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A STUDY IN INCOMPETENCY: GOVERNOR GEORGE
CLINTON AND THE NEW YORK OPPOSITION,
1743-1754.

The Ohio State University,
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Page 48

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A STUDY IN INCOMPETENCY
GOVERNOR GEORGE CLINTON AND THE NEW YORK OPPOSITION, 1743-1754

DISSERTATION

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

By
Serena Moody Bradshaw, B. A.

* * * * *

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TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>ACKNOWLEDGMENTS</td>
<td>11</td>
</tr>
<tr>
<td>VITA</td>
<td>111</td>
</tr>
<tr>
<td>INTRODUCTION</td>
<td>1</td>
</tr>
<tr>
<td>Chapter</td>
<td></td>
</tr>
<tr>
<td>I. BACKGROUND TO GEORGE CLINTON'S GOVERNORSHIP</td>
<td>8</td>
</tr>
<tr>
<td>II. AN AUSPICIOUS BEGINNING</td>
<td>66</td>
</tr>
<tr>
<td>III. THE DOWNFALL OF CLINTON</td>
<td>127</td>
</tr>
<tr>
<td>IV. ATTACK, COUNTER-ATTACK, AND DEFEAT</td>
<td>165</td>
</tr>
<tr>
<td>V. CLINTON IMMOBILIZED</td>
<td>240</td>
</tr>
<tr>
<td>VI. DELANCEY GAINS--CLINTON LOSES</td>
<td>297</td>
</tr>
<tr>
<td>BIBLIOGRAPHY</td>
<td>337</td>
</tr>
</tbody>
</table>
INTRODUCTION

When the topic of this paper was conceived, the purpose was to define the role of James DeLancey in New York politics between the years 1743 and 1754. It was to have been one of the many attempts to explain the colonial politics of that period by focusing upon one person. In this case that person was the one pointed to as being the "leader of the faction", the villain in the political drama covering those years. As the study progressed it became quite clear that studies of individual persons and issues in New York history had created several diverse, yet accurate from the point of view of the writer, interpretations of the same incidents. So diverse were these opinions that New York politics seemed confused to the point that I felt they could never be clarified. Oddly enough, as I became aware of these viewpoints, I also became aware that it was in the study of both Governor George Clinton and James DeLancey that the various interpretations of the issues and people could be reconciled. A definite interrelationship of the issues and people could be shown that might possibly answer some of the questions that resulted from the single issue and single person studies. At the same time, Governor George Clinton, allegedly beleaguered and harrassed by James DeLancey could be shown to be incompetent. A discussion of his actions would show that he brought his opposition into being without the help of James DeLancey. During this discussion, DeLancey, alleged villain, could be explained as being a relatively consistent person. This became the
purpose of the paper, to examine the governorship of George Clinton to see if any feasible explanation other than the current thesis of Clinton vs. DeLancey existed, and to see if the politics of the era between 1743 and 1754 could be clarified by another explanation.

The original documents were reread; the histories of the colony of New York were read; and the newspapers and other contemporary books were read. In this reexamination, another thesis appeared that seemed to make the period less confused: That George Clinton indeed failed as a colonial governor for various reasons, but mainly from his inability understand the political concerns of the people of New York. In a situation that created a power vacuum, James DeLancey, a respected, rich, English educated, colonial man with good connections in London was able to step into the vacuum with the support of the colonials. The major group that opposed Clinton was the legislature, made up of the more powerful families in New York. Many different pressures played on their decision making, but their main interest was the colony of New York and its survival in the manner that they wanted. They espoused fully the propaganda of a legislature trying to withhold power from a person they felt was misusing it. When the situation was resolved in a manner they desired, they did not sit back and take it easy. Instead they continued their search for "democracy" as they defined it. Working with such a groups of men took talent, patience, and diplomacy, none of which was possessed by Clinton, most of which were possessed by DeLancey. But DeLancey had even more power than Clinton, for DeLancey, as a large landowner, a rich man, and a court judge, was able to exert a great amount of persuasion when he saw fit. Clinton's position, therefore, is fully
examined and the thesis that he failed in the fact of multi-faceted opposition rather than from the villainous efforts of DeLancey is presented.

From the beginning there were innumerable problems. Perhaps the most consistent was the total confusion existing about James DeLancey. As I consulted secondary works, card catalogs, helpful librarians, and bibliographic works the problem of the confusion between James DeLancey, the Supreme Court Justice and Lieutenant Governor of Colonial New York and James DeLancey, Revolutionary Loyalist and land speculator became evident. Such was the disorder that the second James DeLancey, son of the first, was credited with his father's accomplishments at an age when most boys were playing marbles. This confusion of names was so great that even the New York Historical Society could not escape and James DeLancey, jr. was credited in their card catalog with being the Lieutenant Governor of New York. But the confusion of names was the least of the mix-ups; the crediting of wealth, land, and even personality continued so that brother Oliver gave his profession of merchant to James and father Stephen gave his personality to his sons. But once one became aware of the person's age and profession, the confusion ended simply in looking at many papers that actually belonged to some other person.

James DeLancey did not like to write letters and the letters, if they were kept, have not for the most part survived. The lack of letters was such, that Edward F. DeLancey, in trying to track down a history of his family in the middle 1800's, could find very few surviving missals. This lack did not present an insurmountable problem. Some materials have recently come to light and are housed in the Museum of the City of New York. Although these pertain for the most part to
James DeLancey, jr., enough material existed to answer some very interesting questions about his father. Also, there were enough contemporaries who did save their letters for posterity, that probable reasons for definite actions could be assigned.

On the other hand, there was no lack of letters belonging to George Clinton. The William Clements Rare Book Library at the University of Michigan contained box after box of the New York Governor's papers—copies, drafts, and originals. Oddly, this vast resource seems to have been poorly utilized by most New York historians. Granted, a number of the letters had been published in various collections, but the drafts of those letters proved incredibly interesting while numerous other unpublished notes and letters enlightened the problems concerning Clinton's governorship. Obvious gaps that existed in the published material were filled by items in this collection.

Since the collections in the Clements Library had not been fully used, New York historians have consistently re-iterated material that another historian had claimed to have found and in doing so they often embellished the point to make it conform to their theses. Such a problem would not have been great had the writers not relied so heavily upon two contemporary works, William Livingston's A Review of the Military Operations in North America and William Smith's History of the Province of New York without checking their biases or facts. It was through the use of these two works that the classification of George Clinton as a governor without fault and James DeLancey as the opposing, power hungry, job seeking man was made. Both men, much younger than DeLancey, disliked the man and had every reason to do so. Both men were ahead of their
times in their thoughts about basic personal freedoms and viewed DeLancey as a stodgy old conservative who upheld the status quo. DeLancey had personally insulted both men and this added to their bias against him. Two other contemporary historians, Thomas Jones and Cadwallader Colden, have presented their views of both aforementioned histories as being inaccurate and erroneous in many of their facts and interpretations of the facts.\(^5\) Another, Abraham Yates, made no mention of the supposed power conflict between DeLancey and Clinton in the notes for his history of New York. As this is the major contention of Livingston and Smith, it is a notable exception.\(^6\) Fortunately the facts upon which both works were based are still available and for the purpose of this study they were re-evaluated.
INTRODUCTION

   Stone raises the question of whether or not James DeLancey was such a total villain as represented in the histories of New York.

   The index to this volume credits James DeLancey with Stephen DeLancey's actions.

   Dixon Ryan Fox, Yankees and Yorkers (New York: 1940), 163.
   Fox credits Cadwallader Colden with James DeLancey’s actions. He also called DeLancey a land speculator and illustrated his contention saying he was granted lands in 1765. Since DeLancey died in 1760, the James DeLancey referred to was his son.

   Dangerfield confuses the younger DeLancey with his father.

   These are but a few of the mix-ups encountered, but they should give the reader an awareness of the problem.


   Some believe this book was written by William Smith, jr.
   William Smith, The History of the Late Province of New York, From its Discovery, to the Appointment of Governor Colden, in 1762 (2 vols.; London and New York, 1757 and 1830).

CHAPTER I

BACKGROUND TO CLINTON'S GOVERNORSHIP

The political issues of colonial New York between 1743 and 1754 are complicated. They do not revolve around a single issue, nor even two related issues, they are multiphasic. Basically, they can be enumerated as problems concerning trade, land, Indian policy, support for the government, the General Assembly's seeking greater power, and individual rights. These were not the only issues and occasionally the petty actions of a small interest group would hold center stage. The major complicating factor for the politics of this time was the colonial wars, King George's War and the French and Indian War. These wars led to a need for unity that made opposition politics insurrectionary. The need for unity in war also led to opposition groups using the threat of division to gain their desires. This, in return, led to the government giving in to those demands in hopes that what was given up in the face of necessity could later be regained in time of peace. The wars often cooled political issues, much to the frustration of the interest group involved. At other times the interest group would simply ignore the attempts to wage the war and by doing so would frustrate all officials in charge of that war.

It is difficult to speak of the issues as being distinct one from the other, for they are all part of the larger matter. Support for the
government, the General Assembly seeking greater power, and the issuing of paper money all became part of the war effort in the politics of New York. The Indian policy was one dealing with war and land. The land politics dealt both with the borders and with the Indians. The people involved with these issues changed their minds, changed their sides, and generally maintained that position which seemed to represent their interest at the moment.

It has been said that political parties existed in New York before the Revolution and later historians have given names and titles to those parties. Carl Becker showed that the most notable fact that stood out about New York politics before the Revolution was the adherence to parties. Dixon Ryan Fox called these politics those of the "aristocracy" and "family politics". Both historians proceeded to prove their points by detailing the massive intermarrying of the major New York families and by showing how the families seemed to align themselves all on one side of a political issue. This is too simplistic. One finds frequent jumping of family lines depending on the issue at hand and how it affected the person involved. During the period discussed most, but not all, of the Livingstons sided with James DeLancey against Governor Clinton. Cadwallader Colden and DeLancey found themselves on the opposite sides of the fence, yet they were in-laws. Many other examples could be cited.

The party to which James DeLancey is assigned is called variously, by these historians, the DeLancey Party, the faction, Libertarians, and the "Independent-minded". There was no DeLancey party in the 1740's and 1750's. This appellation is a phenomena of the period closer to the
Revolution and is a result of the activities of the son of James DeLancey, James DeLancey, Jr. and his uncle, Oliver DeLancey. It is a misapplication of terms to call any faction by this name before the Stamp Act and the emergence of the party as a conservative, loyalist faction. The roots of this group can be found in the 1750's with the emergence of the dissenting religions as political forces, but there was no definite DeLancey Party before 1765.\(^4\)

The second term, the "faction", is the only one that accurately describes the activities of the people in politics during the time discussed. There was a definite faction that opposed Governor George Clinton. There were several interest groups that made up that opposing faction, each with its own reasons for opposing the policies of the governor. Some of these interest groups were indeed "Libertarian" and/or "Independent-minded", but it is impossible to say that James DeLancey belonged to those groups. He was a royalist. Those who tended to be "Libertarians" opposed him and the later Loyalist DeLancey party.

