RAYMOND, Allan Russell, 1941-
THE POLITICAL CAREER OF CADWALLADER COLDEN.
The Ohio State University, Ph.D., 1971
History, modern

University Microfilms, A XEROX Company, Ann Arbor, Michigan

THIS DISSERTATION HAS BEEN MICROFILMED EXACTLY AS RECEIVED
THE POLITICAL CAREER OF CADWALLADER COLLEN

DISSERTATION

Presented in Partial Fulfillment of the Requirements for the Degree Doctor of Philosophy in the Graduate School of the Ohio State University

By

Allan Russell Raymond, B.A., M.A.

The Ohio State University
1971

Approved by

Bradley Chipman
Advisor
Department of History
Please note:

Some pages have indistinct print. Filmed as received.

University Microfilms, A Xerox Education Company
VITA

July 29, 1941... Born, Fall River, Massachusetts

1963............ B.A., Bowdoin College, Brunswick, Maine

1963-1965....... Teacher, Kingfield High School, Kingfield, Maine

1965-1967....... Peace Corps Volunteer, Turkey

1967-1968....... Teaching Assistant, Department of History, The Ohio State University, Columbus, Ohio

1968............. M.A., The Ohio State University, Columbus, Ohio

1968-1971....... Teaching Associate, Department of History, the Ohio State University, Columbus, Ohio

FIELDS OF STUDY

Major Field: Colonial and Revolutionary America. Professors Bradley Chapin and Paul Bowers

Minor Field: American Constitutional and Legal History. Professor Bradley Chapin

Minor Field: American Diplomatic History. Professor Marvin Zahniser
# TABLE OF CONTENTS

VITA........................................................................................................ 11

INTRODUCTION......................................................................................... 1

Chapter

I. THE EARLY YEARS................................................................. 6

II. ADVISOR TO THE GOVERNOR: PART ONE............. 57

III. ADVISOR TO THE GOVERNOR: PART TWO............ 106

IV. LIEUTENANT GOVERNOR COLDEN: LEGAL BATTLES. 168

V. LIEUTENANT GOVERNOR COLDEN: THE STAMP CRISIS................................. 225

VI. LIEUTENANT GOVERNOR COLDEN: REAP THE WHIRLWIND............. 260

BIBLIOGRAPHY................................................................................. 305
INTRODUCTION

This paper is severely limited in its scope. Cadwallader Golden was a man of exceedingly broad interests and represents a versatility rarely found in colonial America. He was a doctor, a philosopher, a scientist interested in a wide range of activities, an historian, an educator, and a politician. To discuss merely Golden's political career is to present only a shadow of the man, just as such a treatment of Thomas Jefferson would not reveal most of the depth of that great figure.

Likewise, this is not a complete account of the development of New York provincial politics except for those years when Golden was a participant. Thus there are gaps which must be filled from other sources for a complete picture of perhaps the most controversial of royal provinces.

A classic debate has raged over the nature of New York provincial politics since Carl Becker wrote The History of Political Parties in the Province of New York, 1760-1776. In that seminal work Becker argued that the revolution was the result of two movements; a struggle for home rule, and "the democratization of American po-
lities and society", movements generally summed up as the questions of home rule and who should rule at home.¹

As Becker looked at colonial New York, he saw no political parties in the strictest sense; merely those men currently attached to the governor and those using the assembly to thwart his wishes. He felt that the aristocracy dominated politics with an organization on the "feudal principle of the personal relation", largely economic ties and marriages. Thus political issues were those of family interests. Aristocratic predominance was aided by a "wide spread indifference to political matters" and a natural tendency of the lower classes to subservience. The assembly to Becker was not really a democratic institution; but since the governor's legal position was unassailable, the assembly was forced to justify itself increasingly in terms of natural rights and the general welfare.²

This view has come under increasing attack. Most critics will accept that New York was "...perhaps the most aristocratic of all Britain's North American colonies in the eighteenth century.", and was dominated by the large landlords and great merchants organized in a number of great families.³ But now historians are inclined to discount much of Becker. They often admit the apparent general lack of ideological content in election campaigns, point to the identification of factions by
family names, to the virtual monopoly of these families on high office, and the landholding system as dominant features. But they claim a much more reliable indicator is the way men act, and as one recent historian remarked, a political history of New York, "...is the story of party rivalries."

Perhaps the modern approach is best summed up by Milton Klein. "The student of its politics must work his way through a tangled morass of related elements involving the interplay of family alliances and rivalries; conflicting economic interests—land and trade, monopolists and free traders, wholesalers and retailers; ethnic and national differences; religious tensions; and sectional differences—the Hudson Valley, New York City, Long Island."

This view of provincial politics is more realistic, taking into consideration the multitude of factors operative in the province and given partial expression by Philip Livingston, "we Change Sides as Serves our Interest best not ye Countries." But even given this more sophisticated approach, much of the material from which to draw conclusions is not yet done. We lack biographies of most of the major figures in the provincial politics of New York from 1700 until the eve of the Revolution.
Golden is a crucial figure for an understanding of events in New York. His life has been treated extensively only in a work done in 1906 which badly needs revision and updating. He was most expert in Indian affairs and land administration, two areas that inclined him to an imperial point of view. Thus Golden's long career shows the failure of that viewpoint in the colonies and indicates some of the reasons for that failure.
FOOTNOTES


2 Ibid., 7-17


4 Becker pointed to these things in "Nominations in Colonial New York," *American Historical Review*, VI, (1900-1901), pp. 260-75

5 Klein, op. cit., p. 5

6 Ibid., p. 8


CHAPTER 1

THE EARLY YEARS

Cadwallader Golden was born in Ireland on February 7, 1688. His father, Alexander Golden, was a minister in Scotland. Alexander wanted his son to follow him in the ministry and sent Cadwallader to the University of Edinburgh. If Cadwallader had pursued that course, his career would probably have been relatively successful, aided by his father's connections. At the university, Golden found his interests aroused by science rather than the church. After graduation he traveled in Europe for a time before going to London to study medicine, the profession he had chosen to follow. But Golden soon saw that his father lacked the necessary funds to establish him in a practice in the manner he desired either in London or in Scotland. Indeed, part of the money for his education had come from the Duke of Roxburgh as his father had not been able to afford even that.¹

At this time fortune intervened. Elizabeth Hill, his mother's sister, wrote from Philadelphia to suggest that Cadwallader set up his practice there. Elizabeth was a childless widow with some property, and the offer was an
appealing one. Golden arrived in Philadelphia in 1710, but even there patients were not abundant, and he turned increasingly to trade ventures, on occasion sailing to the southern colonies or the West Indies.²

Golden returned briefly to Scotland in 1715; a visit marred by the Jacobite uprising of that year. He made the journey north from London with Lord Jedburgh, later the Marquis of Lothian, a childhood friend who was returning to Scotland to raise volunteers to suppress the rebels. Golden raised seventy men at Jedburgh's request, but this force dispersed on orders when faced by a larger rebel force at Kelso.³ This visit to Scotland in 1715 later would be used by political enemies in New York who accused Golden of having been a Jacobite drummer in the uprising. On a more pleasant note, while in Scotland Golden married Alice Chrystie, the daughter of another clergyman. The couple returned to Philadelphia in 1716, and Golden resumed his trading ventures.

At some time in 1718 Golden visited New York for three days. While there he made the customary courtesy call upon the royal governor, General Robert Hunter. Hunter, a fellow Scot, was impressed with Golden, holding two more conversations with him during the brief stay. Less than a month after Golden's return to Philadelphia, he received a letter from Hunter; an invitation
to New York, and an offer of a position in the government. By the beginning of August Golden had made the move. 4

The New York City that Golden entered was a small, bustling seaport whose architecture still reflected its Dutch heritage. Increasing numbers of more typically English structures were rising. Its skyline was a uniform one of two to four story homes, warehouses and shops, broken only by the steeples of the four chief churches, the chapel in Fort George, and the weathervane on city hall. 5

Hunter and Golden worked well together. They were both Scots, but, equally important in provincial New York, both were well educated. Golden was installed first as weighmaster, and after Hunter's departure as a master in chancery, but more important for his future was Hunter's promise of the surveyor general's post when it should fall vacant. But before this happened, Hunter returned to England on a leave of absence in the summer of 1719. 6

Golden says Hunter was "seized with a violent Rheumatism" in the winter of 1718, ending in "sciatica which made him lame." But Hunter also had financial reasons for wanting to return to England. His wife had become heir to an estate which Hunter wanted to secure for his children. Hunter kept his departure a secret until it was imminent, and its disclosure led to an ad
dress from the assembly praising him in terms few governors of New York experienced on their departure. But like most other governors, Hunter had other feelings about the experience, and Golden heard him remark that "People think it a fine thing to be a governor. A governor by ___ a Tom Turdman's is a better office than to rake in the dunghill of these peoples vile affections." 7

The administration then devolved on Peter Schuyler, no friend of Hunter, and an ally of Adolph Philipse, another strong opponent. The surveyor general, Graham, conveniently died, allowing Schuyler and his friends to circumvent Hunter's wishes and appoint a supporter to the post. 8 But in London Hunter was able to use his influence to have the appointment quashed. Golden was given the promised commission shortly after Schuyler received the unpleasant news from England. 9

The state of affairs in his new office was confused at best. Golden began by checking existing land grants. Among the abuses that he saw in the largest grants were their vast extension of bounds made possible by vague language in the original patents, thus gaining control of huge acreage while paying quit rents that were negligible at best. Golden's original hope was that the assembly would pass a law requiring a yearly tax in proportion to actual land holdings; a tax that could be used
to support the government. This failed, and Golden blamed the large provincial landowners who managed to convince the assembly that the real purpose of any such act was to make crown officials independent of provincial control. This first defeat marked the beginning of a life long attempt by Golden to break up the large grants and to have salaries paid from the quit rents. But Golden's initial decision, one urged by his friend and political ally, Lewis Morris, was to move slowly.

Under the next governor, Golden became one member of a three man committee established by the council to look into the problems of grants and quit rents, presumably with an eye to future corrective legislation. The three began by preparing a book of grants by counties which listed for each grant the year it was made and the governor, the patentee's names, reservations and quit rents, boundaries and acreage, and a column for general observations. Early investigations by this group revealed many of the oldest grants paid little or no quit rent.

September 6, 1720, the new royal governor, William Burnet, arrived. He was welcomed in New York as the son of Gilbert Burnet, Bishop of Salisbury, who had played a major role in the Glorious Revolution. On arrival Burnet found that the opposition had gained strength
since Hunter's departure so rather than hold the customary elections for a new assembly, where their gains would be important, the governor called the old assembly into session. This break with tradition was opposed by George Clarke, then provincial secretary, by Adolph Philips, Peter Schuyler and several other council members, all convinced that their faction would gain in elections. Burnet threatened instead to expose Schuyler and Philips for their violation of royal instructions. Philips had been given custody of the provincial seal supposedly to prevent any use of it to which he did not consent, but during the time he held the seal several dubious land grants were made. Golden felt Clarke's opposition dated from the surveyor general's discovery of a 50,000 acre encroachment onto royal land from the Evans Patent in which Clarke had an interest. The assembly responded by backing the governor, promising a five year support bill. But in the council the governor faced more opposition until he was able to convince Schuyler and four others to leave for their homes rather than openly oppose him. Then to assure himself a working majority on the council, Burnet asked English authorities to dismiss Schuyler and Philips, and to replace them with Golden and James Alexander, another Scot.  

Soon another reason for the opposition of Schuyler
and his supporters developed: Burnet's trade policy. For years a group of Albany and New York merchants, supposedly led by Stephen De Lancey, had enriched themselves by selling English trade goods to the French in Canada who then resold the goods to the Indians. Thus French Indian policy benefited from the cheaper, better English goods. Without such aids to the French, Burnet thought that the English traders could undersell the French and ultimately drive them from the market. This policy was urged on Burnet by Robert Livingston who had gone on record against the French trade before the governor reached New York, and by Lewis Morris who saw a way to cripple his opponents, De Lancey and his followers.\textsuperscript{13}

With Burnet's urging, the assembly passed two acts introduced by Lewis Morris. One prohibited the French trade under penalty of forfeiture of the goods and a hundred pound fine. The second levied an import duty to raise money for the construction of forts in Indian country.\textsuperscript{14}

Burnet and his backers thus intended a vigorous policy of wooing Indian trade and alliance, and the governor removed some of the Albany Indian Commissioners who opposed Livingston. As an integral part of the program a small trading post was established on Lake Ontario at Oswego, although this was not done for several years.
Accompanied by Colden, and James Alexander, who had been sworn into the council August 3, Burnet first met the Five Nations in conference at Albany in the early fall of 1721. At that time the governor was successful in securing Indian good will, but accomplished little more.\(^\text{15}\)

Other Indian conferences followed, and the Indian trade pattern was gradually changing. But initial profits were not as great as those realized from the old French trade. A growing opposition, led by the New York and Albany merchants, thus developed over the new trade restrictions.\(^\text{16}\)

Burnet and Colden had stirred additional opposition by their stance against a 1721 act of the assembly allowing for the partition of lands held in joint tenancy. On the surface it allowed the partition of lands held unsold or unimproved due to the death or absence of the original patentees. But Colden argued that the act would be prejudicial to royal interests as it would adversely affect future quit rents by acting, in essence, to confirm existing large grants that had grown larger, en-grossing neighboring land by using the vague boundaries in the original patents. This view carried weight both with the governor and the Lords of Trade.\(^\text{17}\) A map of manorial grants along the Hudson, drawn by Colden, survives and has been tentatively dated as done in 1724, but it seems possible the drawing dates from 1721.\(^\text{18}\)
The Lords of Trade reported to the king that the act in question was an attempt to defraud his Majesty of vast tracts, mentioning by name the Waywanda and Minisink Patents. Following Golden, they suggested that an act of Parliament empower the surveyor general to survey all lands claimed under previous royal grants and force the grantees to register in proper form the results of such a survey. This could then act as a basis for the establishment of fair quit rents. Temporarily the matter rested there. Again Golden and Burnet were threatening the landed aristocracy.

The merchants, both English and American, most affected by the loss in trade to Canada appealed to the crown for repeal of Burnet's trade act, but the Lords of Trade were slow to take action. The merchants had complained that the fur trade had fallen off, that the French were now importing trade goods from Europe, and, moreover, the pro-English Indians were cut off by pro-French Indians from the English. In hearings before the Board of Trade one merchant stated that the Five Nations "...were two or three Hundred Leagues distant from Albany, and that they could not come to Trade with the English but by going down the River St. Lawrence, and from thence through a Lake, which brought them within Eighteen Leagues of Albany." But the Lords recommended that
no royal action be taken until Burnet was able to reply to the objections. 20

In reply Burnet sent a map drawn by Golden and illustrating the proximity of the Five Nations to the English, "...really we and our Indians are in the direct way between the Fagg Indians and the French...." His Council advised Burnet to publish the merchant's remonstrance in a pamphlet with the report of the Lords of Trade, their report, and Golden's map and memorial on the fur trade; the latter being a strong defense of the new policy. This would enable the public to see the falsity of the merchants' viewpoint. 21

The dispute over the attempt to rechannel the fur trade had another effect. It turned Golden to writing history, and in 1727 the first volume of The History of the Five Indian Nations Depending on the Province of New-York in America appeared, dedicated to Governor Burnet, and apparently written at his request, based as it was on records of the provincial Indian Commissioners made available to Golden by the governor. The work was designed to show the importance of good relations with the Indians, and thus the necessity of cutting trade relations with French Canada. Part one covered events up to the Glorious Revolution, and a sequel published in 1747 went on to the Peace of Ryswick.
In May, 1725, the Board of Trade took action on the question. Hearings were held in which ex-governor Hunter appeared as an advocate of the trade restrictions. The Board concluded in Burnet's favor. The acts were beneficial, but they felt that the punishments easily could be moderated. So they suggested repeal, but by a new act of the assembly that would substitute milder penalties while still maintaining the purposes of the original act. 22

Accordingly the assembly renewed the trade restrictions and changed the penalties. A duty was placed on all trade goods, and the rate was doubled on anything going to the French in Canada. The assembly also voted funds to begin construction at Oswego as a counterweight to the French fort at Niagara. The money voted was insufficient, and Burnet ultimately spent at least six hundred pounds of his own on the project. 23

But by this time Burnet was already in deep trouble in New York. The French church in New York City had dismissed their pastor, Louis Rou, in the fall of 1724, following which the congregation split over the dismissal. Rou ultimately filed in Chancery to compel the church to take him back according to the terms of his contract. Burnet was known to be his friend, and, anticipating a decision favorable to Rou, the majority group reinstated him and then left the church to establish their own. A-
Among this group was Stephen De Lancey, already an opponent of the new trade policy. In September, 1725, De Lancey was given additional reason for opposing Burnet. He was elected in a by-election to the assembly to replace a deceased member from New York City. Burnet then attempted to prevent him from taking his seat, arguing that De Lancey was a foreigner. Burnet reputedly was following advice from Chief Justice Lewis Morris, but if so, it was a grievous error. De Lancey had been in New York since 1686 and had served in several previous assemblies. The Huguenot immigrant was a large land owner and a successful merchant, and many in the colony feared that a successful attack on De Lancey would open the way to a challenge of their citizenship and the loss of their property. Colden returned to New York the evening of Burnet's decision, and convinced the governor that he had erred badly. Colden told him that he must yield to the assembly or break with them over a matter that would see Burnet with very few friends. Burnet yielded, but the damage was done. The assembly had already elected Adolph Philipse as its speaker, and the Morris interest was ebbing.

In the fall of 1726 Burnet dissolved the assembly when it voted only a three year appropriation. The newly elected body was little changed; again naming Philipse
speaker. It then punished Chief Justice Morris for his supposed part in the question of seating De Lancey. It voted to reduce his salary by one hundred pounds, and to remove the Second Judge, thus giving Morris more work. The Council had protested assembly failure to vote a five year revenue, claiming it was an infringement of the prerogative, but on this new action they took no stand.  

The assembly had once again passed an act for the partition of lands held in common, and again Colden wrote to England in protest. Again he argued that the assembly, through its power to grant governmental revenues, was becoming the dominant force in New York government, and intended to assume sole power to handle the public revenue. The only way Colden could see to stiffen resistance by crown officials was to assure them a revenue independent of control by the provincial legislature. The quit rents had been intended for that purpose, but former governors had granted large tracts to influential provincials to gain support, and now the majority of the colony's land was in the hands of a few who paid quit rents that were nominal at best. Colden argued that the partition act was passed by an assembly dominated by the large land owners who hoped to thus placate the people of New York, upset over the large grants, while not really changing things. He hoped royal disallowance of the act
would pressure the landowners into some means of financial support for the government. Once again the Lords of Trade followed his lead. 

Probably as part of his effort to find an alternative source of funds, Golden wrote a pamphlet, published anonymously, called The Interest of the Country in Laying Duties. He stated that "...we should avoid, as much as possible, to add any Charge to the Trade, Industry or Labour of the People." Golden assumed that governmental support should rest on "...Vice, and whatsoever else is prejudicial to the good of Society." It was far better to tax trade than labor or manufacturing as they were the basis of that trade. Thus a duty on wines and rum was "most reasonable." Trade with Madeira, for example, caused a currency drain that the province could ill afford. And the farmers might be led to expend more energy producing beer and cider, if rum were restricted; not to mention the evils of drunkenness. Duties upon molasses and salt fell heaviest upon the poor, but that upon molasses was all right as they could always use honey and "Cyder-sweets." However, the duty on salt should be removed. It was a necessity for the poor who lived largely upon salt beef and pork. Golden commented that some people advocated a poll tax upon black slaves, but he objected to this as such slaves were used chiefly by farm-
ers who could not keep them were such a tax passed. He would rely heavily upon a tonnage duty on "foreign" ships.28

Golden was answered by another pamphleteer who opposed duties; claiming free trade was best. This writer urged an estate tax as the solution to New York's reve­ nue problems. He realized that the owners of large, unimproved land grants would object, but the remedy was simple; sell or rent. Either would open up much of New York for settlement. Golden wrote an answer, never pub­ lished, reiterating his earlier stand.29

Following precedent, Governor Burnet called for elections on the accession of George II. The new assem­ bly met from September 30 to November 25, 1727, in a seemingly smooth session. But the last day of the session Adolph Philipse and his supporters met an hour early and ordered the Committee of Grievances to sit. They then produced a series of resolutions denouncing Chancery and voted them through without allowing debate. Burnet's supporters, in a minority, were dumbfounded by the unex­ pected move.30

According to the resolutions Chancery made, "... the libertys and properties of the said subjects ex­ tremely precarious; and that by the violent measures taken in, and allowed by it, some have been ruined,
others obliged to abandon the colony, and many restrained
in it, either by imprisonment or by excessive bail...."
The assembly went on to declare that a chancery court
should not have been established without legislative con­
sent, and proposed an act to be passed in the next session
declaring all acts, decrees and proceedings of Chancery
to be null and void.\footnote{31} A few days prior to the resolu­
tion, Burnet had acted in Chancery, and had rendered a
decision against Adolph Philipse, causing the latter to
attempt revenge in this fashion.

Burnet's response was to dissolve the assembly.
Robert Livingston, a member of the Committee on Grieve­
ances, testified to a committee of the council, composed
of Burnet's allies, that the only discussion his commit­
tee had had on Chancery was general talk that fees were
too high. Livingston claimed to have heard nothing moved
or debated about Chancery until Philipse had suddenly
read a resolution and declared it passed, although not
before Livingston had objected.\footnote{32} His statement that the
resolutions had not passed through his committee as was
proper was upheld by others, including the chairman,
Isaac Hicks, thus adding to the impression that Philipse
had railroaded the resolution through to discredit Bur­
net.\footnote{33}

As part of their counterattack, one of the gover­
nor's friends also wrote a pamphlet addressed to Philipse, purporting to come from a friend and asking him to clear himself of the charges the opposition leveled at him; that he "...Cunningly and designedly, Surprised the assem­bly into the resolves against the Court of Chancery."

And Burnet had an account of the council proceedings published, wherein the assembly resolves were condemned as "unwarrantable and highly injurious to his Majesty's Prerogative." This group charged the assembly "...with Design to show to the People, what Influence the Assem­bly doth assume over the other Branches of the Legisla­ture here, as well as to alienate the Peoples Affections from his Majesty's Government...."34

Doing his part, Colden wrote English authorities and hammered at the old theme. This was another step in the assembly attempt to weaken royal authority, and he again urged that the solution would be an examination of the land grants along lines he had suggested earlier. He remarked that George Clarke was trying to discredit him in England, but the authorities should remember that Clarke held heavy interests in the large land tracts.35

Writing to his friend, James Alexander, about the whole affair, Colden said he thought the problem was that "The People of ye Prov. are generally...such as the
meiner sort of Farmers & Labourers in England very few have ye advantage of any Learning or Education & are thereby open to the lowest arts of designing men & are fond of believing the most ridiculous & absurd stories of those in the admin." Unfortunately it was impossible to guard against such attacks. Golden's views probably reflect those of many of the upper class in New York. The surprising thing is that Golden intended them for publication. 36

but Governor Burnet was transferred to Massachusetts and Governor John Montgomerie in mid April of 1728. The new governor turned away from the Morrisite group, re­lying instead upon George Clarke and Adolph Philippe. In the parade from the city hall to Fort George, Golden overheard the new governor tell Clarke that he would follow his advice in everything. That convinced Golden that the time had come to retire to the country and with­draw from provincial politics. 37

Golden could always reassure himself that Montgom­erie was not very intelligent. His chief qualification for the post was the time he had spent as groom of the bed chamber for the Prince of Wales, now George II. Golden later claimed that Montgomerie drank too much, and disliked carrying on business. The new governor was in debt and intended to recover his wealth in the pro-
vience; a project in which Clarke was willing to aid.

About the time Montgomerie arrived, Colden wrote two letters intended for publication, letters on Adolph Philipse, or Ape as Colden called him. Both were scathing attacks, and James Alexander was convinced of their effectiveness. He urged Colden to write more, but cautioned his friend, suggesting the use of fewer "Epithets" so that reason could speak for itself. Colden's alignment with the Morrisite faction, soon in opposition to Governor Cosby, is an indication that the real factor operative in the disputes was the distribution of power and wealth in the colony.

Burnet's last elected assembly had never met, but both Burnet and the council had advised Montgomerie to call for new elections. During the late spring and early summer Colden was busy electioneering, and ultimately felt he had won the "popular" candidates away from Philipse in Ulster County. He and James Alexander worked hard for the Morrisite faction, but did not want to be openly associated with it. Thus they would not go to Morrisania although they wanted to confer with Morris on strategy.

The opposition forces struck back directly at Colden. On August 31, 1728, he received an order from the Council to supply it with the minutes of the committee
investigation into the assembly's anti-chancery resolutions. The order came unexpectedly just as he was to leave New York to visit his family, some of whom were ill. As Golden had the governor's assent to his departure, he left the minutes with Alexander and Morris for delivery. The following day, James Alexander argued against delivering the minutes. Not only was the manner of the request abnormal, in that everyone had known for several days of Golden's imminent departure as soon as winds allowed, but by implication the opposition wanted him gone before launching their latest attack. Alexander charged that Philipse and his followers intended to use the minutes to discover who had given the damaging testimony against them, and that some of the Council, Philipse's friends, were not to be trusted to keep the names secret once they learned them.

Golden, when he had time to reflect on what Alexander had done, advised the latter to be cautious, and to try to assure the governor that he was a loyal supporter of Montgomerie, fearing that Philipse could use this to convince the governor otherwise. As for the opposition, on reflection Golden was convinced they could not afford an open break with him; the implication is that his knowledge of land holdings made him too important to offend. Besides he added, "I am vain enough to
persuade my self that the others will blunder egregiously without our assistance in what they have most at heart
..."43 He kept urging upon Alexander the need to maintain good relations with the governor. At the same time, Colden cautioned, make sure that New York's agent in London, Mr. Paris, had specific directions about how to proceed with the Council minutes and other documents which should be useful in presenting the true state of affairs in New York to the Board of Trade if properly used. He suggested, too, that ex-governor Hunter might be a useful political lever. 44

Alexander, in opposition as a matter of principle, told Colden that he was increasingly upset by Colonel Morris as he thought Morris was using them all for personal gain. Indeed, he had accused the Colonel of that; if they won out, Morris would take credit. But if they lost, Morris would stand back and let others take the brunt. But this does not appear to have upset Colden. 45

Colden remained at his farm in the country, but kept in close personal contact with political events through his correspondence with Alexander. In the course of writing, Colden advised the latter to have two of Cato's letters inserted in William Bradford's newspaper as politically useful. 46 Alexander was now the one to advise caution. The printing of the letters, assuming
Bradford would publish them, would be taken as a resumption of the political warfare that had apparently ceased momentarily.\textsuperscript{47} Alexander now had come to believe that the real threat to New York and other colonies was coming from the attempts of assemblies to engross governmental power into their hands, hardly the libertarian view with which he is usually credited, and one similar to that of Colden.\textsuperscript{48}

The political wars soon reopened, but this time the assembly was aligned against the governor and council over control of the purse. The assembly already held the revenue and could keep it from others, but money could be spent only when the governor and council signed the warrants, and in the past the governor had been consulted prior to final passage. The assembly cut the salary of Chief Justice Morris. This virtually assured that the governor and council would sign the warrants even though their prior consent had not been given as it hid the real issue by an act of factional vengeance against the Morrisites. Montgomerie had sided with the Philipse faction. Councilors George Clarke, Francis Harison and De Lancey would support the faction. Thus the only real opposition would come from James Alexander, Lewis Morris, Jr., and Colden. He was seldom in town, and the opposition of the other two would further confuse the basic
The salary warrants were unexpectedly brought before the council, and Montgomerie deviated from standard procedure by reading the first warrant and preparing to sign it. Morris then objected to signing any until all were read. The governor simply reread the warrant, asking if there were any objections to it in particular. Even Morris said no; it was signed and the governor proceeded to do likewise with each warrant until he reached that of the chief justice. Here young Morris objected that the salary had been dropped from seventy-five Pounds per quarter to Sixty-two Pounds ten. He insisted that his father was guilty of nothing, and reminded the council that it had not consented to the warrant as drawn. The governor simply asked the council whether or not he should sign. Alexander was not asked, and Morris cast the only negative vote. The opposition obviously felt that Morris would receive little support if the other salaries had already been approved and signed, but of greater long term significance was the precedent set.

Colden later remarked that Montgomerie's assent in cutting the salary, "...merely to gratify a private resentment gave the assembly such a sense of their influence on a Governor that all his successors found the effects of it. For afterwards assemblies did not so
much as ask the Governors consent to the officers salaries but put them in their bill which he must accept in the manner they offered it or loose his own Sallary and in this case they suffer no amendment to the bill by the council no not so much as a conference on the subject."

Morris received the consent of the council to draw up his protests and reasons for presentation the next day. But no record of this was made in the council minutes as Alexander discovered the following day. He also found that no record existed that the decision was not unanimous. Furthermore, the governor and his allies refused to make indication of that fact. Alexander wrote to Colden that he also was upset by Morris' objections for, "...most of them Concluded with these words, Arbitrary illegall & unwarrantable....", language he thought too harsh. Montgomerie was furious at the charges that he had violated his oath and instructions, and following his lead the council condemned and rejected Morris' objections, although here, too, Alexander fought for softer language and lost. Morris intended to fight for his version of events, and would probably be suspended; a suspension Alexander expected to be followed by his own, and by the removal of the elder Morris from the bench. And Alexander was convinced the whole affair
would have been handled better by an attack in England rather than in the council. 52

Golden's first reaction was to again caution Alexander to make sure the governor did not think he was siding with Morris. Golden was not surprised at the suspension of young Morris, but worried that Morris was trying to get Alexander more involved. He warned that it was the kind of thing that would convince Montgomerie that Alexander meant to "ensnare" him. 53

On reflection Golden decided Lewis Morris was right in his insistence that the action was a departure from custom. Still he was unable to justify the language Morris had used expressing his views. Golden even suggested that perhaps Alexander was making too much of the affair. Keep quiet was again the essence of what he said. 54 Alexander was now convinced young Morris was trying to split him from Montgomerie, driving him irrevocably into the Morrisite camp in this latest battle. He said so, both to the governor and Morris. But just as Golden had predicted, Montgomerie no longer believed him. As a result Alexander dared not even visit Coldengham as each faction would assume the visit was for the other's advantage, and each would then turn on Golden as well. 55

Golden still felt they could be reconciled with the governor as they were not joining with the opposition.
But Alexander apparently ruined those hopes when he objected to the signing of the warrant for Chief Justice Morris, and successfully insisted that his dissent be entered in the council minutes.56

Royal confirmation of the suspension of young Morris from the council ultimately arrived in New York to alarm many. Alexander feared it would signal the beginning of a general purge in the council, probably including himself, Colden, Archibald Kennedy, Philip Livingston, Abraham Van Horne and William Provoost. He wrote to London warning his agent. Colden, too, wrote England, and also prepared notes for a memorandum on the case which he hoped Alexander would give more formal organization.57

Political lines were blurred by the interest of many New Yorkers, including such disparate figures as George Clarke, Alexander, and Colden, in the area known as the Oblong, territory along the formerly disputed border with Connecticut. A financial venture could be more important than a political feud. Even here politics played a role. An English group emerged to claim the same area, and one of its New York members was Francis Harrison, no friend of the Morrisites.

Governor Montgomerie died in July, 1731, and leadership of New York went to Rip Van Dam, eldest councilor
in terms of service. Writing to his aunt, Colden said he was upset by the death. It was uncertain what kind of man would follow, and he was convinced Montgomerie had always thought well of him. 58

In the course of the contest for control of the Ob­long, Colden renewed friendship, by mail, with Micajah Perry, a member of Parliament. In their correspondence Perry recommended to Colden one Daniel Horsmanden, a lawyer and friend of Perry's who had recently gone to New York. 59 The man thus introduced to him was to become one of the greatest thorns in Colden's side.

Remaining in the country Colden missed another mi­nor political crisis when, in February, 1732, the coun­cil voted on whether or not Rip Van Dam was entitled to the governor's entire salary during his period of rule. The issue had been raised by James De Lancey in December, and after lengthy debates, his was the only negative vote. In the course of the affair, Van Dam had asked Colonel Morris for an opinion which Alexander and Morris drew up, favorable to Van Dam. 60 This incident assumed greater importance after the new governor, Colonel Wil­liam Cosby, arrived.

Colden had been well recommended to Cosby long be­fore the governor left England; among others Alured Pop­ple, the Marquis of Lothian, the Duke of Argyle, and the
sister of the Earl of Halifax who was "Cosbies ladie friend", had mentioned him favorably. But Cosby turned instead to George Clarke.

Cosby's first speech to the assembly claimed that he had stayed in England long after his appointment in order to help defeat a bill then in Parliament favoring the British West Indies over the mainland colonies. The assembly voted him government revenues for the next five years and near the end of their session voted him a reward of one thousand pounds from New York revenues, after the bills of credit then provided for were redeemed. The initial reward had named seven hundred fifty pounds as the sum, but Cosby had accosted Lewis Morris in a blind rage, damning the assembly; "...why they did not make their Present in pounds shillings & Pennies...." he had asked in sarcasm, whereupon they reconsidered and voted the additional sum. To make matters worse, Colden said, many were aware that the real reason for Cosby's late arrival was a court case resulting from a flagrant violation of law by the latter when governor of Minorca.

Cosby did face token opposition in the assembly from Lewis Morris, Jr., and on the council from James Alexander. The Morrisite faction, under their lead, tried to restore some power to the council by insist-
ing that in its legislative function, it should concur on
bills without the governor's presence. 64

Cosby's interest in New York was self enrichment,
and as part of that he wanted to establish good relations
with Colden to draw on the Scot's knowledge as surveyor
general. On request, Colden wrote a major paper on New
York land grants. It reiterated his earlier stand on quit
rents and the injustices of the large grants. This was
apparently not what Cosby wanted, for Colden annotated
his copy twenty years later to the effect that the gov­
ernor had turned the report over to his chief advisor,
probably Clarke, unread. The only real effect was to harm
Colden. 65

Alice Keys, in her study, maintains that Colden took
little or no part in the political wars that soon ex­
ploded around Cosby. 66 This is a serious error. If left
alone, he probably would have preferred seclusion and
study at Coldengham, but this was not to be. Cosby prob­
ably had planned to enrich himself by large land grants
when, in early 1733, he ordered Colden to New York. 67
Colden's wife and daughter were received "handsomly" by
Cosby's wife when they made a visit to the city. But the
letter from Cosby's secretary that carefully informed
Colden of the warm reception dealt at more length with
a disputed boundary that might result in some valuable
land to be granted if Colden's view was upheld.68

Perhaps reacting on cue, Daniel Horsmanden, among Cosby's intimates, wrote Colden that there was some grumbling about council members who lived far from town, and he advised Colden to come in for the April legislative session.69 This, too, was likely indirect pressure from Cosby, but if so it failed, for Colden spent his time surveying instead.70 Cosby then planned to stop at Coldengham on his way to Albany in late August.71

Surviving evidence does not indicate if he did stop. By late August the political fires were roaring. Cosby had arrived in New York with an instruction entitling him to one half the governor's salary from the date of Montgomerie's death until he arrived. Rip Van Dam refused to pay without subjecting the question to a court test. Cosby, essentially in the right, was fearful that a common law jury was not about to side with a recent Irish governor against a long time citizen of the colony. Thus he asked the Supream Court to judge in equity as did the Exchequer in England, rather than go through chancery where he would have to rule on his own case. But even this led to fears that he could as easily control the judges there.72

Colden's reasoned assessment in later years was that if the bill had been brought in at any other time, or by
any other governor, "...it had passed without Opposition." But Chief Justice Morris attempted to thwart Cosby by ruling that only the legislature could erect a court of equity, and stating that the supreme court had never been intended to have that power. The following day Second Justice De Lancey argued the opposite as did Philipse later. The governor's action and that of his allies helped convince the opposition that the governor made "...Little Distinction betwixt power & right." as Alexander put it, and they found themselves conducting a popular fight against executive tyranny.

Chief Justice Morris' objections were sound enough to force Cosby to attempt to gain public support before going further. He even took to inviting people of "low rank" to dine at Fort George with him. Evidently Cosby was heartened by the response for August 23 at a meeting of the council the governor produced a commission naming James De Lancey Chief Justice in place of Morris who had been suspended two days previously. Cosby obviously felt secure from attack. Even Colden, who had come in several days earlier from Coldenham, had been so "caress'd" by Cosby's family as to hopefully secure his support. As late as the day of the meeting Cosby had made a special point of taking him aside to talk in the friendliest possible manner. But on presentation of the commission Col-
den pointedly asked whether the council were being asked its advice for, if so, he for one opposed the move. Cosby said no, although Golden was convinced that had been the original intent, to forestall any eventual criticism by claiming unanimity, an attempt Golden thus forestalled. 75

The action served to place Golden very visibly with the opposition. Keys argues that even then he stayed outside the issue as he was not by nature a "popular champion", and points to his continued correspondence with Daniel Horsmanden, Cosby's close ally, as evidence. 76 The bulk of surviving correspondence to Golden in 1734 is from Horsmanden, and she relied heavily upon it.

It was apparently from Horsmanden that Golden, busy on his country farm, kept abreast of affairs in New York for the former filled his letters with the latest political gossip and events. Certainly Golden took advantage of physical distance from New York to maintain some degree of aloofness. He was not one of the leaders in the group of men, Lewis Morris, James Alexander, and William Smith among others who began to oppose Cosby through their instrument, John Peter Zenger and the New York Weekly Journal which made its first appearance in November, 1733. In the words of James Alexander it was to be a "Continuous Weekly" designed "Chiefly to Expose" Cosby "& those ridiculous flatteries with which
Harrisons loads our other News paper which our Governour
Claims & has the priviledge of suffering nothing to be
in but what he & Mr Harrison approve of"77

Golden, himself a contributor, had harsh words to
say about the paper in later years.

The Writers in that paper exposed the Actions
of Govrs party in the worst light they could
place them & among other well wrote papers pub­
lished several that could not be justified &
of which perhaps the Authors upon more cool re­
flexion are now ashamed for in some of them
they raked into mens private Weaknesses & se­
crets of Families which had no Relation to the
publick.78

Rip Van Dam presented Cosby a list of complaints
against the governor in mid December which the governor
attempted to answer by having the council write a let­
ter to the Duke of Newcastle; a letter which Golden
later charged had answered Van Dam either by arguing
precedent of previous governors or by "notorious false­
hoods." Indeed, said Golden, the answer was never used
in Cosby's defense because it so obviously exaggerated
and overstated Cosby's virtues that even his English
friends never dared make use of it.79 At the time, how­
ever, Cosby's opponents were more worried than they
admitted, and grasped at straws. Lewis Morris, Jr.,
writing to tell Golden that Cosby planned new elections,
added that he had heard rumors one James Brudnell was
appointed governor of New York. Brudnell was scholarly
which led young Morris to the plaintive hope that, "... in the next Reign polite Literature will be introduced Instead of a God Dam ye." 80

Increasingly involved in provincial politics was the Oblong; a section of land along the Connecticut border currently claimed by Colden and his friends, but also claimed by an English group. Francis Harison, a member of the council, and Joseph Worrel, a London bankrupt who had come to New York to recoup, worked to convince Cosby it would be profitable to support the English patentees. Colden and his friends were afraid that Cosby would reject the title of the American patentees in chancery, using a royal suit to claim various frauds and irregularities in their grant. This group included Colden, James Alexander, William Smith, Vincent Mathews, and George Clarke; all but Clarke actively in the opposition. Thus the reason for much of the hearty opposition to Cosby night well relate to the great financial loss or gain they assumed involved in ownership of the Oblong. In their defense, the American patentees argued among other things that the governor should not act in a case where he had a significant interest at stake in the fees he would receive in granting the land. Cosby, however, refused to hear any legal arguments, pro or con, over his ability to sit in judgement on the case...
Francis Harison, a Cosbyite and American member of the English claimants, discredited himself, and indirectly his side, in the eyes of many New Yorkers by an attempt to frighten James Alexander and prevent the latter's acting as a lawyer in an action against Harison. A letter, recognizably in his hand although disguised, was slipped under Alexander's door, threatening to poison the entire family. Cosby's opponents thought it was an attempt to provoke a criminal action against Harison which would establish a precedent for conviction based on a general similarity in handwriting. Then Alexander and Smith could be convicted by forgery, and Cosby's friends would be pardoned while they went to the gallows. An "intimate" of Cosby "in his cups" implied that the governor was aware of the plan, but this was never certain.

