoting Colden to Conway, Nov. 5, 1765, The Colden Letter Books, in New York Historical Society, Collections, X (1877), 55.

62. Minutes of Council, Nov. 2, 1765, Colden Papers, 267, 269, 273, 275, N.Y. Public Library. See also Livingston to Monckton, Nov. 8, 1765, Loc.cit.

63. Kennedy to Colden, Nov. 2, 1765, Colden Papers, 237, Loc.cit.; Livingston to Monckton, Nov. 8, 1765, Loc.cit.; Alden, Gen. Gage, 575.

64. Livingston to Monckton, Nov. 8, 1765, Loc.cit.; Booth, History, 420.

65. Colden Papers, 239, Loc.cit.

66. Collector, Port of New York to the Commissioners of the Customs, London, Nov. 4, 1765, Comptroller, Port of New York to the Commissioners of the Customs, London, Nov. 6, 1765, both attached as Exhibit No. 16 to Hillsborough et al., ltr to King George III, Dec. 11, 1765, Stowe Papers — America, Loc.cit. Livingston to Monckton, Nov. 8, 1765, Loc.cit.

67. Wilbur C. Abbott, New York in the American Revolution (N.Y.: Charles Scribner's Sons, 1929), 58-59, cited hereinafter as Abbott, New York.

68. ". . . there is an End of all Government beyond the Fort Walls . . ." Collector, Port of New York to Commissioners of the Customs, London, ltr, Nov. 4, 1765, Attachment No. 16 to Hillsborough et al., ltr to King George III, Dec. 11, 1765, Stowe Papers — America, Loc.cit.; Gage to Colden, Nov. 5, 1765, Colden Papers, 241, Loc.cit.; Colden to Major Thomas James, Nov. 6, 1765, Colden Papers, 297-300, 297, Loc.cit.; Sir Henry Moore to the Earl of Dartmouth, Nov. 21, 1765, O'Callaghan, ed., Docs., VII, 789-790; Engelman, Loc.cit., 576; Hill, Story of a Street, 55.

69. Colden to James, Nov. 6, 1765, Colden Papers, 297, Loc.cit.; Abbott, New York, 58-59; Alden, Gen. Gage, 121; Hill, Story of a Street, 55.

70. Livingston to Monckton, Nov. 8, 1765, Loc.cit. See also Colden to James, Nov. 6, 1765, Loc.cit.

71. Robert R. Livingston Transcripts, N.Y. Public Library; Abbott, New York, 58-59; Hill, Story of a Street, 55-56.

72. Abbott, New York, 58-59; Hill, Story of a Street, 56.

73. Minutes of the Common Council, 1675-1776, VI, Nov. 5, 1765, 438,439; cited hereinafter as M.C.C., 1675-1776; Colden to James, Nov. 6, 1765, Colden Papers, 297, Loc.cit.; Comptroller, Port of New York to the Commissioners of the Customs, London, Nov. 6, 1765, Exhibit No. 16 attached to Hillsborough et al, ltr to King George III, Dec. 11, 1765, Stowe Papers—America, Loc.cit.; Abbott, New York, 58-59; Hill, Story of a Street, 56.

74. Livingston to Monckton, Nov. 8, 1765, Loc.cit. See also M.C.C., 1675-1776, VI, Nov. 5, 1765, 438-439; Colden to James, Nov. 6, 1765, Colden Papers, 297, Loc.cit.; Becker, Hist. of Pol. Parties, 33-34; Engelman, Loc.cit., 576; Hill, Story of a Street, 56.

75. M.C.C. 1675-1776, VI, Nov. 5, 1765, 438-439. See also Abbott, New York, 58-59.

76. M.C.C. 1675-1776, VI, Nov. 5, 1765, 438-439. See also Hill, Story of a Street, 56-57. ". . . the Corporation received them to prevent the Destruction of the Town." Comptroller, Port of New York to the Commissioners of the Customs, London, Nov. 6, 1765, attached as Exhibit No. 16 to Hillsborough et al, ltr to King George III, Dec. 11, 1765, Stowe Papers—America, Loc.cit.

77. See p. 69, above.

78. ". . . I would not be satisfied on so extraordinary an occasion, without taking the advice and opinion of Genl Gage, which concurring with that of the Council, I would not stand single. . . ." Colden to James, Nov. 6, 1765, Colden Papers, 299, Loc.cit. See also Abbott, New York, 58-59; Becker, Hist. of Pol. Parties, 34; Engelman, Loc.cit., 576.

79. Hill, Story of a et, 56-57; see also Becker, Hist. of Pol. Parties, 34.

80. Gage to Colden, Nov. 5, 1765, Colden Papers, 241, Loc.cit. See also Mayor Cruger to Gage, Nov. 11, 1765, quoted in M.C.C. 1675-1776, VI, 440-441, Nov. 11, 1765.

81. Gage to Colden, Nov. 5, 1765, Colden Papers, 241, Loc.cit.

82. Alden, Gen. Gage, 121.

83. ". . . I would not be satisfied on so extraordinary an occasion, without taking the advice and opinion of Genl Gage, which concurring with that of the Council, I would not stand single. . . ." Colden to James, Nov. 6, 1765, Loc.cit.

The day following, Colden, taking advantage of the confusion of Nov. 5, attempted to alter the record: ". . . the Lt. Govr observed that Mr. Bayard must have mistaken the matter for that all he said to the Corporation, after the Council had found [framed?] their resolutions, was, that he must first write to the General and know his sentiments on the subject. . . ." Governor's Council Minutes, Nov. 6, 1765, Colden Papers, 283, 285, 289, 290, Loc.cit.