In order to discuss these issues in relation to George Clinton and James DeLancey, it is necessary to sketch the background of colonial New York politics and just how the DeLancey family fit into the scene by 1743, the year that Governor Clinton took the reins of the New York government. To understand any of the issues in New York, it must be first noted that New York occupied a very important place in the North American Empire. H.L. Osgood in his first volume on the American Colonies apologized for the place that New York occupied in his history. He pointed out that New York was the strategic center of the American Colonies: that in Indian relations its importance was paramount; that in
trade, New York was becoming increasingly important; and that the problems of the colonial frontier, colonial union, and westward expansion could not be discussed without mentioning the role of New York. He concluded that New York should take its place with Virginia and Massachusetts as a colony with a major role in the colonial era.⁵

After Queen Anne's War, the Lords of Trade became increasingly aware of the importance that New York played in the rising colonial rivalry between France and England. The basis of this rivalry seemed to be the control of the fur routes to the Great Lakes basin, the Ohio Valley. New York's geographic position supplied the English with their key to this trade. The Lords of Trade became attuned to the idea that control of the Indians of the Five Nations (later the Six Nations or the Iroquois), meant that the British could control all the fur trade of the Northwest. This effort to control the fur trade led to a bitter battle for control over the Indians in the next two colonial wars between Great Britain and France. The pages of the Journal of the Board of Trade disclose the constant fear that Britain would lose their alliance with the Indians of the Five Nations. In the beginning the fear was directly related to the fur trade, but later the fear was extended to include the Indians joining the French against the British in war.⁶

According to the home office then, if a treaty could be reached with the Indians that formed an alliance between the Five Nations and the British, the northern frontiers of the colonies would be secured against the depredations of the Indians allied with France. The idea of an Indian buffer zone became a policy of Great Britain that was not given up until well into the nineteenth century.⁷ In order to keep the
peace with the Five Nations and maintain their alliance with the British, the Lords of Trade expected New York to renew the alliance periodically with gifts for the Indians in addition to those offered by the home government. They also expected that New York would settle the land complaints made by the Indians in such a way that the alliance would remain untarnished. If necessary that meant vacating patents granted to the colonists and returning the land to the Indians. This conviction on the part of the British that the alliance had to be kept at all costs often conflicted with the interests and feelings of the New Yorkers. The conflict of interest was most evident whenever the expense of maintaining the treaty was debated in the General Assembly of New York.

New York was important not only for the maintenance of the Indian alliance but also because the British realized the attraction that the open water port of New York City and the Hudson River held for the French. They knew that such a port would give New France the year around communication with France desired as well as split the British colonies. To counteract this French threat, New York was required to maintain a proper line of defense. This meant that the expense of well-kept forts on the northern frontier fell to New York simply because of her geographic position in the new world.

So important did New York become to the Lords of Trade that they became involved in New York politics to keep the colony quiet enough to maintain the important Indian alliance and keep the French from gaining a foothold on her northern borders. When, as happened under Governor George Clinton, the political factions became so violent as to threaten the alliance and allow invasion by the French, the Lords of Trade took
it upon themselves to study the situation and offer solutions that would keep their goals intact.

New York political leaders were well aware of the favored position of New York with the Lords of Trade and the reasons for the position. They took every advantage of the efforts made by the Board to keep New York politics quiet to gain those things that they felt most advantageous to New York. The prime effort made during the two wars was to coerce the British government into giving her some help with the financial burden of maintaining the Indian alliance and protecting her frontiers. New York leaders pushed harder for an intercolonial effort to build forts on the northern frontiers and to maintain the Indian alliance during the years to be discussed than at any other time. The efforts made at the conventions held at Albany to secure such intercolonial action were sanctioned by the home government and often dictated by that government. Most of the discussion was a result of New York's contention that she could not afford to maintain both the forts and the alliance without some financial help.

New York leaders not only used their position with the British government to secure help with the financial burden of defense, the General Assembly also used it to gain administrative power for the legislative branch. A major portion of the political quibbling in the period resulted from the attempt by the Assembly to confirm its control over finances, and to push its gained power into that of appointing military and civil officers. When it had achieved this, the Assembly began to assume the executive duty of direction of the Indian affairs and the wars. These efforts by the Assembly were not by design nor
were they in any way premeditated, for them it was a move dictated by necessity. Prior to 1743, the Governors Cosby and Clarke had been involved in flagrant land frauds and misappropriations of public funds. The Assembly at first set out to right these ills by assuming control of the budget. Historians have generally conceded that this control over the support of the government was a battle won when Governor Clarke consented to the annual appropriations for the budget in 1738. But as will be seen, the Assembly waged a continuing war with Governor Clinton in the 1740's to maintain their control of the budget. It was not until the mid-1750's that the question was finally laid to rest with a victory by the Assembly. The war and the mother country's efforts to pay for war were used by the Assembly, as was the Indian alliance, to gain the final concession in the battle over appropriations. The Assembly came to assume that if Britain wished for New York's help in building forts on the northern frontiers and if she desired New York to maintain the Indian alliance, then Britain would either have to pay for those things or give in to the Assembly's demands for power. This assumption worked admirably until the somewhat pompous and incompetent Governor Clinton saw in their demands a threat to his own authority as the representative of the royal government in New York.

Had the problem in New York simply been that of a power struggle between the Assembly and the executive complicated by the demands of the home government for the maintenance of forts and alliances, then the politics of New York would be easy to understand and the role of James DeLancey would have been that of the villain in Governor Clinton's martyrdom. But the problem was much more complex for New York still
retained the elements of her Dutch heritage and much of her population remained Dutch in their speech and in their thinking. The great patroons still lived up the Hudson River and the trade ties with The Netherlands had never been effectively cut by the efforts of the British as outlined in the Navigation Acts. More important to the British government at this time than the pernicuous trade with The Netherlands, was the fact that the fur trade with the Indians at Albany was almost entirely controlled by the Dutch elements. The Dutch residents seemed to have little interest in the developing rivalry between Great Britain and France over the fur trade and over territory. They had prospered under the British rule and by using the cheaper British goods, they had gained for the British a definite foothold in the trade formerly controlled by France.

These Dutch fur traders from Albany had encouraged the Indians of the Five Nations to go out and bring the furs back to Albany and had not set up the furtrader system relied upon by France. For them it was more lucrative and easier to encourage those Indians who might have gone to Montreal to come to Albany and trade their furs for the cheaper British tools. This trade in Albany had attracted the French furtraders when they found that the Indians preferred the British goods, which were not only cheaper but better made than the French goods. The inevitable result of this was an increase in the traffic of British goods and French furs between Montreal and Albany with the effect of increasing the wealth of the Albany merchants. What the Albanians considered to be a good lucrative trade was in the eyes of the British mercantilists, illegal. The New York merchants found their place in the Albany trade
by supplying the Albany merchants with the goods that eventually found their way to Montreal and into the hands of the French furtraders. In return the New Yorkers received from Albany, timber, flour and of course furs.

If, as was suggested by Governor Burnet in the early 1700's and later by Cadwallader Colden, the trade with Montreal could be eliminated, and if the New York merchants would sell only to the Albany merchants, who in turn would trade only with the British Indians, then Britain would control all the fur trade in North America and completely cut out the French. The basis for this assumption was the predilection of the Indians for the British goods. Both Colden and Burnet were sure that the Indians would be willing to come to Albany to trade their furs for those goods.

Illegal or not, the Montreal trade continued in spite of the initial row over Burnet's policy of restricting the trade. The row saw the opposition of not only Stephen DeLancey, but all the merchants of New York who managed to apply enough pressure in London to have Burnet and his policy recalled. It seemed that as long as the merchants of New York and Albany could make money, they could not see how the Burnet plan could possibly favor them.

Protection of the Albany trade has been assigned directly to the DeLancey family as the reason for their villainous plot to control the colony of New York. This plot, obviously, was the cause of James DeLancey's opposition to Governor Clinton in the 1740's. Because the family money allegedly come from this trade, they were supposed to have been the architects of a neutrality between the French and the British
Indians and the Albanians that allowed the trade to continue even when Great Britain was fighting a war with France. But, there is no evidence to support the accusation that the DeLanceys formed the neutrality policy. It is probably true that Stephen DeLancey, the father of James DeLancey, was one of the prominent New York merchants who supplied the goods for the Montreal-Albany trade. The conjecture that the Montreal trade lay largely in the hands of Stephen DeLancey was made by Charles McIlwain but McIlwain's guess was based on circumstantial evidence, not fact. This evidence does seem to indicate that Stephen DeLancey did make money in this trade, but it gives no sanction to the theory that he developed the neutrality policy. Rather, the policy of neutrality that accompanied the trade seems to have stemmed from a treaty made by the Indians of the Five Nations with the French and western Indian tribes in 1701. Neutrality had been preserved during Queen Anne's War. The peacefulness of the Indians had spared Albany from attack during that war, while New England had its borders ravished for the lack of a treaty. This treaty, and what had become, by the 1740's, a custom of neutrality during war, was good protection for the trade. The assumption that the Albany merchants did more than benefit from the peace during the time to be discussed seems tenuous.

The political complexity of the Albany-Montreal trade was heightened by the fact that merchants from both countries consistently ignored the best interests of their home countries, the Albanians by selling British goods in Montreal, the Canadians by selling French furs to the Albany traders. But the greatest complexity resulted from the use of the Indians in that trade. It was the Indians who carried the goods
from one trading point to the other; it was the Indians who brought their furs to the French and insisted upon British merchandise; and it was the Indians who benefited from the goods sold by the Albany merchants to the Montreal traders. So completely were the Indians involved in this trade by 1740, that the Canadian authorities were satisfied that neither the British nor the French merchants participated directly in the trade. The Indian policy of New York, then, became intertwined with the commercial endeavors of the merchants. The policy of the British to maintain an alliance with the Indians for defense and trade worked to the benefit of the traders. But when the Indians began to complain of frauds perpetrated by various New York land speculators and the treatment they received at the hands of the Indian Commissioners (invariably Albanians), they threatened to dissolve the alliance. This made the Montreal trade loom large in the minds of the administrators of government as an evil that had to be terminated. When Governor Clinton took steps, at the suggestion of Cadwallader Colden, to do away with the trade, he was confronted with the same ferocity on the part of the New York and Albany merchants that Governor Burnet had faced.

Another major concern of the politics in New York was land. The boundaries of the colony had not been settled in 1743 and major disputes were developing between New Jersey and New York and Massachusetts Bay and New York over those lines. The New Jersey boundary problem was muddied by the position of James Alexander, the leader of the New Jersey Proprietors, who was also a New York Councillor. He tended to upset the efforts of the New York Council to settle the boundary in favor of their land holders. The DeLancey family held land along this border and
was to their benefit that the border be settled along the lines suggested by New York. The prominence of James DeLancey in the political affairs worked to the advantage of New York as this dispute came to a head in the 1750's.