Alexander and his friends avoided the trap, claiming to be unable to determine the author. The most the governor and his allies were able to do then was to claim that the whole affair was an attempt to discredit Harison. That was the effect in the end, and Harison ultimately fled from New York due to another court case. Writing to England, Cosby assured the Duke of Newcastle that Morris and his "adherents" were, despite all the noise, "so few that they amount to no more than two or
three Scotchmen and I am very sorry to say hold Employ­ments under the King." The Scots were Colden, Alexander and Philip Livingston. And in this affair Colden's chief interest was the Oblong.

The bulk of surviving correspondence to Colden in late 1734 is from Daniel Horsmanden, who sent a biased stream of news about colonial politics as it affected him personally, especially the publication of information on his poor financial status prior to gaining a council seat. Horsmanden is the least likeable figure in New York provincial politics; a constant schemer, intriguer, and petty back stabber. His correspondence with Colden was carried on, as Horsmanden bragged, despite "Whatever Danger" might befall him, for in a rather blatant way Horsmanden was determined to use Colden's knowledge of available ungranted lands for personal enrichment. He did this even though he was New York attorney for the English claimants of the Oblong, a job over lands "not worth...Struggling for" as he excused himself to Colden.

That October Chief Justice De Lancey, acting at Cosby's urging, requested action be taken against Zenger, calling attention to libelous ballads in the newspaper. De Lancey said that "sometimes heavy, half-witted men get the knack of rhyming, but it is time to break
them of it when they grow abusive, insolent, and mischievous with it." The ballads were burnt, and the council called for a conference with the assembly to "detect" the author of other libels in Zenger's paper. Some assemblymen met in joint committee with members of the council, including Colden. The council wanted the lower house to concur in an address to Cosby calling for prosecution of the printer, detection of the author and the issuance of a proclamation "stimulating the magistrates to greater exertions for the preservation of peace." The assembly tabled it, and the council acting alone ordered issues 7, 47, 48 and 49 burned by the "common hangman or whipper" on November 6. Colden was supposedly present at this meeting, but James Alexander's pamphlet on the Zenger affair claims he was in Kingston, 90 miles from New York.

In the country Colden was informed by Horsmanden that news was circulating of his suspension from the surveyor general's post. Details were vague, said Horsmanden, as it had not been done in council. The rumor was untrue, but not unfounded. Cosby was enraged at Colden at last. The particular incident that caused the break was the publication in Boston of a pamphlet on the Van Dam affair that included a secret letter from the council to the Duke of Newcastle. Cosby was convinced
Colden was the only councilor who could have given the letter to the elder Lewis Morris for incorporation into the pamphlet. Then in England fighting on his own behalf, Morris argued in Colden's defense that he had not received the letter from Colden, but rather from a New York merchant who refused to reveal his source. But the source almost certainly was Colden as he was the only Morrisite Councilor present.

From this point on, Colden was involved increasingly and more openly in the struggle against Cosby. James Alexander and others planned an anti-Cosby petition to the crown, on which Colden approved the placement of his name. He went on to urge Alexander to check carefully; as many as five councilors might sign as well as some of the assembly. Certainly Colonel Matthews, the Orange County representative, would. Colden also reversed his moderate stand on language in the press. "Strong lines are necessary to be seen by people that only read as they run & for that reason one must be bold as well as Prudent." But the longer Colden thought, the more doubtful he was about the petition. It was a good idea, but had Alexander assured himself of support by prominent citizens? The latter had. Among the prominent names supporting Morris were; DePeyster, Stephen and Nicholas Bayard, John and William
Walton, John Cruger, William Smith, Abraham and Garritt Van Horne, John and Oliver Schuyler, Robert Livingston, and John Peter Zenger. Colden also cautioned that anything he sent to Alexander for publication should be rewritten as would be necessary in places. He had begun to write partisan pieces for Zenger's paper, although having doubts about some of his writing, saying in reference to one piece that he was the least qualified to write on that subject and urging Alexander to rewrite it.

While attacking Zenger's paper Cosby and his supporters moved in the case of the Oblong as well. On March 10 subpenas were issued ordering the American patentees to appear in chancery. They planned to counter by denying the authority of the court. Once again this should serve to illustrate the economic motivations behind much of New York's factionalism; as Alured Popple reminded Colden, he had been one of the most ardent defenders of chancery when Burnet was governor.

The Cosbyites were moving on several fronts that spring. A major one was the attempt, ultimately unsuccessful, to silence the paper of John Peter Zenger. In the course of the proceedings Chief Justice De Lancey attempted to silence Zenger's side by forbidding James Alexander and William Smith, his lawyers, to practice
law; the result after reading a pretrial legal paper they had drawn up, Colden was shocked, fearing future consequences if judges were allowed so to act. 98

Cosby became extremely ill in the early winter of 1735. One of his first actions was to call the council to his bedside where he suspended Rip Van Dam, who as senior councilor would otherwise have taken over if Cosby died. The suspension meant that George Clarke, a Cosbyite, would rule, but Van Dam's allies intended to resist. Colden wisely wished to remain neutral in the struggle he foresaw. 99 Adding to the confusion a current rumor maintained that Mrs. Cosby and Clarke had had a tremendous falling out; if true, Colden thought it was probably over the chancery suit against the Oblong for he was one of the American patentees. 100

Mid January came, and Cosby still lingered on. A letter arrived from the Lords of Trade to inform him that they were recommending to the King the removal of Van Dam and Alexander, but the order itself did not come which served only to heighten tensions. Then Cosby died, at last, on March 7, 1736. 101

The council met quickly to swear in Clarke. Van Dam, of course, resisted, declaring his suspension "dyed" with Cosby. His chief support came from James Alexander. 102 Colden warned Alexander that it was unwise
to question Clarke's right to rule; supporting Van Dam could only, "...confirm the late Govrs accusation of a Design to throw the country into Confusion." However, Alexander had already issued a broadside denying he consented to Clarke's assumption of power. Golden had seen the ill effects of opposing the governor, and apparently desired to work with Clarke. The latter, too, was quite willing to cooperate for he was interested in granting lands for the fees entailed and needed the surveyor general's aid.

Returning from England, Lewis Morris joined the agitation against Clarke, hoping, as Golden later wrote, "...to have rais'd the Peoples Spirits to that height as to have made it necessary for the Kings Ministers to have given way to their Humours by restoring Mr Van Dam & making it likewise necessary for a succeeding Governor to fall in with their Measures." But Golden had made his decision to side with Clarke, and by September he was busy surveying again. Golden's decision was proved wise for in October Clarke's commission as Lieutenant Governor arrived, and that, coupled with an earlier letter addressed to him as head of the government, helped resolve the crisis.

Temporarily Golden's reconciliation with Clarke gave the surveyor general a great deal to do.
dition to his surveying Golden went to New York for the fall session of the legislature in 1737; a session which saw Adolph Philipse returned after a close election that Golden said caused "a few bloody noses." Writing to his wife Golden commented wryly that, "The sick the lame and the blind were all carried to vote they were carried out of Prison and out of the poor house to vote such a struggle I never saw." Although the years of Clarke's leadership were ones in which the assembly gained power at the expense of the executive, for Golden they were quiet.

Many years later he claimed that he was chiefly responsible for "quieting the violent dissentions" at the beginning of Clarke's administration when Clarke "dispirited" and ill had "put the entire conduct of the publick affairs into my hands." While there is an element of overstatement in this, there is also some truth. At the time, Golden wrote his wife that Clarke did not want to let him return home before the fall session ended, implying a degree of dependence.

Golden played a minor role in the aftermath of the fire which destroyed the governor's house in Fort George on March 18, 1741. At the time this was believed to be part of a Catholic plot to foment a Black uprising in the province. Golden was the recipient of a letter, purporting to be from someone in Massachusetts, that compared...
events in New York with those of the Salem witchcraft hysteria. This should have appealed to the scientific Colden, but he was convinced the plot was real and recommended to Clarke that evidence be published for all to see.\textsuperscript{111} He even attempted to track down an apparent Catholic agent in his own neighborhood.\textsuperscript{112}

Papers, I, contains much correspondence on Golden's trading.


GG to Peter Kalm, 1751, Papers, IV, 258-61


New York, Calendar of Council Minutes 1668-1783 (Albany: 1902), 269. 280

Gadwallader Golden, Letters on Smith's History of New York (New York Historical Society Collections For the Year 1868; New York: 1868), 204-205

Calendar of Council Minutes, 275; Peter Schuyler to the Lords of Trade, 31 October, 21 November, 1719, E.B. O'Callaghan, ed., Documents Relative to the Colonial History of the State of New York (15 Vols.; Albany: 1853-1887) (Hereafter Doc. re Col. Hist.), V, 531-34

Calendar of Council Minutes, 275; Peter Schuyler to the Lords of Trade, 27 April, 1720, Doc. re Col. Hist., V, 537-38

48
10 Morris to CC, 23 July, 1720, Papers, I, 104-105; Elizabeth Hill to CC, 23 June, 1720?, Golden Papers Box 13, New York Historical Society

11 CC to Archibald Kennedy, undated, unaddressed, unsigned copy, Papers, VIII, 166-70; for a general discussion of land policy see Ruth L. Higgins, Expansion in New York (Columbus, Ohio: 1931)


13 Livingston's Memorial to Peter Schuyler, 23 August, 1720, Ibid., V, 559-60. For a discussion of the role of Albany in British policy see Arthur H. Buffinton, "The Policy of Albany and English Westward Expansion," Mississippi Valley Historical Review, VIII (1921-22), 327-66. He maintains that Albany tried to work with the English in the conquest of Canada, but that the Peace of Ryswick ended this attempt, and Albany thereafter chose neutrality. Also Jean Lunn, "The Illegal Fur Trade out of New France, 1713-1760," The Canadian Historical Association Report, (1939), 61-76

14 William Burnet to the Lords of Trade, 26 November, 1720, Doc. re Col. Hist., V, 576-81; William Smith, History, I, 250-51

15 Doc. re Col. Hist., V, 630-34

16 Peter Wraxall, An Abridgement of the Indian Affairs...From...1678 to...1751, Charles McLlwain, ed., (Cambridge, Massachusetts: 1915), 4-5, 48, 61, 66, 85, 119, 133, 135. He has very harsh things to say about the shortsightedness of the Albany traders, and feels the restrictions would have worked. He was William Johnson's secretary, and not inclined to look favorably on the Albany group for that reason.

17 copy of CC to Burnet, November, 1721, Papers, VIII, 160-64; William Burnet to the Lords of Trade, 30 November, 1721, Doc. re Col. Hist., V, 644; Lords of Trade to Burnet, 6 June, 1722, Ibid., V, 647-48

19. Lords of Trade to the King, 26 September, 1722, Doc. re Col. Hist., V, 650-54

20. Lords of Trade to William Burnet, 17 June, 1724, Ibid., V, 706-707; Representation of the Lords of Trade to the King, 14 July, 1724, Ibid., V, 707-709; "Extract of the Minutes of the Right Honourable the Lords Commissioners for Trade and Plantations" in Papers Relating to an Act of the Assembly of the Province of New York For Encouragement of the Indian Trade, &c. (New York: 1724), 4


22. Proceedings of the Lords of Trade..., 5, 12, 13 May, 1725, Ibid., V, 745-57; Lords of Trade to the Lords Justice, 16 June, 1725, Ibid., V, 760-63

23. Wilson, op. cit., II, 159, 173-74; Smith, History, II, 277

24. Ibid., I, 270-72; Lewis Rou, The True State of Mr. Rou's Case (New York: 1726); A Collection of Some Papers Concerning Mr. Lewis Rou's Affair, 1724. (New York: 1724)


26. Wilson, op. cit., II, 173; Papers, I, 191-93

27. CC to Alured Popple, 4 December, 1726, Doc. re Col. Hist., V, 805-806; Colden's legal arguments, Ibid., V, 807-809; the Lords of Trade, 6 December, 1727, Ibid., V, 843-44


29. The Interest of the City and Country to Lay no Duties (New York: 1726); CC, The Second Part of the Interest of the Country in Laying Duties, Papers, IX, 267-79; a third pamphlet The Two Interests Reconciled (New York: 1726)

30. CC, Letters on Smith's History, 213-14
31 Smith, op. cit., I, 279-80

32 William Burnet to the Lords of Trade, 21 December, 1727, Doc. re Col. Hist., V, 846-48; Depositions of Robert Livingston, Garret Van Horne &c., 27 November, 1727, Rutherfurd Collection on deposit at the New York Historical Society, I, 43

33 Committee of Council, 28 November, 1 December, 1727, Ibid., I, 43

34 To the Honourable Adolph Philipse, Esq. (New York: 1728); At a Council Held at Fort George.... (New York: 1727)

35 CC to Alured Popple, 15 December, 1727, Doc. re Col. Hist., V, 844-45

36 "The Orig. of ye Disp. with Mr B," rough draft of CC to James Alexander, Rutherfurd Collection on deposit at the New York Historical Society, I, 63

37 CC, Letters on Smith's History, 220

38 Ibid., 220; Smith, op. cit., I, 281-82

39 Alexander to CC, 5 May, 1728, Papers, I, 259-61

40 CC to Alexander, 17 May, 1728, Rutherfurd Collection on deposit at the New York Historical Society, I, 49; James Alexander to Colonel Morris, n. d., draft in Ibid., I, 50; CC to Alexander, 1 June, 1728, Ibid., I, 51; CC to Alexander, 30 June, 1728, Ibid., I, 53

41 CC to Governor Montgomerie, 31 August, 1728, Ibid., I, 63

42 "Draught of thirteen reasons," James Alexander, 31 August, 1728, Ibid., I, 65, 67, 69; paper as delivered 1 September, Papers, I, 265-69

43 CC to James Alexander, 6 September, 1728, Rutherfurd Collection on deposit at the New York Historical Society, I, 81; CC to Alexander, 8 November, 1728, Ibid., I, 91

44 CC to Alexander, 29 November, 1728, Ibid., I, 93

45 Alexander to CC, 4 March, 1728/9, Ibid., I, 97
46 CC to Alexander, 14 March, 1728/9, Ibid., I, 109

47 Alexander to CC, 14 March, 1728/9, Papers, I, 275-77

48 Alexander to CC, 14 April, 1728/9, Ibid., I, 278-80

49 CC, Letters on Smith's History, 221

50 James Alexander to CC, 18 June, 1729, copy in Rutherfurd Collection, I, 123

51 CC, Letters on Smith's History, 221-23

52 Alexander to CC, 18 June, 1729, Papers, I, 280-86

53 CC to Alexander, 22 June, 1729, Rutherfurd Collection, I, 125; Alexander to CC, 28 June, 1729, Papers, I, 287-89; CC to Alexander, 13 July, 1729, Rutherfurd Collection, I, 127

54 CC to Alexander, 23 July, 1729, Papers, I, 289-91; CC to Alexander, 4 August, 1729, Rutherfurd Collection, I, 131

55 James Alexander to CC, 12 August, 1729, Papers, I, 291-95

56 CC to Alexander, 29 August, 1729, Rutherfurd Collection, I, 131; Alexander to CC, 11 September, 1729, Papers, I, 295-301

57 Alexander to ---, 11 May, 1730, Rutherfurd Collection, I, 135; Alexander to CC, 5 June, 1730, Papers, II, 15

58 CC to Elizabeth Hill, 9 August, 1731, Golden Papers, Box 13

59 Micajah Perry to CC, 27 December, 1731, Papers, II, 45-8

60 James Alexander to CC, 21 February, 1731/2, Ibid., II, 48-51

61 Alexander Colden to CC, 5 August, 1732, Ibid., II, 72-80
62 Smith, op. cit., II, 23; CC, History of William Cosby's Administration as Governor of the Province of New York and of Lieutenant-Governor George Clarke's Administration Through 1737, (Hereafter CC, History), Papers, IX, 286-87

63 CC, History, 288; "A Letter From a Gentleman in New York to His Friend in London" (New York: 1732)

64 Lewis Morris to CC, 24 September, 1732, Papers, II, 80-2


67 William Cosby to CC, 19 March, 1732/3, Papers, II, 86

68 J. Warrel to CC, 26 March, 1732/3, Ibid., II, 89-90

69 Horsmanden to CC, 1 April, 1733, Ibid., II, 91

70 Horsmanden to CC, 28 June, 1733, Ibid., II, 91-2; Alexander C. to Elizabeth Hill, 24 June, 1733, in CC to same, 18 June, 1733, Ibid., VIII, 207

71 Cosby to CC, 3 August, 1733, Ibid., VIII, 207

72 CC, History, 289-93

73 Ibid., 291

74 James Alexander to Mr. Paris, March, 1733, draft in Rutherfurd Collection, I, 159

75 Smith, op. cit., II, 4-8; CC, History, 298; Lewis Morris to Lords of Trade, 27 August, 1733, Doc. Re Col. Hist., V, 951-55

76 Keys, op. cit., 124-25

77 Alexander to ex-governor Hunter, 8 November, 1733, draft in Rutherfurd Collection, I, 163
"Articles of Complaint against Governor Cosby by Rip Van Dam Esquire," 17 December, 1733, Doc. re Col. Hist., V, 975-78; Council to Duke of Newcastle, 17 December, 1733, Ibid., V, 978-85; Daniel Horsmanden to CC, 30 December, 1733, Papers, II, 95-7; CC, History, Papers, IX, 301-302

Lewis Morris, Jr., to CC, 17 January, 1734, Papers, II, 100-101

CC, History, Papers, IX, 305-12


Micajah Perry to CC, 10 March, 1733/4, Papers, II, 105-106; Perry to CC, 30 August, 1734, Ibid., II, 111-12


Smith, op. cit., II, 19-21

James Alexander, A Brief Narrative, 45

Daniel Horsmanden to CC, 19 November, 1734, Papers, II, 121-22

William Cosby to Duke of Newcastle, 10 December, 1734, Doc. re Col. Hist., VI, 26-7; Lewis Morris to Marquis of Lothian, 26 March, 1735, Papers, II, 124-28

On the Council Morris felt Golden, Livingston, Alexander and Van Dam were reliable. Van Horne was uncertain, and Kennedy "dare not" join. Lewis Morris to James Alexander, 31 March, 1735, Rutherford Collection, II, 115
92 CC to Alexander, 1 January, 1734/5, Ibid., II, 101

93 "Names of Those Agreeing to Sustain Colonel Morris," Ibid., II, 75

94 CC to Alexander, 3 January, 1734/5, Ibid., II, 101

95 CC to Alexander, 12 March, 1734/5, Ibid., II, 111

96 CC to Alexander, 27 March, 1735, Papers, II, 128-131

97 Alured Popple to CC, 16 September, 1735, Ibid., II, 140-41

98 Smith, op. cit., II, 24-6; CC to Alexander, 23 April, 1735, Rutherfurd Collection, II, 119; see also John Sydney (pseud.), According to My Premise (New York: 1734?) attacking Cosby.

99 CC to Alexander, 3 December, 1735, Rutherfurd Collection, II, 85; CC to Alexander, 5 December, 1735, Ibid., II, 85

100 Daniel Horsmanden to CC, 19 December, 1735, Papers, II, 141-42; CC to Alexander, 27 December, 1735, Rutherfurd Collection, II, 149

101 Lords of Trade to William Cosby, 5 September, 1735, Doc. re Col. Hist., VI, 35-6; Horsmanden to CC, 16 January, 1735/6, Papers, II, 143-45

102 George Clarke to Lords of Trade, 16 March, 1736, Doc. re Col. Hist., VI, 43

103 CC to Alexander, 22 April, 1736, Rutherfurd Collection, II, 89; James Alexander, "New York, March 24, 1735/6," (New York: 1736)

104 George Clarke to CC, 9 June, 1736, Doc. re Col. Hist., VI, 68-9. Clarke's fortune was based largely on land holdings.

105 CC, History, Papers, IX, 349-50; Smith, op. cit., II, 37-8

106 George Clarke to Alured Popple, 7 October, 1736, Doc. re Col. Hist., VI, 77-8
107 Clarke to CC, 13 September, 1736, Papers, VIII, 245-46; "The Memorial of Cadwallader Golden..."; 3 November, 1736, Ibid., II, 158-60; Clarke to CC, 10 December, 1736, Ibid., II, 161-64; Clarke to CC, 24 December, 1736, Ibid., II, 167-68

108 CC to Mrs C, 11 September, 1737, Ibid., II, 179

109 CC to Duke of Bedford, 22 November, 1748, Doc. re Col. Hist., VI, 469-71

110 CC to Mrs. C, 10 November, 1737, Papers, VIII, 255-56

111° to CC, 1741, Papers, VIII, 269-72; CC to George Clarke, (August, 1741), Ibid., VIII, 272-73

112 CC to Daniel Horsmanden, 29 July, 1742, Ibid., VIII, 288-89; CC to George Clarke, 24 August, 1742, Ibid., II, 265-67
CHAPTER II

ADVISOR TO THE GOVERNOR: PART ONE

The new governor, George Clinton, arrived at last in September, 1745, but Golden had no great prospects under the new administration. Clinton arrived with an apparent complete lack of knowledge of provincial politics, armed only with warnings about George Clarke; a state of ignorance perhaps all too typical of new governors. Clinton did not have to worry about Clarke for the latter planned to resign rather than take second place. Golden thought Clinton and the assembly would get along well, and had no plans to play a major role in the administration. When in New York for the fall session of the legislature, he wrote his wife that he did not intend to become deeply involved again, although he had to stay for the session. And Golden did play a major part in ensuring legislative cooperation for defense measures.

Questions of his role in the government seemed academic. Governor Clinton had chosen to place his reliance in James De Lancey because of the latter's wealth, family connections, and knowledge; and De Lancey was no friend of Golden. Once in power, the Chief Justice even
managed to get Clinton to deliver a commission as Chief Justice to run during "good behaviour" rather than "pleasure" as was the practice.

De Lancey had personal interests at stake and was seemingly unable or unenthusiastic about securing a majority of the assembly behind Clinton's defense plans. There was an inherent conflict between Clinton's military objectives and De Lancey's desire for a significant Albany trade with Canada, and war brought the split out. In mid 1745 Clinton tried to have a more favorable assembly elected, but the only significant result was the election of David Jones, a De Lancey supporter, as speaker of the house. This assembly was little better than the old, and Golden wrote to the governor to excuse himself from attending. He pled rising expenses, coupled with a loss of income from his post as surveyor general now that war had resumed, but more likely the reason was that with De Lancey in power Golden could expect no favors. He did, however, write Clinton about the rising Indian menace from French inroads among the Six Nations, and Clinton used the letter in trying to get action.

But in early 1746, Clinton, who had a reputation for heavy drinking in a colony long noted for that, and De Lancey had a public falling out over a bottle that ended with the latter vowing to make Clinton suffer.
De Lancey was not the type to lose his head. More likely the rise of Sir Peter Warren, his brother-in-law, and the friendship of the Archbishop of Canterbury, coupled with the independence his commission for life as Chief Justice had conferred upon him made him take a realistic look at Clinton. He must have felt that Clinton would go under, and that he would be the likely successor.

In early June a hasty letter to Colden stated that his "immediate attendance" was "required & expected" in New York. Evidently Clinton had been forced to take a realistic look at his council for allies after the break. Only Archibald Kennedy, John Rutherfurd, and Colden opposed the De Lancey group. Kennedy was weak, and Rutherfurd, while able, was a soldier and on the frontier. That left Colden. And Clinton knew he must have aid if he were to carry out English orders to raise and requisition troops for a Canadian expedition and enlist Indian aid.

Colden was a man walking into an impossible situation. In his first session with the assembly Clinton accepted a support bill that set salaries for each office by name and ran for only one year. This initial acquiescence cost the governor dearly in terms of his future freedom of action. De Lancey controlled a majority of the council and the assembly tended to favor him.
The question thus arises as to why Colden, aware of all this, was willing to come in and aid Clinton. There is little doubt he was a sincere defender of the royal prerogative, and certainly Clinton was in trouble there. Colden was a consistent advocate of war with Canada, a war that would be advantageous both to the crown and to a land speculator such as Colden. And money had a more immediate aspect as well. It was obvious from watching De Lancey that the position could be profitable, and Colden had a large family to think about. 11

Colden answered the urgent appeal, initially promising his wife he would return soon. 12 But once in New York he was plunged into business ranging from the normal run of affairs to that of writing a special report on Governor Shirley's military plans; and Colden discovered how deeply Clinton now depended upon him. 13 Clinton's obvious reliance on Colden visibly alarmed some of the opposition; so much so that Colden spent several days in Westchester to throw them off. He also objected strenuously to Clinton's wish that he accompany the governor to Albany for the projected conference with the Six Nations. The council, too, desired that Colden attend, but in light of later events this may have been in hopes that both Clinton and Colden would fail. 14

Despite his wishes, Colden found himself going to
Albany. Clinton's contingency account while in Albany lists one hundred pounds to Colden and one historian has taken this to mean that Clinton promised to pay him to get Colden to attend. The only other contemporary evidence bearing on the issue is a pamphlet written by William Livingston in 1770 that accuses Colden of having been paid ten shillings per day. This is enough to suggest that Colden may well have asked Clinton to pay his expenses at the conference.

Clinton arrived in Albany July 21, but because of a smallpox epidemic there, a disease he had not had, chose to land at the fort the next day. He was then presented two scalps taken from soldiers in the French garrison at Crown Point, but most of the Six Nations had not arrived yet, nor was there word of them. The conference did not begin until August 19. William Johnson was instrumental in getting many Indians there. Colden and the Reverend Mr. Barclay, a missionary, managed to convince two of the leading Canojoharie chiefs to participate. Colden had known the two previously, and had been adopted by the Canojoharies. When the conference did open at last, Clinton was ill, and Colden gave the opening address in the governor's name.

Colden, Captain Rutherfurd and Philip Livingston were the three councilors at Albany. Thus of necessity
Clinton turned to them for advice on the request from Admiral Warren and Governor Shirley for an immediate assault on Crown Point. The three advised the attempt although apologizing for their inability to consult the entire council because of the pressing urgency. Clinton then wrote to James De Lancey to urge the necessary assembly action for implementation. De Lancey was offered command of the New York troops to get him out of the way, but he wisely refused. Clinton was already relying almost exclusively upon Colden. The Scot wrote part of the letter to De Lancey as well as at least one of Clinton's speeches to the Indians. The conference apparently did help enlist active Indian support against the French, but it also had an unfortunate political backlash for Colden.

Insinuations were soon made that Clinton's gifts to the Indians came nowhere near the money given for that purpose. Partly to answer these charges, says William Smith, Clinton ordered Colden to prepare a pamphlet on the conference. It contained no list of presents and this "rather confirmed" the charges.

The hoped for expedition against Crown Point immediately ran into trouble when a French fleet was sighted off the North American coast. New England militia forces then stayed home to protect their hearths against invasion. Soon Clinton became temporary commander-in-chief
of all local land forces when Virginia Governor Gooch refused the command. He appointed Lieutenant Colonel John Roberts to head the New York forces and ordered an advance from Albany to the carrying place above Saratoga where the troops were to wait for news of the Massachusetts levies. If none came, the Yorkers were to construct winter quarters and wait for an early spring advance. The only problem was provisioning the troops.

Provisioning was to be handled by commissioners at Albany who were appointed by the assembly, and who had been ordered to deliver the provisions directly to the captains of the companies. Clinton and the commissioners disagreed about the supplies when the latter refused to deliver them to Roberts' forces north of Albany despite an apparent agreement Colden had worked out with them earlier, using the threat that they would be replaced if they did not consent. Thereupon Clinton drew up a warrant which he left with Colonel Roberts and the Albany sheriff enabling them to seize the needed supplies and promising eventual payment or replacement.

Then Clinton, now dependent on Colden, returned to New York. Alice Keys in her biography of Colden thus argues he "...could have exacted a businesslike administration as the price of his very necessary services." She fails to see that this was an impossibility, given
the nature of the opposition. Once De Lancey and the majority of the council went into opposition to Clinton, they would obstruct any measures Golden might suggest, no matter how statesmanlike or desirable, in an attempt to discredit both Golden and Clinton.

The first difficulties arose with the assembly over the letter from the Duke of Newcastle that had requested New York to raise and provision troops, ordered Clinton to send them on an expedition, and requested him to meet the Indians and to make presents to them. It had said nothing about the necessary finances for these projects. Clinton wanted the assembly to pay for Indian expenses admittedly higher than usual, supplies for the winter camp, and transportation of provisions; the latter only temporarily. But he met unified resistance in the council as well as the assembly and an insistence that he pay for everything, either by bills of exchange on the English treasury or bills on the army paymaster. The assembly voted funds, but only for bounties and provisions, and for the transport of provisions to Albany, but not beyond. This forced Clinton to draw on the crown for all other expenses.

Clinton's opening speech to the assembly had also called their attention to the changed attitude of the Indians; urged them to uphold the integrity of the con-
stition; and requested them to work for harmony, warning about the schemers who had brought about the present discord. Of itself this would have sufficed to arouse anger, but in what the assembly chose to regard as an additional insult Clinton did not deliver the message in person. He was ill, and simply gave the message to the Speaker. This innovation, coupled with the content of the message, infuriated the assembly.

Clinton had anticipated no trouble. In an attempt to maintain good relations with De Lancey, Clinton had sent him a copy of the speech desiring his comments, and it had been returned without objections. Clinton even invited him to the house especially to go over it, and the speech had been returned a few days later with no objections.

But now the assembly prepared a representation to the governor, protesting his conduct. The council, too, reacted to recent events. With Daniel Horsmanden acting as chairman, they objected to the delivery of provisions other than by methods specified in the appropriate act of the assembly. They also went on record opposing the winter camp for the troops; it was unhealthy.

De Lancey, apparently having second thoughts, made an attempt to reingratiate himself with Clinton. During an "Entertainment" on the King's birthday, October 30,
De Lancey and his brother Oliver, both drinking very heavily, indicated to Clinton that things could go easily again if Colden were dropped. Clinton turned them out. Before the assembly could finish drawing up their representation, they received news that Colonel Roberts and the sheriff of Albany had broken into the storehouses and seized provisions for 1,400 men for two months, using the impress warrant Clinton had left. This led to a series of denunciatory resolutions and added to the length of the representation. In its final form that document contradicted virtually all Clinton had said. The assembly had noticed no Indian disaffection; thus were not impressed by claims of its removal. While the assembly felt itself capable of guarding against "artful and designing Men," they were afraid that such a figure had gained Clinton's confidence, and suggested past differences had arisen when governors listened to bad advice. And they, too, felt the winter camp was unduly harsh on the men.

On November 8, the assembly passed additional resolves which Clinton felt were derogatory of his administration. These charged that Clinton was "ill advised" when he granted the warrants for provisioning the troops under Roberts, and said the commissioners were only obeying the law when they refused to comply with requests. Colonel Roberts' order was arbitrary and ille-
gal, and they wanted Colden, Roberts, and Sheriff Holland tried for their crimes. And the assembly warned that no further provisions would be furnished until they received assurances such proceedings would not recur. 37

Clinton responded to both sets of resolves. He blamed much of the Indian problem on the Albany Indian Commissioners, and he expressed great dismay that the assembly had seen fit to express public disapproval of the winter camp, for this was countenancing a contempt of orders. 38 As for the matter of the provisions, Clinton responded strongly in a message drafted by Colden. Clinton took full responsibility for the seizure. He refused to bring prosecutions against Colden and the others in the matter, indeed, he specifically defended Colden. 39

This second answer was unacceptable to the assembly. They now charged Colden with being an enemy to the constitution, and reiterated that no supplies would be voted while such abuses took place. Clinton, needing provisions, then was forced to promise that it would not happen again. 40

Colden did not appear very worried by the assembly's attack. As he wrote his wife, "All this will turn out to my advantage & I hope at last to the Benefite of my Family." He feared only that the "Base Lye" which was
now appearing in the newspapers would bother his wife, but Colden assured her it would benefit the family in the long run. 41

Colden was convinced the attack on him had come because that on Clinton had failed, in as much as Clinton had gained Indian support and mounted the expedition despite the council and assembly. 42 This was not conceit. Had the opposition been able to discredit Colden or get Clinton to disavow him, the governor would have had to crawl to De Lancey or go down.

Colden might have felt confident that he had weathered the storm, but there was still the council to consider. December 4, as Colden took the chair, James De Lancey produced a copy of the pamphlet Colden had written on Clinton’s meeting with the Six Nations. He referred the council to a paragraph on page three which stated that Clinton, "...was desirous to have had the Assistance of as many of the Members of his Majesty's Council as the Circumstances of Affairs would permit; but they all declined to give their Attendance except Mr. Golden and Mr. Livingston." De Lancey called this an "invidious Reflection" on those who did not go, and asked that the printer be ordered to appear to tell who gave him the copy and ordered it printed. 43

Colden admitted that he had done so. Thereupon
Daniel Horsmanden moved that the paragraph be censured as "an invideous Malicious & false representation of Facts." Colden attempted to save himself by arguing that "Declining" could imply a lawful excuse as well as a refusal, but Horsmanden snapped that that was simply sophistry. Colden then said it would be more proper to discuss the matter while sitting as privy council, but De Lancey moved to have the offensive paragraph censured and the motion was carried. 44

On December 8 the Post-Boy carried an account of the debate which led to a flurry of activity from the governor's home. Clinton sent letters to Henry Pelham, who was Newcastle's brother, and to the Duke himself. The former again called for the use of quit rents to pay officials' salaries. 45 The latter asked for the removal of Horsmanden from the council; his seat to be filled by James Alexander, probably at Colden's suggestion. Clinton called attention to the great aid he had received from Colden, without which, "I had in a great measure been disabled by that faction", and suggested that the loyal Scot be named Lieutenant Governor. Additionally, a salary would be useful for the post, thus enabling Colden to reside at Albany and handle Indian affairs on a full time basis. Clinton also requested the removal of Philip Livingston as Secretary
of Indian Affairs. This last was probably to aid Clinton's other ally, William Johnson, and is ironic in that Livingston was an opponent of Albany neutrality. Golden was well aware of the content of Clinton's letters and urged an English friend to do all within his power to aid the affair.

On December 16 seven of the council drew up a representation to Clinton concerning Golden's pamphlet. In a passing shot they remarked that, "It is Observable from Some Little Instances of Vanity Interspersed in this performance that Mr Golden Seems to have Calculated it principally with a View to Raise a Character, or Some Reputation to himself and to Lessen, that of Others." Then they moved to specifics. Golden, far from having volunteered to go to Albany for the Indian conference, "...Refused to go, in the Strongest Manner, And Amongst the Severall Excuses...Was, that the Last time he was up, It Cost him 30...." They were displeased that Golden had delivered the pamphlet to the printer before the conference minutes were laid before the council. They were very upset by the secrecy concerning the minutes of council at Albany, especially those parts relating to provisioning the troops, and were convinced that Golden had persuaded Clinton to keep them secret. In light of their previously stated objections, Golden had
promised to deliver to them all papers relative to the council, but he had failed to do so. If, as Clinton felt, differences existed between branches of government, they were the result of bad advice from Golden. Indeed, Golden had, "...Told the World in Print of his being the Next person to your Excellency in the Administration...." which suggested to the council that Golden intended to so "Distract" Clinton as to get "the Reins of Government into his own hands...."\textsuperscript{48}

When Clinton received the representation is vague. In writing to Golden on December 17 it went unmentioned.\textsuperscript{49} The first reference to it came in a letter to Golden from his friend and fellow councilor, Archibald Kennedy, on December 22. Kennedy and Gatherwood, Clinton's secretary, let a friend, probably James Alexander, read it, and the latter suggested that Clinton ignore the document until Golden had a chance to answer the charges. They regarded it as an attempt to counteract Clinton's proposed governmental changes. Indeed, added Kennedy, the representation had been drawn up at the Tavern known as the Cart and Horse in a series of meetings by the opposition.\textsuperscript{50} Golden did not receive Kennedy's letter until January 15 because of severe weather.\textsuperscript{51}

In the meantime, Golden had busied himself writing a political piece on the upcoming elections; intended
to appear under the byline of a freeholder of New York. The piece commented on the folly of the assembly's conflict with the governor in a time of mortal danger from the French and Indians. First, the assembly had failed to vote funds to pay the troops so that Clinton had to risk his entire estate; drawing on it for that purpose. Second, they had not supported the governor's plans to erect a fort at the carrying place on the way to Crown Point, and had prevented his maintenance of a force at Albany. When Clinton had then tried to use the militia for defense, the assembly tried to block this as well. Colden also tried to answer the rumors that Clinton had been embezzling funds, an apparent reference to money for Indian gifts, by suggesting a check into money spent by some of the assembly appointees. 52

When Colden at last received a copy of the representation he spent a harried three days drawing up an answer. He suggested to Archibald Kennedy that the answer should be redrafted both to avoid errors and to tone down the rage. 53 Colden also wrote to George Clarke, hoping the latter would support him, as Colden was certain Clarke's opinion would be sought in England. 54 Still, Colden depended on Governor Clinton for the bulk of his support as he had taken a large role in the government only at the governor's urging. 55
Well aware of Clinton's lack of ability, Golden sent a lengthy refutation to the governor which Clinton could use as his own. Golden began by stating that he was not in council when the delegation to Albany was decided upon, having gone on a visit to his daughter, and Golden said he had later objected in private conversation. This appears as an interesting mental lapse for Golden to make. A letter to his wife at the time implies he was present. Either Golden had forgotten, or, perhaps more likely, he felt the discrepancy would not be noted in London. Governor Clinton later added yet a third version of events when he said he had "required" De Lancey, Horsmanden, and Murray to go, but they all refused, "...so that I was obliged to call upon Mr Golden in my way to Albany, to take him with me to make a Quorum of the Council there." Golden was on firmer ground when he attacked the methods the council had used in censuring the supposedly offensive paragraph in his pamphlet, but he ventured on to thin ice again when he described his reasons for secrecy over Clinton's orders to Colonel Roberts at Albany. Golden began by arguing the impossibility of debating all army moves in a non-military body one hundred miles or more from the army, but then he hedged, arguing Clinton might "...have very cogent reasons to communicate
to me, matters relating to the Army...not proper to com-
municate with others...." This was an attempt to evade
the fact that the decisions in question had been debated
by a committee of the council in Albany; a part of the
larger group he was denying the right to know.

Golden reminded Clinton that, "...all the difficul-
ties you have met with are owing to the advice your Ex-
cellency received, at your first coming to this place, by
which you give up those powers in Government, by which
former Governors preserved the Authority and Dignity of
their office...." He answered the attacks about his
description of himself as "the next person...in the Admin-
istration," admitting a certain amount of vanity, "...a
Weed which is observed to grow luxuriantly in an Ameri-
can soil....," but reminding his critics that he assumed
more importance in Indian eyes if he were a leading
figure. Ultimately Golden was resting his hopes on the
Lords of Trade. Faced with the facts they would see the
attempt of a small faction to run New York for their own
selfish ends.59

Clinton replied at once, reassuringly, that, "...as
you entered volontarly with me & took my part against
a Haughty Insolent sett of people you may be assurd I
will niver drop you...."60 And the governor sent Golden's
answer off to England without even reading it. However,
Archibald Kennedy had read it, and he suggested to Golden that it would be wise to moderate the section concerned with Clinton's giving up power should the representation appear in public.61

Clinton's reassurances were soon followed by a letter urging Golden's return to New York; his aid was needed.62 Golden promised to come as soon as conditions permitted him to travel, and urged a further prorogation of the assembly in hope that news would come from England relating to provincial troubles.63

Golden's enemies did not rest in his absence. Clinton at last laid the Albany transactions before the entire council. There Daniel Horsmanden, taking the lead for the faction, prepared to question Deputy Secretary George Banyar further on the various entries hoping further to incriminate Golden.64 And to his amazement Clinton had learned that Sir Peter Warren, admiral and long time resident of New York, was working actively for the opposition in England.65 One of the few signs of hope Clinton saw was a report that 300 Indians had appeared at Johnson Hall, offering to fight. "I hope to God it's true," said Clinton, "because it makes some people put on dismal faces."66

Golden arrived in New York the second week of March. When the assembly convened, Clinton read a plain speech
with few requests; presents for the Indians, backing for the Crown Point expedition, and little else. The assembly gave Clinton what he requested, but rebuked him for Golden's return by refusing to make an official reply to the opening address. And again they made it plain that they would not vote to transport supplies beyond Albany.67

In an attempt to embarrass the governor the assembly requested that one hundred men be detached from the invasion force to act as rangers north of Albany. William Smith later said that they justified it "...with a recital, that the levies were victualled at a very great expense, and had been hitherto unemployed..." Captain John Rutherfurd, the one army man on the council, called it a "foolish scheme" which he felt was designed to create more jobs.68

By April 23 the assembly had finished all the business before them. Thus they reminded Clinton that the council had assented to their bill for one hundred scouts north of Albany, and all that remained was for the governor to give his assent. Since he had informed them that the session would be brief, they had declined to act on anything Clinton had not recommended. With figurative hat in hand, they said that to continue sitting was merely to add to expenses, and they requested a recess.69

Golden wrote Clinton's answer to the assembly. He
pointed out that he had been unable to enlist rangers for three times the salary the assembly was offering; not to mention their failure to provide for officers. Unable to leave well enough alone Golden and Clinton went on. There were places where the administration felt forts were necessary, but the assembly did not feel so, and Clinton was not going to put the crown to more expense. And in a parting shot, the governor said that the leading traders and Albany merchants did not want to see an expedition against Canada; it would hurt their trade with the French. This convinced Philip Livingston that Golden, the provincial "Haman," was behind the speech, and he suggested to a friend that Golden "ought to be turnd off or sent back to his own place." 