For his part in the episode Gage received the formal congratulations of the "Mayor Aldermen and Commonalty of the City of New York." M.C.C. 1675-1776, VI, 440-441, Nov. 11, 1765. This congratulations was as much in rebuke of Colden as it was in praise of Gage.

84. Colden delighted in being on intimate correspondent terms with British military and civil officials to whom he would express his scorn even for those colonials nominally his peers. In commenting upon advice offered him in the matter of relinquishing the stamps, he wrote, ". . . I consented to take the advice of his Majesty's council by observing to them, that if the power of the Corporation alone was sufficient to preserve the stamps, it must be more effectual when added to the strength of this garrison. That yielding to the demands of the populace would draw the government into still greater contempt and encourage them in repeated demands. . . . I delivered the packages to the Mayor and corporation. They were carried to the City Hall, and remained safe, with a very trifling guard, indeed, upon them. The mob dispersed immediately and remain quiet. Can anything give a stronger suspicion, who they were that composed the mob, and under whose direction they acted? . . ." Colden to James, Nov. 6, 1765, Colden Papers, 297, 299, Loc.cit. See also Colden's distorted narrative of the episodes of Nov. 1-5, in Colden to Conway, Nov. 9, 1765, O'Callaghan, ed., Docs., VII, 773-774, Colden Papers, 301-305, Loc.cit.

". . . [Governor] Moore thought Colden had exaggerated the danger from the people." Becker, Hist. of Pol. Parties, 34, citing Moore to Hillsborough, May 9, 1768. For the summary treatment given both by Moore and by the Ministry to Colden's claims for indemnity, see Colden to the Earl of Hillsborough, Jan. 7, 1769, O'Callaghan, ed., Docs., VII, 146-147.

85. The undertaking of the mayor and corporation to protect the stamps from harm and Colden from liability for them is specified in M.C.C. 1675-1776, VI, Nov. 5, 1765, 438-439. See also Abbott, New York, 58-59.

86. "[Minutes] At a Council held at Fort George in the City of New York the fifth day of Nov 1765," Colden Papers, 277, 279, 281, Loc.cit.

"... I consented to take the advice of his Majesty's council..." Colden to James, Nov. 6, 1765, Colden Papers, 297, Loc.cit. See also Abbott, New York, 58-59; Becker, Hist. of Pol. Parties, 34; Engelman, Loc.cit., 576.

87. Engelman, Loc.cit., 576.

88. Comptroller, Port of New York to the Commissioners of the Customs, London, Nov. 6, 1765, Exhibit No. 16 attached to Hillsborough et al, ltr to King George III, Dec. 11, 1765, Stowe Papers—America, Loc.cit.; Abbott, New York, 58-59; Engelman, Loc.cit., 576.

89. Becker, Hist. of Pol. Parties, 34n42; Engelman, Loc.cit., 576.

90. New-York Post Boy, Nov. 14, 1765, No. 1193.

91. Hill, Story of a Street, 57. See also Abbott, New York, 58-59; Engelman, Loc.cit. 576.

92. M.C.C. 1675-1776, VI, Nov. 5, 1765, 438-439. See also Colden to James, Nov. 6, 1765, Colden Papers, 297, Loc.cit.; Abbott, New York, 58-59.

93. The undertaking of the mayor and corporation to protect the stamps from harm and Colden from liability for them is specified in M.C.C. 1675-1776, VI, Nov. 5, 1765, 438-439. "... the Corporation received them to prevent the Destruction of the Town." Comptroller, Port of New York to the Commissioners of the Customs, London, Nov. 6, 1765, Exhibit No. 16 attached to Hillsborough et al, ltr to King George III, Dec. 11, 1765, Stowe Papers—America, Loc.cit. See also Abbott, New York, 58-59.

94. Becker, Hist. of Pol. Parties, 34; Engelman, Loc.cit., 576.

95. Sir Henry Moore to the Earl of Dartmouth, Nov. 21, 1765, Colden to Conway, Dec. 13, 1765, O'Callaghan, ed., Docs., VII, 789-790, 793-794; New-York Post Boy, Nov. 14, 1765, No. 1193; New-York Mercury, Nov. 18, 1765, No. 734. See also Alden, Gen. Gage, 122; Becker, Hist. of Pol. Parties, 34.

96. Alden, Gen. Gage, 122; Becker, Hist. of Pol. Parties, 34; Colden to Conway, Dec. 13, 1765, O'Callaghan, ed., Docs., VII, 793-794; Stokes, Iconography, IV, 755.

" . . . I was extremely mortified to find on my landing that [Colden] had thought himself under a necessity of preparing for his defence in the Fort, where it seems he had been threatened to be attacked." Sir Henry Moore to Secretary Conway, Nov. 21, 1765, O'Callaghan, ed., Docs., VII, 789-790.

97. New-York Mercury, Nov. 18, 1765, No. 734; Abbott, New York, 63; Becker, Hist. of Pol. Parties, 34; Stokes, Iconography, IV, 756.

98. Comptroller, Port of New York to the Commissioners of the Customs, London, Nov. 6, 1765, Exhibit No. 16, attached to Hillsborough et al, ltr to King George III, Dec. 11, 1765, Stowe Papers — America, Loc.cit.; New-York Mercury, Nov. 18, 1765, No. 734; New-York Post Boy, Nov. 21, 1765, No. 1194; Alden, Gen. Gage, 123; Becker, Hist. of Pol. Parties, 34, 41-42; Stokes, Iconography, IV, 756, 758.

99. "Whatever happens in this place has the greatest influence on the other Colonies. They have their eyes perpetually on it and they Govern themselves accordingly. . . ." Colden to Conway, Dec. 13, 1765, O'Callaghan, ed., Docs., VII, 793-794.

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