The Massachusetts Bay border became a factor in the waging of the two colonial wars of this period. The disputed land was being granted by the Massachusetts Bay General Court and Council to the citizens of that colony. In New York the same land had been granted to the Livingston and Rensselaer families by the Duke of York. During the ensuing border riots in the 1740's and 1750's the citizens of Massachusetts closed down a badly needed iron works in the disputed area. The actions of Governor William Shirley of Massachusetts following this incident inflamed the people of New York and Shirley's effectiveness as Commander-in-Chief of the colonial forces during the war was badly hindered.

James DeLancey, as acting head of the New York government, was left in the unenviable position of trying to calm his people and resolve the situation in a manner favorable both to the war and to New York.

The problem of huge fraudulent land grants made by various governors of New York prior to 1743 further complicated politics. The Indians had sold the land to the government of New York by treaties that included vague language and indistinct land marks. When the owners began to settle the land they interpreted to be theirs by purchase, the Indians complained to the government that they had not sold the land. The Indian deeds were produced in an attempt to settle the argument but it was discovered that it was impossible to tell just how large the original grant had been and to just how many people the land had been
sold. The patents had been purchased by proxy and legal action against the owners to settle the problem was impossible as exorbitant amounts of time would be consumed in finding the true owners. When the owners could be discovered, they were found to be powerful members of the New York political world. The alternative was to ignore the grants and to pass an act through the Assembly to vacate the patents as had been done before. The home government insisted that this was the action that would preserve the alliance with the Indians and settle their complaints. The success of the measure depended entirely upon how many of the members of the Assembly and of the Council held portions of the patents to be vacated. To the Lords of Trade, who saw the necessity of having the Indians allied with them in the event of war with France, the measure was vital. For the colonists who held the land, the decision was much more difficult.32

As if border problems and fraudulent land grants were not enough to make land policy a political problem, politics existed in the land office too. The former governors of the colony had often used their right to grant large acreages of land as a method to gain the support of the principal inhabitants of New York.33 The grants, being chaotic and indistinct, gave rise to more than Indian problems. The indefinite grants also gave rise to legal battles over the ownership of land, most of which could be settled only in the Supreme Court or on appeal to the governor in Council. A land holder who knew his claims to be tenuous found that he had to have friends in political office to maintain his hold on the land. The threats of patent vacating and land surveys left the holder of unclear patents quaking.34
Other governors, such as George Clinton, used the land office as a means to gain extra income through the perquisites that came to the governor in the processing of the letters patent. Both Governors Burnet and Cosby used the Court of Chancery to proceed against patent holders who had failed to live up to the requirements of the quitrent in order to reap more personal income from the land. Most governors also found that the holding up a land patent in the process of being granted was an effective way of controlling certain persons politically. Such were the antics in the business of granting land. Large land grants to one person led to the lack of settlement on the northern frontier of New York as the person usually found he could not find tenants. The lack of settlement left that frontier exposed to any attack from Canada by the French. It also led to deliberate attempts to enlarge the grants made at the expense of the Indians, which led to difficulties with the Indians.

Finally, because New York politics in the eighteenth century followed the pattern for politics of the mother country, a word must be said about political patronage. The governor, according to the instructions given to him by the King, controlled the political patronage in the colony. The Crown reserved the right to appoint the counsellors, the supreme court justices, and several less notable officers such as the Secretary of Indian Affairs. While candidates for these posts were recommended by the governor, it was not unknown for persons with influential friends in London to submit names in addition to those offered by the governor. If these British connections wielded sufficient power, the Lords of Trade could be persuaded to reject the recommendations
of the governor. If a person who lived in Great Britain offered his own name for a position in the colony, he was often appointed in preference to the nominated unknown in the new world. The Lords reserved the right to recommend any person they felt would perform the job to the satisfaction of the Privy Council and King. It was quite possible for the Lords to recommend a person to a position in the colony over the recommendation of the governor. They did this just often enough to frustrate some governors in their efforts to appear well-backed by the government at home.

The problem of political patronage and the attempt to show backing of the home government is predominant during the years to be discussed. Frequent changes of administrations in London during the period left those politicking for their own parliamentary power little time to consider the politics of a remote colony. The political battles in London created the impression in New York that political backing for the governor was lacking when there was no such intent. Often, too, the stories about political figures in the colony were distorted by the time they reached London. In the face of this, the Lords could act only on the supposed veracity of the patrons in London. Thus it became a necessity to those New Yorkers who wished to have their views presented in London to have good political connections.

London connections were very important in New York. Their importance for the New Yorkers probably outweighed their effectiveness in London. A man who had influential friends in London was sure to gain the support he needed for the appointment of himself and friends to offices in the colony. People of lesser connections looked upon him
as a man of great power for he could gain hearings on issues in London that they could not gain. When politics in London depended so much upon whom you knew and who backed you, it was inevitable that the same elements would manifest themselves in the colonies. These connections across the ocean determined the London view of happenings in the colonies. The person who wanted to control the politics and the administration of the colony of New York had to have influential friends in London so as to have his interpretation of colonial events presented to those who made the policies. It seemed to follow that a person had to show that they had the support of the colony in order to insure the acceptance of their view in London. A governor who had attained his position through the influence of others at the outset had to maintain those London connections to uphold the royal influence in the colony.\(^{39}\)

Throughout the period from 1743 to 1754, the General Assembly of New York consistently tried to gain control of the patronage assigned to the governor in the colony. They attempted to do this through their control of the salaries paid to the appointees. They ascertained that they could control the appointment by naming the person who was to receive the designated salary in the bill. If the appointee was distasteful to them, they would simply refuse to grant the salary to that person. At times they would name a person in the bill and expect the governor to accept the person so named or lose the entire money bill.\(^{40}\)

These issues in the politics of New York during the 1740's and 1750's did not act independently from the past nor did they act independently of each other. Control of the politics of New York required an understanding of all the issues noted above and the ability to handle
any smaller issues that might interject themselves into the larger scheme. This was necessary in order to keep the allegiance of most of the New Yorkers while effectively satisfying the mother country. To do this required a phenomenal politician, and in the period between 1743 and 1754, Governor Clinton was able to handle the situation only as long as he listened to the advice of James DeLancey.41

Before the discussion of how George Clinton ineptly handled New York politics, it is necessary to describe the position of James DeLancey and the position of his family in those politics before 1743. The persistent misunderstanding about the DeLanceys has to be clarified.

The father of James DeLancey, Stephen DeLancey, initiated the family into politics. He was born in France in 1663 to a Huguenot family. Upon the revocation of the Edict of Nantes in 1685, twenty-two year old Stephen fled first to England and then to New York. In 1687 he became a citizen of the colony and from that point became increasingly involved in the trade and politics of New York. According to family tradition, he brought to New York £300 worth of family jewelry taken with him in the flight from France. There is some evidence that DeLancey had a good education and was possibly of noble lineage. Family detective work, done by partisan searchers have attempted to verify the lineage in several ways without succeeding. The possibility of an aristocratic background had no real effect on James DeLancey.42

James DeLancey's mother was Anne Van Cortlandt the daughter of the chief justice of New York, Stephanus Van Cortlandt and Gertrude Schuyler, a well-known and well-to-do family in New York. The marriage brought some wealth to Stephen DeLancey that was added to the money he was
accumulating in trade. He was deeply involved in the West Indian trade with the husband of his wife's sister, John Barbelie, as well as trading with the merchants in Albany. He also participated in privateering. His marriage to Anne gave him the needed family connections to do well in New York politics.43

These family connections led to his entering politics and in 1702 he was elected to the Assembly. He subsequently served terms from 1702-1708; 1710-1715; and 1725-1737. He was also an alderman for New York City during this time. Such was his ability that he was recommended to the Board of Trade for a position on the colonial Council, though he was never appointed.

Historian Cadwallader Colden credited this failure to the advice that Chief Justice Lewis Morris, the successor to Chief Justice Van Cortlandt, gave to the governor. He mentioned that the lasting family resentment incurred upon this occasion led to an all-out effort to remove Lewis Morris from that coveted judicial chair in hopes of replacing him with a member of the family.44 Contributing to the Morris feud was another battle fought on the floor of the Assembly. Led by the forces of Governor Burnet, an attempt was made to divest Stephen DeLancey of his seat in the General Assembly on the pretext that he was an alien and therefore unqualified to sit. In spite of these efforts, Stephen DeLancey continued to voice his opposition to the Burnet plan for the Albany trade and Indian relations, devised to reclaim the major portion of the fur trade for the British. Stephen DeLancey represented the merchants of New York in the Assembly, and their interest, not to mention his own, in that trade seemed to suffer
under the plan devised by Burnet. His vigorous opposition at this time led historians to assume that James DeLancey also opposed any tampering with the Albany trade, a supposition much more difficult to sustain.\textsuperscript{45}

Stephen DeLancey, a seasoned politician, groomed his sons for similar positions in the colony.\textsuperscript{46} The most notable son was James, the most notorious Oliver, but the others did not lack for involvement in the politics of New York. James DeLancey the fourth was born November 27, 1703 in New York City. He was the second son born to Stephen and Anne DeLancey named James DeLancey, the former having died in infancy. The third child, James was the first to survive infancy and the eldest of eight subsequent children.\textsuperscript{47} When Stephen DeLancey died in 1741,\textsuperscript{48} James was already well on his way toward prominence in colonial politics.

It is well to note that the feuds led by Stephen, his argumentive, vindictive, shrewd mind had left definite impressions on the minds of his fellow New Yorkers. As a result, James DeLancey was credited with not only inheriting his father's money, but also his temperament.\textsuperscript{49}

A word must be said about the wealth of the DeLancey family and in particular about the wealth of James DeLancey. There is no question that the family was wealthy, the question is just how wealthy was James? Most writers used the figures of sale of the confiscated estates after the Revolution to show how very wealthy he was personally. In doing so they forgot or failed to realize the son of James DeLancey, also named James, was a money maker in his own right and he added both land and monetary wealth to the estate accumulated by the elder James DeLancey. The figures from the sale of the confiscated estate are not only exaggerated due to the rapid inflation of the time and to the resulting
rapid rise in real estate prices, but also to the fact that James DeLancey, sr. did not own all of the land sold in the Revolutionary auctions. Nor was the family as wealthy in the 1740's and 1750's as they were at the time of the auctions, for the efforts of Oliver DeLancey and various brothers-in-law in the mercantile interests of the family greatly increased the family worth after the death of James DeLancey, sr.

A study of the DeLancey Family Papers in the Museum of the City of New York reveals that James DeLancey, sr. made little in his position as Chief Justice. He received a fee that was due him for services rendered, but the family log shows that his fee never exceeded £10. The total for the years between 1733, when he became Chief Justice, and 1756 when he no longer acted in that capacity, was £168/10/-. His receipts for office for the three years from 1733 to 1736 show that in most cases he charged either £2 or £5 for each case for a total of £77 in those years. This was a good income for colonial times but the dockets show that he was not making the great amounts of money attributed to him in later histories. According to the family records, the office of Chief Justice was James DeLancey's major source of income other than rents taken in on his properties.