The assembly felt this latest example of insolence demanded an answer, but Clinton recessed them; later extending the recess until May 19. That day the assembly told the governor their representation was ready. His reply was to recess them again until May 26 at which time he received it.

It was a blistering indictment of the administration. The assembly was well aware of the importance of the Indians; thus Clinton had been given one thousand pounds for presents in 1745, although rumors stated that two thirds of that had been embezzled. And despite such
largesse the Indians had done nothing. Any royal order to give more Indian presents indicated that the crown would foot the bill; a clear indication they no longer would. The assembly harked back to all the funds they had given for defense, wasted and gone. Perhaps it would be better to await experienced officers. Then they turned on Golden who they blamed for the unjust attack on the poor Albanyites. And they noted that, "...ever since your Excellency has thought fit to place your Confidence in a Person obnoxious to, and censured by this House...." the public affairs had degenerated.73

Clinton sent the representation on to the Duke of Newcastle in a letter, largely written by Golden, which argued that the crown must support the administration now or abandon all hope of control in New York. The letter named De Lancey, Horsmanden and Murray as the chief instigators of all the troubles; a vast oversimplification.74

In another answer, apparently never sent, Golden let his emotions get the best of him. He denied that Clinton had hastily adjourned the assembly in April to deny them time to prepare the representation. The governor had allowed them nine days. But four or five of those days had passed while the Supreme Court was in session which deprived the assembly of the two lawyers "...whose advice
they blindly follow...." These days had been spent in "drinking bouts" and "more private Confabulations" "in a private Room of an unfrequented Tavern." The factional leaders had connived to elect a new speaker of the assembly, a "Country Farmer," to win over the "land Interest," for De Lancey's strength lay chiefly in New York City and among the merchants. Colden now claimed that one of the "Faction" had requested he be sent for in June, 1746. When he arrived they had "caressed" him, but he had felt their schemes were aimed at weakening the government and resolved to take no part. They then "resolved to put it upon him" to go to the Albany conference, counting on a failure there to discredit Colden. When, contrary to all expectations, Clinton turned it into a success, the faction turned on Colden savagely. This version of events was moderated, and a far different answer went off to London.

This censored version stressed Clinton's willingness to abandon past differences and work closely with the assembly; overtures which they had then rejected. It then attempted to throw the blame for all provincial troubles on the recalcitrant assemblymen. They had refused to vote funds or otherwise assist in gaining active support from the Six Nations. They refused to erect the necessary forts on the carrying place near Crown Point. They wanted
to control all military affairs, even though the disadvantages of public debate over military enterprises were obvious. They had made blunders fortifying New York City. And despite what the assembly said, differences between them and the administration proceeded Colden's entry into it.

No Man can defend himself against general charges, but by general answers, and therefore that person may justly deny the whole of this charge, and can make it evident...that however perplexed the publick affairs have appeared or any unsteadiness in the conduct of them, this has not in any measure happened from any advice which he gave but from the unreasonable and ungrateful opposition of a Faction to all the Govrs measures of every kind, and it is thought the Govr may without any apprehension of censure submit his speeches and Messages, since it was imagined that Person advised, to be compared with the Representations messages, and answers which came on the same time from the Assembly, and it is well known who the persons were that framed the Representations etc. of the Assembly, as it is who advised the Govr at the same time. He it is supposed was Acting within the sphere of his duty at that time, but they being no Members of the Assembly perhaps may find it difficult to vindicate their conduct in this occasion.76

A new crisis had arisen while all this took place. The troops near Albany threatened mutiny unless they were paid. The council advised Clinton to have the troops paid by drawing bills of exchange on the army paymaster for two months pay for officers, forty shillings for each enlisted man, and a guarantee of twenty shillings per month to the latter until orders should
Before news of the mutiny broke, Clinton had promised Golden that his son, Cadwallader, Jr., would be appointed Commissary of the Musters. As matters worsened Golden wrote ordering his son to stay home until the mutiny was suppressed. He also urged that the family move from Coldengham as that was in the mutineers' path if they marched south as threatened.78

Captain Peter Schuyler, commanding the New Jersey troops, raised the crisis in Albany to a new level when he promised the full pay due to his men. He persisted in that pledge despite pressure from Clinton and from the New Jersey government as well. Schuyler's actions led to greater dissatisfaction among the other troops who also now demanded full pay.79

Golden constantly reassured his wife that, "All the little malice which has appear'd does not in the least affect me." He worried more about the mutineers in Albany. Even though Clinton now had decided to pay all money due to the troops Golden was not convinced the disorders would end, and warned his wife to remain ready for instant departure should the mutineers begin to march south.80

Clinton ultimately went to Albany to deal with the
dissatisfaction, but before he left the governor sent another long letter to the Lords of Trade complaining that provincial affairs had gotten out of control. It was another of the tedious recapitulations of the disasters the De Lancey faction had brought upon New York, but this time Clinton painfully admitted that part of the problem was his "imprudent Act" granting De Lancey the chief justiceship during good behavior. But since tenure could not be altered without an act of Parliament, and no act had passed the assembly, perhaps the commission could be revoked on orders from England.  

Clinton brought the mutiny successfully to an end by paying all the monies due, drawing upon bills of the English treasury to secure the necessary funds. The governor also had to prepare again to call the assembly into session as Governor Shirley was urging the necessity of an attack on Crown Point. July 28 Clinton met the council and presented three of Shirley's letters calling for the appointment of commissioners from New York who would meet with those of neighboring colonies to reach agreement on operating plans, quotas and other details. The council agreed with the need and to save time prepared a plan for an attack on Crown Point and a feint along Lake Ontario. They urged Clinton to place Shirley's letter before the assembly, informing them
that he intended to use New York's forces on the expedition, and urged them to make provision for it. 83

Clinton, not hopeful of change in New York, had begun writing to England asking to be removed and returned to England. He feared his drafts on the treasury would not be honored, bringing financial ruin on him. But in his desire to abandon the colony, Clinton did not abandon Colden. Accompanying his other pleas he asked that Colden be appointed Lieutenant Governor, else Colden have to abandon his place in the government because of the financial losses he, too, was suffering. 84

Peter Collinson, London merchant, amateur scientist and long time correspondent of Colden, advised him not to place too much faith in Clinton's attempt to get him the post. Collinson thought it was "Meer Amusement." "When any place becomes Vacant in yr Governt or any other... or in the Customs, that is fitt for you or yr Son then Try yr Great Man & See the Effect of his promises-He finds He cannot do without you & now he carresses you with Fair Speeches, but pray remember his first behav­ iour then you was not worthy his Least Notice-This you may Excuse but cannot forget So you will keep in with Him as He does with you for Interest, & this is the faith that is to be Kept with Courtiers-untill they appear of a Different Cast of Mind & then We will receive them into
When they assembled, Clinton urged the lower house to act on the expedition. He wanted them to bear their share proportionate to the other colonies involved. After deliberating only two days they agreed to contribute a just share in any well planned expedition. However, they wished to know the plans more fully. And as to giving more money to the Six Nations, they said New York had already given more than Massachusetts and Connecticut, and they implied that Clinton might have misused the funds.

This demand to learn of military plans in detail had infuriated Clinton and Golden in 1746 when the majority of the council had wanted more complete knowledge, and this new demand, with its new implication that Clinton was incapable, would have produced another crisis, but for word from Governor Shirley that the expedition had to be abandoned. Clinton informed the council of the change and said that he was now worried about frontier security. He claimed an inability to find more provisions for the troops at Albany, or to continue spending royal funds on the Indians, and he requested that the council look into the sad condition of the Saratoga garrison.

In three days the council drew up their answer. In most instances, including the state of the garrison at
Saratoga, Clinton had not given them any information upon which to act. As for his announced discontinuance of provisions and money, they implied that any resultant ill consequences would be his responsibility. They were sure that once Governor Shirley was made aware of the danger to New York in disbanding the troops, he would leave enough for frontier defense. The general impression is one of injured innocence, accompanied by a series of not too subtle attacks on the governor and his advisor.

Horsmanden presented the answer to Clinton August 28. In council there was a hot debate over accepting the report with Colden moving to reject it. No vote was taken, but the report was not entered in the council minutes. This led the opposition to charge that any report Colden did not like was going to meet a similar fate. The governor then told the assembly that he did not plan to continue the expenses of provisioning the troops, assuring Indian loyalty, or supplying Saratoga. He suggested that they had better fill the gap.

In the debate over Clinton's message the house decided that New York was under no obligation to provision troops from other colonies. Furthermore, Clinton had royal orders to make presents to the Indians, keeping them in the war, and he should continue until royal orders were issued to countermand the original instructions.
Likewise they decided the governor was responsible for provisioning Saratoga. Their only positive act was the provision of 150 scouts to range the woods north of Albany.  

Their response was unacceptable to the governor who reiterated his former demands, but this brought no change in the assembly. The issue ostensibly was Fort Clinton, at Saratoga, which was garrisoned by New Jersey troops who threatened to leave. The assembly wanted them replaced by New Yorkers and the fort maintained, although it was in terrible shape and unpopular with troops stationed there. The assembly made great pretence of liking it, and pressed for its continued maintenance as a means of embarrassing Clinton.  

Clinton had additional worries. William Johnson needed additional funds for Indian affairs, but the assembly, apparently angered by his support of Clinton, not only voted no additional funds, but cut off funds to provision Oswego for which Johnson had been the contractor. But Colden and Clinton were convinced of Johnson's worth. Clinton was prepared to give Johnson bills on the English treasury for the necessary funds. Johnson was to tell no one. Let them assume he was using his personal fortune, confident of eventual assembly reimbursement.  

In one area, relations with the faction, the admin-
had had enough. The governor suspended Daniel Horsmanden from the council September 12, charging that he was the "principal Actor" in the opposition. In contrast, writing to London Clinton again stressed Colden's great services, again urging his appointment as lieutenant governor and the payment of salaries from quit rents. The governor refused to give Horsmanden any reason for his suspension, but the latter blamed Colden.

Clinton also sent "A Short Account" of his conduct to Newcastle, an account drafted by Colden. It was a defense of everything Clinton had done since the break with De Lancey in June, 1746. Clinton wanted to dissolve the assembly because of their behavior, but could not as the commissioners at last were meeting to plan joint offensive measures, and he felt assembly action might be necessary after that. But the governor could vent his spleen on Stephen Bayard, removing him from the council when Bayard "came hot from the faction" and threatened the governor. But even this was only temporary relief.

In early October William Johnson came to New York accompanied by several Mohawks. They came begging supplies for Indians in serious danger of starvation. The Indians had spent months around their villages waiting for the call to war, and had not gone out into the hunting grounds. Uncalled, and now foodless, they asked
Clinton for food.

The council questioned Johnson about the Indians, but apparently reached no conclusions. Clinton then turned to the assembly, asking them to provide funds for the frontier forts, for maintaining the Six Nations, and for fulfilling the plan of attack being drafted by the commissioners. That same day the assembly resolved that frequent adjournments by Clinton made it very difficult to take the necessary steps to protect the frontiers.

October 8 the assembly acted. They resolved to fulfill their part of attack plans, to protect the frontier, to place 800 pounds in "proper" hands to support the Indians although they noted that funds given Clinton for that purpose had never been accounted for, to keep some of the Albany garrison in service when royal orders disbanded the force, and to provision Saratoga. The last had not been one of Clinton's requests, and they coyly asked if he had reinforced the post as requested. Clinton replied in a rage that the times would allow of no delay, and the assembly should consider only those things he recommended to them. Extraneous matters could wait. Much of Clinton's rage was because of orders he had given to have the post burned, but of which the assembly had not been told. The governor was stung by the charges of financial irregularity. He wrote the Duke of
Newcastle in his defense admitting that he had drawn large sums supposedly for Indian presents, but that it was the only way he could get money to pay the troops. Anyway, he lamely finished, he was keeping separate accounts.\textsuperscript{103}

Meanwhile, the assembly reacted vehemently to what they chose to regard as a gross breach of their rights and privileges. They ordered the door locked and the key laid symbolically on the table at the front of the room. They then resolved that Clinton's advisor had "attempted to undermine and infringe the rights and Privileges of this House; to violate the Liberties of the People; to subvert the Constitution of this Colony, and is an Enemy to the inhabitants...."\textsuperscript{104}

That same day they passed a remonstrance; one they said should have been delivered in part in late September but for Clinton's prorogation. Again they struck directly at Colden, charging that a state of harmony had existed until June, 1746, when he assumed "Direction and Influence." "We esteem it a great Misfortune to the Country, that you have fallen into such ill Hands, that the Fate of this Colony should in this Time of eminent Danger, depend solely upon the Advice and Caprice of a Man so obnoxious; who by the whole Course of his Conduct, seems to have only his own Interest in view, without any
Regard to the Safety or Welfare of the Colony." They claimed that Clinton’s Indian policy was a complete mystery to them as he had never taken them into his confidence, and, indeed, had removed control from the Indian Commissioners in Albany. The only proofs of Clinton’s much vaunted success were "...a few Indians, making a Parade in this City, who had taken three French Scalphs and some French, but no Indians Prisoners...." The vast successes the Indians had achieved existed only in Golden’s "wicked Imagination and Invention" and were designed to make Clinton’s treaties and efforts bear some relation to the huge sums he had squandered on Indian presents. They went on to rake Clinton’s military decisions over the coals, in particular his failure to adequately maintain Fort Clinton and to protect Albany. Nor did they neglect charges of tyrannical behavior. Clinton had treated them with contempt in his speeches, and harassed them with unnecessary adjournments. 105

The house hastily approved the document in less time than a careful reading would have taken, and a seven man committee rushed off to present it to Clinton. He claimed the seven charged headlong into the room where he was sitting, and one offered to read "a large Bundle of Papers, which he said was a Remonstrance."
The assembly later claimed that a servant had announced
them, and ushered them in. In any case, Clinton refused to either hear or receive the document. 106

Four days later the assembly informed him that they were considering a bill for frontier defense. They requested the governor's aid; information on the present status of the forts and troops at Saratoga and Oswego as well as the result of the consultations with Governor Shirley. Clinton replied that he had no news from the latter, and that he needed time to consider the former, an answer certain to give additional offense. 107

Clinton also took the opportunity to reply to the Remonstrance, and did so in a message drafted by Colden, a message certain to further antagonize the assembly. Clinton gloated over house approval of the commissioner's plans, reminding them it was like plans he had advanced last year and which they had rejected. Rubbing salt in the wound he added that had it been done a year before, the crown would have paid the costs. He dismissed their insinuations that he misused Indian funds as blatantly false; they were aware Indian war parties had been equipped and sent forth at the governor's expense. Clinton reminded them that he was commander-in-chief and suggested they were incapable of judging military affairs, lacking the necessary knowledge, skill and information. Witness Fort Clinton which he had long since
told them was a military disaster, but which they had insisted on maintaining.

While writing the message Colden obviously warmed to his subject when he reached the "Farce" of the locked door session. Was anyone trying to break in? Dismal thoughts came to him of members trying to escape. It was an insult to his Majesty's government.

Consider, Gentlemen, by what Authority you sit, and act as the General Assembly of this Province! I know of none but by the Authority of the King's Commission and Instructions to me. You seem to place it upon some Foundation with the House of Commons, of Great-Britain; and if I mistake not, you, by the Resolves of the 9th of this Month, assume all the Privileges and Rights, of the House of Commons.... If so, you assume a Right to be a Branch of the Legislature of the Kingdom, and deny your Dependence and Subjection on the Crown and Parliament. ....I must now tell you, that I have his Majesty's express Commands, not to suffer you to bring some matters into your House, or to debate upon them.... I must likewise tell you, that every Branch of the Legislature of this Province, and all of them together, may be criminal in the Eye of the Law; and there is a Power able to punish you, and that will punish you, if you provoke that Power to do it....

Clinton indicated that he could overlook past disrespect, but never again would he publicly receive anything from the house, unless a copy were first presented to him privately. And never again would he assent to any monetary bill that violated his commission or instructions.

Meanwhile the commissioners had agreed that gun-
smiths should be sent to four tribes, bringing presents with them. The assembly notified Clinton that they would pay for this. Clinton gave them matter for more serious thought when he notified them of a royal order cancelling the expedition and ordering the troops discharged. The King wanted each colony to patriotically pay its own troops until Parliament could reimburse them. Clinton then proposed the retention of some of the men at Albany, and the assembly agreed to provide for eight hundred men but claimed an inability to pay money already due to the soldiers. 109

By this point Clinton and the assembly were as far apart as possible, but Clinton proceeded to add to his difficulties when he ordered the printer for the assembly, James Parker, not to print or publish the remonstrance which he had refused to receive. The assembly, true to form, was outraged at this latest "arbitrary and illegal" act, violating both the rights of the assembly and of free speech. 110 In fact Clinton and Colden were in the right when they asserted that the assembly desired to imitate the English House of Commons and that this had no justification in law.

Clinton also caused great alarm by a message to the assembly which requested them to provision and pay militia detachments he planned to use for frontier defense.
William Smith claims the issue was the dislike of New Yorkers for militia service, and the assembly's fear that backing the governor would bring down a popular rage on them. They thus responded by reminding Clinton of their previous vote to maintain 800 soldiers, and said that as long as his advisors wavered so often in policy decisions, it would be very difficult to protect the frontier. In turn Clinton reminded them of their refusal to provide back pay, and told them they had cut officer's pay so low that none could be found. Thus he saw no choice but to call the militia to save the colony. The assembly countered that Clinton had known about the salaries for some time, and had vowed to do his best. But now they were shocked to learn that he intended to call on the militia, harassing the poor people of New York.\textsuperscript{111}

Despite their warnings of trouble, Clinton issued orders to the militia colonels to have their troops ready to march. November 9 the New York City soldiery were called out to the parade ground where their orders would be read. En route the troops marched past Clinton's home and a private turned and fired his musket at the window where the governor and his young daughter stood watching. The officer, an assemblyman, merely laughed. Worse followed. Unanimously the militia refused to act without an assembly order.\textsuperscript{112}
Faced with the need to somehow defend New York the assembly decided to begin from scratch and voted to raise 800 new volunteers, asking Clinton to take appropriate steps to recruit the force. Foolishly he refused to receive the message from the house; a refusal that not only worsened relations but led to publication of the forbidden Remonstrance. While thus showing their defiance, the assembly also begged Clinton to sign the provisioning bill before winter made transportation to Albany impossible. Clinton capitulated. He signed the provisioning bill and another that raised £28,000 for frontier defense, but he stressed his dislike for so doing and dissolved the assembly in a bitter recapitulation of the session, penned by Golden. The opposition responded in kind with a "letter to the Governor" written by Daniel Horsmanden. 113

By this point Golden stood alone. During the session he had led a singlehanded struggle in the council to maintain the power of the governor against that of the assembly, but had had to sit in defeat as the assembly increased its control over finances and appointments. He protested vehemently, but did so alone. 114

This painful lack of strength led Golden through Clinton to urge upon the English government the necessity for firm action. The opposition, headed by Chief
Justice De Lancey, included among its leaders "their secretary and waiter Daniel Horsmanden", Joseph Murray, Stephen Bayard and Philip Livingston. Acting on his own, Clinton had suspended Horsmanden and Bayard, and he had been calling for the removal of De Lancey as Chief Justice. Now, in addition, he asked that Livingston be suspended as Secretary of Indian Affairs.

Colden's view of the recent session is conveyed in a memorandum in his papers.

The general view of the late proceedings of the Council & Assembly is to make it appear in England that Mr Golden is a person disagreeable to both the Council & Assembly. In answer to this it may be asked is there or can anything be shown in his conduct that deserves their displeasure if the real service of the King be made the rule by which our judgement is directed if no such thing appear the whole must arise from the power of a faction that is influenced otherwise than by the public service Is it not then necessary to suppress such views as evidently tend to public prejudice. If the small number of the Council & Assembly be consider'd & the low condition of life & ignorance of the greatest number of them it may be in the power of one man of a superior fortune & numerous relations if he once get the greatest numbers of such as depend on him or have personal friendships or are otherwise influenced by him into the Council & assembly & into all the offices of Govt to influence the whole in such manner as he shall think fit But then the sense of the people in general may be very different from what is express'd by their representatives It is certain great numbers think differently from them & perhaps when a proper opportunity offers the people will show that they generally dislike the late proceedings of the assembly. 115

At the end of the session Colden returned to Ul-
ster County where he worked hard to secure the election of administration candidates, ultimately successfully. But his concerns went beyond the local elections and he wrote at least one piece for distribution throughout the province, suggesting to Clinton that it should appear in the newspapers and as a broadside. On the basis of his experience in Ulster Colden was convinced "...that more care ought to be taken to inform the people truely & to disperse the papers wrote in Vindication of the Administration." If that were done, Colden felt that the people would recognize the truth and act accordingly.117
FOOTNOTES

1 George Clinton to Duke of Newcastle, 2 October, 1743, Doc. re Col. Hist., VI, 248

2 Clarke to Lords of Trade, 12 December, 1743, Ibid., VI, 251-52

3 CC to Alexander, 5 December, 1743, Rutherfurd Collection on deposit NYHS, III, 11; CC to Mrs. C, 8 September, 1744, Papers, III, 74-5


5 Clinton to Lords of Trade, 10 June, 1745, Doc. re Col. Hist., VI, 278; John Rutherfurd to CC, 20 June, 1745, Papers, III, 115-17

6 CC to ---, 7 August, 1745, Ibid., III, 136-39

7 Stone, op. cit., I, 178

8 Alexander Hamilton, Gentleman's Progress The Itinerarium of Dr. Alexander Hamilton, Carl Bridebaugh, ed., (Chapel Hill, North Carolina: 1948), on Clinton's drinking see 42, 79-80, 88

9 John Catherwood to CC, 6 June, 1746, Clinton Papers, III


12. CC to Mrs. C, 19 June, 1746, Papers, III, 214-15

13. CC to Mrs. C, (June, 1746), Ibid., III, 220; "Observations on Govr Shirley's Plan of Operations", 21 June, 1746, Clinton Papers, III

14. CC to Mrs. C, June, 1746, 3 July, 1746, Papers, III, 220, 221-22

15. CC to John Armit, 19 July, 1746, Ibid., III, 226

16. Vargas, op. cit., 96-7

17. William Livingston, A Soliloquy (New York: 1770), 10-11

18. CC to Mrs. C, 24 July, 1746, Papers, III, 229-30


22. James De Lancey to George Clinton, 30 August, 1746, Ibid., IV

23. Clinton to De Lancey, August, 1746, Ibid., IV; Clinton to the Susquehanna Indians, 8 September, 1746, draft in Colden's hand, Ibid., IV

24. Smith, History, II, 103-104; CC, Treaty Between His Excellency...George Clinton...and the Six United Indians Nations....Held at Albany...August and September, 1746 (New York: 1746)

25. John Rutherfurd to CC, 10 October, 1746, Papers, III, 272-73

26. Clinton to Duke of Newcastle, 9 December, 1746, Doc. re Col. Hist., VI, 312-14; Council Minutes, 16 September, 1746, Clinton Papers, IV

27. Abstract of Evidence...., Doc. re Col. Hist., VI, 657; Smith, History, II, 108; George Clinton to assembly,
24 November, 1746, draft in Papers, III, 284-90

28 Keys, op. cit., 150

29 Journal of the Votes, II, 124-25

30 Clinton to Duke of Newcastle, 9 December, 1746, Doc. re Col. Hist., VI, 312-14; Smith, History, II, 104-105; Journal of the Votes, II, 126-28

31 Ibid., II, 124-26

32 Ibid., II, 128; Smith, History, II, 104

33 Clinton's Case, Clinton Papers, IV

34 Council to George Clinton, 21 October, 1746, Horsmanden Papers, NYHS

35 Clinton's Case, Clinton Papers, IV, cited in Vargas, op. cit., 108

36 Journal of the Votes, II, 130-32; Assembly to Governor Clinton, 4 November, 1746, Clinton Papers, IV

37 Journal of the Votes, II, 132

38 Ibid., II, 134-35

39 Ibid., II, 137-39; draft in Colden's hand, Papers, III, 284-90

40 Journal of the Votes, II, 139; Doc. re Col. Hist., VI, 656-58

41 CC to Mrs. C, 9 November, 1746, Papers, III, 278; CC to Mrs. C, 11 November, 1746, Ibid., III, 279

42 CC to George Clarke, 26 November, 1746, Ibid., III, 290-91

43 Minutes of the New York Legislative Council, 4 December, 1746, Doc. re Col. Hist., VI, 330

44 Ibid., VI, 331; also Papers, III, 306-307

45 Draft, partly in CC's hand of George Clinton to Pelham, 8 December, 1746, Clinton Papers, IV

46 Clinton to Duke of Newcastle, 9 December, 1746
Doc. re Col. Hist., VI, 312-14

47 CC to ?, 10 December, 1746, Papers, III, 293; See also Clinton to Lords of Trade, 12 December, 1746, Doc. re Col. Hist., VI, 328-29; draft in Clinton Papers IV, and memorandum in CC's hand in Papers, III, from which the final draft was done.

48 Representation to Clinton, 16 December, 1746, Papers, III, 294-305. Colden's supposed stress on expense lends added credence to reports Clinton paid his expenses to Albany.

49 George Clinton to CC, 17 December, 1746, Ibid., III, 308

50 Archibald Kennedy to CC, 22 December, 1746, Papers, III, 310-11

51 CC to Archibald Kennedy, 18 January, 1746/7, Ibid., III, 335

52 "Address to the Freeholders & Freemen...of New York...," Papers, III, 312-28

53 CC to Kennedy, 18 January, 1746/7, Ibid., III, 335

54 CC to Clarke, 18 January, 1746/7, Ibid., III, 336-337

55 CC to George Clinton, 19 January, 1746/7, Ibid., III, 337-39

56 Ibid.

57 CC to Mrs. C., 3,4 July, 1746, Papers, III, 221-22

58 George Clinton to Duke of Bedford, 15 August, 1748, Doc. re Col. Hist., VI, 428-32

59 CC to George Clinton, January, 1746/7, Papers, III, 339-56

60 George Clinton to CC, 22 January, 1746/7, Ibid., III, 356-57

61 Kennedy to CC, 23 January, 1746/7, Ibid., III, 357-58; Kennedy to CC, 20 February, 1746-7, Ibid., III, 358-59.
62 Clinton to CC, 20 February, 1746/7, Ibid., III, 359
63 CC to Clinton, 23 February, 1746/7, Ibid., III, 360-61
64 11 February, 1746/7, Horsmanden Papers #32, NYHS
65 Clinton to CC, 11 March, 1747, Papers, III, 363-65
66 Clinton to William Johnson, 25 March, 1747, Johnson Papers, I, 83-85
67 Smith, History, II, 114; drafts of Clinton's 25 March and 3 April speeches, largely by CC, in Clinton Papers, V; Journal of the Votes, II, 143-44
68 Ibid., II, 144; Smith, History, II, 114-15; Rutherfurd to CC, 9 April, 1747, Papers, III, 370-71
69 "The Humble Remonstrance...," 9 October, 1747, Doc. re Col. Hist., VI, 617-26
70 Journal of the Votes, II, 143-48; Clinton Papers, V, has a rough draft by CC.
72 "The Humble Remonstrance", Doc. re Col. Hist., VI, 624
73 Journal of the Votes, II, 149-50
74 George Clinton to Newcastle, 30 May, 1747, Clinton Papers, V; same in Doc. re Col. Hist., VI, 350-51
Remarks on the Representation of the Assembly to Governor Clinton, Clinton Papers, V
76 Remarks on the Representation of the Assembly of New York, Doc. re Col. Hist., VI, 365-74
77 George Clinton to Col. John Roberts, 30 April or 1 May, 1747, draft in CC's hand, Clinton Papers, V; Clinton to Duke of Newcastle, 11 May, 1747, draft by CC, minor changes by Clinton and John Ayscough, Ibid., V
103

78 Clinton to Mrs. C, 6 May, 1747, Papers, III, 380

79 George Clinton to Schuyler, 6 May, 1747, draft by CC, Clinton Papers, V; Clinton to Duke of Newcastle, 23 May, 1747, Doc. re Col. Hist., VI, 349-50

80 Clinton to Mrs. C, 3, 7 June, 1747, Papers, III, 395-396, 400-402

81 Clinton to Lords of Trade, 22 June, 1747, Doc. re Col. Hist., VI, 352-57

82 Clinton to Newcastle, 23 July, 1747, Ibid., VI, 357-58

83 Abstract of the Evidence, Ibid., VI, 667; a copy of the council's plan is in Papers, III, 408-409

84 Clinton to Under Secretary Stone, 24 July, 1747, Doc. re Col. Hist., VI, 377; Clinton to Maynard Guerin, 25 July, 1747, Clinton Papers, VI

85 Collinson to CC, 3 August, 1747, Papers, III, 410-12

86 Journal of the Votes, II, 159-60

87 Shirley to Clinton, 15 August, 1747, Doc. re Col. Hist., VI, 384-85

88 Abstract of the Evidence, Ibid., VI, 668-69

89 Committee of Council Report, 26 August, 1747, Papers, III, 420-23

90 Daniel Horsmanden to Lords of Trade, 29 September, 1747, Doc. re Col. Hist., VI, 404-405

91 Journal of the Votes, II, 162-63

92 Ibid., II, 163

93 Ibid., II, 165-67

94 William Johnson to George Clinton, 30, 31 May, 1747, Johnson Papers, I, 93-7; Clinton to Johnson, 7 September, 1747, Ibid., I, 113-15

95 Clinton to Lords of Trade, 27 September, 1747, Doc. re Col. Hist., VI, 378-80; Clinton to Duke of New-

96 Horsmanden to Lords of Trade, 29 September, 1747, *Ibid.*, VI, 404-405

97 Clinton to Newcastle, 27 September, 1747, draft by CC, Clinton Papers, VI; also *Doc. re Col. Hist.*, VI, 399-403

98 Clinton to Lords of Trade, 29 September, 1747, *Ibid.*, VI, 404

99 *Calendar of Council Minutes*, 367; *Journal of the Votes*, II, 168-71

100 *Ibid.*, II, 172-73


102 *Council Minutes*, 367; *Abstract of the Evidence, Doc. re Col. Hist.*, VI, 673-74

103 Clinton to Newcastle, 9 October, 1747, *Ibid.*, VI, 405-406; draft by CC, Clinton Papers, VI

104 *Journal of the Votes*, II, 173

105 The Humble Remonstrance...., 9 October, 1747, *Doc. re Col. Hist.*, VI, 617-26; *Journal of the Votes*, II, 173-80

106 Smith, *History*, II, 126; Message from Governor Clinton to the General Assembly, 13 October, 1747, *Doc. re Col. Hist.*, VI, 626-35


109 *Journal of the Votes*, II, 188, 190-91; Smith, *History*, II, 131-32


The suspension of Livingston also would have aised William Johnson, and Clinton felt it was important to keep him happy.

116. Papers, III, 433

117. CC to Clinton, 9 December, 1747; CC to John Catherwood, 3 January, 1748, both in Clinton Papers, VII; CC to Clinton, 29 January, 1747/8, Papers, IV, 6-10
CHAPTER III

ADVISOR TO THE GOVERNOR: PART TWO

Clinton had no one on whom to rely other than Golden, so a constant stream of letters poured into Coldengham from the governor. He feared assembly rejection of the alterations which the Massachusetts assembly made in plans for the long awaited attack on Crown Point. The opposition was stronger. Thus Clinton requested that Golden write "an agreable Speech" to be delivered to the assembly; one that would "...convince the people I have no Malice at Hart..."\(^1\)

Golden, of course, agreed that such a speech was necessary. He thought the assembly alone should decide what course of action to follow; allowing them independence of action would avoid the possibility of their seizing upon some pretext to dodge responsibilities. Golden wrote a speech that he felt would "...give no ground of offence but likewise...leave no room for the Cavils of the most malevolent." And in the letter enclosing the speech Golden suggested that public affairs might go more smoothly in his absence.\(^2\)
Colden's suggestion came at an opportune time. January 29, Clinton received news from London of Sir Peter Warren's latest success; he had managed to get James De Lancey appointed Lieutenant Governor of New York. Clinton was to withhold the commission, thus ensuring De Lancey's good behavior which would be determined by his conduct during the next session of the assembly. Clinton swore to Colden that he would not leave New York before assuring himself of Colden's safety, but the force of the blow was still stunning. That Sir Peter Warren was the instrument of his apparent downfall must have hurt Colden badly for as late as the previous September he had assumed Warren to be, if not friendly, at least not openly hostile.

Clinton wrote to England protesting the appointment. He reminded Newcastle that De Lancey had been the major stumbling block in his path and begged for reconsideration of the decision. Colden, Archibald Kennedy and Captain Rutherfurd had been the only loyal councillors and now their loyalty was undermined by this. Colden, although obviously disappointed, thought that Newcastle was misinformed and had probably jumped at a suggestion of Sir Peter Warren that the De Lancey appointment would end difficulties in the province. He hoped that Clinton would not give in to the opposition, but Colden had
doubts about the governor's fortitude for the first letter to Clinton after the bad news contained a plea for continued support. In a more reflective mood he wrote to a friend that he "...knew the chances that attended the Game." But he could not blame himself, and at any rate was now free to turn to his beloved philosophy.

Of course, Golden wrote to Newcastle also, justifying himself by stating that provincial affairs were the real issue, arguing that a faction could easily overturn royal control in a province where most inhabitants were "of the lowest rank of mankind" and had "levelling inclinations." The opposition had been successful in New York because the very boldness of their lies led people to believe them. Golden hinted that English governmental action could have ended the trouble prior to this, but understandably he did not dwell on the home government's shortcomings. Instead he passed on to the charges leveled against him, all of which were "...general charges & insinuations of my secret designs & intentions to which no answer can be given but that of a flat denial...."

Writing to Clinton at the same time Golden asked if it were proper for one man to be governor, chancellor and chief justice. And was it true that Horsmanden's reward for aiding the faction was to be acting chief justice while De Lancey acted as governor?
Meanwhile, the new assembly, made up largely of the old members, met, hearing a speech by the governor that Golden had drafted. But the Scot remained at Coldengham. With Golden noticeably absent from New York City, the legislative session went more smoothly than had recently been the case, but troubles still plagued Clinton. The assembly failed to accept Massachusetts' alterations in the military plans, and urged that the southern colonies aid the expedition. They managed to appoint a colonial agent in London, Robert Charles, Sir Peter's secretary, despite Clinton's objections. And they voted £150 to Daniel Horsmanden ostensibly for drafting their bills, but in fact as reward for writings he had undertaken for them in opposition to Clinton. The governor also accepted several acts he disliked, following the advice of Golden's friend, James Alexander, who suggested he do what the council wished, arguing somewhat airily that in private they might not favor acts they supported publicly. The appointment of Charles was the hardest for Clinton to stomach; previously he had thought Charles a loyal supporter.

One area where Clinton was still able to make good use of Golden that spring was Indian affairs. In early April he asked Golden for his opinion on the Six Nations. Golden replied that, if one wanted to keep their friend-
ship, one could either keep the Indians neutral or engage them actively in the war. Golden said the former was viewed as extremely desirable by that group of merchants who stood to profit most by open trade with the French and their Indian allies, and he cited James De Lancey as the leader of this faction. Golden feared that the Six Nations might well desert the English cause if they were not actively employed. On the other hand, full employment of Indians would help bring Canada down, and no successful full attack could be mounted without Indian aid. Golden urged the governor to push the matter in England. He sent the paper off with a covering letter to Clinton suggesting that it be sent to England either under Golden's name or the governor's, to clear the latter if the assembly tried to fix the blame on the administration for any eventual failure in Indian negotiations or the Crown Point expedition. As an additional part of the effort to hold the Six Nations in line, Golden met with them at Onondaga in late April.

Major Rutherfurd returned to England, and Clinton used the opportunity, loading him down with instructions to clear Golden's name in England. Clinton was concerned to care for Golden in other ways as well. He reminded The Scot that much land would be granted as soon as the governor left, and Golden would reap the fees. And Clin-
ton intended to appoint Colden's son as storekeeper when he left New York; a position from which De Lancey would be unable to remove him.\textsuperscript{15}

Clinton met the assembly for a ten day session at the end of June, again urging the attack on Crown Point much to the feigned surprise of the assembly which reminded him that Massachusetts had not ratified the agreement, suggesting that the expedition was thus cancelled. Other than that the session passed peacefully enough; the assembly and governor even refused to come to blows when Colonel Beekman, one of De Lancey's followers, tried to make trouble over pay due some of the discharged men.\textsuperscript{16}

Clinton then went off to Albany for a major Indian conference from which Colden expected few results. It was "absolutely necessary" to meet, but he thought that only a large armed contingent would do any good, and that was unlikely.\textsuperscript{17} Accompanying Clinton in addition to Colden were Philip Livingston, Archibald Kennedy, and James De Lancey. William Shirley, Governor of Massachusetts, was also there. Concrete results from Indian conferences are diffuse and hard to see, and perhaps it would be more fair to place any credit for success in Indian policy on the shoulders of William Johnson.\textsuperscript{18} But the conference did bring Colden and Governor Shirley together and apparently the two developed a liking for
each other which Clinton capitalized upon for personal gain. He and Shirley travelled back down the Hudson together. During the trip Clinton prevailed upon Shirley to investigate the encroachments of the assembly upon the royal prerogative, with Colden's aid, and to write a report on his findings and send it to the Duke of Bedford. Clinton, perhaps at Colden's urging, had conceived of this way to help show the crown that he was right in the interminable squabbling in New York. 19

Colden later claimed that he was on the verge of leaving the government, but that Governor Shirley insisted it was necessary for him to stay and aid Clinton. Colden claims he agreed at last, but only if Shirley would write the opening address to the assembly and draw up a representation of New York affairs to be sent to the crown. 20 Why Shirley would do all of this is not clear. His recent biographer suggests Shirley may have felt Clinton's family connections would help him, or that there would be some reward for helping another governor, or he may simply have been flattered by a plea for help. 21 Actually any strengthening of Clinton aided the war effort, answering Shirley's needs as well.

Shirley reconsidered reporting directly to the crown and sent his findings to Clinton instead. He found that the assembly had garnered increasing amounts of power
over the support bill until now it was granted annually to officers by name with a contingent sum reserved only for the assembly; a violation of the governor's instructions. He showed that the assembly had increasingly usurped the power of appointment, and were in the process of assuming military power as well. All of this, backed by examples, went a long way towards proving what Clinton and Golden had long claimed to be the case. But Shirley's suggestions were not very helpful. He suggested a return to the old system of support bills although compromising by allowing the assembly to appropriate salaries to offices. Perhaps, said Shirley, royal disallowance of a contested act or two would help, but he warned that, if Clinton, under whom most of the changes had come, could not resist, then no future governor would be able to do so. 