The foundation of James DeLancey's fortune was the fortune of his father, Stephen. Contrary to the propagated opinion, James did not inherit the vast fortune of his father in toto. The estate was divided six ways among the surviving children and Stephen's wife. His wife, Anne, received half the estate after the bills were paid and other matters were attended to. Simple mathematics show that no one child,
since the remainder was equally divided among them, could have received more than £10,000 from the £100,000 estate of Stephen. According to the records kept by Oliver DeLancey, the family accountant at that time, the sum actually received by each child was £1937/10/7.2. At the time this figure was established, there were still a number of debts to be paid to the estate, so the actual sum of money received by each child was somewhat higher. The rest of the inheritance per child was made up in the value of the divided real estate and the divided personal items.

Nor did the death of his mother vastly increase the fortune of James DeLancey, for her will shows that her estate was likewise divided equally among all her surviving children. It seems that James DeLancey did not inherit the fortune of his parents as formerly believed. Instead his fortune was created by other means.

The most obvious means was his marriage into the Heathcote family. His wife was an heiress of the fortune of Caleb Heathcote, one of the richest men in New York in the first half of the eighteenth century. In addition to the land that eventually passed into James DeLancey's estate after Heathcote's death, he also received another £10,000 bequeathed to the American Heathcotes by a London cousin.

This legacy from both families did make James DeLancey wealthy and after a lifetime of working in the supreme court and watching the real estate prices rise on his lands, he died leaving £12,000 in personal property and nearly £80,000 in real property, which, it must be noted was less than that of his father's estate. Because he left no will,
the entire sum, with a few minor exceptions went to his son, James, who proceeded to increase his father's legacy. 58

Most of the increase in value of James DeLancey's estate came from the increasing value of real estate rather than added land. His father had willed him some land along the New Jersey border and some land on the Manhattan Island had come to him from his wife. The total acreage must not have been the huge grants formerly thought. 59 A recent study of the great landlords of colonial New York done by Sung Bok Kim does not mention DeLancey as being a large landowner, nor even one of those who held moderately sized estates. 60 The views of DeLancey as being a huge landowner 61 and that of Kim can be reconciled if one remembers that James DeLancey, jr. was a land speculator and that most of the land held by James DeLancey, sr. was land on Manhattan Island and Long Island that was subject to the urbanization of the period and resulting rapid rise in real estate prices. 62 Land that Stephen DeLancey purchased in the early 1700's and land that came to James DeLancey through the Heathcote family had been in the country outside New York City. By the Revolution these areas were inside the city and the value of the land had increased accordingly. Such was the inflation that those lots sold after the Revolution for more than $3,000 each. 63 These city lots, the family records show, had been rented or leased to several people for periods of seven years. There are a number of references in the contemporary correspondence to persons owing rent to the Supreme Court Justice. It seems that even Governor Clinton, at the height of their disagreement, owed rent to the Chief Justice. 64
DeLancey owned more than the valuable city lots, he also owned large tracts of land, the most notable being a tract of several thousand acres purchased in 1737 along the Schoharie River. This 10,000 acre tract was divided among five purchasers and it would seem that DeLancey received about 2,000 acres of that surveyed. There are notices of other amounts of land purchased by James DeLancey, all of it acquired before 1740 and all of it purchased in conjunction with other people. The total amount seeming to be several thousand acres. In some cases in which the patent to purchase the land was granted, though, DeLancey neglected to pick up the letters patent. James DeLancey, jr. applied for and received the remaining ungranted land in a 5,600 acre tract his father supposedly owned in Albany County.

DeLancey not only ceased to purchase and speculate in land by 1740, but while he was in the office of Lieutenant Governor and acting head of the colony, he granted very few patents for the purchase of Indian lands. Such was his inactivity in this area that Colden, who succeeded him in that office, had difficulty finding out just what had been done with land grants under the proceeding administration.

Perhaps, then, the greatest tie that DeLancey had with land, was his position as Chief Justice of the Supreme Court. In this position he handled all land actions of any consequence. This must have been done with fairness, for there are no complaints that can be found about the actions of this court after James DeLancey became its head.

The one thing that stands out as one peruses the family records is that Oliver DeLancey, not James, was the family bookkeeper and that it was Oliver who kept detailed records of who was indebted to the family.
estate. He also kept the records for the transactions involving those who were indebted to or rented property from James and the other brothers and sisters. He even acted as a collection agency for his siblings. As the merchant in the family, he controlled the family money and the records show that he not only loaned money to the City of New York, but also to many other people. These loans were made with interest and the records resemble those of a loan agency. Money owed to the estate of Stephen DeLancey and later to the other estates was carefully noted and demands for payment were published in the newspapers. Oliver loaned James money when he ran short of ready cash to take an important official trip and took care of the money it took to pay for a commission in the military for James, jr. He also wrote the draft to pay for the share James owed for his part of an investment in an iron works enterprise. It would seem that James DeLancey did not handle his own monetary affairs and may not have been fully cognizant of his own wealth and the power that could be derived from it. The actions of Oliver show that he was very aware of the family wealth and at times he tried to use the wealth as power.

It has been shown that the money attributed to James DeLancey was in reality spread out among his several siblings, but only hints have been given as to where the money was made. Obviously, the merchandising enterprises of Stephen DeLancey was the basis of the family money making. It seems that the bulk of the money added later came from outfitting privateers which were most successful in gaining prizes. Much also came from provisioning troops during wars and the trade with the Albany merchants. The West Indies trade also continued. If one scans the
advertisements of the newspapers, the DeLancey firm is not often mentioned. They were wholesale rather than retail dealers. The efforts of Oliver to act as a banker and make loans also brought in a great deal of money. Of course the rents received from the city lots that they owned added to the family wealth.

James DeLancey was rich. The many references to the huge house that he lived in and his flamboyant style of living cannot be argued with. But the wealth of the family has been erroneously attributed to James in its entirety. Even the race horses owned by Oliver have been mistakenly given to James. But as has been pointed out, he was not the large landholder that he has been pictured to have been, he did not control the family money, nor even keep track of his own. The fact that his total estate left to his heir was smaller than that of his father's estate gives some indication that his personal wealth has been exaggerated. A letter written to England in regard to one of the children's educational expenses seems to indicate that money was not as free with DeLancey as has been assumed. Peter DeLancey, jr. is introduced as being the son of an "ambitious but none too prosperous parents, and it was hoped that the experience would not involve too great a drain on the family pocket book."

This personal wealth of James DeLancey, sr. did give him a freedom that other politicians in New York did not have. He did not have to strive to charge enough fees to feed his family. Nor did he even have to add to his fortune through the usual bribes of the era. As a result, although he was very careful to protect the family wealth, he became
known widely as one of the most honest politicians in the colony of New York.80

To prepare the young DeLancey for the position in New York society that he was to hold, Stephen and Anne DeLancey sent him to England for his education. He was admitted to Corpus Cristi College at Cambridge in 1721 at the age of 18, his prior education having been obtained at Eton. At 20, he was admitted to Lincoln's Inn at the Inns of Court to study law.81 There is no evidence that he completed his studies at the Inns of Court, one only knows that he returned to the colonies in 1725 and that neither Cambridge nor the Inns of Court have any record of his matriculation.82 Soon after his return from abroad, he married Anne Heathcote and immediately plunged into the political life of New York along side of his father.83

It was while he was in England that some of the friendships that were to be so valuable to him as well-placed connections in later years were formed. Perhaps the most important of these friendships was that of Dr. Thomas Herring, a tutor of DeLancey's at Cambridge who later became the Archbishop of Canterbury. At the time that DeLancey was in England studying, this mild and meek man was a struggling priest who tutored to survive. Later he caught the eye of the Earl of Harwicke who successfully ushered the young priest through a succession of sees. He introduced Herring to the King, who made him his own personal chaplin, and later made him the Archbishop of Canterbury.84 Herring was considered by his contemporaries to be a colorless theologian who was practical in matters of religion. He was tolerant of all shades of religious opinion as long as the opinion was Protestant.85 He waged a fearful
battle against a "popish plot" in the Scottish Rebellion single-handedly raising over £40,000 for the government's armies. In politics he was a thorough Hanoverian and very much a royalist. He was not considered a leader of men, but the wealth gained from his various sees, the seat he held in the House of Lords, the position as private chaplin to the King, and as a patronee of the Earl of Harwicke, made him a person who could deftly argue the DeLancey point of view in the proper place at the proper time. As a life long friend, Archbishop Herring was at the height of his career at the very time that James DeLancey needed his help the most, 1747-1753. The attitudes of this man show that he probably exercised some influence upon the young man he tutored. The friendship of Herring with James DeLancey fully discredits the claims made by Governor Clinton and others at a later date that DeLancey was a leveller and a libertarian. Herring would have literally spit upon a leveller and never would have maintained a correspondence with, let alone exercise influence for, a libertarian.

The second influence that became available to James DeLancey in England at the time of his education was the friendship of the merchants William and Samuel Baker. The power of these men was actually available to DeLancey had he never gone to England for they were the merchant correspondents of his father as well as most other major merchants in the city of New York. They later became the communicants of his merchant brother Oliver. All through their years of influence in Great Britain they did many favors for New York and their new world merchant friends. When New York had no agent, they acted the part and responded to the Lords of Trade's inquires about the conditions of the colony. The
Board felt that the Bakers' close ties with the merchants of that colony would give them insight into the events in New York politics. William Baker, the more prominent of the two brothers, was one of Newcastle's chief advisors. Because of his commercial ties with New York, he fed a very strong pro-American view to the Privy Council. As a London alderman and later as a Member of Parliament, Baker's Pro-American and pro-DeLancey words reaped lucrative military contracts for his firm in the colony of New York and pleasing results for the DeLanceys in their political feuds.

A third person who was to exercise political influence in London for DeLancey never met him. The marriage that DeLancey effected shortly after his return to New York to Anne Heathcote brought all the political power of his London in-laws to his side. Caleb Heathcote, his father-in-law was the brother of Sir Gilbert Heathcote. Sir Gilbert was not only the Lord Mayor of London, but one of the wealthiest commoners in England. A merchant who specialized in Spanish wines and a director of the East India Company, he helped found the Bank of England. He had sat as a Member of Parliament from both London and Cornwall. Although Sir Gilbert was dead by the time that DeLancey needed his London connections the most, the son and Second Baronet, Sir John Heathcote became a staunch supporter of his American cousin. As a member of Parliament from Lincolnshire with good ties to Walpole and with his brother-in-law John White's friendship with Newcastle, Sir John Heathcote had good access to the politicians of the day. His support of the DeLanceys confirmed the words of the Bakers and the Archbishop.
DeLancey's meteoric rise in the politics of New York was the result of his own family's position, excellent lobbying in London, and very favorable connections with most of the major families in New York.\(^{98}\) His father's marriage had secured an alliance with the Dutch aristocracy in the colony, the Van Cortlandts, the Schuylers, and the Beekmans. His own marriage had allied him with the most prominent British family in the province, the Heathcotes. His brothers and sisters also brought him connections through their choice of mates. His next younger brother, Peter, married the daughter of Cadwallader Colden. His sister Susan married the up and coming British naval commander, Peter Warren. And his baby brother, Oliver, by daring to marry Phila Franks, allied him with the prominent Jewish families of both New York and Philadelphia.\(^{99}\) But the marriages of his siblings came later and before the connections they offered could be developed, DeLancey was already well established in the politics of the colony.

In 1729, four years after DeLancey returned from England, he was appointed to the Colonial Council by Governor Montgomerie.\(^{100}\) The choice of the young man was understandable viewing his family connections and his education. Since his appointment was made to replace his uncle, John Barberie, who had died, it is possible that the selection was also an effort to salve the ruffled feelings of Stephen DeLancey who had failed to gain appointment earlier.

A year later he was presented with the freedom of New York City.\(^{101}\) This honor was the result of his work on what has become known as the Montgomerie Charter. This legal instrument, written and devised in the main by DeLancey remained in force for over 100 years as the
incorporating charter for New York City. It still stands as one of the noteworthy documents in the history of municipal institutions. In order to gain the adoption of the charter, DeLancey loaned the city £1000 and received in turn mortgages on Weight Street (Moore), Broadway, and Custom House (Pearl Street). This was a sound business deal for DeLancey as well as a good piece of governmental literature. He won fame throughout the colony for his work on the charter and the general opinion of the young man at this point in his career was most favorable.

In 1731, two years after his writing the Montgomerie Charter, DeLancey was appointed to the Supreme Court as second judge under Chief Justice Lewis Morris. Governor Cosby made a logical choice in his appointment for the young man was unique in the colony in his having read law at the Inns of Court. Chief Justice Morris had no legal training and was generally considered to be lacking in his knowledge of the law. It is possible that the appointment was an effort to redress this lack in the court. More likely, his appointment was the result of persuasion by the Heathcotes and DeLanceys and his education had been part of his grooming for the position.

The years following his appointment to the Supreme Court were marked by a vicious political battle between Governor Cosby and the Chief Justice, Lewis Morris. The key issue in the war was whether or not the governor could use the court system, particularly the Court of Equity, for personal gain. This effort by Cosby conflicted with the best interests of the landowning class of New York, especially those who were most liable for suit because the patents they owned were vaguely worded or who had conveniently forgotten to pay their quitrents in the
past. They were brought into court to define their land holdings or make retribution for their oversight. In each case Governor Cosby collected a fee due to him through the machinery of the Land Office, or a bribe, or a parcel of land that could be repatented given the proper lubricants. Chief Justice Morris presided over these disputes. As a landowner, he found himself the focal point of what became known in the 1730's as the Morris Party.

Most of the anger created by Cosby's judicial assaults on the landowners was directed at the Courts rather than at Cosby's program of vacating patents and collecting long overdue quitrents. According to one contemporary witness,

"We have a perfect war here and it is dayly increasing the Court being Very much Disliked I think they are best that have nothing to doe with him I blieve they are Sorry they have Carrid it with Soe high a hand at first and now if he would be more Complying it would hardly regain Estem of the People".

DeLancey and the third judge of the Supreme Court, Frederick Philipse, remained true to the governor in this battle with the landowners. The esteem won by the Montgomerie Charter faded with the reputation of Cosby.

Such were the political feelings in the dispute that Cosby sued the President of Council, Rip Van Dam, for the income he had received as acting head of the New York government prior to Cosby's arrival. Van Dam, in return, sent a long list of complaints against the governor to London in an effort to have Cosby recalled. Cosby in his effort to squeeze every penny possible from the New York government, had discovered that his instructions legally gave him half the salary and all
the perquisites of the office from the time he was appointed until he arrived in New York. Van Dam, according to the usual custom, had collected all the salary and perquisites for himself while he awaited Cosby's arrival. This was obviously a politically motivated trial and the counsel for Van Dam's defense took the opportunity to attack the Court, already in disgrace among the landowners.

On the opening day of the trial, James Alexander and William Smith, the counsel for Van Dam took the prosecution for the state by surprise and presented the position that the court had no jurisdiction in the case, nor for that matter, in the colonies. This would have been a good defensive tactic, if it had not been so obvious that the Chief Justice was in league with the defense counsel. Morris, upon hearing the arguments of the defense, drew from his pocket a prepared statement and read his opinion in support of the defense contention on the spot. The two lesser judges, DeLancey and Philipse, took their time in considering the position of the defense. When DeLancey delivered his opinion upholding the prosecution's contention that the Court did indeed have the power to hear pleas in equity, Morris left the room in a huff. He declared that he would not sit in equity and was pointedly absent when Philipse delivered his opinion supporting DeLancey's a few days later.

It was this situation and this case that led Governor Cosby to suspend Lewis Morris from his position as Chief Justice of the Supreme Court. He replaced Morris with the young, able, and loyal, DeLancey. Cosby, in an effort to clear his Council as well as the Court of dissenters, did not stop with the suspension of Morris. He also suspended Van Dam and Alexander from the Council and wrote home his reasons for
the suspensions. Not once did he doubt that confirmation of his actions would come from the Lords of Trade. These decisive suspensions did show the power of the governor and although they were not popular with the people, they did serve to cut the power of the opposition in the immediate vicinity of the governor.118

It should be noted that there are reasons other than vindictiveness for DeLancey's acceptance of the position as Chief Justice of the Supreme Court. It has been argued that he accepted the chair as a result of the elder DeLancey's resolve for revenge against Morris and the insults he had given the family.119 Cosby, in the suspension of Morris, used the justification to the Lords of Trade that Morris ignored his duties as Chief Justice.120 Although this may seem to be a peevish statement made in political heat, the Assembly had already made a point of setting aside a sizeable part of the Chief Justice's salary the payment of which was dependent upon the Justice performing his duty in Circuit Court. This shows that the allegation made by Cosby was based on truth. Cosby's dismissal of Morris though politically motivated, was not entirely unwarranted, nor universally disliked.121

Another justification of DeLancey's accepting the Chief Justiceship is found in Cadwallader Colden's History. He states that "Mr DeLancey excus'd his accepting of the Commiss'n at the expense of his predecessor by saying that the Gov'r could not be diverted from removing Mr Morris & that if he did not accept of it the Gov'r was resolv'd to put Mr Har­ison in the office a man no wise acceptable to any body."122 The Mr. Harison so mentioned was Frances Harrison, a man characterized as Cos­by's hatchetman. This man was a Councillor and well known to the people
as a man of no scruples. He was of such bad character that according to Colden, had he been appointed the people would have pulled him from the bench physically. The schemes and designs of this man trace through the entire Cosby administration. That he did the dirty work for Cosby is unquestionable. So bad was his reputation that the DeLanceys could not allow him to replace Morris and DeLancey chose to take the chance of being called a governor's yes man and surviving it, rather than let Cosby make his threat a reality.

Cosby knew what he was doing in appointing DeLancey. He did not have the consent of Council for either the suspension of Morris or DeLancey's appointment. According to precedent both actions should have been submitted to the discussion of Council, but Cosby knew that his removal of Morris would not have been acceptable to that board. Cosby dulled the outcry caused by the dismissal of Morris by appointing DeLancey, a man of good family, with good political power, and a fellow councillor. Most persons recognized that Morris had neglected his job so the appointment of the capable and eager young justice did not raise much public outcry. The opposition seemed to be more upset with the subsequent suspensions of Van Dam and Alexander from the Council than with the loss of the judgeship.

Politically, the attainment of the high judicial office did a great deal for DeLancey. It automatically increased his power in the politics of New York. This power was primarily linked with the Court's jurisdiction over real property, especially those cases relating to land ownership. The justice also had another power if he were a conscientious judge as DeLancey turned out to be. That lay in the use of
the power of the Circuit Court. It was possible to gain the personal friendship of many county leaders in the day to day business of traveling around the colony to preside over the circuit courts. Also, the political aspirations of the judge could influence his determining fines and jail sentences. If he wished to control the elections in a county, it was possible for him to do so through his friendship with the political leaders of the county and by silencing the opposition in his meting out justice. There is little evidence that any judge used the court in this manner, but the open method politics and the election by voice certainly did allow the possibility that it would work that way in spite of the intention of the judges. All the facts in the case of DeLancey seem to show that he was a very impartial judge. By being impartial he won the respect and friendship of many people, perhaps more than if he had gone about it in the devious means open to him. William Smith accused him of using his early years on the bench to add to his popularity and to build up the broad political base he later had. Chances are that this is exactly what he did in taking his circuit court duties very seriously and trying to be impartial in dispensing the law.

Except for DeLancey's acceptance of the position of Chief Justice of the Supreme Court and his subsequent actions in that office during the political recrimination, he seems to have sat out the feud between Cosby and Morris. The argumentive and vocal Stephen DeLancey was also strangely silent from his position in the Assembly. It seems as if they were satisfied to let the Van Dam and Morrisites hang themselves while they kept as much distance as possible between themselves and the
Governor, who was becoming increasingly odious to the people of the colony.

The role that the new Chief Justice did play in the following days of bitter political accusations between Cosby and his people led the historian William Smith to state equivocally that DeLancey supported the Governor and was part of his scheme to milk the colony dry. Cadwallader Colden, another contemporary historian was more kind and suggested that most of the actions of DeLancey at this time could be attributed to youth and inexperience in the position. Something, according to Colden that healed itself with time. Perhaps the fact that Cosby had just removed a chief justice for political reasons and would not hesitate to do it again could account for the actions of the young judge. Subsequent historians have, for the most part, readily accepted Smith's interpretation and labelled DeLancey a Cosbyite. For it was then easy to show his subsequent opposition to Governor Clinton as an action arising from his devious personality. The kindness of Colden and the lack of any facts showing more than nominal support for Cosby make this position questionable.

DeLancey's presiding over the trial of Peter Zenger is the action that gives most support to the argument that DeLancey was an overt and active Cosbyite. To refute the argument successfully, another minor instance in the beginning of James DeLancey's career as Chief Justice must be disclosed. It involved the Frances Harrison that DeLancey was so eager to keep out of the Supreme Court.

On February 1, 1734, a letter was found under the door of James Alexander, counsel for the defense in the trial of Van Dam in the Court
of Equity, threatening him and his family with harm. The writer of the note made no attempt to disguise his handwriting which was easily recognized as that of Frances Harrison. He had been known to do such despicable things before, but as happened in this case, a grand jury always refused to indict him because of his high position in the government. Even though DeLancey pressed the jury for a conviction, Harrison again went free.

Sometime later, Colden came into the Supreme Court with a writ from the office of Clerk of the Common Pleas Court in Orange County. The writ had been altered to suit the efforts of the governor. Colden had proof that the altering had been done by a man known to be one of Cosby's henchmen, working under Harrison. DeLancey considered the evidence presented to him and asked that the man be brought to trial for forgery. Colden then suggested to DeLancey that rather than do this, which would place the man's family on welfare, the man's license to practice as an attorney in New York should be suspended. This, according to Colden, would effectively put a stop to any mischief and give the man a chance to prove himself worthy. If the man did not take the opportunity to improve his conduct then he could be prosecuted later. DeLancey took Colden's suggestion only to have Cosby restore the man's license without consulting the court for the reasons behind its suspension.