Clinton included a letter of his own with Shirley's, hoping to add more weight. He recapitulated past events since the ill fated Indian conference of 1746, stressing again the financial sacrifices he had taken in mortgaging his estate to raise the necessary money for royal plans to go forward. Clinton suggested that many of the difficulties he faced were designed to discourage future governors from wanting the office so that the faction might stay in power; a rather perceptive observation that prob-
ably came from Colden. Clinton now claimed a desire to remain in power to clean up the government.23

The Governor planned to call the assembly into session in October, but he wanted Colden to come to New York before that to settle some of the diffuse problems Clinton foresaw. Governor Shirley had urged Clinton to call Colden down for his advice, although the latter did not want to come.24 In particular Clinton feared that the Duke of Bedford and other English authorities would not agree to dropping De Lancey completely from the government, but he assured Colden that he would continue to pursue it.25 Perhaps Colden should have heeded the example of a close friend, Benjamin Franklin, who wrote that he had refused to participate further in provincial politics, devoting his time instead to pleasurable things.26 But, ever the loyal servant, Colden went to New York.

When Clinton met the assembly in mid October, he called on them to grant a five year support bill as was previously done. Clinton said he had not objected to annual appropriations during the war, but now peace had come, he wished to return to past precedent. Salaries could be granted to specific offices, but not to officers by name. The governor had other requests, but this was obviously the crucial one.27 William Smith claimed later
that the speech was, "...raking up the old embers, and disagreeable to every body but Colden and Delancey."^28

To no one's surprise the assembly exploded with righteous indignation, hunting for every possible example of gubinorial wrongdoing in response. They told Clinton that a prisoner exchange with Canada failed because he had not sent good men. But that was a parting shot. They really were after the support bill. Annual bills worked well, insisted the assemblymen, as did the practice of voting salaries by name. Had that not been the case, Clinton, under the "mean" and "despicable" Colden's evil sway, would have filled Horsmanden's seat on the supreme court with "some unworthy Person," and they expressed astonishment that Clinton could still be following Colden's advice.^29

Clinton delayed two days before officially receiving the message. In the interim he wrote the Lords of Trade urging the absolute necessity of crown action. To end his problems Clinton urged royal disallowance of the salary act, even though part of it had taken effect. And he pleaded for additional action either through a broadened new instruction or other method to end the crisis.\textsuperscript{30}

Then he answered the assembly. Since they had shown no decency, he would not receive their message. This was a formality for Clinton then answered them point by point,
having unofficially received a copy from the house messengers. The governor reiterated his demands and defended Colden. "You are pleased...to give...the Characters of some Persons, that I have had better Opportunities to know them than you can have had; however, I believe, that by this Paper, some Men's Characters will be very evident to every Man who shall read it and who has the least Sense of Honour." Both sides had now reached the usual level of invective and the house response came rapidly, slamming the governor for this latest breach of their undoubted rights of access to him and criticizing his advisor for having encouraged this.31

Clinton called the attention of the Lords of Trade to this latest evidence of factional "malice." Had he not called for advice from "the most proper persons," including Governor Shirley, and then called again upon Colden's services? And his moderation again had been rejected by De Lancey's faction in the assembly which now claimed not only "...all the powers and privileges of Parliament but in effect say that if they have a mind to spit in their Govenour's face he shall not Have the liberty to turn it aside."32 That same day, a letter to the Duke of Bedford reiterated the necessity of removing James De Lancey from the government.33 November 12, Clinton prorogued the assembly, but not without again
lecturing them about their insistence on rights and privileges they did not have. Clinton had apparently fought a draw.

But within the council De Lancey for once lost his calm demeanor and he and Colden tangled. On September 24, Clinton announced that the troops on the frontier had supplies left for only a week, and probably would disband if no more were received. The speaker and several house members, when informed, had said it was too early to disband; frontier safety would be threatened. The council responded by advising continued provisioning until October 21. Clinton accordingly sent his secretary to one of the commissioners, Mr. Richards, who agreed to so do. But soon after that, consultations by all the commissioners led to refusal on grounds that the request was not in the original act. Richards made it known that even a direct order from Clinton would be refused. Goldsbrow Banyar, deputy secretary of New York, reported the refusal to the council, and Colden moved that it be put in the records. De Lancey then asked for entry of the entire report and that was carried.

Several days later the council was discussing a letter from Clinton to the governor of Canada. De Lancey claimed that he could not understand one paragraph and asked if anyone present could explicate. Colden tried
unsuccessfully, and was moving that the clerk make it intellligible when De Lancey stated that, "We must guard against misrepresentation." When Colden pressed him, De Lancey said his warning was necessary as "Mr. Colden had discovered a most flagitious and wicked mind in Council" on the day of Banyar's report. Colden wanted the charge put on record, and De Lancey, threateningly as Colden later asserted, repeated the charge, offering to put it into writing then or the next day. The meeting broke up after a few more hostile remarks. Under Colden's prodding, Clinton later forced De Lancey to reply in writing. The latter did so, fuming that it was all improper but that he would reply "to show his willing temper." He had protested Colden's attempt to set down only Mr. Richards' refusal, said De Lancey, because it was "unfair" to take down only partial testimony. Having a low opinion of Colden, De Lancey assumed the worst and was filled with righteous indignation. Colden's answer stated truthfully that the chief justice was overly concerned with petty details, and resentful that the governor had transferred his confidence. And Colden simply asked if De Lancey had justified himself. Clinton, himself, pointed out that where such obvious malice existed, yet no concrete wrongs could be shown, that in itself was fair proof of Colden's innocence.
Colden wrote another of his personal appeals to England, to the Duke of Bedford, stressing his twenty-six years of service; service that took on added dimensions as totaled up now. He now claimed that he was responsible for the end of party strife during George Clarke's administration when the latter was so "dispirited" that he had chosen "to put the entire conduct of the publick affairs into my hands at that time." Indeed, the De Lancey family had even desired to ally their families through marriage, which had been done. And from bitterness now at his fall from favor, De Lancey had chosen to attack Colden openly. Colden was writing, he said, because Clinton would be accused of showing favoritism were he to take sides. Clinton had written any way.

The governor and Colden had been discussing drastic action, removal of De Lancey. Apparently Colden wanted Clinton to swear De Lancey in as lieutenant governor and then suspend him. As Colden argued, it would force English authorities to act or acquiesce. But Clinton was scared and wanted legal advice. Colden, presuming upon a favorable response, recommended James Alexander, and tried to stiffen the governor's backbone, assuring Clinton that he acted with sufficient reason.

But the longer Clinton hesitated, the more need he found to have Colden at his side in New York. There
were problems with the exchange of Indian prisoners from Canada. For cryptic reasons Alexander could not be consulted until Golden arrived. Livingston was dying, and his successor must be discussed. Oliver De Lancey had scared the mayor of New York. What Golden could do about some of this remains vague, but Clinton's need is readily apparent. And there was some real need. The council was splitting, two-two, on all issues, and five councillors were needed to vote on land grants.\(^1\)

Golden pleaded his inability to get to New York in the harsh weather. Perhaps Clinton should not meet the assembly until he heard from the crown, and Golden suggested several ways to drag out the question of a prisoner exchange without meeting the assembly.\(^2\) Within a week, a renewed plea went out for Golden's attendance, this time from John Ayscough, Clinton's secretary, the governor being too ill to write.\(^3\) Golden again said the weather was too bad for one of his age to travel any distance. He did try to cheer Clinton with news of an appearance by Oliver De Lancey at an Esopus tavern where De Lancey recited the latest songs and other factional scurrilities in an attempt to influence the upcoming elections but without any success. Golden did not know where talk of new elections had come from, but suggested it might not be a bad idea if "there were reason to hope"
for replacement of one New York City delegate and one from Queens, the latter almost certainly David Jones. At worst a good struggle would show that most inhabitants were not as affected as the faction claimed. Another plea from Ayscough followed, "...his Excellency will be very uneasy till he sees you...."

Golden's mention of Oliver De Lancey must have hit a sore spot in New York where Oliver was already causing a great deal of trouble. In recent weeks he and his cronies, in black face and disguise, had broken into the home of a Jewish merchant, smashing the furniture and threatening to rape the poor merchant's wife for her supposed resemblance to Governor Clinton's spouse. But no civil action had been taken as three leading lawyers, Murray, chambers, and William Smith all said it was futile. Oliver had gone on to apparently fracture the skull of a man for a supposed insult on the road. Again no action was taken.

In early May Clinton's hopes, and those of Golden, rose greatly. Catherwood had sent news from England; De Lancey's commission would be returned, Horsmanden's suspension was approved, the assembly would be rebuked and dissolved, and Sir Peter Warren had resigned his commission in disgust. As an afterword to the joyous news, Ayscough noted that Clinton's daughter had eloped and
married Captain Roddam of the royal navy.47

The assembly met at last on June 27 with Golden in town, but by this time a new crisis had arisen. Oliver De Lancey, while drinking in a dockyard tavern in the company of Dr. Alexander Colhoun who was a friend of Clinton, reportedly had said, "Damn the Governour and all them that take his part. The Governour is a damnd Rogue a damnd... fellow, the worst Governour that ever was in this Province. All the People about him are a pack of damnd Scoundrels. The Governour is a scrub. By God I say the Governour is an arrant Villain Scoundrel and Rascal. I call him so....And go and tell the Governour I call him so."48 Colhoun, drunk, retorted in kind and in a resultant brawl De Lancey stabbed him; the governor's faction claiming this happened after Colhoun fell. When Colhoun seemed likely to recover, Clinton planned to prosecute De Lancey for libel but could find no lawyer to take the case as they were unwilling to do so before a court headed by Oliver's brother.

Clinton at last prevailed upon William Smith to prosecute, apparently in exchange for a promise of the attorney general's post for Smith. The incumbent, Bradley, was sick and apparently senile as well.49 Clinton hoped popular abhorrence for the stabbing would hurt James De Lancey as well, but in council the latter pre-
tended strong distaste for his brother's actions. If nothing else, Clinton felt the incident should lead the crown to send chief justices over from England as it was obvious provincial judges usually were interested in the cases appearing before them, an argument Golden would advance with increasing frequency as years passed.\(^{50}\)

Clinton was able to point with pride at his success, unique in New York history, in preventing the Six Nations from going off to Canada to make a separate peace.\(^{51}\) Probably much credit for success with the Indians is due to William Johnson who had aligned himself with the Clinton faction. Sir Peter Warren urged Johnson to be careful and stay friendly with De Lancey, but Johnson replied that De Lancey was "the Primum Mobile of the opposition" and thus unlikely to befriend Johnson even if he had been willing to make advances.\(^ {52}\)

When the assembly met, the governor delivered a firm speech asking that they grant support for the government in a manner that conformed to his commission and instructions, and he included the relevant portions of both. The commission stated that all public funds should be issued by the governor's warrant, with the advice of the council, and used to support the government. The fifteenth instruction said that no excise tax on liquor could run less than a year, and, with the exception of
temporary service, all other supply and support legislation should be indefinite in duration. The thirty-second instruction reiterated that public funds could be issued and disposed of only by the governor's warrant, but it allowed the assembly to examine the revenue accounts.53

A week later a committee of the assembly brought in their answer to the main body which unanimously accepted it. According to William Smith this indicated to Clinton that the assembly had given up independent action and reposed complete confidence in the factional leadership.

In their answer the assembly said they saw no command to grant a five year support bill, "... of which method," as Smith puts it, "Govrs were fond of engrossing the Sweets, and from which no Benefit ever had or could result to the people." They saw no difference between a support voted annually or one for a longer term and saw no reason to change their minds, having had no word to the contrary from England. The message ended by affirming that, "...the faithful Representatives of the People, could never recede from the Method of an annual support."54

Thus the battle lines were drawn again. Golden and Clinton did not aid their own position when the governor refused to receive the address, claiming that he had not seen a copy. In a rage the assembly unanimously insisted
he had no such rights. The governor claimed that the king always had copies of addresses before public presentation, and that it was past usage in New York as well. He had a right to know, Clinton insisted, because he had a duty to restrain the house. And in this instance he noted that messengers had come to him within an hour of the time the house met to consider his address, which led him to believe they intended to present something improper. But, he said that he had since seen a copy in the minutes, and they thus might now officially present their address. This all helped distract attention from the real issue, that of the support bill, where Clinton had a stronger case.

Clinton responded directly to the address several days later. He reminded them that after each prorogation he began anew, while they continued to dredge up old hatreds and feuds. The governor reminded them of his work maintaining Indian allies; work that would go for naught if they did not act. Any failure in prisoner exchanges was not the fault of the administration. He said no one would advance money merely on the basis of assembly resolves; they had not yet paid for a trip they authorized in June, 1748. He suggested that they remember that an essential part of the British constitution was the belief that separate branches of govern-
ment should grant and appropriate money as otherwise the funds could be misapplied. "You have given money to private persons not only for services which were not recommended to you to be provided for, but for services of which I to this day, remain ignorant; and by mixing of the grants in the same bill wherein you provide for the support of government, or other necessary services, you put me under the necessity of giving my assent to them, or of leaving the government without support." "This is so dangerous an invasion of his majesty's prerogative, and so injurious to the people of this province, that you may assure yourselves, it will not be suffered to continue." On the other hand he notes the assembly which had consistently neglected to pay people like William Johnson whose services were well documented. Clinton ended by threatening the consequences if England should come to suspect the lessening of the prerogative.56

While the assembly responded publicly to Clinton, there was at least one anonymous attack on him and Col- den for their claims about the Six Nations. William Liv- ingston, writing as Mithridates, turned out a mock serious piece on a proposed college for New York. Among its many advantages, such an institution would turn out historians able to praise accomplishments of former gov- ernors who would else go forgotten. "What a pompous
Figure will our Treaties make in Story! How will our costly and magnificent Presents to the Indians astonish Posterity! The incredible Number of the Six Nations! The indefatigable Pains to preserve them in the British interest! The private Presents given them!57

The assembly answer to Clinton simply further illustrates the vast differences between crown officials and colonial representatives. They maintained that any differences that might exist between governor and assembly were not long standing, but dated from the previous October when Clinton had insisted upon a five year support bill. They felt that the governor neglected to state that many of the unpaid expenses were now awaiting receipt of full accounts before the house could act. Clinton's boast that he had never invaded private liberty or property was treated with scorn and pointed references were made to the seizure of provisions in Albany, censorship of the press, and attempts to slow the courts in Ditchess County. Contrary to what the governor would like believed, services for which grants were made were always mentioned in their bills. Turning to the constitutional issue the governor had raised, the assembly noted it was true that Parliament left the disposition of money to the King, but there were vast differences between kings and governors. The interest of the king,
after all, was that of his subjects, whereas the governor was usually a rapacious, greedy stranger from whom there was no redress. But the assembly wished it noted that they remained ready to grant support as they had throughout Clinton's term.58

The previous farce was replayed when Clinton refused to receive the address, having not seen a copy privately. Since the assembly refused to grant a support bill amenable to his instructions, Clinton then asked them to provide for provincial debts and services in a special bill. But the house refused to act until Clinton satisfied their honor and made amends for his refusal to receive the address. Clinton would not; instead he said he would place the whole matter before the king, an answer which the assembly regarded as unsatisfactory. Thus they did nothing but meet and adjourn from July 21 until August 4. That day Clinton delivered a speech vindicating himself and prorogued the assembly. Ultimately he dissolved it, and the assembly did not meet again until September, 1750.59

Towards the end of the session Clinton had lost all hope of accomplishing anything, and had simply held the representatives in New York hoping that messages would come from England. He felt it now should be obvious that the English government must act or give the government
over entirely to the assembly. What really hurt Clinton was the realization that while he had been unable for some time to draw upon any of the money in the public treasury, the speaker of the house was apparently in the habit of doing so on private order of the house. And the money so drawn was going to aid the faction. This astonishing fact emerged when Golden asked several New York leaders to subscribe private funds, against the credit of some future assembly, to help free the prisoners in Canada and keep the Indians from journeying there. The opposition thought this was a dangerous precedent, and sent the speaker privately to Clinton to say that the assembly would grant the necessary money to two Albany assemblymen. Clinton refused, suggesting the treasurer come, voluntarily, to the council and offer to pay the warrants. The speaker refused, fearing the precedent it would set, and Clinton then complied with the original proposal, although he was upset by it. 60

A summary of the situation at the end of this session would leave most questions unanswered. And the major question must be why the crown maintained its long silence. Is it possible that Clinton’s English connections were good enough to prevent any criticisms of his actions, but that James De Lancey through Sir Peter Warren, the Archbishop of Canterbury and others, had as
much influence so that no condemnation of the faction emerged? The result, in any case, was silence; a silence the faction regarded as favorable, as indeed it was. And the result was to remove virtually all effective power from the royal governor and transfer it to the assembly. It should be noted that the Lords of Trade wrote to Clinton once in 1744, 45, 46, 48, 50 and 1752, and not at all in the other years, an example of neglect virtually without parallel.

Golden vented his spleen in a long letter to Governor Shirley. His enemies, Golden claimed, had done much to establish his good character by their failure to substantiate any charges against him. But, if such men were allowed to proceed unchecked, governmental ruin would follow inexorably. Still, Golden thought the faction counted more upon the unanimity of assembly resolves, as they were convinced "...that the ministry will think it prudent to comply with the humours of the People or that they may think that man the most capable to restore the Govt who has had such power to distress it." Golden blamed much of the problem on the ignorance of most assemblymen; given a leader they would soon express dissatisfaction with the opposition. The only things that presently supported the faction were De Lancey's lieutenant governorship and the failure of England to back
Clinton, Golden was convinced most New Yorkers "...wish to have the wings of the De Lancey family clipt." He rehashed the current monetary problems for Shirley, feeling future assemblies might consent to again have public money issued by warrant, but that none would return to much more than yearly support bills. Golden harked back to his answer of earlier years, the quit rents. But now he hoped to find a way of avoiding the problems inherent in any attack on the large landed interests. Indeed, said Golden, he still felt the effects of his espousal of such a plan in 1726, and should he again advance such views, some provincial "Caesar Borgia" would react. 61

But some of Golden's harshest words were reserved for James De Lancey. A chief justice was of far greater influence than most realized. Literally no man of property was safe. Lawyers, dependent upon him, became his syncophants and spies. "When then a Chief Justice puts himself at the head of a party in this Country he becomes as formidable at the head of the Laws as the Popes formerly were...." De Lancey had even told Golden, "...that I would find that a Chief Justice has more Power than a Governor." As American judges became involved in party troubles through family connections or ambitions, a return to the practice of sending Chief Justices from
England was the best solution. 62

William Smith in his *History* maintains that Clinton now realized the clash between De Lancey and Golden could lead to the appointment of a new governor; that it all showed his own failures. Smith says Clinton turned instead to Chief Justice Robert Hunter Morris of New Jersey for advice. The latter was on the verge of voyaging to England to apply pressure there for a settlement of the New York-New Jersey boundary favorable to New Jersey. According to Smith, Morris undertook to support Clinton in England in return for the governor's promise to pursue the lieutenant governorship for Morris, a man of distinguished family with a long record of hatred for the De Lanceys. Golden was to be kept ignorant as he, too, hoped to become lieutenant governor. He would be useful in the interim, drawing up representations to the home government, and then could be discarded. 63

The charges all seem too devious for Clinton who appears to have been more of a straight forward blusterer. And the governor continued to recommend Golden in his letters to England; certainly not the course he would have followed if he had decided to back Morris. 64 Golden had returned to his family at Coldengham, but even there was spending much time on politics. As part of the continuing effort to convict Oliver De Lancey, he
had been entrusted with the gathering of evidence odious and libelous from Oliver's visit to Esopus in early 1748, when the latter had slandered Clinton. 65

In early November Clinton took heart when he received three letters from John Catherwood in England. The general tenor of them was that Lord Halifax was pleased when told that Catherwood thought Clinton had removed De Lancey from the lieutenant governorship, and Halifax assumed Colden had then been appointed. Clinton also heard that De Lancey had received letters from Sir Pater Warren hinting that the chief justice was to be thrown out of all his positions. Colden, too, was overjoyed, but could not resist saying, apparently in reference to the supposed suspension of De Lancey by Clinton, that "...it is easier for the Ministry to support you in what you shall think necessary for his Majesty's service than to do things primarily from themselves." 66 Clinton apparently missed the point. Colden also wrote to Catherwood to supply more arguments for use on Halifax. It was another long recital of the ills besetting royal government in New York, and another plea for crown salaries paid by quit rents or excise taxes, although the latter would require an act of Parliament. 67

Being in the country Colden missed the tempest that developed that fall over New York's paper money. That
summer on orders from the Duke of Bedford, Clinton had requested a treasurer's report on the provincial currency. The treasurer put up all kinds of delays, lending credence to reports that large amounts of bills brought into the treasury to be cancelled had been recirculated, largely to the faction and its friends. Clinton reminded the ministry that Colden had opposed several loosely worded money bills in the past, fearing exactly such consequences.

When the treasurer at last delivered his statement, it was noticeably lacking. Among the major deficiencies Clinton noted that it ran only to 1747 and was extremely vague on amounts sunk or in circulation. The treasurer knew of the errors, and privately asked Ayscough if he might not simply erase the 7 and make it 1749, as well as make a few additions. He was refused, but ultimately put the report in some kind of order that was all right according to the governor.

In the midst of the affair Clinton and the opposition discovered something that diverted both sides. Acts establishing import duties and a liquor excise tax were drawn to run for long periods of time, but collection methods were renewed yearly by the assembly in fall session. There was no fall session in 1749, indeed, the legislature stood prorogued until January 9, 1750. The
upset of both factions was out of all proportion to the monetary loss. James Alexander had half convinced Clinton that the assembly, if called, would merely use the urgent session as an excuse to renew former complaints. But Clinton was especially upset by it all as Colden had previously assured him no inconvenience could flow from the affair, and he now wanted Colden's advice. Ayscough wrote that, "He takes it very unkind, that you hurried away so soon, that you had not time to weigh well what to advise him, in case anything should occur, by his continuing the Assembly prorogative...as he has done by your Advice...." Before Colden could reply, Alexander had decided the governor and council could continue the act by proclamation. Colden's reply was another attempt to stiffen the governor's back bone. He reminded Clinton that the only people hurt by failure to collect duties were the government officials who thus drew no salaries. But the governor must stick to his resolve not to call the assembly back into session for they would only produce more of the familiar troubles. And there was no use calling for new elections, as Clinton himself had agreed, until the crown was heard from. So they should sit tight and wait it out.

Waiting to hear from England, the whole colony was uncertain. Colden's son, John, heard rumors that Sir
Peter Warren had written to his nephew, William Johnson, urging that he stay on the good side of both Clinton and De Lancey, a task that Johnson felt impossible.Clinton thought that Johnson was currently loyal to him, but could not much longer bear the cost of Indian affairs, a cost now even too great for Clinton to meet. The Governor needed Colden's attendance in New York desperately. Without him the rest of the council "...would be silent, or at least only hum & haw upon it, and immediatly ask why I did not send for you." Worse news came from Catherwood. Sir Peter Warren was trying secretly to have himself appointed governor, and Pelham had informed Governor Shirley that Colden was pictured in England as "a very disagreeable person" and even supposed to be a member of the De Lancey-Warren faction whose function it was to expose the loss of royal authority under Clinton.  

When a letter did arrive from English authorities, it only assured Clinton of support if the facts were as stated by him. But he and Colden had the consolation that things were beginning to move at last. The crown again requested the reasons behind Horsmanden's suspension, now over two years old, and Clinton asked Colden to write them out once again. The investigation was coming none too soon for the faction had grown bold enough to attack Clinton in council over command of the
militia, with De Lancey insisting that the governor had no power without an act of the assembly. 77

During the late spring and early summer events seemed to favor Clinton and Golden. H. M. S. Greyhound was sailing on the lower Hudson one evening in early June when a small ship with pennant flying came down river "with a brisk Gale of wind." Following orders relating to the suppression of smuggling, the ranking officer on the Greyhound had a warning shot fired to halt the vessel. When nothing happened a second shot was fired which killed a servant girl on the ship. The Greyhound was commanded by Captain Roddam, Clinton's son-in-law, and even though he was not on board at the time, that turned the death into a factional issue. Roddam arrested the lieutenant responsible, holding him for trial under naval regulations, and sent the gunner's mate and other sailors ashore to testify at the inquest.

De Lancey and other members of the faction had met the previous night at the Cart and Horse, "& spent the whole night together in drinking" and planning how best to use the incident to their advantage. Thus they had called on Roddam to send witnesses to the inquest. The mate testified that the lieutenant had aimed the cannon, and ordered him to fire. The inquest then found the mate guilty of murder, and De Lancet committed him to jail
without even seeing the inquest report as he later admitted. At the time he signed the warrant, he already knew the gunner had fired the fatal shot, although apparently he did not know a charge of murder had been lodged.

Captain Roddam twice wrote to De Lancey urging that the mate be released to him, as offences on shipboard were exempted from New York jurisdiction, promising justice under naval regulations, but De Lancey refused to release the prisoner.78

This offered Clinton his chance. James Alexander and William Smith, when asked for advice by Clinton’s secretary, felt that such direct disobedience to Clinton’s commission would be De Lancey’s downfall once facts were presented to the crown. Thus Golden was asked to write a strong representation, and Ayscough sent along the relevant correspondence.79 Golden did so, and Clinton sent it off to the Duke of Bedford. The letter made much of the fact that New York had no jurisdiction over offenses on royal ships; a fact that was well known by all judges. Thus De Lancey was clearly in the wrong, but no jury in New York would find him guilty of misbehavior. The letter ended with a prophecy of doom. "In case a Chief Justice takes it in his head to extend his jurisdictions to places, persons or offences exempted from his jurisdiction, it is not in the power of a Gov-
ernour in the present situation of affairs to restrain him, without endangering the peace of the province, and of throwing all into confusion." The governor was pleased with the answer. Despite William Smith's contention, Clinton and Colden were as close as they had ever been. At the end of June, Clinton planned to visit his "Dear Colden" although he wanted "no Fuss" made. By mid July, Clinton had decided that he could wait no longer for news from England and had determined to dissolve the assembly in hopes a more favorable one would be elected. A meeting could not be postponed much longer, and Clinton's decision made it essential that Colden come to New York "immediately" as his "Advice" was required. Clinton had no one else on whom he could depend. He cried plaintively to the Board of Trade that he could no longer bear the expenses of government, and pleaded for crown action. The governor claimed his advisors had urged new elections on him as he could no longer meet the old assembly without "prostituting the honor of government." Had the crown acted on his former pleas, the opposition's leadership would have been turned out of office. Even as it was, Clinton felt they would suffer heavily.

In Colden's absence the Roddam affair dragged on. Captain Roddam sent the lieutenant to England for trial.
The gunner's mate was not released into naval custody, and the provincial attorney general, Bradley, told Captain Roddam that he knew of "no power or right" by which the attorney general could demand the release. Should he do so, Bradley said, De Lancey would, no doubt, censure him for his "impertinence and arrogance." Clinton ultimately ordered Bradley to aid Roddam, but the sailor stayed in jail until he was convicted of manslaughter in spite of strong arguments by William Smith and Murray, acting for the defense, who showed that the court had no jurisdiction.

Colden came to New York for the opening of the fall session of the new assembly, but he was not there for its conclusion. Colden wrote a draft of the governor's opening speech delivered to an assembly containing only six new members despite Clinton's grandiose hopes. The address called for money for Oswego, for the Indians, for the discharge of public debts, and for governmental salaries. It was answered by what William Smith later called "a short and cold address" by an assembly that did not want an immediate open break with Clinton. One of the major concerns was the apparently growing disaffection among the Six Nations, a concern shared by other more thoughtful colonials such as Benjamin Franklin.

Colden's major contribution to that session came in
the council. There he got them to delete a clause in the annual salary bill allowing the assembly to appoint a temporary commander-in-chief if Clinton died. But the assembly would not accept amendment of a money bill. Colden then introduced a series of resolutions in council to declare that the salary bill was not a money bill; it merely appropriated money previously granted. But no vote was ever taken, his stand being unpopular, and Colden absented himself from most future sessions. 86

Clinton was at a loss without Colden by his side for advice. The provincial treasurer persisted in hiding his books and, in Colden's absence, Clinton was unsure how much power he had to compel delivery. Colden's advice was needed on that, and Clinton further wanted a draft letter to the Duke of Bedford. It would break the news that the speaker of the house had claimed outstanding debts were double the sum in the provincial treasury, and was further to show the necessity of Clinton's having accepted a salary on conditions which violated his instructions; he had signed a one year support bill. 87

Unfortunately Ayscough's letter and a later account of Clinton's understanding with the assembly miscarried and did not reach Colden until mid February. 88 In the interim Clinton had pointedly asked where the draft of
his answer was. Golden replied that he was "ignorant as to particulars." Although he did not say so, his only concrete knowledge had come in a letter from James Alexander; a letter written before the final agreement. He did congratulate Clinton on at last receiving his salary, proof said Golden that the real dispute had not been personal, but rather was over Clinton's attempt to enforce the prerogative. In the meantime, Clinton wrote to England to justify his conduct in light of necessity. But he warned ominously that the crown had to either enforce its power at once or "give up the Government of this Province into the hands of the Assembly." On December 12, Clinton at last heard from the Lords of Trade. They informed them of the receipt of nineteen letters from him since their last to him in June, 1748, and were pleased to assure him that as he wished Holland and Alexander were recommended to the council. Of Clinton's major problems there was not a word.

James Alexander assured Golden that he stood as high in Clinton's affections as ever. Indeed, the governor had toasted Golden the last three times Alexander dined with him. Thus the time seemed right for proceeding with Golden's plans to get the surveyor generalship granted during good behavior jointly to Golden and his son, reverting to the latter on Golden's death.
Colden was worried lest even close advisors of Clinton, including his secretary, Ayscough, advise against the step, and urged Alexander to press it on Clinton; even going so far as to mail the plea direct to Alexander so that he could read it, deliver it personally, and be able to answer questions on it. Colden also enclosed letters to Archibald Kennedy and Captain Rutherfurd urging their support, but warned that these should not be delivered until the last minute. The enclosed letter to Clinton begged him for the favor as a means of securing Colden's family against "malice."

Clinton's daughter, the wife of Captain Roddam, died, and that delayed the action until early January. Clinton then readily agreed to ask the council's assent and did so January 3. Consent was unanimous. But Clinton, when asked, had talked with Alexander at great length about Colden. The governor recalled the consequences of his last grant of a commission during good behavior, that to Chief Justice De Lancey. And the governor was worried about Colden; one of the letters had "Some things more biteing than he Expected." It would be wise, said Alexander, for Colden to look through his correspondence for any such remarks and apologize, perhaps blaming his daughter's illness for his distracted state. If Colden could find nothing, then a general
apology should suffice.\textsuperscript{95}

Colden was astonished at the news, and hastened to write Clinton to thank the governor for his latest sign of favor and to plead that he had meant no offense in anything he had written. As he wrote Alexander, Colden "had no intention to displease him" and could not "discover any reason for his displeasure." He asked Alexander to inquire about particulars; suspecting it was nothing he had written, but was coming from some other advisor to the governor.\textsuperscript{96} When Clinton showed the offensive passages to Alexander, the latter could see no harm in them, nor did Ayscough who claimed to be reading the letter for the first time. But there was a straw in the wind. The office of Secretary of Indian Affairs, once virtually promised to Colden, went to another.\textsuperscript{97}

Clinton had long wanted to return to England, but he was equally afraid to leave the government to James De Lancey. Colden, of course, had advised him to use his power to either withhold the commission or to grant it and then suspend De Lancey. The governor was equally afraid to follow Colden's advice, and asked the provincial attorney general and solicitor general for their opinions. Faced with the relevant clause of Clinton's commission, these two worthies hedged and recommended that Clinton either have the crown appoint another lieu-
tenant governor or grant him the power to do so. James Alexander and others attempted to convince Clinton to proceed anyway, and the governor at last agreed unless contrary word should come from England by the next ship. Clinton, however, begged Colden to come to New York. Alexander had to go to New Jersey, and De Lancey could use the absence of both to involve Clinton in greater trouble. 98

The governor had tried to arrange a massive Indian conference at Albany for that summer, but most colonial assemblies refused to vote the money to send delegations and only Massachusetts, Connecticut and South Carolina were there. Even New York refused to vote more than the usual sum until pressure from influential citizens convinced the assembly that Clinton's move was popular, whereupon the speaker privately told Clinton that £200 extra would be advanced. 99 The real issue, as would become obvious that fall, was the transfer of Indian affairs from the Albany commissioners to William Johnson, a transfer which had never been popular in the assembly.

The conference was not notably successful; there was not enough money said Clinton. 100 Also the Indians were upset that Johnson was apparently no longer to handle Indian affairs, although Clinton wanted him to continue. 101 But the meeting did lead Colden to draw up
a major document on Indian affairs with recommendations for improving them. Colden began by pointing to William Johnson's great successes with the Six Nations until lack of funds had made it virtually impossible for Johnson to act. The old Albany commissioners had allied themselves with the opposition, resenting their loss of power, and, more importantly, their trade losses, for many Indians now preferred to trade with Johnson. The assembly then harassed Johnson through its refusal to pay much of the money due him for his services. While the assembly thus hindered Clinton's Indian relations, the French were gaining greatly in influence, even selling trade goods at a loss as was done at Fort Niagara. But if proper measures were taken, France would lose in the struggle. Take off duties on trade goods; assure Indians fair treatment under the law; place control of Indian affairs in the hands of one man; put a sloop and an additional fort on Lake Ontario; and support all of this by a tax on imported wine and liquor. 102

Clinton wanted badly to return to England, pleading his continued ill health, actually possibly just wanting to escape the mess in New York. But true to his friends, he refused to abandon Colden to the wolves, and argued to the Duke of Bedford that it would "be of no ill consequence" to leave Colden in control as president of the
News Colden received from London, however, informed him that the ministry had "received bad impressions" of him, and that Robert Hunter Morris was to be the new lieutenant governor. And the news came from a reliable source, Colden's old friend John Rutherfurd.

James Alexander wrote Colden that fall urging the "absolute necessity" of his attendance for that legislative session, but Colden stayed away; perhaps he was simply tired of the business. The governor was gaining additional support and advice, both in and out of the council. Adolph Philipse had died at last, and Clinton had made John Chambers second judge in his place. Now he wished to put Chambers on the council to fill Stephen Bayard's old spot. Likewise the death of the attorney general allowed the appointment of William Smith.

Without Colden's presence Clinton had no easy time. Although the assembly did vote a one year support bill, it voted no Indian appropriations and found fault with all Clinton did. Then, much to the general amusement of New Yorkers, Clinton dissolved the assembly. In the interim, before new elections, Alexander was approached by a "Gentleman" sent by Robert Livingston who offered Livingston as a counterweight to De Lancey to offset the neglect of Indian affairs. But nothing much came of this plan of "King Roberts son" to establish himself
as an important political figure; an attempt it might have been well to pursue. 109

Provincial affairs were currently under consideration in London. The Board of Trade had concluded as early as April, 1751, that the best solution for New York might be the appointment of a new governor who then might be able to secure passage of a general perpetual revenue act. That August the Privy Council ordered the board to prepare new instructions agreeable to the report's conclusions. 110 About the turn of the year, Catherwood wrote Clinton of an extremely favorable interview with Halifax in the course of which Catherwood felt he had convinced his lordship that Golden should be ruler of the colony when the governor returned home. 111 And Clinton continued to write home urging Golden's advancement. Even Peter Collinson was again pressed into service. 112

But Clinton now suspected Golden of dealing unfairly with him, having been told the Scot was delaying land grants so as to collect the fees when the governor left New York. Alexander undertook to lay the truth before Clinton and ultimately the governor was satisfied. 113

But Golden was undoubtedly growing tired of Clinton. If nothing else, the governor's vacillation over removal of De Lancey was wearing Golden's patience a bit thin. 114 Clinton was even more prone to delay action when
he learned that the crown preferred he stay in New York. The Governor then determined to make the most of a bad situation; "...being informed that one Fourth of all Lands patented are vested in the Crown & set a part for the use of the King, and consequently for...." himself as governor, Clinton now wanted Colden to aid him in taking out patents for one fourth of all future land grants. Colden hoped to stay at home and pass "the Remainder of Life in philosophical Retirement." Clinton already suspected that Colden would stay home, having seen "a preparatory hint" in one of his letters to James Alexander. He remarked that Colden, himself, had said his absence would make it appear that he had served only for "Lucre." As it was, Colden missed the short session in which Clinton delivered a curt speech, was replied to in kind, and adjourned the assembly as soon as possible.

Indeed, from this point on, Colden was content to stay at Coldengham and carry on a scientific correspondence with his friends. In August, perhaps finally convinced he would never be lieutenant governor, Colden had written to the Earl of Halifax complaining about his failure to receive the position and asking that he receive a salary out of the quit rents as surveyor general. That was impossible replied Halifax as New York ex-
penditures already exceeded income. The Earl also reminded Colden that the crown had decided against suspending De Lancey as it would create "discord and dissention." Halifax said the appointment of a new governor, Sir Danvers Osborn, made it unnecessary for him to go into provincial events of recent years, but he did commend Colden in a somewhat perfunctory fashion. Clinton, too, got a letter from Halifax relating to Colden's salary, and claiming that Horace Walpole opposed it. Clinton offered, through Alexander, to argue Colden's case when he returned to England.

October 7, 1753, Sir Danvers Osborn arrived to assume the governorship. Crowds lined the parade route to cheer him and curse Clinton. Osborn was visibly affected by the sight, later telling Clinton "that he expected the like treatment before he left the government." One of Clinton's last official acts was to deliver the commission as lieutenant governor to James De Lancey. And then the unexpected happened. Osborn had come with extremely harsh instructions, and the council advised him that the assembly would never consent. Early the next day Osborn hanged himself. Writing to tell his wife, Colden assured her that De Lancey, now acting as governor, had treated him with "as much regard" as any councillor, but he obviously planned to withdraw from the
government. Golden wrote, "...I hope we shall seldom for the future be from each other...."124

Commenting on the end of Clinton's long term, William Smith acidly remarked that he had been too fond of the bottle, had erred in giving the chief justiceship during good behavior, and lastly erred in "reposing confidence" in Golden "...who was interested in procuring his recall, or rendering the country his abhorrence."125 According to Smith, when De Lancey took power, Golden "...retired to the country in disgust, cheated by his friends and disappointed by the administration,...under the scoff of his enemies and the general contempt of the people...."126 Golden went home. He had little to expect from James De Lancey, and he stayed home with few exceptions for the seven years until De Lancey died in 1760.

Even in his semi-retirement Golden did not easily abandon thoughts of a permanent salary from quit rents. Under prodding, Golden's scientific friend, Peter Collinson, called on the Earl of Halifax to discuss the matter. Halifax, "like a Polite Courtier," had "many Handsome Things" to say about Golden, although regretting his close affiliation with Clinton. He indicated that, had Pelham lived, Golden would have been rewarded, but there was little hope from Newcastle.127
Golden was delighted to hear that Halifax again had praised him, not stopping to realize that praise is cheap, but he was increasingly upset to see that merit was worth little in preferment. And he was equally upset at the implication of Halifax that he should not have sided with Clinton. Golden outlined what he felt to be the real facts so that Collinson could present them if the occasion were offered. After all it was Clinton who had begged Golden to participate in the government. Golden ended by recalling his opposition to Clinton over the sale of public offices; "...how little I am capable of making court in the most lucrative manner. Indeed my Talents do not lye in the Arts of making money for which my children only have reason to blame me & therefore I wish in my old age to make up my neglects in my younger for their benefit." 128

At Golden's urging, Collinson pursued the matter further with Halifax, only to hear again that provincial revenues simply would not admit of it. 129 Golden then let the matter drop, although he lamented the unfairness of it all, and asked Collinson as a last favor to get his son, David, appointed Comptroller of Customs for New York. 130

But except for that abortive attempt, Golden had no more connection with the English government during this
period. He had little more contact with the provincial government in New York. Most of what he did have came over the Indian threat to Ulster County where he lived. Ultimately Colden moved for a time to a rented home in Flushing, on Long Island, to escape the growing menace on the frontier, although not until he had convinced the provincial government that they should build a string of fortifications to help protect Ulster. 131

In the late 1750's William Smith's *History* of New York through the arrival of Governor Cosby appeared. While professing to end in 1732, the book leaped ahead to 1737 to take a gratuitous potshot at Colden. In his history Smith charged Colden and George Clarke with wrongdoing in the case of one Laughlin Campbell during Clarke's term as lieutenant governor. As Smith told the story, New York planned to settle loyal Scots near Lake George to help in frontier defense. Captain Campbell came to New York in 1737 and "ample promises were made to him." Clarke ultimately promised him 30,000 acres free of all charges beyond surveying fees and the quit rent, whereupon Campbell sold his Scottish estate and, at his expense, transferred 83 families, some 423 adults plus children, to New York. The project then "...unfortunately dropped, through the sordid views of some persons in power, who aimed at a share in the intended
grant, to which Campbell would not consent. In his second volume, not published until after his death, Smith amplified his charges, and stated that Campbell had later tried to get the assembly to redress the wrong, but it, too, refused. Colonel Morris, though not present for the deciding vote, later told Smith that the assemblymen refused to vote aid because they had discovered Golden and Clarke insisted on their fees and some share in the land.

When Golden read the first volume, he immediately wrote to call Smith's attention to the "misrepresentation of Facts." "It is," said Golden, "in the principal part absolutely false & an egregious Calumny." In fact, said Golden, many of the Scots had paid their own passage, and refused to become "Vassals" to Campbell here. Campbell had also requested the assembly to bear costs of the settlement till it was self single handedly supporting; something it hesitated to do in light of the reluctance of many of the Scots to settle under Campbell, and his apparent financial inabilities. But even after that, Campbell was offered 2,000 acres and the others lesser amounts, but they turned it down. "But as I think that your writing of this & publishing of it has only arisen from your credulity in some who do not deserve the confidence you placed in their veracity & from a gen-
erous indignation..." at official wrongdoing, "...I shall at present leave it to you to propose what you think may be an adequate redress of so public an injury."\textsuperscript{134} Colden also wrote to the elder Smith, calling his attention to the error. The latter replied that, "common Opinion concurred with what is written." He had urged his son to reply, but felt it would be "with some Resentment" and suggested it would be best were Colden to let the matter drop.\textsuperscript{135}

The son's reply was savage. Colden's letter contained "...such a heavy Charge of Misrepresentation, Falsehood and Calumny" that Smith would not have answered save for the fear future historians would be misled by it. He had learned the truth, said Smith, from Mrs. Campbell and from James Alexander among others. The facts were "notoriously true."\textsuperscript{136} Colden replied calmly that the facts bore him out, and that Alexander, after all, was not on the council then.\textsuperscript{137} Documentation bears out Colden, but Smith never forgave him. Hell hath no fury like the criticised historian.\textsuperscript{138}

The controversy did lead Colden to write a series of letters to his son on Smith's history in its entirety, and to comment more generally upon history itself. He had long planned to write "loose memoirs" and the History pushed him, as Smith was in some instances not informed,
in others misinformed, and "...some things he seems to have willfully misrepresented."\textsuperscript{139} Smith stressed the value of his work's base in provincial records. This was fine for "...facts and chronology, but little can be learned from thence of the Motives and Springs of Action."\textsuperscript{140} Colden was surprised at Smith's "uncommon partiality;" especially coming from a lawyer, in admitting some governors had ruled fairly and well, even though they "...ruled only by the dictates of their own discretion." But he could not resist doubting, "...whether it be possible that justice can be done where the administration of it is in the hands of Lawyers...."\textsuperscript{141} Had he known, Colden would have mentioned Smith's slur on his education. Smith, in commenting upon the lack of educated men in the province, listed fifteen as of the 1740s who had academic qualifications, other than clergy. Colden was not mentioned.\textsuperscript{142}

If Smith can be believed, his dislike for Colden actually went back to 1752 when Smith and William Livingston had been compiling a digest of New York laws from 1690. The original of an act of 1699 vacating several large land grants was missing. Thus the pair determined to so indicate in their compilation. Colden owned land covered under a later grant that was sanctioned by this
law, and, according to Smith, he urged that the notation that the original act was missing be omitted, apparently to protect his claim. Smith refused, whereupon Colden threatened that he would see that Governor Clinton would never pay for the compilation. Smith stormed out, shouting that Colden and his money could "go to the Devil." 143 If that account is true, and we have only Smith's word for it, it could well have led to Smith's attempting revenge by slandering Colden in his history. At any rate, from 1759 onwards the two were implacable enemies. Colden even refused to join the new New York Society Library because Smith and the other two members of the Triumvirate were among the organizers. 144 A recent biographer of Smith suggests that Golden's opposition to the Kayaderosseras Patent was another reason for the antipathy. The patent was some 800,000 acres that the Livingstons stole from the Mohawks, partly through fraudulent surveys, and Smith was apparently one of the patentees. 145

Colden figured in one other event of the interim years. Indian action in Ulster and Orange Counties in the winter of 1755-56, and the failure of the assembly to take any significant action, led to a strong attack upon it in the March 15 Gazette. Colden was initially suspected of its authorship, and the assembly was working itself into a rage that quickly dissipated when that
was found not to be the case. 146

Colden seemed doomed to live out his life in virtual exile, but August 30, 1760, Lieutenant Governor De Lancey died as result of an asthma attack brought on, says William Smith, by overdrinking, exposure and a verbal attack on him by former friends and companions. 147 The government thus devolved upon Colden, President of the Council.
FOOTNOTES

1 George Clinton to CC, 2 January, 1747/8, Papers, IV, 1-2

2 CC to Clinton, (January, 1747/8), Ibid., IV, 2-5; CC to Clinton, 29 January, 1747/8, Ibid., IV, 6-10

3 Clinton to CC, 31 January, 1747/8, Ibid., IV, 10-11

4 CC to Sir Peter Warren, 26 September, 1747, Ibid., III, 425-26

5 Clinton to Duke of Newcastle, 13 February, 1747/8, Doc. re Col. Hist., VI, 416-18

6 CC to Clinton, 14 February, 1747/8, Papers, IV, 13-14

7 CC to Richard Nicholls, n. d., Ibid., IV, 14-15

8 CC to Duke of Newcastle, 21 March, 1747/8, Ibid., IV, 21-25

9 CC to Clinton, 21 March, 1747/8, Ibid., IV, 25-7


11 Abstract of the Evidence, Doc. re Col. Hist., VI, 682-85; Smith, History, II, 139-43; Clinton to CC, 29 March, 1748, Papers, IV, 27-9; Clinton to CC, 1 April, 1748, Ibid., IV, 32-4; Clinton to Lords of Trade, 16 April, 1748, Doc. re Col. Hist., VI, 419-20

12 "Remarks on the Subject Matter of the papers sent me by his Excellency April 5th 1748," Papers, IV, 34-44

13 CC to Clinton, 9 April, 1748, Ibid., IV, 44-7

14 for his conference, Ibid., IV, 50-60
15 Clinton to CC, 25 April, 1748, Ibid., IV, 60-61; Clinton to CC, 16 May, 1748, Ibid., IV, 62-4
16 Journal of the Votes, II, 238-42; Smith, History, II, 143-45; Clinton to CC, 30 June, 1748, Papers, IV, 68-9
17 CC to Clinton, 26 May, 1748, Clinton Papers, VII
18 CC wrote Clinton's opening speech. Papers, IV, 69-72; Doc. re Col. Hist., VI, 441-52
19 William Shirley to George Clinton, 13 September, 1748, Ibid., VI, 432-37
20 CC to Peter Collinson, 4 October, 1748, Papers, IV, 465-69
21 John A. Schutz, William Shirley, King's Governor of Massachusetts (Chapel Hill, North Carolina: 1961), 139
22 William Shirley to George Clinton, 13 August, 1748, Doc. re Col. Hist., VI, 432-37
23 Clinton to Duke of Bedford, 15 August, 1748, Ibid., VI, 428-32
24 Clinton to Lords of Trade, 30 October, 1748, Ibid., VI, 458-60
25 Clinton to CC, 7 September, (1748), Papers, IV, 75-76
26 Franklin to CC, 29 September, 1748, Ibid., IV, 78-80
27 Journal of the Votes, II, 243-44
28 Smith, History, II, 146
29 Ibid., II, 146-47. He says Horsmanden wrote the message.; Journal of the Votes, II, 245-46
30 Clinton to Lords of Trade, 20 October, 1748, Doc. re Col. Hist., VI, 456-57
31 Journal of the Votes, II, 247-50
32 Clinton to Lords of Trade, 30 October, 1748, Doc. re Col. Hist., VI, 458-60
34 *Journal of the Votes*, II, 257-58
35 *Abstract of the Evidence*, *Doc. re Col. Hist.*, VI, 688
36 Keys, *op. cit.*, 212-13
37 *Council Minutes*, 21 October, 8 November, 1748, 371
38 Clinton to Lords of Trade, 15 November, 1748, *Doc. re Col. Hist.*, VI, 466-69
41 Clinton to CC, 3 February, 1748/9, *Papers*, IV, 90-1
44 CC to Clinton, 19 February, 1748/9, *Ibid.*, IV, 100-103
46 Clinton to Mr. Gatherwood, 17 February, 1749, *Doc. re Col. Hist.*, VI, 471
47 Ayscough to CC, 9 May, 1749, *Papers*, IV, 109-110
49 Clinton to Duke of Bedford, 28 June, 1749, *Doc. re Col. Hist.*, VI, 513-14
51 Clinton to Lords of Trade, 7 July, 1749, *Ibid.*, VI, 516-18

52 William Johnson to Sir Peter Warren, 24 July, 1749, *Johnson Papers*, I, 238-41


54 *Smith, op. cit.*, II, 150; *Journal of the Votes*, II, 261-62; *Abstract of the Evidence, Doc. re Col. Hist.*, VI, 694


58 *Journal of the Votes*, II, 265-68; *Abstract of the Evidence, Doc. re Col. Hist.*, VI, 695-96

59 *Ibid.*, VI, 696-98; *Journal of the Votes*, II, 268-75


63 *Smith, History*, II, 155-56

64 Clinton to Lords of Trade, 17 October, 1749, *Doc. re Col. Hist.*, VI, 529-30

65 John Ayscough to CC, 11 September, 1749, *Papers*, IV, 141-42

163


75 Clinton to CC, 5 February, 1749/50, *Ibid.*, IV, 198

76 Ayscough to CC, 30 April, 1750, *Ibid.*, IV, 208-10

77 Clinton to Lords of Trade, 7 June, 1750, Doc. re Col. Hist., VI, 561-62

78 Doc. re Col. Hist., VI, 571-75

79 Ayscough to CC, 18 June, 1750, Papers, IV, 212-13

80 Clinton's Observations on Chief Justice DeLancey's behaviour 12 June, 1750, Doc. re Col. Hist., VI, 575-76; it is wrongly dated as it obviously is based largely on CC to Clinton, 19 June, 1750, Papers, IV, 213-18

81 Clinton to CC, 29 June, 1750, *Ibid.*, IV, 220


84 Smith, History, II, 158-59; Journal of the Votes, II, 276-78; draft in Papers

85 Clinton to Lords of Trade, 12 September, 1750, Doc. re Col. Hist., VI, 587-89; Franklin to CC, 11 October, 1750, Papers, IV, 226-27


87 Ayscough to CC, 24 October, 1750, Papers, IV, 228-29; Clinton to Lords of Trade, 2 January, 1750/51, Doc. re Col. Hist., VI, 606-607

88 CC to Clinton, 20 February, 1750/51, Papers, IV, 263

89 Clinton to CC, 27 November, 1750, Papers, IV, 237; CC to Clinton, 1 December, 1750, Ibid., IV, 238-39; James Alexander to CC, 7 November, 1750, Ibid., IV, 23-32

90 Clinton to Lords of Trade, 2 December, 1750, Doc. re Col. Hist., VI, 598-99

91 Lords of Trade to Clinton, 1 September, 1750, Ibid., VI, 586-87

92 Alexander to CC, 10 December, 1750, Papers, IV, 239-41

93 CC to Alexander, 15 December, 1750, Ibid., IV, 242-43

94 CC to Clinton, 15 December, 1750, Ibid., IV, 244-45

95 Alexander to CC, 2 January, 1751, Ibid., IV, 245-50

96 CC to Clinton, 11 January, 1751, Ibid., IV, 252-53; CC to Alexander, 17 January, 1751, Ibid., IV, 253-54

97 Alexander to CC, 24 January, 1751, Ibid., IV, 255-56

98 Clinton to Duke of Bedford, 28 February, 1751, Doc. re Col. Hist., VI, 612-14; Alexander to CC, 17 May, 1751, Papers, IV, 265-68; Clinton to CC, 20 May, 1751, Ibid., IV, 268-69

99 Clinton to Lords of Trade, 13 June, 1751, Doc. re Col. Hist., VI, 703-704

Council at Albany, 2, 3 & 5 July, 1751, *Johnson Papers*, I, 339-44


Alexander to CC, 5 December, 1751, *Papers*, IV, 303-304


Papers, IV, 304-306

Clinton to Lords of Trade, 8 April, 1752, *Doc. re Col. Hist.*, VI, 759-60; Collinson to Earl of Holderness, 10 February, 1752, *Papers*, IV, 313-14


Lords of Trade to Clinton, 16 June, 1752, Doc. re Col. Hist., VI, 340-41

Clinton to CC, 28 July, 1752, Papers, IV, 342

Benjamin Franklin to CC, 14 September, 1752, Ibid., IV, 343-44

Clinton to James Alexander, 7 October, 1752, Ibid., IV, 344-45

Smith, History, II, 168-70. Since his father had advised Clinton, Smith compared the speech quite favorably to "Mr. Colden's incautious, luxuriant compositions."

Earl of Halifax to CC, 17 May, 1753, Papers, IV, 389-91

James Alexander to CC, 30 July, 1753, Ibid., IV, 401-402

Smith, History, II, 182-83

Tbid., II, 184-85; James De Lancey to Lords of Trade, 15 October, 1753, Doc. re Col. Hist., VI, 803-804

CC to Mrs. C, 14 October, 1753, Papers, IV, 407-408

Smith, History, II, 191

Tbid., II, 196

Collinson to CC, 30 July, 1754, Papers, IV, 461-2

CC to Collinson, 4 October, 1754, Ibid., IV, 465-69

Collinson to CC, 13 March, 1755, Ibid., V, 6-7

CC to Collinson, 3 June, 1755, Ibid., V, 12-15

On renting, Alexander C to CC, 1 September, 1757, Ibid., V, 181-82; Alexander C to CC, 6 October, 1757, Ibid., V, 192-97; CC to Peter Collindon, 31 December, 1757, Ibid., V, 211-14; on defense, CC to James De Lancey, 16 September, 1757, Ibid., V, 183-84; CC to De Lancey, n. d., Ibid., V, 209-11
132 Smith, History, I, 291
133 Ibid., II, 62
134 CC to William Smith, Jr., 15 January, 1759, Papers, V, 283-86
135 CC to William Smith, 15 January, 1759, Ibid., V, 286-87; William Smith to CC, 31 January, 1759, Ibid., V, 287-88
136 William Smith, Jr. to CC, 5 February, 1759, Ibid., V, 289-92
137 CC to William Smith, Jr., 17 February, 1759, Ibid., V, 293-95
138 Some of the relevant documentation is in Papers, II, 200-202, 212-22. Ruth Higgins, Expansion in New York, 88-89, hedges on which was right. A more recent account of Smith as a historian supports Colden. Roger Wines, "William Smith, the Historian of New York," New York History, (40; 1959). Wines points to the "strong bias" throughout the history in its attempt to defend the Livingston faction. 9
139 CC, Letters on Smith's History, 181
140 Ibid., 182
141 Ibid., 186
142 William Smith, History, II, 113, 383-84
146 Smith, History, II, 279
147 Ibid., II, 342-43
CHAPTER IV

LIEUTENANT GOVERNOR COLDEN: LEGAL BATTLES

The Sunday following news of De Lancey's death, Colden rode into New York from Coldengham, and the next day took the oaths as acting governor. One recent critic commented that Colden "...had not mellowed one bit in his inordinate fear of the bench and bar or, indeed, of any disruptive element that threatened the stability of church and state." Certainly events to follow give some credence to this view.

His first duties were formalities; a circular letter to inform the other colonial governors of the change in leadership, a similar letter to General Amherst in command of royal forces in North America, and another to the Lords of Trade, his immediate superiors in London. The latter was more than a formality. Since his failure under Clinton, Colden had given up all thoughts of the lieutenant governorship, but now that it was once more within reach he again became active. Hoping to build his base of power in the governor's council Colden asked
that his son, Alexander, be appointed to the newly vacated seat. Then he reassured the Lords that any appointment he made to the chief justice's seat would be during pleasure, a reminder of De Lancey's commission and the ensuing troubles. 3

Colden was immediately faced with a matter of civilian-army relations, a sensitive matter in New York as in all the mainland colonies. The sheriff of Albany had arrested a Captain Brown, charging that some of the king's oxen had gotten into a field and damaged a local citizen's wheat crop. Brown was in charge of transporting provisions, and his arrest threatened a stoppage. General Amherst had thus written to De Lancey demanding action. 4 Colden wrote to the mayor of Albany, urging Brown's release. Telling Amherst of this, Colden noted that "Justice in Civil matters between Man and Man relating to property" was a delicate matter, and warned that he must be "very cautious" at the beginning of his term in office. 5

Colden was not finished with the problems raised by conflict between soldiers and civilians. The Albany sheriff arrested a lieutenant in mid December after a warrant was sworn out against the officer. Within three days, the army billeted nine soldiers, three with wives and children, upon the sheriff. As the barracks were not
full, it was obviously harassment cried the sheriff, backed by the city government.\textsuperscript{6} Golden wisely asked Amherst for advice.\textsuperscript{7} Amherst could not give any until all the facts were in. But he indicated that he thought many of the differences were because the local citizenry did not support the army; indeed went to law against it "upon every trivial & frivolous Occasion." Golden should try to prevent such suits.\textsuperscript{8}

Golden was obviously unsatisfied. It was "possible" he said that the officers "may sometimes have run into excesses." In particular the billeting was hard on the sheriff who was "only a meer Tool or Instrument of the Law." But Golden also wrote the sheriff urging more obedience and fewer law suits. And equally important, he did not have the petition from the Albany government read in council, hoping to prevent all "publick remonstrances." But if the sheriff's complaints were justified, Amherst should have the situation rectified immediately, "...otherwise it will not be in my power to put a stop to public clamor."\textsuperscript{9}

Living in New York was expensive; the war had brought an inflationary period. Yet Golden, desiring to be with his family because of his wife's ill health, felt he had to live in the city now that he had such increased responsibilities. By rights the governor's house in
Fort George became his when De Lancey died, but General Amherst had been using it as headquarters. Unable to rent a house, he wrote Amherst that it was unfortunately necessary to occupy a few smaller rooms in the general's headquarters. Colonel Oliver De Lancey then offered his town house to Amherst. Golden saw this as a way out of the embarrassing situation, and said he would live in the De Lancey house. But when Amherst then declined De Lancey's offer, it was promptly withdrawn and Mrs. De Lancey was moved into the house, an indication that Golden's old feud with the De Lanceys was not forgotten.

Golden had apparently taken office at a fortunate time. British forces were completing the conquest of Canada which relieved the strain the colonies had been under of French or Indian attack. In the general thanks-giving it appeared briefly that the old political enmities would be forgotten, but Golden soon roused them over the question of the tenure of the chief justice.

His opening speech to the assembly remarked on Golden's reluctance to take office except for his feeling that they would support him and "...that all Deficiencies on my Part, would be made up by your Assistance." Their response seemed to promise good relations also.

But any good will evaporated quickly over the chief justiceship. The position could be filled either by the
crown or the governor, but royal instructions called for appointment "during pleasure" as opposed to "during good behavior." As a justice could be removed by the crown or the governor at any time, without reason, if the appointment were during pleasure, this was an important means of strengthening royal control over the judicial branch. This would mean that the colonists retained firm control only over their lower house, and for this reason they supported appointment during good behavior as protecting the independence of the bench. But as the assembly also voted judicial salaries each year, judges with life appointments tended to favor assembly views or risk pay cuts. In New York the situation was made more complex because the positions on the supreme court had become choice plums in the factional battle for provincial control, and although the factions might battle among themselves over the posts, they did not want outsiders in them. Both factions had candidates in mind. The Livingstons would have supported either William Smith, Sr., or Robert Hunter Morris while the De Lanceyites urged promotion of either of the inferior judges, Daniel Horsmanden or John Chambers.

Golden was thus under pressure to name a new chief justice, but he delayed as there were inferior justices to carry on business until the royal pleasure might be
known. Golden informed the Earl of Halifax that the council might press him to make an appointment, but even if he had to yield, the appointment would be during pleasure as the king commanded. For the time at least, Golden was able to forestall any action. John Chambers and Daniel Horsmanden, second and third judges on the court, were both pressuring the council for the seat, but Golden told them he would appoint only during pleasure, knowing they did not want to relinquish the security of their current commissions which ran during good behavior. He did go so far as to send a petition by Chambers to the Lords of Trade on Chambers' insistence, but prefaced it by saying he was "not a competent Judge of the proper qualifications."

He also delayed a public address from the assembly to him on the topic of tenure, an address which would have proved politically embarrassing as it opposed the royal instructions, by promising to take the matter up with the Earl of Halifax which he did. But Golden defended the royal point of view in his letter. He said that the assembly wanted a wealthy New Yorker appointed to the position, fearing else they get one of the crown's political appointees. But Golden had been talking with William Nicolls, Speaker of the House, and hoped that the assembly would accept a chief justice on pleasure, if,
in turn, Golden accepted restraints on the governor's power of removal. 15

But other than minor difficulties over the tenure question, Golden's rule went smoothly. He tried to encourage settlers to take up homesteads once more in the Mohawk Valley now that the French threat was gone, and he tried to clamp down on illegal traders. 16 The assembly, in what can be regarded as a mark of approval, voted Golden a salary of £1,800 yearly in a nearly unanimous vote. 17 Things were going so well that Golden wrote to the Lords of Trade to ask specifically that he be reward­ed with the lieutenant governorship, and to John Pownall, secretary of the Board, for his help in gaining the post. To Pownall he suggested that since the assembly appeared dissatisfied with Robert Charles, New York's agent in London, Pownall might be interested in the post. 18 When news of this attempted mild bribe reached the assembly, it would cause trouble.

When Golden attempted to move against smuggling he found that a large scale illegal trade went on in Phila­delphia and New York. Although no one would give infor­mation against specific merchants, he formed a general picture of the trade. Merchants shipped large quantities of goods to New England for which they gave bond, and brought back certificates as the law provided. Despite
this legal surface, the goods were being transshipped to the French colonies. Likewise French sugar came into New York from New England and New Jersey, again with seemingly proper papers. Beyond that there was some overt smuggling into ports with no customs officers, but ships stationed properly would end that. Golden did suggest, however, that the trade might be desirable to Great Britain and allowed to go unchecked.19

A more detailed examination of the customs records revealed that New Haven, Hartford, and the Rhode Island ports were used for the illegal export trade. Imported French sugar came in either through them or Perth Amboy, New Jersey.20 After consultation with the council, Golden wrote an impassioned appeal to Pitt, urging that Great Britain ease up on trade restrictions. Much of the argument is that of the council, but Golden interjected his own opinion; he was not a wholehearted supporter of mercantilism. He urged the opening of trade between Spain and the British colonies. And he urged that the Parliament stop giving the British West Indies trade advantages. The "Northern Colonies" were of far more value in terms of consumption. North American Indians, alone, consumed more than an equal number of the West Indian population, for slaves consumed little in a warm weather climate. The northern colonies were unable to pay for the
English goods they used solely by their own produce if exported only to British possessions. The more trade in which they were allowed to engage, the more they could purchase from England. And Golden reminded Pitt that it was difficult to enforce a law which most colonists felt to be bad, "...& when a prosecution fails of success it is of prejudice to the service it was designed to promote." 21

With the news of the death of George II, which reached the colonies in December, 1760, Golden's precarious position began to crumble. In his history, William Smith claims Golden had an easy time at first because of the then weakness of both factions, the hope of both to lead him, and the number of candidates for the position as chief justice which "produced condescensions friendly to his ease, and flattering to his pride." 22 But now the lawyers, a group that increasingly embittered Golden, claimed that by precedent the assembly should be dissolved and the commissions of certain governmental posts terminated by the death of the king. Golden was worried because in early January he had not yet received the new king's orders and thus had no warrant to use the old official seals. Thus he was legally unable to issue the writs calling for new elections. Without an assembly he had no way to raise the troops Amherst would need for the coming
campaign. He was ready to issue the official proclamation that George III was the new king without waiting for royal orders as had the Massachusetts governor, and thus be able to carry on business, but the council refused permission.  

Golden also learned that his son had not received the vacant council seat. That went instead to Oliver De Lancey. Golden complained to Peter Collinson that this was stacking the council for the De Lanceyites. But he said the only real harm done by the rejection of his son was that many knew he had suggested it, and thus might conclude "that my recommendation is of little weight." The Earl of Halifax had previously explained to Collinson that he could not appoint Golden's son. The new governor might want the seat to gain a friend; perhaps the chief justice should be seated. Besides, there were influential people in England urging another appointment. Still, Halifax held out hope of the appointment at a future date.  

Having received word from England on January 15, Golden called the elections for the new assembly, elections in which several of the leaders of the former house were defeated. In the new legislature, he got through the troop requisition for 1,787 officers and men, but only after serious difficulties. The assembly saw less need to pay for so many troops when the war was virtually at
an end in North America. At first they had agreed to call 1,400 men, but without the customary agreement to impress men if sufficient volunteers were not raised. After much persuasion by Golden they provided for the full number requested, but with no impressment provision.  

The tenure of judges came up again when the assembly discussed a bill calling upon the governor to grant commissions during good behavior. Trying to give Golden an excuse to sign it, they talked of including a clause allowing the governor to remove judges with an order from the assembly or the signed consent of seven councillors. Golden, however, felt this meant nothing unless they were willing to include the king's pleasure as grounds for dismissal, and he told them so. This was, of course, precisely what the assembly was trying to avoid. Though Golden was committed to trying to uphold the prerogative, he was willing to accept other restrictions which he felt guarded against arbitrary governors. Because of past experience he could conceive of arbitrary misuse of power by governors, but not by the king. Perhaps Golden was aware of the latter possibility as well, but he saw the prerogative as something a colonial legislature had no business restricting. Golden feared that the lawyers were trying to create a distinction between commissions continued by act of Parliament and those continued by royal
proclamation; an attempt to further restrict the royal prerogative. 27 The assembly ultimately passed an act calling for tenure during good behavior to which Golden refused assent, claiming that it violated the governor's thirty-ninth instruction which forbade such commissions. 28

Of more concern to Golden were reports that General Robert Monckton had been nominated governor of New York. He had heard nothing about his efforts to secure the lieutenant governorship and must have feared his reversion to a mere councillor. 29 He need not have worried. Either his friends had sufficient influence or the crown for once had seen fit to reward past service. The Lords of Trade had recommended him for the post, and the Order in Council granting the appointment was issued in the early spring. However, one of his London friends felt that it was a "Cruel thing" to give Golden the appointment, and then immediately retire him from office by sending out a new governor. 30 The lieutenant governor had no function while the governor was present in the colony. Indeed, he was not even paid at such times.

Golden was now bedeviled by the judges. They were convinced that their commissions had expired with the late king, and wanted Golden to issue them new ones on the same conditions as the old. The council would have advised him to do so, but again he stalled. Still he feared he could
not much longer resist the combined pressures of council and assembly for he wrote to the Lords of Trade and to Pitt to prepare them for his surrender. Both governors Clinton and De Lancey had issued commissions during good behavior contrary to their instructions, and nothing had been done to them. Golden intended to insist that salaries continue as long as the commissions were to run. In that way if the king lost control of the bench, so would the assembly. Golden was willing to compromise on a truly independent judiciary, but he feared he would have to settle for less.\(^3\)

He was not anticipating the September meeting of the legislature with pleasure. Golden had to go through the motions of paying back John Pownall for past favors by attempting to secure the post of colonial agent for Pownall's choice, Edmund Burke, and he anticipated little success. Golden had every right to be worried. When Pownall learned that the assembly was not really behind the move to replace Robert Charles, he had turned over Golden's correspondence to Charles who had promptly sent it on to the assembly. They were glad to have what they felt to be evidence of Golden's duplicity.\(^3\)

Golden struck a blow for culture when he gave permission to a Mr. Douglas to erect a theater and put on performances; permission granted despite opposition of the
assembly and the mayor of New York. Golden expected more serious trouble from the assembly and was not mistaken. With some grumbling about the previous year’s billeting funds, they passed General Amherst’s emergency requisition. But they again passed the bill providing for judge’s commissions during good behavior. Again Golden delayed consent, but he needed an answer from Great Britain as he suspected the assembly might make the payment of salaries contingent on his acceptance. Golden had again exceeded his instructions, however, and in conversations with some assemblymen said he would pass the bill if they voted salaries for life.

He was worried about reports that the supreme court justices would not act during the October court session unless their commissions were renewed on the old terms so it must have been a great relief to hear that Benjamin Prat, Advocate General of Massachusetts, had decided to accept the chief justiceship when offered it by the crown. Golden had first heard from Prat during August when the latter, having heard rumors of the appointment, wrote to ask Golden’s advice whether or not to take an appointment offered during pleasure. Prat feared being ground between the millstones of the assembly and governor, having to satisfy the former to be paid and the latter to keep the position. At that time Golden had promised to ask the
ministry for a change in the status of the appointment if Prat considered the terms unfavorable. With the promise of Golden's support in seeking a decent salary and a change in tenure, Prat took the post. Golden then urged him to hurry to New York for the October term. He feared that if Prat had not taken his post by the time the assembly met in November, they might use that as an excuse to vote no salary for the coming year for the chief justice.\textsuperscript{35}

The arrival of Governor Robert Monckton, although he was to stay only eighteen days before leaving as commander of an expedition against Martinique, initially appeared to offer Golden relief from his growing difficulties. Discussions of policy with the new governor offered the possibility that Monckton might make decisions, or at least statements on problems, that would relieve Golden of the necessity of so stating. In the end no such conversations were held, Golden's relations with the governor were unpleasant in the extreme, and his relations with the council and other governmental figures worsened.

The trouble with Monckton began the day the governor was to be inaugurated. It was customary for the governor to read his commission and instructions to the council. Among other things the instructions contained the list of councillors and of the men who were
to swear in the new governor. When Monckton failed to read his instructions, Golden asked why the omission had occurred. The instructions had failed to arrive on time, and Golden had been unaware of this. However, William Smith, Junior, was able to convince Monckton that Golden had known the instructions had not arrived and by calling attention to the fact was merely trying to prevent Monckton from taking the oaths of office, thus keeping all the profits of government for himself. Strictly speaking Golden was right to call attention to the omission, but he was always rather tactless, and apparently Smith was able to twist something he said. Golden's action was generally frowned upon as was quietly shown by omission of all reference to him in the congratulatory addresses presented to the new governor.

As a result Monckton had no private conversations with Golden, and Smith talked the governor into pressing for a financial settlement during his absence. Smith says the initial request came from Monckton through Governor Boone, formerly of New Jersey, now on his way to South Carolina. A section of the previous governor's instructions read that the lieutenant governor was to get one half "of the Salary, & of all Perquisites, & Emoluments" which the governor would normally receive, were he present in the colony. Golden, when first pressed about
this, said he would wait for the royal decision as he was convinced the original instruction had given the lieutenant governor one half "of the Salary, & all Perquisites, & Emoluments." Golden argued that the second "of" had been interpolated by mistake of some clerk copying the instructions. Monckton, however, was unwilling to wait for the royal decision, and again he asked Golden about a financial settlement during a council meeting. When the latter reiterated his willingness to abide by the royal decision whatever it might be, Monckton flew into a rage, and the meeting was hastily adjourned.

Golden now worried that Monckton might relieve him of his post, as the governor was empowered to do. Thus he went to John Watts, the only councillor he knew well who was also friendly with Monckton. They drew up a financial settlement and sent it to Monckton, but in answer received an agreement drawn by Smith in which Golden was to give all the profits of government to the deputy secretary to hold until Monckton returned. At that time it would be divided according to the crown's decision. This was unfair in the extreme. Golden was not a rich man, and needed the income from his post. He refused to sign, calling the paper "unworthy to be offered to any gentleman." Smith then drew up a second agreement calling for Golden to post a two thousand pound bond that
he would account upon oath for all income during Monckton's absence. This, too, was unsatisfactory. Watts at last prevailed upon Golden to sign an agreement that he would give bond for one half salary and perquisites, Golden signing in fear of being relieved.36 He immediately bombarded William Pitt and the Lords of Trade with pleas for remuneration and lengthy explanations that attempted to put much of the blame upon William Smith. Ultimately the Lords of Trade were to decide in favor of Governor Monckton.37

Shortly after Monckton's departure, the assembly met again. They passed the salary bill to pay the governmental officers including all of the supreme court, even Chief Justice Prat. But judges' salaries were to be paid only on condition that they held commissions during good behavior.38 Golden, despite that proviso, accepted the bill when the council told him that they feared rejection and the return of the bill to the assembly with amendments, would result in the passage of no salary bill at all.39 Prat was understandably upset as this would have meant that he would receive no salary. As he was not a wealthy man, this meant he would soon have to give up the post. If this were the case, the royal prerogative would suffer, and the assembly would achieve its goal of maintaining control of the bench and having
one of the wealthier New Yorkers as chief justice.⁴⁰

Golden, still stinging over the financial arrangements and Smith's role, requested the assembly to investigate the "dilatory Proceedings in the Courts of Law" and "heavy Expence in obtaining Justice."⁴¹ Robert Livingston felt Golden's effort "Ill timed" and thought the lawyers would, "...lead him a dance Sufficient to mortify him...and perhaps make his administration more uneasy...than heretofore...."⁴² The assembly threatened to pass a bill fixing executive fees as well, thus hitting Golden, and matters rested. Golden did not quit without replying that some methods proposed for obtaining "real Benefit" were not consistent with the English constitution and said that they were attempting to restrict the royal prerogative.⁴³

The main issue remained tenure. Before Monckton left for Martinique, the General had told the council that he would have granted commissions during good behavior.⁴⁴ Although Monckton had done nothing, the very statement increased the pressure on Golden to do just that. He sent a message to the assembly stating that the usual salary of the chief justice was too small. "This is too well known to be denied and their inclination plainly appear in their answer to have no Cheif Justice unless he be a Gentleman of Estate in this Province.....,"
Golden wrote the Lords of Trade. He argued for an independent chief justice paid from the New York quit rents as the only alternative to a judge who, because of family connections, became a source of party strength thus forcing the governor to become his "tool" or to "live in perpetual contention" as had happened in recent years under Clinton. 45 Writing to the Earl of Egremont, Golden went beyond the case of Prat when he hinted that it might be wise to pay all colonial officials from some assured source of income rather than depending upon the assemblies. 46

One more act of this session deserves mention; that calling for more effective collection of quit rents and "Partition of Lands in order thereto." Golden did not favor the entire bill, but, as it had been greatly amended to cover some of his complaints, gave his assent hoping the crown would disallow it. He argued to the Board of Trade that the second part of the act was designed primarily to partition the large land grants made prior to 1708, which both Governors Hardy and Monckton had been instructed to do. But this could not be done because the owners were immensely powerful and the governor had no money available for prosecutions. Golden could not resist a chance to condemn the legal profession and inserted an attack on the provincial attorneys general who
for the past thirty years had been "Men of no Esteem as to their Skill in the Laws." Golden had had a clause inserted whereby the surveyor general was to survey every tract before partition. At least, said Golden, that would hold the large landowners within their present bounds. If they tried to engross smaller neighbors after the survey was done, writs of intrusion could be issued to stop them. William Smith claims Golden gave his assent unwillingly after accusations that he was willing to do nothing for New York.

Golden was not allowed to forget the problem of his unpaid chief justice for long. Governor Hardy of New Jersey appointed a Mr. Morris to the bench during good behavior. Golden knew this would strengthen the obstinacy of the assembly which could now count both on that precedent and on the hope that Monckton would give in when he returned. Shortly after he wrote complaining of Hardy's action, Golden at last heard from the Lords of Trade with an instruction forbidding any colonial governor, on pain of dismissal, to issue judge's commissions other than during pleasure. But whatever satisfaction Golden felt at final vindication of his policy must have vanished in the accusation accompanying the new instruction. He and the council were charged with granting land more for personal and family enrichment than the
benefit of the people. Golden immediately wrote a long letter of heartfelt denials to the Lords of Trade. The failure of the Lords to pursue the matter further can be taken as evidence of the falsity of the charges. Golden has been accused of being an avaricious old man, especially in the Hampshire Grants where he is the traditional villain, but this does him an injustice.

In their March meeting the assembly struck at Prat for daring to align himself with Golden and the crown by accepting his position during pleasure. It no longer mattered that the crown had backed Golden's stand or perhaps that was ultimately the real issue, that Golden had successfully increased crown power in New York. Prat had served on the bench alone and unpaid every session since his arrival, but was not wealthy enough to continue the sacrifice. He prepared a letter to William Nicoll, Speaker of the House, stating that he could no longer make the financial sacrifice and was returning to Boston. Since he was the only justice serving, Prat hoped this would move the assembly to take some action to avoid the evil consequences that would follow the complete closing of the supreme court.

Golden had managed to delay delivery of the letter for a time, perhaps hoping the assembly would act, and had threatened not to let Prat go unless other judges
would act in his absence, but ultimately he had to let Prat present the letter to Nicoll. The speaker answered Prat by saying that the assembly was well aware "... of the value of the essential Rights & security of the People, the concern for which has occasioned their granting the Judges Sallaries in the manner they have...".

That session of the assembly had originally been called to raise troops. Peace talks with France had not gone well, and an additional show of force had been decided upon. Thus the Earl of Egremont had sent Golden a requisition for troops. The assembly balked, seeing no need for the men, but eventually voted the requested number although with a smaller enlistment bounty than usual. Robert Livingston swayed them into voting the lesser bounty, although it amounted to more than they had wished, by showing that it could be regarded as a loan to Parliament. If she failed to repay, she could ask no more. Amherst was not satisfied and asked Golden to reassemble the legislature for reconsideration of their action. Golden, also dissatisfied, wrote a letter to the Lords of Trade to complain that all the opposition in New York stemmed from his firm stand on the tenure of judges. The opposition "artfully infus'd" the idea that regular troops might be kept in the colonies in the future and recruitment now would set a precedent for such...
recruitment in North America. Much of the opposition was led by the Yale educated "New York Triumvirate;" William Smith, Jr., William Livingston, and John Morin Scott. The trio attacked every "Exercise of the Prerogative. In doing this it evidently appears that they think the goodness or holiness of the cause sanctifies every measure necessary for that purpose, however base or wicked it be in itself." The trio had come to dominate the court system whose judges had insufficient legal knowledge, and had won popular support by "licentious harangues" and dissemination of the "Doctrine that all authority is derived from the People." Now they resented Chief Justice Prat as he was able "to restrain them." 57

Golden had additional reason to be dissatisfied. On their own request the assembly had adjourned March 20. That day the first issue of The American Chronicle appeared, just in time for all the legislators to take copies home with them. To achieve even a wider distribution post riders had been hired to carry copies into the neighboring provinces. As Golden described the Chronicle to the next council meeting, it was a paper designed "...to impress on the Minds of the People, Calumnies so absolutely false and dangerous to the Peace of the Province that the Authors...appear capable of any villainy that may serve their purpose." Specifically the first
issue raised charges that the ministry appointed colonial officials on the basis of the wants of their friends and relations, that a change in governors meant entirely new policies, and claimed that if the people stood firm, the governor would have to give way.

But Golden had good news as well. Although Prat was threatening resignation, Horsmanden and Jones had agreed to take commissions during pleasure. Judge Chambers had declined because of age and ill health, but Golden had forced the others into line during a council meeting. This he said would defeat the purposes of the Chronicle which had arisen over the judicial crisis.58

He called the assembly back into session for May 4 because, with the reduced bounty and lessened fear of the French, volunteers were not enlisting rapidly enough. Golden sent the legislators a message calling for raised bounties and the power to impress former deserters and vagrants, but they rejected him.59 Amherst had also wanted an act to clear up difficulties he was having in impressing vehicles in the Albany area for transporting provisions, but Golden convinced him that any further requests would merely cause more trouble in the legislature. He then dismissed the solons for twelve days in hopes they would see that volunteers were not coming in, and be more amenable.60 When the assembly reconvened
there were further difficulties, but the desired number was at last reached.