It appears that Cosby did not care how DeLancey handled his court cases. If the decision made obstructed the activities of his henchmen, DeLancey was disregarded and his decisions overruled. In other words, Cosby appointed DeLancey not only because he knew that his good reputation and good family would make the dismissal of Morris palatable, but
also because he knew he could effectively exercise control over that position through the threat of dismissal and by ignoring certain decisions.

The Zenger trial was essentially a libel case. Zenger had allowed certain songs which added fire to all the political hostilities to be printed in his *New York Weekly Journal*. These made fun of the Governor and his supporters in Council. The people knew that the *Journal* was controlled by the Van Dam and Morrisites for it regularly printed little ditties designed to upset Cosby and support their viewpoint. According to the law, such words criticizing the government were libelous and the publisher of the offending papers could be prosecuted for libel. Steps were taken by Cosby to present the songs to the Assembly in an effort to get them to bring suit against Zenger. The Assembly demurred, but the Council suggested that they be burnt by the local hangman. In the ensuing arrests, presentations to the Grand Jury and trial, Delancey made impassioned charges to the jury asking that they uphold the current interpretation of the libel law. He skillfully pointed out the precedents for conviction in such cases as this. He read the laws that dealt with libel to the jury and asked them to bring back a conviction based on the information given them. The warmth of his efforts had little effect on the jury and they refused to convict Zenger. As seems to be usual in cases where an unpopular leader tries to silence his opposition, the public supported the printer of the libels.

A second effort to convict Zenger, in which James Alexander and William Smith were again the defense counsel, failed memorably. In the Van Dam trial they had offered an exception to the court, in this case they tried the same tactic. Previously their objection had been
to the court itself, but since they could not argue against the legality of the court itself, they took exception to the commissions of the presiding Supreme Court judges. The defense counsel was probably correct in finding the judges had no commissions. Neither judge had yet received proper confirmation of their commission from London. At the same time there was no way of knowing whether or not the commissions had not been approved and were on their way to the colony at that very moment. Because of this the judges did that which was most prudent and refused to hear any exceptions to the Court. To have heard the exceptions would have led to the questioning of the legality of the decisions made by the court and the possible breakdown of the legal system in New York (and possible violence considering the heights of passion in New York at the time.) The chaos that would have resulted from such action was unthinkable. Each faction would have made the attempt to install their own preferred justices begging London for confirmation of those they supported. DeLancey, amazed that the counsel would bring up such a matter, asked them to consider the results of that defense they offered. The defense replied that they had already considered it. Smith asserted that it was the right of the subject to take exception to the court, something he obviously believed. DeLancey then stated that he would consider the exceptions the next day, but the following day he refused to allow them. In his refusal DeLancey noted, "...you thought to have gain'd a great deal of applause & Popularity to opposing this Court as you did the Court of Exchequer but you have brought it to that point that either we must go from the Bench or you from the Bar." And in saying this the Counsel for defense was debarred.138
This action left Zenger without counsel. The court immediately appointed William Chambers, another well-known New York lawyer, to defend Zenger. The Van Dam and Morrisite faction, not willing to accept a court appointed counsel, went to Philadelphia and acquired the services of Alexander Hamilton. The rest of the trial, due to the ingenuity of Hamilton, served the opposition to Cosby well. Hamilton told the jury that they knew the libels to be true and therefore they could not be libelous. DeLancey, when the prosecution failed to do so, told the jury that the law made no provision for the truth of the libel. They could judge only the point of law at hand. The jury, preferring to believe Hamilton and express their dislike for Cosby, acquitted Zenger. This triumph of liberty was little noted at the time and did not serve as a precedent until much later.

James DeLancey has been consistently harangued by the lovers of liberty of the press for his passionate charges to the juries. His actions reputedly showed his partisanship in the case. He obviously labored for the conviction of Zenger so the maligned governor, Cosby, could be redeemed. It should be suggested that instead of being actively pro-Cosby, whom he had to support to some extent as his position depended upon Cosby's pleasure, DeLancey's actions were a natural result of his training in the English schools of law. According to the law as defined at the time, and the standards of behaviour for judges in those days, the professional conduct of DeLancey was altogether reputable. The Assembly upheld DeLancey's actions in the disbarment of Smith and Alexander. The Morrisites, who had sent a secret mission to London in support of Lew Morris, did not suggest in their plan of action
that Morris be returned to his Supreme Court position. Instead, the only mention of the Court in their list, was the hope that colonial judges could be appointed during good behavior rather than during pleasure. In the mass of correspondence among Colden, John Rutherford, Lewis Morris, jr., Alexander Hamilton, and James Alexander upon the subject of the trial, there are no words aimed against DeLancey personally nor against him as judge of the trial. Instead, in their alarm over the suspension of the two barristers, they merely wondered whether the tenure of the judge during pleasure had something to do with his actions. Only Lewis Morris, sr. objected, stating that DeLancey's ignorance of the law showed in this case. But as formerly stated, Morris was in no position to judge knowledge of the law.

Just as the resolution of the political problems were coming from London in a letter reprimanding Cosby for some of his activities and upholding his actions in others (such as the suspension of Van Dam and Alexander), Cosby died suddenly. This left New York in the height of uproar which immediately disintegrated to near civil war. There had been no appointed lieutenant governor. Van Dam, before his suspension, had been next in line of succession as the President of Council. A few weeks before his death, Cosby had informed Van Dam that he had suspended him and appointed George Clarke as President of Council. Because Cosby had been ill, Van Dam claimed that the action was illegal, but Clarke immediately assumed office. The colony dissolved into camps, one in support of Van Dam, the other in support of Clarke. These camps followed the same divisions between the supporters of Cosby and Morris. For several terrifying months, until Clarke finally received
a letter addressed to him from London as President of the Council, the colony teetered on the brink of civil war. It was unknown if the Assembly would accept Clarke as the head of state and as a result Clarke refused to meet them until he received confirmation of his position.147

The role of DeLancey in this political war is unclear other than he supported Clarke. The reason for such support was clearly put by Clarke when he pleaded with the Lords of Trade to confirm the appointment of DeLancey as the Chief Justice so that Morris would have no hope of being restored as the Van Dam supporters were advocating.148 There is no evidence of his participation in the politics during this crucial period other than his usual attending the affairs of Council. He declined a more active role in the Council giving his duties as justice as an excuse. It is known that he was constantly on the bench when the Supreme Court or the circuit courts were in session. Livingston and Smith both accused him of using this period of time to increase his popularity.149

If indeed he spent most of his time deciding cases and becoming known to the people while acting in his capacity as a judge, then it would follow that his popularity did increase. Also, the fact that he stayed out of the political war may have served to some extent to increase his popularity as a judge. It was probably in this period, as noted by Livingston and Smith, that DeLancey consolidated his following and became a popular figure. But there is no evidence that he purposely built up a popular following in order to gain control of the government at a later date as suggested by the two historians. Obviously, the popularity gained at the time did not hurt him later when he became more
involved in the politics of New York opposing the policies of Governor Clinton.

Smith further accused DeLancey of deserting Clarke, and in 1739, Lewis Morris wrote a damming letter about DeLancey and Clarke that seems to support this. Repeating rumors that he had heard, the man who had been forced out of New York politics in a series of situations that began with his replacement as chief Justice by DeLancey, had an understandably obvious resentment. In the letter he accused Clarke of being the sole architect of Cosby's scheme. But he went on to say that Clarke denied this by saying that Mrs. Cosby had complete control over her husband. He then repeated the unconfirmed gossip that DeLancey had entered into a scheme with Mrs. Cosby to try to supplant Clarke and to get Cosby to suspend him along with Van Dam. Then DeLancey would become head of the government. Cosby's death supposedly had thwarted these plans. Morris said of the rumor that some believed it true, that most people felt that Mrs. Cosby was quite capable of perpetrating such a scheme and that few men believed that Clarke did not have something to do with Van Dam's suspension. He suggested that both DeLancey and Clarke had more to do with Cosby than they should have and concluded that Clarke was currently being quite prudent in his dealings with the Assembly. This absolved Clarke, but left DeLancey hanging in the middle of the rumor. There are no other references to the scheme, other than Smith's statement that DeLancey deserted Clarke. If Smith's statement is interpreted to mean DeLancey did not actively support Clarke, then there are no other references to the scheme or to the rumors so mentioned and retold. DeLancey's subsequent actions seem to show that
he was not that eager to become the head of state. So the only conclusion that can be drawn from the story is that DeLancey supported Cosby and was in his company enough to set the stage for the rumor. One can conjecture whether or not he openly participated in the party politics that surrounded Clarke's takeover of the government.
FOOTNOTES

CHAPTER I


8. Ibid.


10. Ibid., 51; Savelle, Origins of American Diplomacy, 551.


12. Ibid.


16. Ibid., 333.


25. Lunn, "Illegal Fur Trade," 76.


33. Ibid., 151-152.

34. Ibid., 160.


36. Peter Wraxall did this much to the chagrin of Governor George Clinton. The office was a minor one, Secretary of Indian Affairs, but the appointment frustrated Clinton's attempt to show home support.

37. Clinton to Catherwood, July 26, 1752, "Clinton Letterbook,"; Robert Sanders to Clinton, June 8, 1752, oversize II; Catherwood to Clinton, March 4 and 5, 1750/51 all in Clinton Papers, William L. Clements Library (Michigan University, Ann Arbor, Michigan).


40. Ibid., 97-98.


42. D.A. Story, The DeLanceys: A Romance of a Great Family (Published for the author by Thomas Nelson and Sons, ltd., 1931), 13-16; George Macgregor Waller, Samuel Vetch: Colonial Enterpriser (Chapel Hill, 1960), 34 and 50.

43. Ibid.


45. See Burnet Plan above.


48. Ibid., 13-16.


51. "Receipts for Court Cases, 1733-1756," DeLancey Family Papers, Oversize, MCNY.

52. "Receipts for Court Cases, June 17, 1736," Ibid., Box II.
53. "Family Record 1688 to 1844," n.d., Ibid., Box I.
58. Peters to Monckton, August 21, 1760, Ibid., 304.


68. Cal. of Land Papers (September 26, 1763), XVII, 324-325.


71. Anthony White to Oliver DeLancey, July 9, 1754, James DeLancey Papers, B.V. Sec. E., Case 10 #28, New York Historical Society Collections; "Accounts, March 20, 1761," DeLancey Family Papers, Box II, McNY.

72. Min. Common Council (June 16, 1757), VI, 91; Henry Lloyd to Robert Temple, October 20, 1746, Lloyd Family Papers, I, 383; "Accounts, March 20, 1761," DeLancey Family Papers, Box II, McNY.


75. See Chapter V.

76. The New York Gazette (Weyman's), April 7, 1760; Weekly Postboy, June 30, 1744.

77. This house became a pub run by Edward Willet when James DeLancey's asmatic condition became such that he was forced to live outside the city in his country home. He lived in the country throughout his entire term as acting governor offering the Governor's Mansion to various notables including General Abercrombie. It was this house in the city that he often went to meet his friends though it
59

was no longer his residence. As a result Edward Willet's pub is
often referred to as the meeting place of the faction. (New York
Mercury, May 13, 1754; Narreys Jephson O'Conor, A Servant of the
Crown in England and in North America 1756-1761 based upon the
Papers of John Apny, Secretary and Judge Advocate of His Majesty's
Forces (New York, 1938), 41; George William Edwards and A.E.
Peterson, New York as an Eighteenth Century Municipality, 1731-
1776 (Columbia University Studies in History, Economics, and Public
Law, LXXV; New York, 1917), 69; Martha Joanna Reade (Hash) Lamb,
History of the City of New York, Its Origin, Rise, and Progress
(3 vols.; New York, 1877-1880), I, 580.

78. New York Mercury, April 29, 1754; Flick, History of the State of
New York, II, 338 and 404.

79. Paul Mahlon Hamlin, Legal Education in Colonial New York (New
York, 1939), 22.

80. Lamb, History of the City of New York, 615; Katz, "An Easiest Access"
212-213.


82. Cambridge University, Graduati Cantabriociensi: sive catalogue,
exhibens nomina eorum quos AB Anno M.DC.LIX usque AU Decinum
Diem Octobris I, DCCC.XXIII Gradu Quocunque Ornavit Academia Canta-
brigensi, E Libris Subscriptionum Descriptus Atque Ordine Alphabetic
Compositori (Cambridge, 1823), 138; Cambridge University,
Alumni Cantabriociensi; A Biographical List of All Known Students,
Grants, and Holders of Offices at the University of Cambridge,
from the Earliest Times to 1900, Comp. John Vern and J.A. Vern,

83. James Alexander to Colden, January 12, 1731/32, Letters and Papers
of Cadwallader Colden, II, 18.

84. Horace Walpole, Memoirs of the Reign of King George the Second, ed.
Lord Holland, (London, 1846), II, 374; R. Garnett (ed.), "Corres-
pondence of Archbishop Herring and Lord Hardwicke During the
Rebellion of 1745," English Historical Review, XIX (July, 1904),
528-529.

85. Ibid.

86. Walpole, Memoirs of the Reign of King George, 374; Katz, "Between
Scylla and Charybdis," 100.

87. Garnett, "Correspondence of Archbishop Herring," 529-530; Rev.
Samuel Johnson to Archbns. of Canterbury, June 24, 1753, N.Y.Col.
Docs., VI, 88; Katz, "Between Scylla and Charybdis," 100.

89. Peter Warren Papers, William L. Clements Library (Michigan University, Ann Arbor, Michigan). Throughout the entire collection there are multiple references to the influence of these men in New York's commercial and political efforts; Lewis Bernstein Namier, England in the Age of the American Revolution (London, 1930), 280-281.

90. Samuel and William Baker to Peter Warren, March 7, 1746, Peter Warren Papers, Box III, Clements Library.

91. Min. Common Council (December 15, 1741), V, 45.


97. DeLancey sent his friend Herring to the Heathcotes with a letter of introduction from himself. Obviously, DeLancey's influential friends in London did not work for his benefit separately. (Katz, "Between Scylla and Charybdis," 103.


101. Certificate, February 11, 1730, DeLancey Papers, Oversize, M C N Y.


103. Cal.Council Minutes (July 2, 1731), VI, 312.


105. Ibid., 206.


108. James Alexander acted as the defense lawyer for a number of these cases. There are several trial transcripts among his papers in the New York Historical Society Collection.


112. Colden to Mrs. Elizabeth HisNl, January 19, 1733/34 and Alured Popple to Colden, November 1, 1734, Ibid., 102 and 115; Smith, History of New York, II, 9 and 23. Van Dam, as President of the Council was next in line of succession to the government as there was no appointed lieutenant governor.

113. Cosby to the Lords of Trade, June 19, 1734, N.Y.Col.Docs., 5; Upton, The Loyal Whig, 10; Carpenter, The History of New York, 159-160.
Smith, History of New York, II, 4-8.


Gov. Cosby to the Lords of Trade, December 16, 1734, N.Y.Col.Docs. VI, 22.


Gov. Cosby to the Lords of Trade, June 19, 1734, N.Y.Col.Docs., VI, 8-14.

Assembly Journal (October 9, 1730), I, 616. Cosby had earlier suspended Morris from the Council because of his opposition. By coincidence, it was the same day that James DeLancey took his position on that Board. (Smith, History of New York, I, 195; Cal. Council Minutes (June 26, 1729), VI, 308.


"Speech of Vincent Mathews Read Before the General Assembly of the Province of New York on October 21, 1735," Ibid., 228-231.

Ibid., 298-299.

Smith, History of New York, II, 8, 32-33. Smith states that DeLancey was young, ill-read, and unacquainted with the affairs of the colony making Cosby's selection poor. DeLancey had returned from England over 5 years prior to his appointment. During those years he had been constantly involved in the political processes. It is doubtful that he was unacquainted with the affairs of state. Although he was young, he was not ill-read.
He had an extensive legal library and in his decisions quoted many precedents and legal writings. He had purchased over 50 volumes from the estate of John Montgomery. The inventory list shows many of these were law books. Circumstantial evidence indicates that these works were a mere part of more extensive holdings.


128. One historian calls DeLancey neutral in this feud. This is perhaps going too far, but at the same time he did not overtly support Cosby. (James Grand Wilson [ed.], The Memorial History of the City of New York [4 vols.; New York, 1892-1893], II, 298.)


133. Smith, History of New York, I, 10-12.


139. All of the above on the Zenger Trial taken from: Colden, "History of Gov. Cosby," 318-355; Carpenter, The History of New York, 163-165; Upton, The Loyal Whig, 11-12; John Rutherford Collection, Box II, NYHS.


143. John Rutherford Collection, Box II, NYHS; Lewis Morris to James Alexander, August 9, 1735, Ibid.


CHAPTER II

AN AUSPICIOUS BEGINNING

The death of Cosby had thrown the politics of New York into confusion. George Clarke had assumed the government as the President of Council, and for the next six months he fought off accusations of illegality and attempts to subvert his actions by the supporters of Van Dam and Morris. Finally, he was recognized as head of the government by a letter from the royal authorities and the immediate program of the opposition, to restore Van Dam, was eradicated.

But Clarke's problems were not solved with recognition as the acting governor, nor did the commission for lieutenant governor solve his problems with the factions. Everyone was aware that he was the head of the government only until a new governor could be appointed. The members of the Assembly had a store of grievances that began with Cosby's refusal to call a new election for the past ten years and extended into the problem of granting a permanent revenue for the government of New York. Assembly members, especially the supporters of Van Dam, felt that the persons in the Assembly no longer represented their constituents' desires. The office holders had been divorced from the needs of the people by their long term in office and the majority desperately wanted a new election. The issue they wanted to discuss with the
electorate was the problem of a permanent revenue for the governor. If the Assembly was dissolved before the five year revenue granted to Cosby had expired, they could discuss the suggestion made by the Morrisites that the revenue be renewed annually without leaving the government without money. Clarke was placed in a dilemma. If he did not call for new elections it meant adding to his political opposition. If he did call for elections before receiving a term revenue for the government, then either he or the new governor would have to deal with the efforts of the faction to limit the support for the government to yearly grants.

Clarke decided to get a new term revenue from the existing Assembly. He felt that the people who would be elected to a new Assembly would not be as apt to grant a term revenue as those currently in office. His decision was also based on the fact that deficiencies in the existing budget were appearing and he hoped the existing Assembly would correct those deficits since they had granted the revenue. How these deficits came about is not specifically noted, but the Assembly members laid the blame on Governor Cosby, who allegedly pocketed the money.

Clarke repeatedly requested consideration of the deficit and renewal of a term revenue, but the Assemblymen adroitly ducked the issue by finding a surplus in the treasury and using it to pay the colonial bills. In an unprecedented action, they directed these bills to be paid by warrant out of the Assembly rather than by the accustomed governor's warrant. When this happened, Clarke angrily dissolved the Assembly and called for the new elections desired by the incumbents.

This battle over the term of the governmental revenue characterized the entire term of Clarke. By spending his own money he managed,
at first, to keep New York finances solvent without giving in to the Assembly demand that he sign a one year support bill. But when the demands of approaching war, coupled with requests to renew the Indian alliance with gifts, became too expensive, Clarke gave in and signed the one year revenue.  

The members of the Assembly, taking advantage of Clarke's temporary position and feeling the effects of "Arbitrary Government" deeply, rode roughshod over Clarke's attempts to retain royal prerogative for the governor. They told Clarke not to claim prerogative for his own personal gain, and assured him they were merely concerned with the rights and liberties of their constituents. The deficits showed, the Assembly-men said, that no one could project how much money would be needed for the government for a term of five years. Therefore, they would never raise such a large sum again only to have the governor misapply it as had been done in the past. For the safety of the people of New York, the Assemblymen concluded, they would refuse to make any grant for a period longer than a year. Clarke, knowing the temper of the Assembly, informed the Lords of Trade that Cosby had soured the people and that it would be very difficult to get the Assembly to grant another term revenue. Nevertheless, he promised he would try to do so.

The Assembly members, taking advantage of Clarke's temporary situation and the war situation, began to pass support bills in which the officers to be paid were named in the bills. This swiped at the royal prerogative of appointment, for they could refuse to pay officers they found distasteful. The necessity for unity during King George's War forced Clarke to consent to the one year revenue bills. He excused
himself to the Lords of Trade on the basis of the exigencies of war and the precedent that Governor Lewis Morris had recently set in New Jersey. He told the Lords he would again try to get a term support when the situation bettered, but it would be doubly difficult now that the New Yorkers were aware that New Jersey had an annual support bill.\textsuperscript{14}

When Clarke made the attempt in 1741 to return the support to a term revenue, he met with stubborn resistance. The arguments he made fell on deaf ears, as the Assemblymen ignored him in anticipation of the arrival of a new governor, Lord De La Warr, who would supersede both Clarke and his policies. The members of the Assembly were more concerned with setting precedents for their annual support bill than listening to Clarke's statements on prerogative.\textsuperscript{15}

Lord De La Warr did not come to New York forcing the Lords of Trade to appoint another governor in the fall of 1741. But for some reason, the newly appointed governor, George Clinton, took two years to arrive at his post. This left the acknowledged temporary leader, Clarke, in limbo while the Assembly ignored him and set the precedents for term support.\textsuperscript{16}

Between 1737 when Cosby died and 1743 when Clinton finally arrived in New York, a situation existed that served the purpose of the Assembly. The members knew they could bully the obviously temporary Lieutenant Governor. He would not fight aggressively for the prerogative when he knew he would soon be able to give the problem to a new governor. As a result, anything he did could be used as a precedent with the following governor. If Clarke did anything they did not approve of, the Assembly ignored him saying he was temporary and they would wait for the
new governor. Clinton's delay in coming to the colony let the Assembly become entrenched in their battle lines. When he did arrive, he was faced with the problems caused partially by his leisurely take over of the government.