In the midst of this political strife Golden was torn with personal grief. His wife died in mid February. Willett, one of his daughters, died in early Spring, and another, Caty, was still seriously ill.61

At General Amherst's request, Golden was trying to shut down the trade in provisions from New York to the French West Indies, and to Spanish possessions now that England was at war with her. Part of this involved closing the port to all exports of provisions, and another step was to impress all available provisions for the army.62 Neither step added to his popularity among the merchants.

In early summer General Monckton returned to assume provincial leadership, and Golden was free to return to his Flushing, Long Island, home. He did not completely forget politics, but requested that Monckton inquire into the charges that Golden and the council had abused the land grant power, evidently hoping that Monckton's denial to the Lords of Trade would add weight to what he had previously written.63 But for the most part Golden enjoyed the retirement to which he was entitled. He had won his major battle over the tenure of judges although at the cost of alienating both the council and assembly,
and had won another minor point when the Privy Council at last recommended that the king pay Chief Justice Prat from New York's quit rents, although they did not intend this to set a precedent. Still, much of the ill will towards Colden could have been avoided if the crown had made quicker decisions. The system of control was simply too slow and cumbersome.

In less than a year Monckton returned to England because of ill health, and Colden again became the crown's highest official in New York. Councillor John Watts undoubtedly summed up the feelings of many about the "Old Man" when he said that "...as things in general are better established now than they were before, it is to be hoped all will go on peaceably & well though it certainly will not be some peoples faults, if it does not fall out otherwise." 64

Colden was soon faced by the problem of Pontiac's Rebellion, but now the assembly met requests willingly, for the danger was all too apparent. The province was even willing to move in the touchy area of white encroachment upon Indian lands. Action was attempted at last against Ury Klock, who for years had been claiming vast tracts near the Mohawk village Canojocharie. Colden had forced council action in early 1762. 65 In early 1763, Klock was at last tried, but was acquitted, for as John
Watts put it, "These vile Dutch will Swear any thing for one another." 66

A far greater problem to Golden at this point was that presented by the struggle for control of the territory that now comprises Vermont. The land area granted in many of the colonial charters was often vague and border disputes were common. Golden, as surveyor general, had played a major role in helping settle the Connecticut-New York boundary, and now he had to take the lead in resisting New Hampshire claims to the land west of the Connecticut River. A series of crown decisions in the 1740's and 1750's seemed to indicate that the area in question was part of New Hampshire. That province's governor, Benning Wentworth, had seen a chance to increase his income significantly by the granting of large areas of land and a none too scrupulous observance of the laws regarding such grants. In 1749 Wentworth thus granted the township of Bennington, located at the point farthest west where New Hampshire had any legitimate claim. When New York failed to respond to the grant, Wentworth began a correspondence with then Governor Clinton over the New York border, and the controversy was ultimately referred to the crown for settlement. 67

Golden's first major contribution to the controversy was a report to Governor Clinton written in October,
1751. While the provincial attorney general based New York's claims on her charter, Golden saw that as a frail reed. Both colonies were under royal control, and thus "...the King may fix the boundary between these his two Governments at his pleasure...." Thus Golden tried to find sound reasons for control by New York, among them higher quitrents, the convenience of Albany as a trade center, and New Hampshire's township government as being a less desirable form of local government.68

Throughout the 1750's, Wentworth granted more townships when he was able, but the outbreak of war forced a cessation. The return of relative peace in 1760 had seen him resume activities. Thus early in 1761, Golden wrote the Lords of Trade urging an early settlement of the dispute, harking back to his earlier arguments. New Yorkers tended to be "indolent" about royal rights, said Golden, but "...every private man in the Charter Governments thinks he has a share in the general property...." and thus was "fond" of claiming vast areas in the hopes of a royal grant to silence them.69

His judicial troubles appeared ended. Prat had died, and Monckton had appointed Horsmanden to fill the position while David Jones, William Smith the Elder and Robert Livingston were made lesser judges, and all had been commissioned during pleasure. Golden approved of
the method of commissioning, but with dislike for Horsmanden he suggested that the king might prefer to appoint another chief and pay him with the quit rents as had been done with Prat.\textsuperscript{70} Indeed, so free of troubles did things appear that Golden spent most of his time in the country.\textsuperscript{71}

The assembly met at last in the fall of 1763, concerned now with problems not of Golden's making. They did cut back his salary two hundred pounds, the amount of raise given to Monckton. John Watts was convinced it was from dislike of Golden, but for the most part things went smoothly.\textsuperscript{72} The legislators were increasingly upset with what they saw as plans to enforce the Molasses Act, plans which Golden had agreed at once to the Earl of Egremont to support.\textsuperscript{73} Golden readily admitted there was much illicit trade carried on from New York, but proudly claimed enforcement was more rigid there than elsewhere, and suggested that New Haven and Philadelphia needed tighter controls.\textsuperscript{74}

Within New York, pressure kept building to take some action about the Molasses Act. Some of the merchants had drawn up a petition which they and the council wished Golden to send to the Lords of Trade. Presumably this is the same "Memorial of the Merchants" read in the assembly April 20, 1764, after it reconvened. The petitioners
pointed out that rigid enforcement cut commerce as it was necessary to trade with all the West Indian Islands if the northern colonies were to gain the specie necessary to continue buying goods from England. They pointed to the close connection between English manufacturing and their prosperity, and ended with complaints about the favored position of the British West Indian planters.75

Golden sent in the petition along with a covering letter in which he called for changes in the system to favor the northern colonies and remove special protection for the West Indian planters. He suggested that it was far more beneficial to England to have heavily populated colonies of freemen consuming large quantities of English manufactures, regardless of where they shipped their produce, than to have colonies who shipped all their staple crops to England, but bought very little in return as the bulk of the population were slaves who consumed little. As specific steps Golden suggested lowering the price of sugar in the British West Indies, and allowing at least small boat trade with the Spanish and French colonies.76

At this time, there occurred another of those small incidents that were indicative of Golden's character. Charles Ward Apthorp received a mandamus to take a council seat and presented the order to Golden. The latter
did not recognize the name of the clerk who had signed the order, and thus refused to seat Mr. Apthorp, claiming that he had insufficient authority. John Watts felt Golden was afraid to do something that could get him in trouble with the home authorities, commenting that the "Old Man" was "afraid of burning his fingers," but again Golden was being the strict formalist and legalist, a quality that he resented in others. Once again the crown upheld him, and Mr. Apthorp received a new mandamus.  

Many times it must have appeared to colonial officials that they were being harassed needlessly from London. The colonial service often appeared to give far too much attention to complaints from vindictive colonists or those of an opposition party. An example of just such petty harassment was the additional instruction to Governor Monckton stating that because exorbitant fees were being charged, a table of fees was to be drawn up, posted in public offices and transmitted to London. Golden then had to spend time writing a lengthy defense to the Lords of Trade, and, as he wrote to Halifax, the proclamation he had been forced to issue on fees was certain to be misinterpreted by the people to mean that officials had been overcharging until then. The result was more paper work for all the officials, another charge to fling at Golden, and no apparent improvement in admin-
administration.

Under renewed pressure from New Hampshire, Golden mounted a major letter writing campaign to crown officials, calling for a speedy settlement of the troubled border. Reports reaching Golden were increasingly gloomy. In March of 1763, a New York merchant had testified to seeing a group from New Hampshire laying out land for future grants around Crown Point. Under pressure from New Jersey and Massachusetts as well, Golden pleaded for help. He issued a proclamation December 28, 1763, to declare that the New Hampshire border was the Connecticut River, and to deny the validity of all New Hampshire grants in the area. And he wrote to England again to justify his action. Among other things, said Golden, old army officers were applying for New York land grants under the Royal Proclamation of 1763 permitting "reduced" officers and discharged soldiers of the recent war to take out patents for specified amounts of royal land, fee free. There was not enough land available unless he could grant in the disputed area. The fact that most officers applied to New York, proved, said Golden, that they recognized its title as valid. Golden was not the only New Yorker upset. John Watts complained to Monckton that the Board of Trade simply did not settle land disputes. Golden also sent material off to New York's
agent, Robert Charles, so that he could correctly answer questions. 84

As Golden received more information on the apparent state of affairs in the grants, his alarm grew. Reports claimed New Hampshire had made 160 township grants west of the Connecticut, and recently a man "in appearance no better than a Pedlar" had gone through New York and New Jersey "Hawking & selling his Pretended Rights to 30 Townships." In recent days over 100 ex soldiers had applied for New York land grants. Golden estimated that lower quit rents charged by New Hampshire would cost the crown £ 1,000 yearly. 85

By mid April the "Pedlar" had grown to several persons "Hawking & Selling their pretended Rights to great numbers of ignorant people at low Rates & defrauding them of large sums of money." And the number of soldiers besieging Golden for grants had risen to over 400. But what really hurt was the audacity of Governor Benning Wentworth who had issued a counterproclamation upholding New Hampshire's claim to the contested land. 86 No doubt largely in response to Golden's pressure, a royal decision was made June 20, 1764, fixing the border on the west bank of the Connecticut. 87 Golden heard of the decision from Robert Charles, but seven months later had still not received a copy thereof. 88 It finally arrived
in early April. Presumably Wentworth made grants until the bitter end. In the meantime, Golden had been granting lands under the royal proclamation; chiefly along Wood Creek in New York, and along the western border of the Hampshire Grants, but trying not to conflict with actual settlements.

Golden was later condemned by the Lords of Trade for issuing grants encompassing areas of existing settlement. Accordingly, one early Vermont historian, Hiland Hall, said Golden prior to Governor Moore's arrival, granted 174,000 acres, nearly all formerly granted by New Hampshire, but all but two of the grants were under the royal proclamation of 1763 and one of the two was a direct mandamus from the king. The one remaining grant was issued May 21, 1765, to twenty-six patentees who soon conveyed it all to John Tabor Kempe, James Duane, and Major Walter Rutherfurd, all great speculators. The grant covered 26,000 acres in the Battenkill Valley surveyed, contrary to instructions, to include most of the rich bottom land. And the tract was not vacant. That summer Duane and Rutherfurd went there to work out accommodations with the existing settlers.

Golden's ultimate solution to the whole problem was to hope the settlers would apply to New York for confirmation of their titles. As objections could be
raised over the fees involved, he said they could pay what they "conveniently could" of his fees, and he would persuade other officials to do likewise. By the time Governor Moore assumed office, twenty-nine New Hampshire grants had filed with Golden for confirmation. By the end of royal government in New York, ninety-two townships had applied.

There were growing rumors that Monckton had been told to resign or return to New York, and these rumors bothered Golden; either way he would be without salary until the next governor left New York. But he ignored all such talk and pressed on with business. In September he met the new assembly, congratulating them on their aid in bringing on the end of the Indian uprising and calling on them to renew the bounty for growing hemp; the latter now being the most pressing issue he saw. In turn he received their answer thanking him for his praise, promising to renew the bounty on hemp, and then asking him to join with them in petitioning the crown against the Molasses Act and taxation without consent.

Golden agreed with the spirit of the address on the Molasses Act and on the Stamp Act as well. When Robert Charles had informed him of the latter, Golden had replied that he did not think it was for the good of England. However, "...I gave my sentiments freely, now I
am to obey." That was the crux of the issue; as much as Golden agreed with the assembly, he was acting governor and thus responsible for carrying out the orders of the crown and upholding crown interests. He felt obligated to send the Lords of Trade copies of his speech and of the answer which Golden regarded as "undutiful & indecent," but he was unable to make the assembly modify it. He had even considered dissolving the assembly to prevent the address being sent to England as an official resolve, but the council had agreed that this would do no good for the address was already published in the provincial press. Golden blamed the troubles upon the large land owners who feared any system promising equal taxation, and the principal merchants allied with them by family ties. He predicted that small farmers would reconsider their opposition when they saw the tax burden distributed more equitably.

Alice Keys claimed that Golden refused to side with the assembly in their petition because "...his loyalty was too bigoted, or his memory too keen." She argued that Golden was simply unable to trust the assembly, fearing that there was some deeply hidden motive behind the petition. What appears obvious is that Golden agreed with what the assembly said, but felt he could not say so publicly. As chief crown official in New York it
would have been treasonous for him to do otherwise than uphold royal policy even though he felt that the policy was short sighted and wrong. However regrettable this view may be, there is something admirable in a man who can so subordinate himself to the cause he serves as to uphold it against criticism he knows to be just. But at least one contemporary, John Watts, felt that Golden "took... high pet" at the assembly address, and "...had not the Council interposed the Breach would have run much higher...."101

All else soon paled into insignificance that autumn in the face of the storm that blew up in the October court session in the case of Forsey v. Cunningham.102 Forsey had brought civil suit for damages following a waterfront brawl, July 29, 1763, in which Cunningham had stabbed Forsey, supposedly incapacitating him for eighty-two days. In October, 1764, the court awarded him £1,500 damages. Cunningham thought this was too high, and asked his attorneys to apply for the right of appeal to the governor and council. Led by William Smith the Younger, who had decided that it would be enough to move for a new trial, the lawyers refused. Cunningham was thus forced to have a notary public, Mr. Harrison, make the motion. The court refused it the next morning as well as refusing a motion for a retrial. The bench was then
presented with a petition again asking for the right to appeal the case to the governor and council, and offering a bond as security for the damages. Again the judges refused, this time rather intemperately with Horsmanden saying "...that he thought the Appli. . . . from the New York Supreme Court other than a writ of error. Such a writ applied only to the procedure that produced a verdict, not to the justice of it. Obviously there was a vast difference in the power of the court if this were the only legal recourse from its verdicts. Equally obviously, if appeals were allowed to the governor and council, the crown had taken one more step in tightening its control. Also at stake was the control of justice by the political factions; a control aided by the judges and lawyers siding with the respective factions. The governor, and to a lesser extent the council, was supposed to be above the party factionalism so that when an appeal was made from a De Lancey controlled court, he would decide upon the merits of the case. The basis of the controversy was the governor's thirty-second instruction, the wording of which had been changed in 1753,
which stated in its crucial section that the governor was to allow appeals to be made to him, and for that purpose was to "issue a Writ, in the Manner which has been usually accustomed."\textsuperscript{104}

After the refusal of the court, Robert Waddell, Cunningham's partner, petitioned Golden to issue a writ allowing the appeal. Golden called in the Attorney General, John Tabor Kempe, asking him to make out the proper writ, but Kempe refused, saying he knew only of the writ of error. Kempe had been one of Forsey's lawyers during the trial, and thus was not eager to allow such an appeal. Golden replied in typical vein that "...he did not want to know what the Law was, but the meaning of the Instruction, for that was to be Law to him."\textsuperscript{105}

The next day Golden met his council and presented the facts without contradiction from Justices Horsmanden or Smith. Waddell again applied for a writ which Golden said he would issue, but Waddell was unable to find a lawyer to help him draw the writ correctly. They had all united in opposition to the right of appeal as it threatened their influence and power. As William Smith gleefully recorded in his diary, the only man who could be found to assist in drawing up the writ was John Coghill Knappe who had been transported to the colonies for fraud. The council was unanimously against
the writ, but Golden pointed out to them that the lieutenant governor, alone, could issue such a writ, although they could quash it later. Thus the next day he issued two writs; one to prevent the verdict being carried out, the other ordering Chief Justice Horsmanden to appear in council the fourteenth of November with the facts in the case. 106

To Golden the issue was simple. The large landowners had too much control over the courts to want to relinquish it, and the lawyers were allied with them. To others the issue was equally clear. William Smith represented the views of many. He thought the appeal was designed to broaden royal control and thus opposed it. John Watts, on the other hand, saw little more than Golden's ambition. "People are extremely incensed & alarmed at it, the old Body was allways dislik'd enough, but now they would preferr Beelzebub himself to him." 107

November 14, Horsmanden appeared before the council and requested additional time. It was granted, and on the nineteenth he presented his reasons for rejecting the appeal. Even in England an appeal was not allowed from a jury verdict. Why should it be different in the colonies? He pointed to the instructions before 1753 which had read "appeal in cases of error." The new instructions omitted "in cases of error", but they stated
that writs were to be issued in the manner accustomed. This in itself, said Horsmanden, meant writs of error, for no other type had ever been issued. Since judges who were council members were permitted to attend when cases came before the council, but not to vote, was it not reasonable that they were there to discuss legal errors or give opinions on cases of writ of error? He then cited a host of lesser reasons; the cost of recording cases, inability of the council to recognize perjured testimony, encouragement to litigiousness, delays in justice, and a tremendous drain on the time of the governor and council who would have to hear all the appeals. 108

Several lawyers had attended the session to hear the debate, and Golden asked for their opinions as to whether the king intended the governor and council to be a court of appeals. William Smith refused to answer, and John Morin Scott replied that he would answer any question he thought proper, but not when ordered to do so. During this exchange the lawyers carried on a whispered conversation with the councillors who then refused to second Golden's question. He responded, moving to have the refusal and the question entered on the council minutes, where it would be conveniently placed should he find it necessary to write the crown about the issue. Before the council could act on this new proposal, Scott
drew Oliver De Lancey aside for another whispered conver­
sation causing Golden to criticize De Lancey for thus en­
gaging in private conversation with a nonmember of the
council while a debate was taking place. Scott quickly
broke in, although not a councillor, and said it was a
rule that no court entered any question on the minutes
which had not been seconded, and the entire council
quickly assented. Golden, evidently despairing of getting
any response, then picked up the question he had written
out for the lawyers and put it in his pocket, saying
"Then I know what is proper for me to do." 109

Smith, evidently alarmed at what he thought Golden
might do, popped up to propose a question for the law­
yers which Scott amended for him. The lawyers answered
that the crown had no power to make the governor and
council into a court of appeals. Golden tried once more,
and asked the attorney general if the instruction made
the governor and council into a court of appeal. Kempe
said they were a court of error, not of appeal. 110

The issue was regarded as of the utmost importance
in maintaining the liberties of New York, and Golden
stood almost literally alone in his determination to
uphold what he felt was the true intent of the instruc­
tion; to give the people an appeal from the courts. Soon
after Horsmanden's appearance in council to offer up
reasons for refusing to allow an appeal, a pamphlet appeared containing his speech and an inflammatory preface admittedly written by John Morin Scott to expose the "new, unconstitutional and illegal" method of redress which threatened to subvert the fundamental law, endanger all personal property, and make court costs prohibitive. Golden was even more outraged that Horsmanden had supplied the printer with a copy of the council minutes than over the pamphlet itself, and would have removed him from office had he not feared the consequences would only be additional turmoil. 111

December 12 the council met again, and this time heard Justices Livingston and Smith the Elder tell why they refused the appeal. Despite the universal opposition Golden was continuing to push the issue. The only good John Watts could see resulting was that the disturbance would have to end in the crown sending out a new governor. He was alarmed, however, that Golden would replace Horsmanden and Kempe before that happened, when their only sin was honesty. 112

Golden had not yet presented his arguments to the council, but in mid December he wrote the Earl of Halifax that all the arguments came from the notion that what the king could not do by prerogative in England he could not do in the colonies. But Golden claimed the
colonial courts were new creations, and thus not limited by usage and custom.113

Although not a lawyer, Golden spent considerable time reading law books before presenting the council with the results of his researches, January 2. He held a page or two of notes in his hand as he spoke to them, telling them he was convinced through an examination of English law that the appeal was legal. Among other things common sense indicated that there would be some check on the supreme court. Golden dismissed as specious the arguments of expense and time. The costs of common suits in colonies where evidence was recorded were less than in New York, and certainly the governor and council would not be overburdened with work from a court which met at most six weeks during the year. However, the bulk of his argument was from English legal history, and was designed to prove that historically the appeal was allowed outside of England.114

The council several times asked for a copy of his notes, but Golden would not give them one until the next day, and then only relented under pressure. He had intended the notes only for memory aids, but "...now at your desire I send it, in confidence however that you do not suffer any Copy to be taken of it, or extract from it...." The council promptly conferred with the best law-
yers in the province over Golden's argument, and presented a point by point refutation at the next council meeting. As Golden had presented his "speech" before more than 100 spectators, the council felt he had no right to attach such a restraint to them, "...he might just as well have sent it to the pastry shop..." Indeed, John Watts thought Golden was being a sophist in assuring his own arguments the widest possible circulation, while trying to prevent the council from doing the same.115

In their refutation, the council unanimously declared they could not receive an appeal. At this point, Smith claims Golden "...abandoned himself to the most evident Partiality & Rage, and fell upon the Council and Judges charging them with Indencency, want of Respect to the King's Authority and with unwarrantable Freedoms---" Golden later claimed, on the contrary, that, given the provocation, many spectators at this session had thought him rather too passive.116

The next day in council, Golden again proposed his original question as to whether the crown meant to make the governor and council a court of appeals. The council replied that as all the leading legal minds of the province were of the opinion it did not, they must agree and answer no to Golden's question. At this point, Golden said he would submit his dissent to the ministry. He did in
a letter calling for the dismissal of Horsmanden, Living­ston, and Kempe. If this were done, he promised that the whole issue would die down; a rare case of Colden's rage outrunning his judgement. He presented the necessity of the appeal to counter the influence of the lawyers, "...a Domination as destructive of Justice as the Domination of Priests was of the Gospel...."\textsuperscript{117} Colden fought so persistently because he was convinced it was the only way to protect the property of the general public from the lawyers.\textsuperscript{118}

When the crown did not issue a rapid reply to the requests for an interpretation, the issue began to die. Perhaps the result of all the fulminations was best sum­med up by John Watts when he commented that if the crown wanted a loyal advocate, they were "exactly fitted," but Colden stood "in such a Contemptuous odious Light" that he had "neither Interest or Weight to serve them."\textsuperscript{119} Colden complained that not only was a weekly newspaper, The Sentinell, publishing scurrilities about him in an attempt to smear his character, but the judges' "Har­angues" were published in full, and an inflammatory pamphlet was even published in England against him. But by the end of May, Colden was able to write the ministry that the papers were not having the desired effect. "The effect of these publications has only been to sink the
credit of the authors, & when I consider that they are Lawyers neither Loved nor Esteemed, I doubt not it may be in the power of a Governor to become popular at their expence...."120 At times Colden was a bit too optomistic.
FOOTNOTES

1 New York Gazette (Weyman's), August 4, 1760

Klein, "Prelude to Revolution....," 443. Golden is Klein's favorite villain; "Vain, ambitious, petulant, inflexible, and unimaginitive," a man who "...saw government as a kind of irresponsible conflict between the insidious forces of republicanism and independency and the stabilizing influence of the British monarchy and the Anglican Church.", 444

2 CC to Jeffrey Amherst, 4 August, 1760, Letter Books, I, 1; CC to governors, 4 August, 1760, Ibid., I, 1-3; CC to Lords of Trade, 7 August, 1760, Ibid., I, 5-6

3 Lt. George Coventry to Col. John Bradstreet, 24 July, 1760, Papers, V, 322-23; Amherst to James De Lancey, 28 July, 1760, Ibid., V, 324-25; Amherst to Jacobus Van Schaick, 28 July, 1760, Ibid., V, 325-26

4 CC to Amherst, 11 August, 1760, Letter Book, I, 6; CC to Sybrant G. Van Schaick, 11 August, 1760, Ibid., I, 7-8

5 Jacob Van Schaick to CC, 21 December, 1760, Papers, V, 383-84; Petition of the Magistrates of Albany, 22 December, 1760, Ibid., V, 385-86

6 CC to Amherst, 26 December, 1760, Letter Books, I, 44

7 Jeffrey Amherst to CC, 27 December, 1760, Papers, V, 388-90

8 CC to Amherst, 28 December, 1760, Letter Books, I, 44-5; CC to Jacob Van Schaick, 28 December, 1760, Ibid., I, 46; CC to Amherst, 31 December, 1760, Ibid., I, 46-7

9 CC to Amherst, 11 August, 1760, Ibid., I, 7; CC to Amherst, 22 September, 1760, Ibid., I, 21-2; CC to Amherst, 8 November, 1760, Ibid., I, 32
11 *Journal of the Votes*, II, 634, 637-38


15 *Ibid.*, I, 34-6. To remove a judge the governor would need an order from the king, assembly, or the advice and consent of at least seven councillors.


22 Smith, *History*, II, 351


27 CC to Lords of Trade, 5 April, 1761, *Letter Book*, I, 78-80


32 CC to Pownall, 5 April, 1761, *Ibid.*, I, 80-2; Smith, *History*, II, 389-90

33 Stokes, *Iconography*, IV, 719


38 Colonial Laws, IV, 550-53

39 CC to Lords of Trade, 11 February, 1762, Letter Book, I, 159-61

40 Prat to Thomas Pownall, 7 January, 1762, Papers, VI, 113-16

41 Journal of the Votes, II, 669

42 Livingston to Abraham Yates, 8 December, 1761, Abraham Yates Papers, cited in Klein, "Prelude to Revolution...", 451

43 Journal of the Votes, II, 672-73

44 John Watts to Sir Charles Hardy, 1 December, 1763, Letter Book of John Watts, Collections of the New York Historical Society for...1928 (New York: 1928), 101-103


46 CC to Egremont, 12 January, 1762, Letter Book, I, 150-53


48 Smith, History, II, 368-70

49 CC to Pownall, 6 February, 1762, Letter Book, I, 162-63

50 CC, The Conduct of Cadwallader Colden...Late Lieutenant-Governor of New-York..., (New York: 1767) 12-13

51 CC to Lords of Trade, 1 March, 1762, Letter Book, I, 176-83

52 Prat to Nicoll, 15 March, 1762, Ibid., I, 174-75
55Egremont to CC, 12 December, 1761, *Doc. re Col. Hist.*, VII, 481-82
56*Colonial Laws*, IV, 602-10; *Smith, History*, II, 372-73
57Amherst to CC, 30 March, 1762, *Papers, VI*, 127-28; CC to Lords of Trade, 7 April, 1762, *Letter Book, I*, 186-92
59*Journal of the Votes*, II, 700-701
64John Watts to Sir Charles Hardy, 11 June, 1763, *Watts, op. cit.*, 146-47
66Watts to Monckton, 31 July, 1763, *Watts, op. cit.*, 165-66
67The best discussion of the Hampshire Grant Controversy is Matt Bushnell Jones, *Vermont in the Making, 1750-1777* (Cambridge, Massachusetts: 1939). His basic assumption that New York was entitled to the territory without a doubt simply because the United States Supreme Court said so in 1933 is open to serious challenge.
68Observations on Mr. Bradley’s Report, October, 14, 1751, *Doc. re Col. Hist.*, IV, 546-47
69 to Lords of Trade, 28 February, 1761, Letter Book, I, 64-9

70 to Lords of Trade, 8 July, 1763, Ibid., I, 217-18

71 John Watts to Monckton, 3 September, 1763, Watts, op. cit., 180-81

72 Watts to Monckton, 10 December, 1763, Ibid., 206-7

73 Egremont to Colonial Governors, 9 July, 1763, Papers, VI, 222-25; CC to Egremont, 14 September, 1763, Letter Book, I, 230-31

74 CC to Lords of Trade, 7 December, 1763, Ibid., I, 258-59

75 The Memorial of the Merchants (New York: 1765)

76 CC to Lords of Trade, 9 March, 1764, Letter Book, I, 312-13

77 Watts to Monckton, 20 April, 1764, Watts, op. cit., 248-49; CC to Apthorp, 4 May, 1764, Letter Book, I, 326; CC to Earl of Halifax, 8 May, 1764, Ibid., I, 326-27; Edward Sedgwick to CC, 14 July, 1764, Papers, VI, 332-33

78 Papers, VI, 312-13; Letter Book, I, 343; CC to Lords of Trade, 9 August, 1764, Ibid., I, 340-42; CC to Halifax, 11 August, 1764, Ibid., I, 348

79 Deposition of Alexander McClain, 15 March, 1763, Documentary History, IV, 557-58

80 CC to Lords of Trade, 26 September, 1763, Letter Book, I, 232-37

81 Ibid., I, 293-95

82 CC to Lords of Trade, 20 January, 1764, Ibid., I, 285-89

83 Watts to Monckton, 29 December, 1763, Watts, op. cit., 211-12

84 CC to Charles, 10 February, 1764, Letter Book, I, 298-303
85 CC to Lords of Trade, 8 February, 1764, Ibid., I, 304-306

86 Documentary History, IV, 570-72; CC to Lords of Trade, 12 April, 1764, Letter Book, I, 316-18; CC to Robert Charles, 8 June, 1764, Ibid., I, 330-31

87 Documentary History, IV, 574-75

88 CC to Charles, 24 January, 1765, Letter Book, I, 460-61; CC to John Pownall, 22 February, 1765, Ibid., I, 471-72

89 CC to Benning Wentworth, 13 April, 1765, Ibid., I, 475

90 Jones, op. cit., 47-9

91 Documentary History, IV, 488-94


93 Jones, op. cit., 100-101

94 CC to Hillsborough, 4 January, 1770, Letter Book, II, 197

95 Jones, op. cit., lists them, 433

96 Ibid., 110

97 The Speech of the Honourable Cadwallader Colden (New York: 1764); Journal of the Votes, II, 749-50

98 CC to Charles, 8 June, 1764, Letter Book, I, 330-31

99 CC to Lords of Trade, 20 September, 1764, Ibid., I, 361-64

100 Keys, op. cit., 298-99

101 Watts to Monckton, 22 September, 1764, Watts, op. cit., 290-92

103 Smith, Memoirs, I, 24

104 The instruction is quoted in full in The Conduct of Cadwallader Golden..., 17-20

105 Petition of R.R. Waddell..., 30 October, 1764, Letter Book, I, 417-19; Kempe to CC, 31 October, 1764, Papers, VI, 368-71; Smith, Memoirs, I, 24-5

106 CC to Lords of Trade and the Earl of Halifax, 13 December, 1764, Letter Book, I, 436-39; CC to Lords of Trade, 7 November, 1764, Ibid., I, 394-98; Smith, Memoirs, I, 24

107 CC to Lords of Trade, 7 November, 1764, Letter Book, I, 394-98; Smith to Monckton, 5 November, 1764, Smith, Memoirs, I, 26-7; Watts to Monckton, 6 November, 1764, Watts, op. cit., 306-308; Watts to Monckton, 10 November, 1764, Ibid., 309-11

108 Papers, VI, 379-86


110 Ibid., 415-16

111 The Report of an Action..., (New York: 1764); CC to Lords of Trade, 13 December, 1764, Letter Book, I, 421-425

112 Ibid., I, 440; Watts, op. cit., 315-16

113 CC to Halifax, 13 December, 1764, Letter Book, I, 427-35

114 Papers, VII, 1-7

115 CC to council, 3 January, 1765, Letter Book, I, 441-42; Watts to Monckton, 10 January, 1765, Watts, op. cit., 319-22

117 Ibid., 25-6; CC to Lords of Trade, 22 January, 1765, Letter Book, I, 447-56

118 CC to William Johnson, 6 January, 1765, Ibid., I, 442-44

119 Watts to Sir William Baker, 24 February, 1765, Watts, op. cit., 335-36

120 CC to Lords of Trade, 14 April, 1765, Letter Book, I, 476-77; The Conduct of Cadwallader Colden..., 27-8; CC to Halifax, 31 May, 1765, Letter Book, II, 4-5
CHAPTER V

LIEUTENANT GOVERNOR GOLDEN: THE STAMP CRISIS

As Golden's major legal battles ended, more minor problems cropped up, many dealing with land. There were always charges from enemies that Golden and his friends were "making Hay abundantly while the Sun shines," and as the surveyor general's post had been family property for years such charges were believable. More serious was the complaint of the Lords of Trade that Golden had prevented a syndicate that numbered among its members the Earl of Ilchester, Lord Holland and a certain Mr. Upton from locating their grant where they wished when the crown had promised them a large tract of land. Golden then had to scurry about to assure the group a suitable grant and assuage the Board of Trade. He knew this was the type of issue that was potentially very dangerous to an official as it stirred up resentment against him among powerful factions in England if not handled quickly and to the satisfaction of all concerned. To offset the criticism and to demonstrate his effective-
ness in matters of land policy, Golden then informed their Lordships that, as a result of prosecutions ordered by him to stop encroachments around the Minnisink Patent, New York's quit rents had increased. But that flurry of activity accomplished, Golden withdrew to his home on Long Island to escape the city for the relative comfort of the countryside.

Although he was not fully aware of the changing temper of the people of New York, Golden was worried that there was no garrison in the city's Fort George, the site of the governor's house, and asked General Gage to bring in sufficient men to defend it against "Negroes or a Mob." Golden thought a company should suffice. Gage complied and ordered a company of the Second Battalion Royal American Regiment to march south from Crown Point. Gage was becoming more alarmed as the customs officials had also asked for troops to aid in their duties.

Away from the city Golden apparently had little idea of what was taking place in the summer of 1765. Captain John Montresor visited Golden in mid August and there must have been some talk on the increasingly volatile situation. But it came as a rude shock to Golden when on August 30 he received a letter from James McEvers, distributor of stamps for New York, telling of his
resignation on the twenty-sixth. McEvers said that news of the stamp riot in Boston and the forced resignation of Andrew Oliver, distributor for Massachusetts, had so inflamed the people of New York that he feared for life and property if he took the stamps. So he requested that Golden take the stamps under his care in Fort George when they arrived. The next day Golden sat down to write Sir William Johnson about some land transactions of interest to the Baronet and included news of the riot in Boston and McEvers' resignation. "Notwithstanding of this I hope with the assistance I expect to defeat all their Measures & that the Stamps shall be delivered in proper time after their arrival. I shall not be intimidated." "

Two days later it must have been with an increased sense of shock that Golden read a letter from General Gage in New York. The general complained that the press was stirring up the province, and suggested that the printers, publishers and authors of the sedition should be tried. But this was not Gage's chief reason for writing. Golden had earlier said that he might have occasion to ask military aid in support of the civil government. Gage, now evidently thoroughly alarmed by the state of affairs, said that if Golden were to require additional troops, he, Gage, would need time to assemble them from distant posts. Then he reminded Golden that once civil
authorities requisitioned troops, the soldiers were re-
sponsible only to the orders of the "Civil Magistrate." Gage was convinced that armed conflict was unavoidable. He saw Americans determined not to recognize Parliamentary power, and was convinced Parliament would not back down.

Golden replied at once that he felt the only pre-
ventive was to have sufficient troops, perhaps a batal-
lion, in the city to discourage all opposition. But he was worried about the temper of officials with whom they had to deal, and suggested it might be necessary to act without receiving orders from a civil magistrate. No one, until McEvers wrote, had called attention to the "Sedi-
tious present temper" of the populace, and Golden felt that was indicative of the support they could expect from other civil authorities. He also wrote McEvers to learn on what ship the stamps were coming. Golden was obviously preparing to take the responsibility alone.

Golden went into New York September 3, and took up residence in the governor's house in Fort George. The fort was better prepared than it had been in years. An artillery officer, Major Thomas James, had become alarmed after the first Boston riot, discovered the fort's shock-
ing state of repair, and ordered more artillery, military stores and ammunition brought into the fort. And the
garrison was strengthened the day of Golden's arrival when a relief group arrived from England for the artillery regiment. This added force brought the garrison to one hundred soldiers plus officers.11

Golden wrote to Captain Kennedy, commander of the Coventry, and of all other British naval vessels on the New York station, to seek his aid. The lieutenant governor was convinced after three days in the city that there was a plan to destroy the stamps, and he wanted Kennedy to hail every ship bound for New York that could be carrying the stamps, tell the vessel's master of the danger, and bring them to anchor under naval protection. Kennedy accordingly ordered the Garland and the Hawk out on that duty.12

September 4, Golden was able to get only three councillors to a meeting at which he presented Gage's letter of the thirty-first and asked their opinion. By royal instruction all governors were forbidden to call for military aid without the consent of the council, and thus Golden felt he had to get them on record supporting such action. They refused to commit themselves, and asked for a meeting of the full council for the seventh. Before this second meeting Golden proceeded with plans to further strengthen Fort George, but the full council said that they felt the citizens were shocked and dis-
gusted with events in Boston and elsewhere. In their opinion there was no reason to fear a riot. Two days later the council reaffirmed themselves, and were confirmed by the mayor and magistrates of New York. But some doubt could be raised about their certainty, for the council advised Golden that they did not believe it "prudent" at that time to prosecute the printers of the current scurrilities. ¹³

Several days later Golden heard from Jared Ingersoll, distributor of stamps for Connecticut. The latter feared that his province's stamps would not be safe there and requested that Golden store them in Fort George. Golden, however, said the stamps would be safer on a man of war, and requested that on their arrival Ingersoll come, or delegate someone to come get that province's stamps. Golden felt he was overburdened with New York affairs without taking on more responsibilities. But by the time Ingersoll received that answer a mob had forced him to resign, and he could only commend the stamps into Golden's care. Two days later Golden received another indication of the potential violence. Zachariah Hood, distributor for Maryland, begged Golden to be allowed to stay in Fort George. He had been chased from Maryland, and now a New York mob was threatening to tear him to pieces. ¹⁴

It was about this time that Golden learned of the
planned Stamp Act Congress that was to meet in New York. He promptly denounced it as illegal to any one who would listen, fearing that it was potentially dangerous. The lieutenant governor was convinced that all the colonies had engaged in secret correspondence to prevent distribution of the stamps by violent means. But Colden was still promising, at least to British officialdom, that he would distribute the stamps in New York. However, he was rapidly becoming convinced that distribution was impossible. Learning of the appointment of Sir Henry Moore to the governorship, Colden wrote almost plaintively to him, "Nothing could give me more pleasure than that you were in this Place at this time...." Others were unhappy about Moore's appointment, but thought, as did John Watts, that Colden was overjoyed at the possibility of relief as he was terrified at the thought of mobs.

In other provinces the tumult mounted. Governor William Franklin of New Jersey, Ben's bastard son, wrote pleading with Colden to take that province's stamps as they had no safe place. Colden agreed, but complained that Fort George was so full that the stamps would have to be stored in the governor's house which would certainly inconvenience Moore when he arrived. Would it not be better to place them on a frigate? Colden did not want the increased responsibility.
New York seemed like the eye of a hurricane, calm but hushed and expectant. Into the calm came an echo of things past. The Privy Council had vindicated Golden in the appeals case. The appeal was to go to the governor and council, and if either party were dissatisfied, it would go on to the crown. Now, in the midst of the stamp crisis this old issue was virtually ignored although there must have been a note of triumph in Golden's voice when he read the decision to his council.

Golden was convinced that his show of force at Fort George, plus the dissatisfaction of certain "Gentlemen of Property" with the rioters, had calmed the people despite the efforts of the press, encouraged by some of the lawyers, to fan the flames. He was most worried about the new paper, The Constitutional Courant, with its motto of "Join or Dye" which Golden suspected was printed by James Parker, Secretary to the General Post Office in America. He even sent a copy to Ben Franklin in London, hoping Franklin could identify the printer by the type.

Then, on October 22, the frigates fired signal guns to announce the arrival off Sandy Hook of the long awaited stamp ship. The next day, escorted by the Coventry and Garland, the Edward sailed in and anchored under the guns of the fort. Golden dared not let her proceed to a
wharf for a "mob" of 2,000 New Yorkers waited at the Battery for such a move. He called for a council meeting, but only Horsmanden, Smith and Reade came. The first two, being judges, declined to give advice as they feared all the merchants who had merchandise on the Edward would sue for damages if there were any delay unloading her. Golden also feared this as he had no money to fight private suits. At length the three advised Golden to hire a sloop to take off the goods which had to be unloaded to reach the stamps. Golden was unable to hire one at any price, and suspected the people were waiting for him to impress one, giving them an excuse to riot.  

Certainly there had been warnings of violence. The night the Edward anchored in the North River, a broadside was posted about the city. "Pro Patria The first Man that either distributes or makes use of Stampt Paper let him take care of his House, Person, & Effects. Vox Populi; We dare"  

Golden, using discretion, asked the navy to help him, and all of the stamps, save three boxes so deep in the Edward's hold that removal was dangerous, were taken aboard the Garland; three boxes and two bails for New York, one box and one bail for Connecticut. Golden was still resolved, publicly at least, to distribute the
stamps, but no instructions had come with them, not even a bill of lading. His son David had no doubt the stamps would be distributed, and wrote to London to ask for McEvers' position. The stamps at last were brought ashore at noon, and unopposed were brought into Fort George.24

October 31, the day before the act was to go into effect, was an ominous day in New York. The New York Gazette printed "a funeral lamentation on the death of Liberty, who finially expires on the thirty-first of October, in the year of our Lord, MDCCLXV, and of our slavery I." Many people were dressed in mourning, even the dice and backgammon boxes at the Merchant's Coffee House being suitably adorned. Golden, feeling he could delay no longer, had the council administer an oath to him in which he swore to carry out the provisions of the Stamp Act. Late that afternoon over 200 merchants met to swear a non-importation oath. General Gage, himself, was a spectator at a protest meeting held at the King's Arms. At some time during the day, Golden was visited by an obscure craftsman who whispered plans of a riot, plans which included the interment alive of Major James. There was a riot that night, although not a serious one. Several hundred people surged through the streets, shouting "Liberty" and hurling stones through windows.25

The next day the city officials feared a repeat
performance, and sent word to Golden to prepare. He, in turn, as evening came on, requested Captain Kennedy to send the marines ashore from his majesty's ships as he feared the troops in Fort George might not suffice. The captain sent a lieutenant and twenty-four marines, but warned Golden that the ships were thus left with little or no guard. Most of the crews were impressed seamen, and they would desert at such an opportunity. 26

The magistrates' fears were realized. About dusk a mob gathered in the fields opposite the Commons, and erected a moveable gallows. Suspended from it were two figures. One was of Golden holding a stamped paper in his hand and carrying a drum on his back, the latter a pointed reference to the old canard that he had been a drummer with the Stuart pretender in the abortive 1715 Scottish uprising. Swinging beside Golden was the devil, whispering in his ear and carrying a boot, the customary representation of the King's favorite, the Earl of Bute. A second group with another image of Golden, this one sitting in a chair that was carried on a sailor's head, paraded through the streets, lighting its path with over 600 torches and constantly fired pistols into the effigy. This second group paraded to the house of James McEvers to give him three cheers for his resignation as stamp distributor. 27
Mayor John Gruger and his Aldermen met part of the mob, and tried to stop it, even throwing down the effigy. The mob told them to stand aside, and marched on the fort. Up to this point things had been relatively peaceful, but conditions were deteriorating rapidly.  

Shortly before the mob arrived at the fort, an arrival long since heralded by the noise, a man slipped up to the gate and gave a sentry a message for Golden; a copy had been hanging in the Merchant's Coffee House all day. It accused Golden of taking an oath to act as an enemy to "King and Country to Liberty & Mankind" by enforcing the Stamp Act. He was assured of his fate if he did not that night renounce all intent to enforce the act and was also threatened if he ordered the troops to fire. If he did so, the note informed him "...you'll bring your grey Hairs with Sorrow to the Grave, You'll die a Martyr to your own Villainy, & be Hang'd...upon a Signpost, as a Memento to all wicked Governors...."  

Golden had little time to consider the message before the mob surged up to the fort gates and hammered on them with clubs, asking admittance or desiring to speak with the "Rebel Drummer." The soldiers lined the ramparts, muskets and cannon loaded, waiting for a command to fire. The mob began to jeer at them, thrusting the images on the gallows over the top of the ramparts, screaming ob-
scenities at Golden and the troops, and at last hurling rocks at them. Many felt that the mob wanted Golden to give the order to fire as it planned to then storm the fort. There were wild rumors of 300 carpenters in the mob waiting for such a signal to dash at the gates and hew them down. Certainly in the crowd were many sailors and ex-soldiers who were up to such an attempt. Departing when cooler heads prevailed, the mob turned from the gates, but then broke open the coach house to the left of the main gate and removed Golden's "chariot." The seated image of Golden was placed in this, and again the mob surged through the streets. At last they turned toward Bowling Green, next to the fort, broke through the palisade fence and built a huge bonfire with the fence and other combustibles to consume the images. Golden's coach, and "a single Horse chair & two sledges" which were also taken from the coach house. Part of the mob, not satisfied with this destruction, raced through the streets to the home of Major James, hated for his repairs to Fort George as well as the remark attributed to him that "he would cram the stamps down their throats with the end of his sword." The major paid amply. Vauxhall, his home, was a gutted shell when the mob left. It was 4 A.M. when the mob at last subsided. 30

Later that morning, Golden met with the council,
showed them the warning delivered to him the previous evening, and said several people had already given information that, unless the stamps were removed to a naval vessel, an attempt would be made to burn the fort. What did they advise? Should the fort be further strengthened? They were unwilling to commit themselves. He met with them again that afternoon. No instructions, bill of lading, or directions had come with the stamps, nor was he in possession of an authentic copy of the Stamp Act. What should he do? They advised him to publicly declare that he would do nothing with the stamps, and try to get Captain Kennedy to take them on board a man of war. 31

It was done. Golden had the council proclaim that he would do nothing about the stamps, but would leave them for Sir Henry Moore. 32 This temporarily satisfied the mob, which had been gathering again, and it dispersed. Golden had taken other precautions, and the engineers remained awake all night working to prepare Fort George for a new assault. 33

Taking the rest of the council's advice, Golden wrote to Captain Kennedy. "The Gentlemen of the Council are desirous" that Kennedy take the stamps on board "...and I desire to know as soon as possible from you whether or not you will order them to be received on board." The captain replied that Fort George was safe
enough, indeed, safer than any naval vessel, and that any attempt to move the stamps meant greater risk. There the matter rested. The stamps would stay in Fort George. Golden still feared more violence might follow, even though the mob was temporarily stilled. November 3 the guns in the Battery and in the artillery park were spiked to deny them to the rebels, and all officers in New York were ordered to report into the fort every afternoon by four o'clock for their safety.

General Gage was frankly worried that an open rebellion was close to breaking out. He predicted that if another attempt were made at Fort George, Golden would have to give the order to fire. Militarily the fort could be held from the mob, but people were already pouring into the city from the provinces, and any bloodshed would mean a rebellion with no means to withstand it. The general began to order out troops from the nearest posts to assemble at Albany for any contingency, but he knew that would be too slow for immediate use.

Others were also alarmed that day. The mob was rumbling again as agitators stirred it. The stamps were still in Fort George. What was to prevent Golden from distributing them despite his promise? Mayor John Gruger visited Golden with a small delegation in the morning, and got his promise not to issue, or let any one else
issue the stamps. Broadsides were promptly printed and distributed with the joyous news. It was not enough to calm the populace, and the city council approached Captain Kennedy who refused to take the stamps on board. The city leaders then resolved to visit Golden and offer to take the stamps into their custody.

November 5 was a dangerous day any year. Guy Fawkes Day was always an excuse to riot. With a cause already present, the festivities could be of terrifying proportions. Golden felt he had prepared for the worst. He expected the fort would be attacked that night with resulting bloodshed, but was tired of making concessions, each one of which led to greater and "more insolent" demands.

It was with this feeling that he met the city government's delegation. Golden listened to their offer to take the stamps and post bond for their safety, and then told the council that he had sworn to uphold the Stamp Act. He thought if the city government alone could protect the stamps, they and the garrison together should certainly be able to do it. Should he give in, the crown could construe it as a breach of faith. The terrified council agreed, but pleaded with him. The city was in "perfect anarchy." Was not anything better? They unanimously advised turning over the stamps.

Golden then wrote to General Gage, enclosing a copy
of the council minutes. As turning the stamps over "might have a Tendency to encourage perpetual Mobish proceed-
ings," the lieutenant governor desired Gage's opinion be-
fore making a decision. Gage agreed with the council
that it was best to surrender the stamps, still fearing
the onset of a civil war. But not wanting to take the
blame for the decision, the General wrote, "The reasons
you allledge are weighty, and I feel as you do." Golden
was insistent in the council meeting the following day
that the error be made clear; he had not reached a de-
cision when he wrote to Gage.\textsuperscript{41} The formalities were
finished rapidly after Gage's reply came. Golden ex-
plained why he gave in, received a signed receipt from
the mayor; the stamps were loaded into carts and a crowd
of 5,000 people accompanied them to city hall.\textsuperscript{42}

Golden was convinced that the lawyers, his usual
scapegoats, were at the bottom of the trouble, and thus
he would be unable to get any legal evidence. Commenting
upon the Stamp Act crisis as a whole, Golden felt it de-
signed to "intimidate" Parliament, but he was convinced
Americans would not stand against a "vigorous Resolution"
of Parliament. "If Judges be sent from England with an
able Attorney General & Sollicitor General to make Ex-
amples of some very few this Colony will remain for many
years quiet. One complete Regiment with the Ships of War
now in this Fort and the Garrison at this time in this Fort to assist the civil officers, I believe may be sufficient for this purpose."^5

After Golden surrendered the stamps, peace returned rapidly. The city government had offered to stand bond for any damages to the stamps in its possession. But perhaps most crucial, the city government was not the symbol of crown authority that Golden represented. Several days later, Governor Moore at last arrived, and the crisis was over for the time. He, to further relieve things, ordered the fort dismantled to its normal state, and the remaining cannon spiked.\textsuperscript{44} Golden returned to his country home five days after Moore's arrival in disgust at the decision to dismantle the fort which he saw as merely another attempt by Moore to ingratiate himself with the people, not at all the role of a royal governor.\textsuperscript{45}

Amazingly the crown saw fit to condemn Golden's actions in the crisis. As Henry Conway informed Golden, the King was aware of the difficulties and making "every possible allowance" supposed Golden had given in to the demands more from necessity than "want of firmness." Conway continued, "...but there is one circumstance in your conduct, which neither his Majesty nor his servants can at all approve, which is, that you should upon any persuasion have been induced to a declaration and promise
of taking no step till Sir Henry Moore should arrive." Golden was stunned. When the mob demanded his declaration, they had known no one would distribute the stamps. He explained that "...the Council thought I would be under no difficulty in saying I would not do, what it was not in my power to do." He was stunned again to learn that Captain Kennedy had been relieved of command for refusing to receive the stamps on a man of war. Under attack himself, Golden took time from his defense to write a long letter defending Kennedy. Golden had agreed the stamps should not go onto the ships. Kennedy was too vulnerable because of his large property holdings in the city. The mob knew once Kennedy got the stamps he could not resist turning them over without risking the destruction of his property. This must have seemed like the final stupidity on the part of the crown, to pick out the two men who had done most to uphold the act, and condemn them while letting the perpetrators of the violence go untouched.

Historians attack Golden for his attitude during the crisis. Edmund and Helen Morgan sum up one school of thought when they accuse him and Francis Bernard of inviting disaster by showing fear of the mob and lecturing the people on obedience. They claim it was only "the coolness of the officers" that prevented the Revolution
from breaking out November 1, 1765, after Golden had "virtually challenged" the mob to attack Fort George. 49

The situation was one of his making, that much is true, but it would have been expecting too much of a man to change his way of thought after some seventy-eight years. Golden was not afraid. A timid man would not have taken the oath to uphold the act. A frightened man would not have resisted the pressures of councillors and city officials for four days after the great riot, before agreeing to turn the stamps over to another authority. Most importantly, a scared man would have ordered the troops to fire on the mob November 1, when stones were being hurled into the fort, and it appeared that the crowd was determined to batter its way into the enclosure to seize the stamps. It is possible to believe that Golden was wrong to attempt to uphold the royal will and an act of Parliament, indeed, that it was tragic that such a man should be in such a position at that time. But to claim that Golden should have changed the ideas and beliefs of a lifetime as do some, is to ask for the impossible or to expose oneself as a remarkably poor judge of human nature in general and Golden in particular. 50

Golden was doing as he had always done. Regardless of the wisdom of the crown, their decisions were mandates
for him. In the case of the Stamp Act, Golden questioned its wisdom, but saw no alternative to enforcement once it was passed. Here is where his unswerving obedience led to his greatest disaster, a disaster, moreover, which Golden had foreseen from the time the stamps arrived, but which he had not acted to prevent as he would have been thought "Mad" to have then suggested it.\textsuperscript{51}

That December and January, Golden sent a flood of letters to officials in England defending his actions. One of the most important, "State of the Province of New York," advanced a theory about the underlying problems in the province. New Yorkers could be divided into four classes; large landed proprietors, lawyers, merchants many of whom had suddenly risen to fortune "chiefly by illicit Trade," and the farmers and "Mechanics" who were "the most usefull and the most Morall, but allwise made the Dupes of the former; and often are ignorantly made their Tools for the worst purposes." Golden harked back to the close connection between proprietors, lawyers, and judges; most of the legal profession were either "Owners Heirs or strongly connected in family Interest with the Proprietors." Golden had attempted to break the power of the legal profession, but it had resulted only in a unified attempt to ruin him. He claimed that the "Gentlemen of the Law" had formed a group with intent to become the
dominant group in the government. Because of their knowledge of private affairs they dominated the assembly; a domination Golden compared to that of priests in Catholic nations, for "...the Press is to them what the Pulpit was in times of Popery." Once they had "cajoled" Governor Clinton into granting commissions during good behavior, then their opposition became more open, culminating in the recent stance against internal taxation that would otherwise have given new life to the prerogative. To illustrate their opposition, Golden refought the questions of judges' tenure and the right of appeal. When Golden had evidently won on the latter point, the lawyers took advantage of "the Spirit of Sedition" against the Stamp Act and "turn'd the Rage of the Mob" against him. But now those most responsible for the turmoil felt safe simply because of the number of offenders, and because "no Jury in the Colonies will convict any of them."^52

Golden sent the document as a private letter, suspecting that the opposition had managed to obtain copies of some of his previous correspondence, and "bad use" had been made of them. And as Golden had to admit, it was easy for "malicious Men" to select parts of his letters that would make him appear in an odious light. 53

Golden soon had what he felt to be additional reason to complain to crown authorities. The assembly re-
solved to condemn his actions in the now infamous case of the right of appeal. Golden argued that this was the final proof, should more be needed, of assembly domination by "an overbearing Faction" of lawyers. He also wrote to plead for financial remuneration for the hardships and expenses so recently undergone, particularly his losses in the rioting.

As he had more time to reflect upon the events of the Stamp Act rioting, Golden doubted that the original inciters, some rich men, "had form'd any Resolution to Revolt." They hoped merely to scare Parliament into repeal, but now, said Golden, he questioned whether they had the power to "suppress" the sedition they had stirred up. Fortunately the sedition was confined mainly to New York City, and Golden was convinced 1,000 troops would suffice to maintain order there.

Golden also feared, from what his son Alexander said, that Governor Moore was writing to England to criticize him, partly for not having made copies of his official correspondence available. Golden hastened to write England in his defence that Moore had been seen with enemies of the lieutenant governor, and had demanded the correspondence so abruptly that Golden had immediately assumed the worst. But he had offered abstracts of it all, Golden hastened to add.
He was shocked to hear that some members of Parliament had defended American actions in opposition to the Stamp Act. But even more of a blow was a report that a member of Commons had asked if it were not true that Golden was universally disliked. But still Golden said, "... in this, as I have at all times, I submit to the Wisdom of my Superiors." And he felt the government would not fail him.58

Golden was intensely concerned with reimbursement for damages suffered during the Stamp Act riots. Governor Moore went before the assembly and recommended full restitution to all sufferers, which led Golden to hope he would be inclined to push for Golden's losses as well. He had suffered losses of one hundred ninety-five pounds and three shillings, plus a loss of four hundred pounds when the assembly did not vote him a salary for the last two months before Moore's arrival.59

The radicals kept feelings against Golden alive that spring in an attempt to prevent reimbursement. His effigy was paraded seated on a cannon "drilling the vent," and Captain Montresor wrote in his journal that they threatened Golden's life daily. The Sons of Liberty also proposed the erection of a statue of William Pitt on the spot where Golden's coach was burned, and the renaming of Bowling Green to Liberty Green.60
The assembly refused to vote Golden anything; the committee to which the request was submitted simply not mentioning Golden. Considerably embittered he wrote to English authorities pointing out that even the detested Major James had been recompensed and he alone left. This led to renewed pleas for a pension. To strengthen his arguments, Golden pointed to the recent rent riots in upper New York. He commented upon the great difference in "zeal" in suppressing these riots where the property of the large landholders was threatened.

When Golden's various attempts to obtain justice met with little success, he decided upon the publication in England of a pamphlet defending those actions which had been attacked. He asked Peter Collinson to have one hundred twenty copies printed, twenty to be mailed to Golden in care of his son Alexander. Of the rest Golden drew up a list of thirty men who were to get copies, and left Collinson at his discretion regarding the remainder. Among those to receive copies were; Amherst, the First Lord of the Treasury, the Chancellor of the Exchequer, the two Secretaries of State, Mansfield, Halifax, Chatham, Bute, Hillsborough, Townshend and Grenville. Amherst was to get three copies at least a week prior to the general issue, to advise caution if necessary.

Golden wrote directly to William Nicoll, New York's
Speaker of the House, about restitution, but again in the fall session none was voted. Not only had the assembly refused recompense, but they added insult by saying that Golden had brought it all on by his misconduct, by which he supposed they meant his preparation of the fort for resistance.

In London Collinson had delayed publication of the pamphlet when Amherst claimed it might hinder chances of restitution, but news of the latest rebuff led to publication some time in the spring. Amherst was really trying to help Golden. Captain Montresor visited the general in England and was told of a letter from Golden "worthy of presenting to his Majesty" which Amherst intended to give to the Earl of Shelburne. Partly as a result of the pamphlet, the House of Commons unanimously resolved that the king give some mark of approval to officials who had been vigorous in defending the crown during the Stamp Act troubles. This was understood to apply largely to Golden, but he expected no changes to result from that.

The pamphlet was regarded favorably by Golden's friends in New York. In England it brought few concrete results beyond the resolution in Commons. The government was in the midst of another power struggle, and colonial affairs took a back seat. In New York, however, publi-
cation in September brought the wolves down on Golden again. He claimed William Smith had gained possession of a copy and promptly had it printed without Golden's consent. Golden had wisely not intended it to go beyond his friends and family, fearing renewed attacks. Opponents attempted to have the grand jury bring in an indictment against the pamphlet, but that body refused until told by Judge Livingston and Chief Justice Horsmanden that they would not be dismissed until such action was taken. Thereupon the pamphlet was declared "a very vile, infamous, false and libelous Reflection" on the council, assembly and legal system of New York. A joint committee of assembly and council examined and condemned the pamphlet, calling for point by point refutation and punishment of its author that would deter others from such action in the future. All the efforts of his opponents went for naught, but they did scare Golden into a massive letter writing campaign to English authorities in his defense.

Golden's barrage of letters did have some effect. Governor Moore was ordered to check into the matter fully, and transmit particulars to England, "...in the mean time it will become you to shew all the Countenance and Regard that is due to an old and faithfull servant of the Crown." And in Parliament, Grenville moved that
restitution be made to Golden, although this may have been merely a gesture, coming as it did too late in the session for any action to be taken.75

Moore chose to regard the letter from England as an attack upon himself. Golden was in no actual danger he asserted. But Golden was long since convinced the reverse was the case. Indeed, said Moore, upon his arrival in New York he found the fort shut tight, and was refused entry. Golden still maintained an unrealistic fear of the people. Still, Moore had to conclude that Golden's complaints about recompense were just, although he hastened to add that he had done all possible to see that payment was made.76 This answer merely led to renewed insistence that Golden be paid, and that he be sent the relevant portion of the letter from Hillsborough.77

Grenville wrote directly to Golden, praising him and promising future support.78 Golden replied, thanking Grenville for his trouble. How could it be, asked Golden, that Major James was recompensed, even though so hated in New York? The major had told Golden, on his return to the colony, that he had received 400 guineas in England and a paper instructing him on answers to questions the House of Commons should ask on the Stamp Riots.79 Golden later wrote to Grenville to complain that Governor Moore had done nothing about his losses, indeed, had
refused to submit Golden's accounts to the assembly. They had at last voted the salary, but refused to reimburse his losses, claiming that New York went to great expense to unspike the cannon on the batteries. Nothing had changed in the essential colonial opposition to Parliament, and Golden could see no change for the better until judges appointed in England were sent to the colonies with salaries paid by the crown. But Golden could have little reason at his age to ever again expect to run New York.
1 John Watts to James Napier, 1 April, 1765, Watts, op. cit., 342

2 Lords of Trade to CC, 6 March, 1765, Doc. re Col. Hist., VII, 707-708; CC to Hillsborough, 31 May, 1765, Letter Book, II, 5-8; CC to Hillsborough, 7 June, 1765, Ibid., II, 14-16

3 CC to Lords of Trade, 7 June, 1765, Ibid., II, 13-14

4 CC to Gage, 8 July, 1765, Ibid., II, 23; Gage to CC, 8 July, 1765, Papers, VII, 46; Gage to Halifax, 10 August, 1765, Clarence Edward Carter, ed., The Correspondence of General Thomas Gage with the Secretaries of State 1763-1775 (New Haven; 1931), 62-5

5 "Journals of Capt. John Montresor 1757-1778", Collections of the New York Historical Society for...1881 (New York: 1881), 327

6 McEvers to CC, 26 August, 1765 ?, Papers, VII, 56-7

7 CC to William Johnson, 31 August, 1765, Letter Book, II, 27-8

8 Gage to CC, 31 August, 1765, Papers, VII, 57-8. Presumably Gage was alarmed by pieces such as those appearing in Holt's New York Gazette June 6, 13 and 27 under the pseudonym "Freeman."

9 Gage to James Murray, 7 September, 1765, Gage Mss., cited in John Alden, General Gage in America (Baton Rouge: 1948), 116; Gage to William Johnson, 30 September, 1765, Johnson Papers, IV, 851-52

10 CC to Gage, 2 September, 1765, Letter Book, II, 30-1; CC to McEvers, 3 September, 1765, Ibid., II, 28

12 CC to Kennedy, 3 September, 1765, Ibid., II, 29-30; Neil Stout, "Captain Kennedy and the Stamp Act," New York History (XLIV; 45)

13 CC to Gage, 4 September, 1765, Letter Book, II, 29; John Montresor to CC, 6 September, 1765, and his report on ways to strengthen Fort George, Papers, VII, 72-74; Council Minutes, 7, 9 September, 1765, Ibid., VII, 60-2; Montresor Journal, 327-28

14 Ingersoll to CC, 9 September, 1765, Papers, VII, 74-5; CC to Ingersoll, 14 September, 1765, Letter Book, II, 32-3; Ingersoll to CC, 14 September, 1765, Papers, VII, 77; Hood to CC, 16 September, 1765, Ibid., VII, 77-8

15 CC to H.S. Conway, 23 September, 1765, Letter Book, II, 33-7

16 CC to Moore, 23 September, 1765, Ibid., II, 37; Watts to Monckton, 24 September, 1765, Watts, op. cit., 386-87

17 Franklin to CC, 25 September, 1765, Papers, VII, 79-80; CC to Franklin, 29 September, 1765, Letter Book, II, 38

18 Royal Order of 26 July, 1765, Ibid., II, 39-42

19 Ultimately the crown reversed itself. Instructions to Moore reverted to the original wording. Johnson, op. cit., 74-5

20 CC to Amherst, 10 October, 1765, Letter Book, II, 44-5

21 CC to Franklin, 1 October, 1765, Ibid., II, 38-9

22 Montresor Journals, 335; Council Minutes, 24 October, 1765, Papers, VII, 63; CC to H.S. Conway, 26 October, 1765, Letter Book, II, 47-50

23 Doc. re Col. Hist., VII, 770

24 CC to H.S. Conway, 26 October, 1765, Letter Book, II, 47-50; David Golden to Commissioners of the Stamp Office, 26 October, 1765, Ibid., II, 50-2; CC to H.S. Conway, 5 November, 1765, Ibid., II, 54-6
This picture of the thirty-first is a composite of Wilson, op. cit., II, 357-59; Montresor Journal, 336; Council Minutes, 31 October, 1765, Papers, VII, 64; CC to John Cruger, 31 October, 1765, Letter Book, II, 53; Alden, op. cit., 119

CC to Kennedy, 1 November, 1765, Letter Book, II, 53; Kennedy to CC, same date, Papers, VII, 85-6

Wilson, op. cit., II, 360-61; CC to H.S. Conway, 5 November, 1765, Letter Book, II, 54-6

Wilson, op. cit., II, 360-61

Papers, VII, 84-5

Composite from Montresor Journal, 336-37; Wilson, op. cit., II, 359, 361-62; Council Minutes, 2 November, 1765, Papers, VII, 64-5; CC to H.S. Conway, 5 November, 1765, Letter Book, II, 54-6; Stokes, Iconography, I, Plate 46a; Smith, History, I, 300-301 describes the fort.

Council Minutes, 2 November, 1765, Papers, VII, 64-5

"The Lieutenant Governor Declares", (New York: 4 November, 1765)

Papers, VII, 87-8; Montresor Journal, 337

CC to Kennedy, 2 November, 1765, Letter Book, II, 102; Kennedy to CC, same date, Papers, VII, 86

Montresor Journal, 337-38

Gage to H.S. Conway, 4 November, 1765, Gage Correspondence, 70-1

"The Lieutenant Governor Declares"

Papers, VII, 67; Council Minutes, 5 November, 1765, Ibid., VII, 66-8

CC to H.S. Conway, 5 November, 1765, Letter Book, II, 54-6; CC to Marquis of Granby, 5 November, 1765, Ibid., II, 54

Council Minutes, 5 November, 1765, Papers, VII, 66-68
Gage to CC, 5 November, 1765, Ibid., VII, 69; Gage to CC, same date, Ibid., VII, 70; Council Minutes, 6 November, 1765, Ibid., VII, 68-9

CC to the Mayor and Corporation of New York, 5 November, 1765, Ibid., VII, 70-1; John Cruger to CC, same date, Ibid., VII, 71; Montresor Journal, 338-39

CC to H.S. Conway, 9 November, 1765, Letter Book, II, 60-3; His conviction of the lawyers' guilt was widely shared. Montresor Journal, 339

Watts to Monckton, 22 November, 1765, Watts, op. cit., 404

CC to H.S. Conway, 13 December, 1765, Letter Book, II, 66-8

H.S. Conway to CC, 15 December, 1765, Ibid., II, 94-6

CC to H.S. Conway, 21 February, 1766, Ibid., II, 97-100

CC to H.S. Conway, 28 March, 1766, Ibid., II, 103-107


Keys, op. cit., 318

CC to H.S. Conway, 9 November, 1765, Letter Book, II, 60-3; confirmed in Smith to Monckton, 8 November, 1765, Smith, Memoire, I, 30-32

State of the Province of New York, 6 December, 1765, Letter Book, II, 68-78

CC to Earl of Dartmouth, 6 December, 1765, Ibid., II, 82-3

CC to Lords of Trade, 13 January, 1766, Ibid., II, 84-6

CC to H.S. Conway, 14 January, 1766, Ibid., II, 86-8; CC to Amherst, 13 January, 1766, Ibid., II, 89-92, asking support in gaining a pension.
56 CC to H.S. Conway, 21 February, 1766, Ibid., II, 97-100


59 CC to Henry Moore, 16 June, 1766, Ibid., II, 109-110

60 Montresor Journal, 351, 353, 357

61 CC to H.S. Conway, 24 June, 1766, Letter Book, II, 113-117

62 CC to Collinson, 10 November, 1766, Ibid., II, 119-21

63 CC to Nicoll, 1 December, 1766, Ibid., II, 121-22; CC to Earl of Shelburne, 26 December, 1766, Ibid., II, 122-24

64 CC to Jeffrey Amherst, n.d., Ibid., II, 124-26

65 Peter Collinson to CC, 12 February, 1766, Papers, VII, 117-19

66 Montresor Journal, 390

67 CC to Shelburne, 20 October, 1767, Letter Book, II, 129-31

68 William Johnson to CC, 8 September, 1767, Papers, VII, 127-28

69 Peter Collinson to CC, 24 December, 1767, Ibid., VII, 129-30

70 CC to Shelburne, 23 November, 1767, Letter Book, II, 131-37

71 Ibid.

72 CC to Lords of Trade, 23 November, 1767, Ibid., II, 137-42; CC to Lord Mansfield, 29 January, 1768, Ibid., II, 154-57; Dillon, op. cit., 80, curiously states the assembly was unable to determine the author.
73 In addition to letters cited see Letter Book, II, 142-75
74 Hillsborough to Governor Moore, 12 March, 1768, Doc. re Col. Hist., VIII, 35
75 Peter Collinson to CC, 2 April, 1768, Papers, VII, 137-38
76 Moore to Hillsborough, 9 May, 1768, Doc. re Col. Hist., VIII, 66-8
77 Hillsborough to Moore, 9 July, 1768, Ibid., VIII, 81-2
78 George Grenville to CC, 28 July, 1768, Papers, VII, 145-46
79 CC to Grenville, 22 October, 1768, Letter Book, II, 176-79
80 CC to Grenville, 6 January, 1769, Ibid., II, 180-83; also CC to Earl of Hillsborough, 7 January, 1769, Doc. re Col. Hist., VIII, 146-47
CHAPTER VI

LIEUTENANT GOVERNOR GOLDEN: REAP THE WHIRLWIND

Unexpectedly, September 11, 1769, Governor Sir Henry Moore died after a three week illness. With his death leadership came again to Golden, his fourth term as acting governor of New York. He was now eighty-three years old. Since Moore's arrival, Golden had been living in semi-retirement at his home in Flushing, Long Island. Now at an age far past that when most men are called upon, Golden was again thrust into a position of leadership.

Fortunately for Golden, elections had been held in early 1769 in which the conservatives won a resounding victory in the assembly. And the governor's council contained loyal Anglicans with the sole exception of the enigmatic William Smith, Junior, in 1769 still one of the radical New York Triumvirate although he ultimately sided with the crown. An ancient saw would have it that politics makes strange bedfellows, and Smith and his fellow radicals would have agreed. They called attention to the fact that Golden and his long-time political foes, the De Lancey faction, appeared to be working
together throughout this period. To the radicals, so quick themselves to trim their sails to suit the times, this could be explained only in terms of a corrupt bargain to share the fruits of power. It seems more plausible to argue that Golden and the De Lanceys were uniting at last to face a common political threat, one great enough to overcome years of enmity.

Golden took the oaths of office, Wednesday, September 13. He was described as "...cheerful tho' his Speech was low & his Hearing thick." Realizing his lack of knowledge of the state of affairs, Golden took virtually no action, but called for another council meeting October 29 at the Ferry House in Brooklyn, long noted for its oysters. He pled the infirmities of old age and the hardships of the boat trip from his home as an excuse for meeting there, but Smith grumbled in his diary that it was because Golden knew himself to be "universally hated" in the city. Smith was also upset at the replacement of Philip Livingston as Surrogate of the Prerogative Court by Golden's son, David, complaining it was poor politics as Golden would not be in office long enough for the switch to be profitable. Actually he probably feared this as the first step in purging the government of its remaining Livingston supporters.

By the end of September, Golden had reoriented him-
self in local politics. Smith's fears seemed realized as the lieutenant governor replaced Livingston men with De Lancey supporters.\(^4\) Golden had very rapidly reimmersed himself in the local situation. Writing to the Earl of Hillsborough, head of the Board of Trade, Golden informed him that the assembly was set on issuing paper money. Unless they were allowed to do so, Golden warned, they were quite likely to follow the recent examples of Massachusetts Bay and South Carolina and refuse to vote funds to quarter the British troops. To sugar coat the pill, Golden told his lordship that granting paper money would certainly increase consumption of English manufactured goods in the colony. He also pleaded that he be allowed to continue in office as a fitting reward for past services.\(^5\)

Golden wanted to call the assembly into session as soon as possible. Part of the council objected, arguing that the lieutenant governor was going to have to request support money for the troops. This would lead to trouble, and the issue of paper money was sure to be involved. Apparently they hoped the crown decision on a currency bill passed under Moore would arrive and avoid the problem. Golden indicated he would consult with the New York City assemblymen before reaching a final decision; again a step Smith chose to interpret as showing his old
enemy to be a "Dupe" of the De Lanceys as the city mem-
ers belonged to their party.  

Smith found himself increasingly upset by Golden's actions. At times he seemed almost paranoid in his readi-
ness to see conspiracy under every bush and behind every De Lancey. Did Golden seem to go against the council's advice? It proved he was a De Lancey tool. Did the coun-
cil agree to Golden's suggestions with little comment? It proved the existence of collusion between Golden and them, also part of a De Lancey plot to rule. Golden called the assembly into session which somehow indicated a corrupt bargain between the lieutenant governor and the De Lanceys. And one suspects this sort of reasoning to have been all too common among the radicals privately as well as for propaganda purposes.

The assembly met November 21. The Virginia Resolves were entered on the minutes; a possible omen for those who cared to read. But the conservative majority pre-
vented more serious action, leaving that harmless ges-
ture to placate the more radical element in the colony. Conservatives won another victory when Judge Livingston was not allowed to take his seat in the assembly be-
cause he was both judge and legislator. This was followed by a bill that would have barred practicing lawyers from seats on the council. Livingston soon wrote English
authorities, complaining that Golden would take no action on his behalf. 9

Golden greeted the assembly with the traditional opening speech on the twenty-second. He predicted that Parliament would repeal the Townshend Duties and hoped the assembly would act in a manner to merit such treatment, an oblique hint. He called for money to support the troops and ended by holding out the olive branch. "The Great Design I have to promote, by every Means in my Power, the Welfare and Happiness of the People of this Province, will lead me cheerfully to adopt every Measure advancing of his Majesty's Service and beneficial to the Publick; and whatever you shall propose conducive to these salutary Purposes, you may be assured will meet with my ready Concurrences." 10 Their reply was equally friendly, but included a warning that voting additional funds was not going to be easy. 11

The lieutenant governor was pleased for the most part with the ease of his administration. New York merchants were apparently not in favor of the new nonimportation agreements despite heavy pressure from the other colonies. The assembly had adopted the Virginia Resolves, but it had to be careful not to lose popularity at home. He was convinced "a more moderate temper" was gaining ground in New York. 12
Golden was a bit optimistic. December 15 the assembly voted £2,000 for support of the troops, but it was with a catch. Half the money was to be taken from the issuance of £120,000 in bills of credit, paper money.\textsuperscript{13} Golden tried to explain the action to the Board of Trade by claiming that it was the most that could have been gotten; true, but hardly knowledge that would placate them.\textsuperscript{14}

Radical New Yorkers were upset by the decision to vote any money for the support of the hated soldiers. Their feelings were expressed by a broadside claiming the assembly had betrayed its trust. Voting the money was implicit recognition of Parliamentary authority, "base ingratitude," and a betrayal of the "Cause of Liberty." Golden, knowing he was too old to again hope for office and wanting full salary, was playing up to the assembly by promising the passage of the currency bill which he knew the crown would nullify. The De Lanceys had thus formed an alliance with Golden for the sake of power, and thus assented. The author, who signed himself "Son of Liberty," called for a meeting in the Fields to draw up instructions for the city's representatives, telling them to oppose the bill and seek annulment.\textsuperscript{15} Two days later a similar broadside appeared, signed "Legion."

The first was laid before the assembly, December
18, and the next day the members resolved that it was a "false, seditious, and infamous Libel." Colonel Schuyler cast the only negative vote. The second broadside was condemned unanimously. 16

Conservatives tried to answer the charges by asking New York residents if they felt they had "...too little depended upon their own deliberate Judgments, and been too much actuated by the Poison infused into them by the Emissaries of these Salamanders; who, for a Number of Years past, have subsisted and fattened on the Flames which they have kindled in this City..." 17 But radicals merely claimed to see more evidence of "the cloven foot of despotism" in the answer. It was obvious, they said, that Golden's action was only to lull New Yorkers. 18

Golden, following instructions from the assembly, issued two proclamations. He offered £ 50 for the author who signed himself "Legion" and 100 for the "Son of Liberty." John De Noyelles, a conservative assemblyman, accused John Lamb, one of the radical leaders, of authorship and wanted him to appear before the assembly to answer to the charges. The rest of the committee appointed as a result of the first broadside claimed they were equally responsible, and the matter rested. 19

The lieutenant governor met with the council, January 5, to consider the currency act and the act supply-
ing money to quarter the troops. Regarding the currency act, he placed before them the royal instruction of July 15, 1766, on the issuance of paper money. In question was the lack of a suspending clause until the royal pleasure should be known. The council unanimously agreed that the time allowed before bills were to be issued was sufficient to learn the crown opinion, and thus, in effect, was as good as a suspending clause.

Yet, when he wrote to England, Golden knew this was not enough to justify the clear breach of instructions. He went on to argue that supplying the troops was unpopular throughout the colony. But the opposition did not dare openly attack so they had tried to raise the entire cost from the proposed currency issue. Government supporters had weakened this thrust by getting half the cost of support paid in specie, after Golden assured them he would approve such a bill. "No public Business could have been carried on in the Assembly without my Assent to this Bill...the Friends of Government in the assembly could not have been supported without it, and the administration must have been made very uneasy to me."

But lest the board think things worse than they were, he hastened to assure them no governor had ever been attended by more people at the New Year's Levee than he had just been.
Opponents of the crown were unwilling to let the issue die. One means of attack was to charge that soldiers should not be hired for local jobs as there were unemployed New Yorkers available. The restive British troops furnished additional fuel. The evening of January 13, they tried to destroy the liberty pole, but were discovered before they could blow it up. In retaliation they broke 76 windows and some furnishings in the house that had given the alarm. Three nights later another attempt succeeded, and the sawed up sections of the pole were piled in front of a radical tavern. Several armed clashes between soldiers and civilians followed, including the famous Battle of Golden Hill. With such incidents constantly agitated, the issue would not die.

To check the rising turmoil, the council met with city officials to consider action. Rumor had it that Golden and the council decided, at the next outbreak of trouble, to arrest Isaac Sears and one other leader and prosecute. Smith suggested that General Gage be contacted about removing the regiment, but this met with little favor. Several wanted to take action against the printer of the libels if he were discovered, but were deterred by Smith who suggested that they first get the attorney general's opinion. Otherwise, he said they might find themselves accused of tampering with the freedom of the
By the time the council next met, a journeyman printer, who worked for The New-York Gazette; or, The Weekly Postboy, had come forth for the reward and named his employer, James Parker, as the printer of the libel. Smith advised seizing Parker and questioning him as to the author. The council did so; also questioning his journeymen, Anthony and John Carr, and two apprentices. John revealed that Alexander McDougal was the author. After Parker was promised a pardon, he confirmed this. Captain McDougal and another man had brought the copy into the shop, corrected the proofs, paid three pounds for the result and taken it away.

McDougal was the son of a poor Scotch immigrant, and as a youth had worked as a milkman in the city aiding his father. This gave point to the poetical paen to his imprisonment; "Say great McMilkman, why so loud,/And why so pestilent and proud,/And wherefore all this dismal cry/For independent Liberty,..." For a time McDougal had served as a parish clerk, then he went to sea. Eventually he made his fortune in that great outdoor sport, privateering. He opened a "Slop-Shop" in New York, married into more money, and went into radical politics.

Colden asked the council to aid the attorney general
in the persecution of McDougal as he expected much popular support for the radical leader. Smith, the most likely to be so involved, quickly asked how much assistants would be paid. He reminded Golden that the assembly had not been too generous with lawyers who had aided in prosecuting the Dutchess County rent rioters, and declined to serve in such capacity. Smith had other reasons for declining. As a member of the Triumverate, he tended to resist governmental policies. Indeed, he even wrote a letter that appeared in the March 19 New-York Gazette; or, The Weekly Postboy which criticized the very actions he had backed in council. The letter, signed to give the impression of having been written by a leading Philadelphia lawyer, argued that Golden and his adherents had done liberty a favor by sending McDougal to jail. The action was sure to arouse once more the true patriots who had become lulled into unawareness by the recent "Uniformity of Sentiment." McDougal, although he possessed enough money for bail, chose to remain in jail very consciously imitating John Wilkes. In Golden's opinion the respectable element in the colony were united in believing that McDougal deserved punishment, although he suggested the possibility that a jury trial might not have that result.

New York was being torn by other turbulences that
fed into the fire stirred by the radicals over McDougal. The action of the soldiers in attacking the liberty pole aroused many. Public meetings were held, pro and con, over a measure proposing voting by secret ballot; a measure largely backed by the radicals, and ultimately defeated in the assembly. And in mid February there was another serious riot.33

In the midst of this, Golden received word from Hillsborough that the currency bill was unlikely to get royal approval. He was extremely upset, for he regarded the bill as having more than adequate safeguards and it would also assure money for quartering the troops as the governor could supply this from the interest on the currency. But it was already too late. Although news did not reach New York until April 19, on February 9 a royal order disallowed the currency bill passed under governor Moore.34 This made certain that the bill passed under Golden would also be disallowed.

Increasingly he came under fire from the Lords of Trade. Every letter from the Earl of Hillsborough contained new condemnations. On what authority had Golden told the assembly that Parliamentary duties would probably be removed? Hillsborough hoped Golden could explain so "...as to remove the appearance of your having acted in a manner highly unbecoming your situation."35
Golden had given his consent to the act barring judges from sitting in the assembly. Again the act had no suspending clause, an omission which angered the board, but Golden felt there was enough time for royal action before the assembly would convene again. The lieutenant governor argued that the same persons should not be able to make the laws and render judgement under them. He pointed to the habits of past judges in the assembly; many had become active factionalists. This led one to doubt their fairness on the bench. Perhaps most important was the comparison with Parliament, for no judges were allowed to sit in the House of Commons. Golden did hedge a bit, saying that he thought the matter was of sufficient importance that the crown should act, and that it might be "an unconstitutional Power assumed by the Assembly." The crown struck down the act because it interfered with the royal prerogative. Still, the argument that the colonial legislatures were miniature Parliaments is usually pictured as a radical claim, yet here is a crown official, noted for his long loyalty, advancing the same viewpoint.

Following a crown decision to delegate much of the responsibility for Indian relations to the individual colonies, the assembly voted to call for a general meeting of delegates from the colonies concerned to draw
up a united policy. Golden, long interested in the Indians, saw this as the best possible measure and promptly wrote to Governors John Penn of Pennsylvania and Guy Carleton of Quebec to begin laying the groundwork. The crown felt differently. It looked back at efforts towards intercolonial co-operation like the Stamp Act Congress, and Golden was told such meetings had little utility and were potentially dangerous. 37 Golden was again upset, but he had come a long way in his thinking since he opposed the Stamp Act Congress.

But the major source of royal displeasure remained the currency act. Hillsborough told him that, "...altho' the King considers the preserving the Colony in tranquility as a very desirable and commendable object, yet his Majesty can never approve of any Governors seeking the attainment of it at the expense of his Instructions." Still Golden persisted in that argument, claiming "...I have this comfort that however I may have err'd it was not from any want or neglect of Duty, but from an error in Judgment...." He had felt it necessary to prevent "Tumults & Disorders." The lieutenant governor called attention to the similarity between events in Boston and New York, arguing that the radicals in both acted in concert. But passage of the currency act had ended much of the trouble. "A disappointed Faction, by publishing the
most gross Calumnies and impudent Lies, in order to asperse my Character, and the Characters of the Gentlemen join'd with me in the administration, have drawn upon themselves a general detestation, and so far sunk their own characters in the Estimation of every Man of Reputation that for the future they can have no general Influence...." Partly as a result of Golden's pressure, Parliament passed an act enabling New York to issue paper money. 38

During the summer of 1770, New Yorkers battled over non-importation. Here, however, Golden played little role other than reporting to the crown. After the repeal of the Townshend Duties, except that on tea, there was great pressure within New York again to import British goods. A survey revealed 1,180 New Yorkers for renewed importation, 300 voicing no opinion, and a scattered few in opposition. 39

All this time McDougal sat in jail. He was not idle, and from his cell poured forth a constant stream of literature for New Yorkers to read. He kept them constantly informed through articles in the New-York Gazette; or, Weekly Postboy. His supporters played on the numbers 45 and 92 to the point of absurdity. Their significance derived from Wilkes' North Briton and the 92 Massachusetts legislators who had voted against repealing an act
objectionable to crown officials. But an almost daily repetition of visits to the cell by 45 maidens, the presentation to the martyr of 45 bottles of wine and the like, ad nauseum, leads one to sympathise with the critic who commented that, "He that is courted in a gloomy Prison, by Forty-five in one Day, cannot fail of being a MAN INDEED!" 40

The grand jury indicted McDougal. He was ordered to court, April 28, to plead, and it became an occasion for a radical demonstration in force. A crowd of over 300 that inclined to radicalism escorted McDougal the half mile from jail to City Hall and back. He pled not guilty, and was released on bail. 41 There the matter rested during the remainder of Golden's turn in office. By the time the case came to trial, the journeyman printer who had given evidence had been harassed out of the colonies and James Parker, the printer, had died under somewhat suspicious circumstances in New Jersey. McDougal was discharged for lack of evidence. 42

Golden's term as acting governor ended October 18, 1770, when Lord Dunmore arrived on the frigate Tweed. Before that, however, Golden had what he felt to be ample testimony to the success of his policy of conciliation. A gilt equestrian statue of George III arrived from England and was erected on Bowling Green. Golden,
all the available councillors and legislators, the city fathers, clergymen and leading citizens had paraded from the fort to the statue. There they had drunk the health and continued long reign of George while 32 cannon fired, a military band played, and crowds of enthusiastic citizens cheered.\textsuperscript{43} In a few years those same citizens cheered while the statue was torn down to turn it into musket balls for the continental army.

In a letter to Hillsborough in early July, Colden wrote what might well be considered the epitaph for his fourth term as acting governor.

The disorders in North America began while the Administration of Government was in my Hands, when no Governor in any of the Colonies had authority sufficient to suppress them. I am happy that now while the administration is again in my Hands, the People of this Province set an example to the other Colonies of returning to their Duty. All Men of Property are now so sensible of their Danger from Riots and Tumults that they will not rashly be induced to enter into Combinations which may promote Disorder for the future, but will endeavour to promote a due subordination to legal Authority.

From the different political and religious Principles of the Inhabitants, opposite Parties have at all Times, and will exist in this Province, which at different times have taken their denomination from some distinguished Person or Family who have appeared at their Head; but you may be assured...it is not in the power of any one Family to distress the Government while the administration is conducted with Prudence, which often requires a compliance with popular Humours.\textsuperscript{44}

Colden had certainly tried to comply with "popular Humours." In every case the compromises he made or the
measures he felt necessary as a close observer of New York for years were overturned or rejected by royal officials operating over three thousand miles away and with a totally different set of beliefs about what New York needed and should have.

This time when Golden left New York City, he was accompanied by addresses from several delegations thanking him for his rule, certainly a change from his previous exit. Shortly thereafter he was stunned by the visit to Spring Hill of Lord Dunmore's secretary, Captain Foy. Foy presented a demand for one half the profits of office from the date of Dunmore's commission until his arrival in New York, a demand virtually unprecedented in New York said Golden. The only prior case was that when Governor Cosby had tried it on Rip Van Dam and failed. But Attorney General Kempe filed Dunmore's suit in Chancery, where the governor would be the only judge.

Dunmore's demand was based upon a 1698 order of King William III that in the death or absence of a governor, the acting governor should receive one half the income; the other half until arrival of a new governor being reserved to the King. And the King had given this income to Dunmore. Attorney General Kempe had originally opposed the move, leading William Smith to assume
that Kempe had told Golden to stick it out and "...there
could be no method of forcing the Money...out of his
Hands." Smith had immediately supported Dunmore as did
John Watts. Smith also talked Kempe into supporting the
governor, and then coyly allowed himself to be persuaded
to aid the attempt; claiming he did not want to act lest
Golden "think me his Enemy." 48

Smith expressed his opinion that Golden would ap­
peal to the crown, but was assured by Dunmore that Col­
den was currently held in low esteem at home. Smith then
expressed the cheery thought that Golden might choose to
flee to Connecticut where there was no chancery court.
Smith also tried to warn Dunmore that he should not be
chancellor in the case. 49 Dunmore was worried when he
heard that Golden had actually written to England in pro­
test, but it merely led Smith to urge a non-partisan
administration upon the new governor. 50 Smith, however,
was having second thoughts about Dunmore. He had already
decided "...that his Lordship's Education and Abilities
are equally beneath his Birth." Now reports of Dunmore's
drunken behavior led Smith to fear that he, too, would
be dragged down by association with the governor. 51

Meanwhile, Golden had enlisted James Duane to argue
his case in New York. To Duane Golden argued that the
salary had been voted to him personally and that per-
quisites were "voluntary Donations" for services rendered. Therefore they were private property and not at the disposition of the king.\textsuperscript{52} Golden took the same approach in another letter to Hillsborough and pointed out that even William Smith must think Golden right, else he would not have advised Dunmore to file suit in chancery where the governor had most control.\textsuperscript{53}

One of the most savage and witty attacks on Golden ever published emerged during the proceedings; a pamphlet by William Livingston called \textit{A Soliloquy}.

In Troth this Demand alarms me. I have endeavoured to put a good Face on the Matter, but I really dread the Consequence. A full Moiety of Fourteen Thousand Cocks of Hay, with Boot and Emblems and all! I cannot think of it with Patience. But I am told that I must think of it. My late Chums and Cronies! where are you all now? Such a Moiety to refund, and left in the Lurch! Hah Friendship! where art thou? But it was my own darling Doctrine, (and hang me for having ever preached it) not to value any man longer than he is able to serve you. \textsuperscript{54}

Livingston accused Golden of charging higher fees than was legal, and went on to review the low points of his long career beginning with the Clinton administration. It was a very effective hatchet job.

In court Duane filed a demurrer on Golden's behalf. King William's order expired with King William. And governor Moore's instructions indicated a sharing of the profits during his absence, but nothing about sharing
after his death. No king since William had reserved such a share to himself. There was no real proof that the king had assigned his supposed share to Dunmore nor was there any authorization for any one to sue for the royal share. The demurrer advanced several other arguments and generally served to show the absurdity of Dunmore's position.55

A friend in London, calling on Hillsborough in Golden's behalf, was told that Golden should pay and that his conduct in his previous administration was not all that could be desired.56 But in New York things went better. Duane argued in favor of the demurrer on January 10 before a large audience at a hearing Dunmore moved at the last minute from city hall to his own home; a hearing delayed for an hour while Smith and Dunmore conferred.57 February 7, Smith replied for the king, much to Dunmore's satisfaction. But Duane refuted him point by point to the general satisfaction of all who heard. Still, everyone expected Dunmore to rule in his own favor. But the governor realized he had a weak case and, to strengthen it, submitted all relevant material to the supreme court for an opinion. To his dismay, all four judges stated that Golden's demurrer was correct in its main points. Dunmore soon was transferred to Virginia, and the matter ended.58 Several years later Golden received assurances
that there was apparently no intent to reopen the matter. But he still feared another suit, and rumors of one circulated in New York in early 1774.

But with the exception of the salary dispute, Golden took little active role in the colony even after the new governor, William Tryon, arrived in July, 1771. But Tryon sailed for England April 7, 1774, for reasons of health, and Golden again took over the government. Two entries in William Smith's diary suggest that Tryon had frequently called upon Golden for advice, but no evidence survives in Golden's papers. Still Flushing was very close to New York, and quite possibly it is so. When Tryon left, he had made prior agreements with Golden about splitting the monies derived in half, and the governor apparently hoped Golden would grant land contrary to recent instructions; he wanted the fees.

Rumors had persisted, prior to Tryon's departure, that Oliver De Lancey and Roger Morris were both seeking Golden's position. And the rumors of Golden's ouster gain credence from a cryptic remark by the Earl of Dartmouth in a letter to Tryon, "In my private letter to you...I expressed a wish that you should not come away from your Government until you should be relieved by a Lieutenant Governor, but having learnt from your Friends here that your disorder increases upon you, I must not
suffer that Restraint upon your Intentions to continue any longer..." Golden had attended at least one council meeting prior to Tryon's departure, but did not vote, claiming deafness had prevented his hearing the arguments. Smith felt it was really because Golden was unsure who held the majority on the council and thus preferred to remain uncommitted. Tryon told Smith that he expected the majority of the council to rule in any case, and Golden seemingly bowed to that position. Much to the delight of Smith, Golden showed no partiality to either Watts or De Lancey when he was sworn in. Next in line was Golden's old rival, Daniel Horsmanden, who looked forward to Golden's death "...with the Eagerness of a Cardinal, who has secured his Election to the Triple Crown. Golden who knew this, was sometimes diverting enough, when the other visited him, after an ill Turn, inquiring concerning his Health." Golden was taking over at a time of real crisis in New York affairs. He was confronted with resistance to the importation of tea, and had to face a growing opposition to New York's claims of jurisdiction over the Hampshire Grants. But to Golden the great problem was whether or not to grant land.

Shortly after Tryon's departure, on April 19, a shipload of tea under Captain Lockyer arrived off New
York, but made no official attempt to contact Golden or to unload. About the same time, a shipload of smuggled Dutch goods was taken with no trouble by Golden's grandson, Richard. But New Yorkers managed to hold their own tea party. April 22, the London, Captain Chambers commanding, tied up at a New York wharf. Rumors had passed that the London had 18 boxes of tea, and a citizen's delegation boarded to question Chambers. He admitted the charge only after learning committees had been appointed to open every package on board. At eight that evening, a large crowd, tired of waiting for "The Mohawks", boarded the London, broke open the offensive boxes and dumped the tea overboard. "Several persons of reputation" were stationed about to see no other damage was done. Golden hastened to point out to crown authorities that, "... tho' a pretty large number of spectators were assembled, the Quarter where I reside, and the greatest Part of the Town were perfectly Quiet." Chambers had brought it upon himself by his "duplicit." The previous year he had won popular acclaim by refusing to take tea on board. Chambers left New York on Lockyer's ship, the latter having been paraded down to the wharfs even though the parade was frowned upon by the "better sort of People," but, as Golden wrote Tryon, the "better sort" "do not govern upon these occasions."
Of more immediate concern to Golden was the question of his ability to make land grants in the Hampshire Grants. Golden had received a new instruction establishing policy for land grants; all grantable areas were to be surveyed, divided into lots not to exceed one thousand acres, and sold at auction.71 A covering letter from Dartmouth stated that people with prior Orders in Council for lands and others with previous claims should be satisfied, but that "...in no case whatever the Location be allowed either upon Lands which, by Instructions you have already received, you are restrained from granting ...."72 Golden knew that prior instructions forbade grants "within the District claim'd by New Hampshire," or north of Crown Point where Canada claimed the land. He felt this left no place open to grant land to military applicants under the royal proclamation of 1763. Thus Golden raised the question as to whether lands not granted by New Hampshire, but within that district, would not be open.73 He had taken that position in 1770 and granted land accordingly with no reaction from London although his increased aggressiveness had alarmed settlers.74 In this last term in office Golden eventually granted some 370,000 acres in Vermont, bringing his total grants there to 965,500 acres and an estimated $30,171.81 in fees. This does not include 184,600 acres in military
When Golden initially broached the matter, the council had held for a strict interpretation of the instructions, but Golden at last gained his point, and a majority of the council agreed to grant lands in the Hampshire Grants that were still open.

In May news had arrived of the Boston Port Bill closing that city's waterfront. Publication of the act in New York newspapers and spirited discussion led Golden to fear the consequences. But he was not alone, and many of the wealthier merchants and citizens were also alarmed. Thus they took part in local radical politics to moderate the course of action. The radicals nominated a group of twenty-five for the Committee of Correspondence, but were thwarted when the conservatives, several days later, suggested a fifty-man committee and drew up their own slate, wisely including twenty-three of the radicals. Ultimately one more was added with the consent of both factions, and thus emerged the Committee of Fifty-one. Golden regarded the result as a conservative victory, especially when the new committee refused to join with Boston in a general boycott of British goods, although the New York group did recommend an intercolonial congress to petition the king.

But within the Committee of Fifty-one a bitter struggle was being waged between conservative and radical
factions over representatives to the Continental Congress. Ultimately the conservatives were unable to prevent a delegation going, but they succeeded in keeping John Morin Scott and Alexander McDougal off the final group of five delegates. Writing to England, Golden noted that the whole thing was "dangerous" and "illegal," but that there was no way to stop it short of perhaps calling in military aid which could only worsen a deteriorating situation. And Golden optimistically maintained that outside New York City the province was thoroughly loyal. Golden even suggested that the Congress might be productive if moderates dominated, as it would then help ease tensions. And he reported that many now felt it would be wise for "...Parliament to lay aside the Right of raising Money on the Subjects in America, and in lieu thereof, that the several American Assemblies should grant and secure to the Crown, a sufficient & permanent Supply to pay all the officers and ordinary expenses of Government...." From this time on, it is safe to say that events were really beyond the control of Golden and the royal government as he had already admitted to the Earl of Dartmouth in connection with the selection of delegates to the Continental Congress. But Golden went on, still believing that the majority of New Yorkers were loyal to
the crown. The one obvious area where this was untrue was in the Hampshire Grants, in the area of eastern Charlotte County, where a state of virtual armed rebellion existed, led by New Hampshire grantees who had erected two, two story blockhouses for defense; one at Otter Creek, one on the Onion River. A majority of his council urged Colden to request troops from General Gage, although William Smith argued it was too late for troops to be of any use there. Colden thought that if several ringleaders could be taken prisoner, the troops could then be withdrawn before winter set in. Gage, however, refused to commit troops, citing the case of another general who had refused a similar request and been upheld by the crown. Colden then appealed to England. But the Earl of Dartmouth replied that troops should be used only as a last resort, and certainly not while affairs in North America were in such a state of crisis.

On the brighter side, Colden reported that a radical attempt to prevent New York merchants from supplying Gage's troops in Boston had failed amidst general disapproval. In early November Colden mailed a copy of the proceedings of the Continental Congress to English authorities. While it was too soon to be certain, he did not think the populace happy with the results. Merchants disliked non-importation and farmers were unhappy over
nonexportation. Colden hoped that when the assembly met it would draw up conciliatory measures. And he commented that much more strength was needed if the illegal import trade were to be stopped as the Earl of Dartmouth requested. The smugglers made such large profits that they could offer his grandson £1,500 yearly to be less diligent.86

The Committee of Fifty-one was replaced by a new Committee of Sixty to carry out the measures of the Continental Congress. Colden said only thirty or forty people appeared for the election, an indication that the measures of the Congress were unpopular. There were moderates on the new committee, but they acted, said Colden, only "to protect the city from the ravages of the Mob.", and thus supported the measures of Congress fearing that the radicals would take the lead and make things far worse. He enclosed a copy of the conservative plan of union, commenting on his amazement that "a rational Mode of Proceeding" was rejected in favor of "a Method big with Wickedness, Extravagance and Absurdity." Colden noted that he was calling the assembly into session early in January, hoping they would be able to moderate matters. Certainly they could make things no worse.87

In December, Colden's son, Alexander, died, and the lieutenant governor planned to give Alexander's office
of surveyor general to his youngest son, David, with a
commission to run during good behavior. Approached early,
William Smith said it was contrary to instructions, and
he continued to oppose the attempt when Colden brought
it up in council. Governor Tryon had promised the post
to another, but the real issue to Smith was the instruc-
tion against appointments during good behavior. Writing
in his diary Smith vented his spleen, "What a Villain is
Colden who always professed a Zeal for the Prerogative,
& got his Living by it!" The council agreed that David
should be his brother's successor, but rejected the in-
definite term. Thereupon Colden wrote home that David
had been unanimously approved and requested the commis-
sion during good behavior. Both Dartmouth and Tryon re-
jected Colden's pleas; the former because the post was
promised to another, Tryon because of the royal ukase.

Colden feared that the assembly might be radical,
in which case he intended to prorogue them, but if they
were not called into session, he felt it was likely that
an illegal provincial congress would be called. There
was a battle in the council over his opening address to
the assembly. Colden, apparently at the urging of the
De Lanceys, James Duane and others, had written what
Smith thought to be a "violent" speech designed to pro-
cure a dissolution of the assembly. Smith wanted a speech
that would allow the moderates to remain silent and not have to commit themselves to either side. But in any case the assembly remained conservative, defeating, by a vote of eleven to ten, a measure that would have approved the proceedings of the Continental Congress. When Golden heard of the vote, he is supposed to have exclaimed, "Lord, now lettest thou thy servant depart in peace." Although delightful, it is hardly in character.

The Committee of Sixty busied itself in early February with enforcing the Association, the nonimportation agreement. A Scotch ship arrived in New York, but attempts to unload were prevented by a mob. Golden, with the advice of the council, then ordered Captain Montague of the royal navy to assist the Scotch captain. But when Montague put sailors on the Scotch ship, he had received no request for aid, and a sloop filled with armed radicals was nearby. Thus nothing was done until Golden ordered Montague to see that the sloop was not allowed to prevent a landing. A near riot resulted when the Scotch vessel attempted to come into harbor that evening. The mob again scared conservatives, and everyone heaved a sigh of relief when the ship returned to England. Golden, however, was disgusted. "The Captn was a stupid Body who would neither make a complaint nor ask for assistance. None of the Consignees had Reso-
lution enough to Demand their Goods, so that it was im-
possible for Government to interfere to any good pur-
pose."96 A second ship, Beulah, arrived, but she, too,
was unable to unload.97

Despite these setbacks Colden felt there was grounds
for guarded optimism in the refusal of the assembly, by
a 16 to 9 vote, to thank the New York delegation to the
Continental Congress. Several days later they voted a-
gainst thanking merchants for supporting the Associa-
tion, and they voted 17-9 not to send delegates to the
Second Continental Congress.98 But Colden still felt it
necessary to ask Admiral Graves in Boston to send a man
of war to New York; one capable of blocking the Hudson
River and of landing two or three hundred men. There
were only one hundred soldiers in New York, and Colden
was frankly worried by southern threats to march through
there on the way to Massachusetts.99

When Colden received Dartmouth's letter urging that
governors do their utmost to discourage delegates to the
Second Continental Congress, he discussed the matter with
the council. Should he issue a proclamation? There was
unanimous agreement that this would only worsen things
by exciting the population. Instead the letter was shown
privately to the assemblymen, who had, of course, pre-
viously voted against it.100
Colden wrote home summing up the legislative session. He pointed with pride to the "Loyalty, Moderation and Affection" shown. But he was forced to disclose a complete breakdown of all authority in the Hampshire Grants and even to the south, in Cumberland County. The "Bennington Mob" had seized a New York judge, tried him, and sentenced him to two hundred lashes, followed by banishment. Colden feared only force could restore order there. In Cumberland County the sheriff and posse had been forced to open fire on the mob after it occupied the court house. Two rioters died and several were wounded in the exchange. But a much larger mob the following day seized the sheriff, a judge and several others who now rested in a Massachusetts jail. The assembly had voted £ 1,000 to suppress the disturbances, but this was not enough Colden felt, so he had again written Gage for assistance.

He asked Gage to send arms and ammunition to be used by a force of three hundred or more men who could then preserve the peace in Cumberland County. He anticipated difficulties in getting the arms to them, and planned to store them in Albany. The men would then sneak away to there, get their arms, and march back as a unit. But within two weeks, Colden felt the situation there serious enough to ask Gage to send troops into the affected
By the time Gage received the second letter he had more pressing matters to handle, and so did Colden. He got some arms from Gage, but too late.

Sunday, April 23, an express rider arrived in New York bearing news of the battle at Concord and Lexington. Within a few hours the radicals had mustered a large crowd that unloaded two ships whose cargoes were destined for Gage's troops in Boston. A crowd broke into the city armory, taking all the muskets there, and another group emptied the powder magazine. When the council met, Monday, they all agreed that nothing could be done. For nearly a week a radical led mob ruled the city. The customs house was closed, and armed radicals were drilling in the streets.

Late April saw the publication of an address from Philadelphia aimed at De Lancey, Colden, John Watts, and several others. "It is impossible to unfold the extensive and complicated nature of your crimes." They were accused of preventing a constitutional conciliation, indeed, they had signaled for civil war. "Go now, ye parricides, to the Press of your associate, James Rivington, and there satiate yourselves with your triumph." It ended with a threat, "Fly for your lives, or anticipate your doom by becoming your own executioners."

May 1, a new Committee of One Hundred was chosen,
even more radical than the Committee of Sixty, and it decided to let everyone except Golden sign the April 29 association opposing Parliament and agreeing to support the Continental Congress.\textsuperscript{108} By May 3, Colden concluded that the government was "entirely prostrated" and within a few days he left New York for his home on Long Island.\textsuperscript{109} From that time until Governor Tryon arrived, June 25, Colden was nominally head of the government, but in fact had no real role to play. One of Colden's last official acts was to receive an address from the Association opposing all taxation by England and urging that any British troops bound for New York be quartered outside the city to avoid bloodshed.\textsuperscript{110} Colden's answer was a final plea for harmony, a plea he must have known was wasted.\textsuperscript{111}

Eighty-nine years old, Colden died September 21, 1776, at Flushing. His death passed almost unnoticed except by his old enemy William Smith who used the chance to write at great length in his diary, summing up his detested opponent as a man of "Duplicity, Pride, Craft, Obstinciacy, Vanity, Petulance, Ambition, vindictive Spirit and Avarice." "He was quick and subtle, conceited and fond of disputation, easily flattered, and anxious for Preheminence on all Topics of Conversation, and rather disgusting than insinuating for he was hot
Perhaps Smith's diary entry says more about its author than Golden. Still, any summation must take into account his ultimate failure. His career was a continual battle to maintain the prerogative in New York, a battle which saw him almost always taking unpopular stances. His insistence on fighting these often forlorn battles may well have helped polarize New York, particularly in the period from 1760-1765.

The chief reason for his failure is the inactivity or slow response of the crown. Many times it appears that a rapid decision would have prevented much of the difficulty under which he labored. Certainly the Clinton years were made unbearable because the crown would not act, and the judicial crises of the 1760's reached major proportions because the crown acted in its usual leisurely fashion. Golden's views of the imperial relationship should have recommended themselves to authorities in London, but their response does not so indicate.

Golden's career does help shed light on the question of political parties in New York. There is no doubt that he was convinced of the existence of factions, and many of his actions were based on that premise. In light of the struggles visible throughout his career, it is plain parties did exist, and it is equally clear that a great
deal of the reason was economic in motivation. Golden is an exception to the general run of New Yorker in that he placed his devotion to the crown ahead of his party attachment. The result was that during much of his career he was ostracized and attacked by both sides as his espousal of an imperial point of view was shared by neither. During fighting with France, or periods when that was foreseen, his belief in the importance of the Six Nations won favor for Golden with several governors, but it alienated him from the Albany and New York traders who favored neutrality. His stance in favor of revising the quit rents and breaking up the large general land grants of earlier days won him the hatred of many of the large landholders. And Golden's firm stand on the legal problems of the 1760's completed his alienation from the lawyers. In effect he was hated by the three leading groups in New York politics, and in the crucial years of the 1760's this hatred probably helped to strengthen the radical faction in New York.

Golden's essential moderation and expression of views favorable to New York's place within the empire have never received the stress they deserve. Instead historians have focused on his obedience to royal wishes after decisions were made at that level. This is again an injustice to a man who favored free trade and
moderation in taxation.

He had his faults: among them temper, a degree of arrogance, pride, and ambition. But they are the faults of a gifted man. He shared many of the excesses of the eighteenth century politician. Golden's career shows nepotism in action. It has been said that of the royal governors from 1763 to the end, none was "...more zealous to distribute land than Golden." He has been accused of greed, and not entirely without reason. But political standards of the day were considerably more spacious than are ours, and by them Golden appears honest. Certainly he did not become rich as did many of his compatriots. It is time we rescued him from the oblivion to which his royalist views consigned him, to the place he rightfully deserves as one of the leading thinkers and statesmen of the era.
FOOTNOTES


2 Smith, Memoirs, I, 67

3 Ibid., I, 54; CC to Hillsborough, 13 September, 1769, Doc. re Col. Hist., VIII, 188-89

4 Smith, Memoirs, I, 55

5 CC to Hillsborough, 4 October, 1769, Doc. re Col. Hist., VIII, 188-90

6 Smith, Memoirs, I, 56

7 Ibid., I, 56, 58

8 Journal of the Votes..., (New York; 1770), 5, 16-17

9 Smith, Memoirs, I, 69; Judge Livingston to Hillsborough, 4 December, 1769, Doc. re Col. Hist., VIII, 192

10 New York Gazette & Weekly Mercury, 27 November, 1769

11 "To the Honourable Cadwallader Golden...," broadside, (New York: 29 November, 1769)

12 CC to Hillsborough, 4 December, 1769, Doc. re Col. Hist., VIII, 191

13 Journal of the Votes, 1770, 43

14 CC to Hillsborough, 16 December, 1769, Letter Book, II, 194-95

298
"To the Betrayed Inhabitants of the City and Colony of New York....," broadside, (New York: 16 December, 1769)

Journal of the Votes, 1770, 44-9

"A Citizen's Address to the Public," broadside, (New York: 18 December, 1769)

"An Answer to the Citizen's Address....," broadside, (New York: 23 December, 1769)

New York Gazette & Weekly Mercury, 25 December, 1769


CC to Lords of Trade, 6 January, 1770, Letter Book, II, 202-204

CC to Hillsborough, 6 January, 1770, Ibid., II, 199-202

"To the Public. Whoever Seriously Considers....," broadside, (New York: 15 January, 1770)

Wilson, op. cit., II, 403

Norman MacLeod to William Johnson, 27 January, 1770, Johnson Papers, XII, 772-74

Smith, Memoirs, I, 72-3

Ibid., I, 73-5; "Substance of the Evidence Against Capt McDougal," McDougal Papers, Box I, New York Historical Society

"Outlines", broadside, (New York: 9 Febry, 1770)

Thomas Jones, History of New York During the Revolutionary War, Edward De Lancey, ed., (New York: 1879), I, 24-6

Smith, Memoirs, I, 75

Ibid., I, 75-6
32 cc to Hillsborough, 21 February, 1770, Letter Book, II, 207-12

33 Ibid.; New York Gazette & Weekly Mercury, 3 January, 1770; "To the Independent Freeholders and Freemen, of this City and County. It having been industriously propagated...," broadside, (New York: 4 January, 1770)

34 cc to Hillsborough, 21 February, 1770, Letter Book, II, 207-12

35 Hillsborough to CC, 18 January, 1770, Doc. re Col. Hist., VIII, 201-202

36 CC to Hillsborough, 21 February, 1770, Letter Book, II, 207-12

37 Ibid.; CC to Penn & Carleton, 6 February, 1770, Ibid., II, 206-207; CC to Carleton & Penn, 16 April, 1770, Ibid., II, 214-15; Hillsborough to CC, 14 April, 1770, Doc. re Col. Hist., VIII, 210-11


39 CC to Hillsborough, 7 July, 1770, Letter Book, II, 221-24

40 Jones, op. cit., 26-8; "The Dougliad" No. 4, New York Gazette & Weekly Mercury, 30 April, 1770

41 Jones, op. cit., 30; William Smith to Philip Schuyler, 29 April, 1770, Smith, Memoirs, I, 81

42 Jones, op. cit., 32

43 CC to Hillsborough, 18 August, 1770, Letter Book, II, 225-27

44 CC to Hillsborough, 7 July, 1770, Ibid., II, 221-24

45 CC to Hillsborough, 6 December, 1770, Doc. re Col. Hist., VIII, 257-58


48 Smith, *Memoirs,* I, 83-4

49 *Ibid.* I, 86-7


51 *Ibid.* I, 86, 91

52 CC to Duane, 26 November, 1770, *Letter Book,* II, 248-50


55 *Letter Book,* II, 256-73

56 William Johnson to CC, n.d., *Golden Papers,* Box 13, New York Historical Society


61 Smith, *Memoirs,* I, 147-48


63 *Ibid.* I, 179

64 Dartmouth to Governor Tryon, 6 April, 1774, *Doc. re Col. Hist.* VIII, 415-16

65 Smith, *Memoirs,* I, 180-81
66. Ibid., I, 182
67. Ibid., II, 41
68. Gazetteer (Rivington's), 28 April, 1774
69. CC to Earl of Dartmouth, 4 May, 1774, Letter Book, II, 334-35
70. CC to Tryon, 4 May, 1774, Ibid., II, 335-38
71. Papers, VII, 206-10
72. Earl of Dartmouth to Governor of New York, 5 February, 1774, Papers, VII, 212-13
73. CC to Tryon, 4 May, 1774, Letter Book, II, 335-38
74. Jones, op. cit., 167-70
75. Hall, op. cit., 152-59
76. Smith, Memoirs, I, 183-85, 187-89; Papers, VII, 222-25; CC to Tryon, 31 May, 1774, Letter Book, II, 341-43; CC to Tryon, 6 July, 1774, Ibid., II, 347-49
77. Stokes, op. cit., IV, 853; Gazetteer (Rivington's), 19 & 26 May, 1774; Schlesinger, op. cit., 329-30
78. CC to Dartmouth, 1 June, 1774, Letter Book, II, 339-41
79. Schlesinger, op. cit., 333-34
80. CC to Dartmouth, 6 July, 1774, Letter Book, II, 346-47
81. CC to Dartmouth, 2 August, 1774, Ibid., II, 349-51
82. Smith, Memoirs, I, 191-92; CC to Gage, 7 September, 1774, Letter Book, II, 357-59; CC to Gage, 12 September, 1774, Ibid., II, 361-62
83. CC to Dartmouth, 4 October, 1774, Ibid., II, 364-66; Smith, Memoirs, I, 193
84. Dartmouth to CC, 10 December, 1774, Papers, VII, 256-57
85CC to Dartmouth, 5 October, 1774, Letter Book, II, 366-69

86Dartmouth to CC, 10 September, 1774, Papers, VII, 248-49; CC to Dartmouth, 2 November, 1774, Letter Book, II, 369-72

87CC to Dartmouth, 7 December, 1774, Ibid., II, 372-75; Schlesinger, op. cit., 447-50

88Smith, Memoirs, I, 204-206; CC to Dartmouth, 3 January, 1775, Letter Book, II, 376-77

89Dartmouth to CC, 1 February, 1775, Papers, VII, 261-62; Tryon to CC, n.d., Ibid., VII, 262-63

90CC to Dartmouth, 4 January, 1775, Letter Book, II, 377-79

91Smith, Memoirs, I, 206-209

92CC to Dartmouth, 1 February, 1775, Letter Book, II, 382-84


94Ibid., I, 210; CC to Captain Montague, 9 February, 1775, Letter Book, II, 385

95Smith, Memoirs, I, 210

96CC to Gage, 20 February, 1775, Letter Book, II, 386-87

97CC to Dartmouth, 1 March, 1775, Ibid., II, 388-91; Smith, Memoirs, I, 210

98CC to Gage, 20 February, 1775, Letter Book, II, 386-87; CC to Dartmouth, 1 March, 1775, Ibid., II, 388-91

99CC to Graves, 20 February, 1775, Ibid., II, 387-88; also CC to Dartmouth, 1 March, 1775, Ibid., II, 388-91

100Smith, Memoirs, I, 212-13
101 Jones, op. cit., 268-73

102 CC to Dartmouth, 5 April, 1775, Letter Book, II, 395-98

103 CC to Gage, 2 April, 1775, Ibid., II, 407-409

104 CC to Gage, 13 April, 1775, Ibid., II, 410-12

105 CC to Governor Carleton, 3 May, 1775, Ibid., II, 403-404

106 Smith, Memoirs, I, 221-22; Council Minutes, 1 May, 1775, Papers, VII, 287-89

107 Extracts from Bradford's Pennsylvania Journal of April 26, 1775, (New York: 1775)

108 Schlesinger, op. cit., 544-45

109 CC to Dartmouth, 3 May, 1775, Letter Book, II, 400-403; CC to Captain Vandeput, 27 May, 1775, Ibid., II, 413

110 Address of the New-York Association to Lieutenant-Governor Colden, 11 May, 1775, Doc. re Col. Hist., VIII, 583-85

111 Answer of Lieutenant Governor Colden, 13 May, 1775, Ibid., VIII, 586-87

112 Smith, Memoirs, II, 30

113 Irving Mark, Agrarian Conflicts in Colonial New York 1711-1775 (New York: 1940), 42-3
BIBLIOGRAPHY

MANUSCRIPT SOURCES

James Alexander Papers, New York Historical Society
George Clinton Papers, William Clements Library, Ann Arbor, Michigan
Cadwallader Colden Papers, New York Historical Society
Daniel Horsmanden Papers, New York Historical Society
John Tabor Kempe Papers, New York Historical Society
Alexander McDougal Papers, New York Historical Society
Rutherfurd Collection, on deposit at the New York Historical Society

NEWSPAPERS

New York Gazette (Weyman's)
The New York Gazette & Weekly Mercury

PAMPHLETS AND BROADSIDES

"A Citizen's Address to the Public," (New York: 1769)
A Collection of Some Papers Concerning Mr. Lewis Rou's Affair, 1724...,, (New York: 1725)
"A Letter From Some of the Representatives," (New York: 1747)

Alexander, James, A Brief Narrative of the Case & Trial of John Peter Zenger, Stanley Katz, ed., (Cambridge, Massachusetts: 1963)

Alexander, James, "New York, March 24, 1735,6," (New York: 1736)

"An Answer to the Citizen's Address.....," (New York: 1769)


Golden, Cadwallader, The Interest of the Country in Lev­ing Duties, (New York: 1726)

Golden, Cadwallader, "The Lieutenant Governor Declares," (New York: 1765)


Golden, Cadwallader, Papers Relating to an Act of the Assembly of the Province of New-York For Encourage­ment of the Indian Trade, &c. and for Prohibiting the Selling of Indian Goods to the French, viz. of CANADA, (New York: 1727)

Golden, Cadwallader, Treaty Between His Excellency George Clinton...and the Six United Indian Nations ...Held at Albany...August and September, 1746, (New York: 1746)

"Extracts from Bradford's Pennsylvania Journal of April 26, 1775," (New York: 1775)


Livingston, William, A Soliloquy, (Philadelphia: 1770)

Morris, Lewis, *The Opinion and Argument of the Chief Justice...concerning the Jurisdiction of the Supreme Court...to determine Causes in a Course of Equity*, (New York: 1733)


New York Province, *At a Council Held at Fort George...November 25, 1727*, (New York: 1727)

"Outlines," (New York: 1770)

Rou, Lewis, *The True State of Mr. Rou's Case*, (New York: 1726)

Sydney, John, (pseud.), *According to My Premise*, (New York: 1734?)

The Interest of City and Country to lay no Duties, (New York: 1726)

The Memorial of the Merchants, (New York: 1765)


The Two Interests Reconciled, (New York: 1726)

"To the Betrayed Inhabitants of the City and Colony of New-York," (New York: 1769)

"To the Honourable Adolph Philipse, Esq.," (New York: 1728)

"To the Honourable Cadwallader Colden....," (New York: 1769)

"To the Independent Freeholders and Freemen, of this City and County. It having been industriously propagated.....," (New York: 1770)

"To the Public. Whoever Seriously Considers....," (New York: 1770)

COLLECTED DOCUMENTS

The Colonial Laws of New York from the Year 1664 to the Revolution, (Albany: 1894), IV


Museum of Graphic Art, American Printmaking The First 150 Years, (Milan, Italy: 1969)

New York, Calendar of Council Minutes 1668-1783, (Albany: 1902)


LETTERS, JOURNALS, ETC.


Wraxall, Peter, *An Abridgement of the Indian Affairs... From 1678 to...1751*, Charles McIlwain, ed., (Cambridge, Massachusetts: 1915)

**SECONDARY WORKS**

Alden, John, *General Gage in America*, (Baton Rouge: 1948)


Flick, Alexander, *Loyalism in New York During the American Revolution*, (New York: 1902)

Fox, Dixon Ryan, *Yankees and Yorkers*, (New York: 1940)

Higgins, Ruth, *Expansion in New York*, (Columbus, Ohio: 1931)

Jones, Matt B., *Vermont in the Making, 1750-1777*, (Cambridge, Massachusetts: 1939)


Rutherfurd, Livingston, *John Peter Zenger His Press, His Trial and a Bibliography of Zenger Imprints*, (New York: 1904)


Vermont Historical Society, *Collections of the....*, (Montpelier, Vermont: 1870), I

Wertenbaker, Thomas, *Father Knickerbocker Rebels New York City During the Revolution*, (New York: 1948)


Wilson, James Grant, ed., *The Memorial History of the City of New-York*, (New York: 1892), II

ARTICLES


Leder, Lawrence, "The New York Elections of 1769: An Assault on Privilege," Mississippi Valley Historical Review, XLIX, 675-82

Lumm, Jean, "The Illegal Fur Trade out of New France, 1713-1760," The Canadian Historical Association Report, 1939, 61-76