George Clinton, the new governor, was an admiral in the British Navy. Born in England about 1686, he was the second and youngest son of Francis, the 6th Earl of Lincoln. He was the uncle of the then young Earl of Lincoln, and the father of Sir Henry Clinton, a naval hero. In 1708, Clinton had entered the British Navy and by 1743 he had become an admiral of the white squadron. He had been the governor of Newfoundland in 1732, but he had asked for a more lucrative government and had been pleased to be appointed to New York in order to mend his fortune. High-born, he was related to the Pelham family through the marriage of his nephew, the Earl of Lincoln, to Pelham's daughter. This marriage meant that Clinton was related to Thomas Pelham-Holles, the Duke of Newcastle, the Minister of Foreign Affairs and to Henry Pelham, the leader of the Whig aristocracy. Because of these family ties with persons in the House of Lords and in the government, Clinton was considered well-connected at home.17

Little has been written about Clinton before his arrival in New York. As a second son, it is likely that his position in the navy was purchased by the family. His appointments may also have been a result of the common dilemma over what to do about second sons. No discussion of his ability as an administrator could be found, although later references to his incompetence as a naval officer were discovered and British historian Chalmers referred to him as "...a sailor of no great talents or
Clinton was recommended for appointment by the Duke of Newcastle, his relative by marriage. Clinton had pressed for the position in order to rid himself of heavy debts which he had incurred. Newcastle had at first demurred, but gave in when Clinton's financial situation worsened. According to Philip Haffenden, Newcastle expected two things from the colonial governors: 1. An undisturbed tenure of office that made no demands on London, and 2. care that the appointments controlled by the crown remained in the crown's possession. As will be seen, Clinton failed to measure up to either of these expectations. The repair of his fortune always seemed to be foremost in his mind.

Nevertheless, Clinton's connections in London were extraordinarily strong. Lord Lincoln, the Duke of Newcastle, and the Pelhams were all in high positions in the government during Clinton's term of office. They worked consistently for his benefit, representing his case before the Lords of Trade, the Privy Council, and even the King. The initial acceptance of Clinton in New York was gracious and befitting to a man whose family and home-connections were so powerful.

During the two years between his appointment to the New York post and his arrival in late September 1743, Clinton had had plenty of time to discuss his new position with his family and friends in London. He had been advised by these friends not to insist upon term support as the former governors had received, but to take it annually if that would make the people of New York happier and his administration easier. He was also advised to consult with Chief Justice DeLancey, the person most
likely to make his administration easy. Others advised him to listen to George Clarke.23

Clinton's delay in coming to the new world cost him in the advantage the Assembly had secured by setting precedents,24 and also in the advantage that James DeLancey was constantly building in both new and old worlds.25 Clinton could not have prevented DeLancey's popularity, but he did manage to tarnish it.26 Conjecture might lead one to believe that had Clinton arrived earlier, before DeLancey was so well-established, he and his very strong connections may well have done more damage to DeLancey's reputation. It is also possible that Clinton would not have been advised to pay close attention to DeLancey's advice if he had departed in the usual three to six months it took a governor to set up a government in the colonies.27

Clinton did more than receive advice about his new position while he remained in London. He asked for and received enough presents from the home government to secure the alliance with the now Six Indian Nations and he occasionally represented the interests of New York before the Lords of Trade.28 He also received requests from various Englishmen for positions in the New York government. One of the most curious was a request by Peter Warren, the brother-in-law of James DeLancey, for a position on the Council of that colony. Warren offered to pay Clinton well for the position and he told Clinton that the request was made out of his fondness for New York and the people. It is probable that his request was an attempt to secure lucrative employment near his wife and family who refused to leave New York.29
All sources indicate that Clinton was well-received in New York and that he was given all the honor generally accorded the governor. The usual speeches and addresses of welcome assured him of the New Yorkers' loyalty to the King and their hopes that his administration would be "happy & Prosperous".  

In return for these professions, Clinton ascertained that the Assembly expected a new election, as foretold by Clarke, and he gave the people that satisfaction. He exuberantly wrote home about his wonderful reception and reported himself well-pleased by his conduct. He reported to the Duke of Newcastle that he was cautiously listening to the advice of Clarke. The reasons for his caution indicate that he feared Clarke would lead him "into the same snares he did my predecessor, especially as he is to succeed me in my Government". He also stated his determination to prevent any complaints about his administration from reaching London.

Clinton later stated that he found, when he arrived in New York, that he was not well enough acquainted with the affairs of the colony to effectively govern. As a result, since he was suspicious of the advice he received from Clarke, he turned to the other man recommended to him, James DeLancey. DeLancey had also been recommended to him by the people in New York because of his wealth and his relationship with numerous powerful people in the colony. Not only that, he had been a member of Council for a number of years and was the Chief Justice of the Supreme Court. In turning to him for advice, Clinton confided to the Lords of Trade that he hoped DeLancey's judicial position would prove valuable to him.
There is no indication that DeLancey fed the suspicions about Clarke's advice to Clinton. Undoubtedly, Clinton consulted with DeLancey as well as many others. He dismissed the Assembly with the advice of Council, which included both Clarke and DeLancey. It would be more in keeping with Clinton's actions to observe here that he alternated between extreme caution and suspiciousness of his advisors and overly bold actions coupled with blind faith in his advisors throughout his entire administration. In this situation Clinton was probably in the former state of mind.

The new election authorized by Clinton took place without incident and offered a change of seven of the 27 members. Clinton later claimed that DeLancey had suggested the calling of this election. That statement seems reasonable, especially since Clarke had already mentioned the people of New York expected Clinton to call a new election. It had also been the custom in New York to call new elections whenever a new governor arrived. If it was the purpose of Clinton to consult with those people who would make his administration easy for him, this suggestion would certainly have had that effect.

The new Assembly met on November 8, 1743, and heard Clinton request a term support as had been given to former governors. This request was contrary to the advice he had received, but in accordance with his instructions. In addition to this potentially volatile request, he told the Assembly of the war supplies he had brought with him and requested fortification of the colony in view of the war situation in Europe. He also asked for a new alliance with the Indians and for an agent to represent New York's interests in London.
The Assemblymen replied amiably to their new governor. They told Clinton they would do what they could, given the late season, and the "Circumstances of the Colony". The legislators also told him they were "heartily disposed to provide Support in an honourable manner" and requested his approval of their effort. They gave no indication of what they considered "honourable", instead, the members of the Assembly seemed to be waiting to see if Clinton really would insist they give him term support. Congratulating him upon the new elections, they turned to the business at hand.38

Clinton, too, turned to his work. He had brought with him the commissions for seats on the colonial Council for Philipp Van Cortlandt and Daniel Horsmanden. They had been sworn in soon after his arrival, but he found there were still a number of vacancies on that board.39 Clarke, indicating fatigue and old age, resigned, creating still another vacancy. Accordingly, Clinton offered to the Lords of Trade the names of several persons he thought qualified for the positions. Heading the list was Peter Warren, who had offered to pay well.40

Clinton's first encounter with the Assembly had been pleasant and cordial. After sitting a little over a month, the Assembly had provided for the defense of the colony, for governmental support for one year, and they had passed a pet bill limiting the time an Assembly could sit. As usual the application bill for the governmental support that was passed named the officers. In other words, the Assembly continued their practices regarding the government support paying no attention to Clinton's request for long term support. Without ado Clinton signed all these bills and adjourned the Assembly to the following spring.41
Again, Clinton later complained that DeLancey had advised him to assent to the one year support bill without opposition. Again, because of the circumstances of the colony in preparing for war, the advice could have come from any one of his Council, or Clarke. The Council was well acquainted with the stubbornness of the Assembly on this matter having listened to their tirades against Clarke. Undoubtedly, DeLancey was party to the decision to pass the bill. Unity was needed to wage the oncoming war, and to begin an argument with the Assembly at this point would have been unwise.\(^{42}\) It also should be remembered that Clinton had also been advised by his friends in London to pass such a bill. This advice had been given prior to his arrival in New York and prior to his friendship with DeLancey.

In spite of the pleasantness of his first meeting with the Assembly, not all was favorable for Clinton. By January of 1744 he had discovered that the home government expected him to govern without much help from them. In a complaining letter to the Lords of Trade Clinton grumbled about the lack of responses to his many letters. He charged them with intentionally making his government more difficult by appointing Captain John Rutherford to the Council instead of one of the persons he had suggested. He demanded they reverse the commission and appoint Van Rensselaer since the appointment of Rutherford was sure to cause sedition in Albany. In writing the letter Clinton indicated that keeping the factions quiet in New York was beginning to try his capabilities.\(^{43}\)

Unbeknownest to Clinton, the Lords of Trade had made the appointment of Rutherford to fill a Council vacancy that had occurred during Clarke's administration. They were now, at this very time, in the
process of considering the nominations sent by Clinton. They appointed Peter Warren, Joseph Murray, and John Moore as he had requested and delayed consideration of Van Rensselaer until they were sure Clarke had resigned from the Council. Clinton seemed to expect far more action and much faster action that the Lords of Trade conceivably could do. When the Lords Received Clarke's resignation, they appointed Van Rensselaer to the Council as Clinton had requested.

This is related to show the tenor of the Assembly in its initial relationship with Clinton. It also shows Clinton's state of mind just prior to the declaration of King George's War that was to lead him into more difficulties with his Assembly and Council than he was ever to have with the French. His Assembly supported him, his Council supported him, and the Lords of Trade gave him the same sustenance. He was receiving advice from those acquainted with New York affairs, but Clinton was suspicious of the advice given to him and upset with the home government for not giving him, so he thought, the help he needed to govern New York. Already he was violating Newcastle's tenets for a colonial governor. He was expecting too much help from London and he had protested the crown's right of appointment.

The news that the King had declared war against the French was sent to Clinton on March 31, 1744. The Lords of Trade asked him to declare war in New York and to be rigorous in preventing the French from receiving supplies from the colonies. Other than these instructions, Clinton was left to his own devices in the prosecution of the hostilities. When Clinton met his Assembly on April 17, 1744, he warned them of the oncoming war and stressed the need for fortifications in New York.
For the first time the Assemblymen seemed to feel that perhaps the war was imminent, though Clarke had repeatedly warned them of the possibility for several years. They formed a joint committee with the Council to write a special message to the governor in which they told Clinton of their willingness to give him the help requested in setting up a defense. The speech seems to have been written by DeLancey for it reflects his views on the designs of the Pretender to the English throne and his fear of the "popish plot" to conquer the Protestant world that he later enunciated throughout his term as governor in the succeeding war. The Scottish Rebellion involving the Pretender was in the beginning stages at this time and it is most likely that DeLancey's friend, Thomas Herring, was reporting to DeLancey the schemes of the followers of the Pope in Scotland. If so, this would account for the extreme fears expressed in this message. Supporting the theory that DeLancey wrote the speech is the fact that he was selected over Colden and Horsmanden, both frequent messengers to the governor in similar situations, to give the speech to Clinton.

With the declaration of the war in New York in May 1744, Clinton's military background came to the fore and he began to issue directions on how the New Yorkers should wage the hostilities. In his war message he asked for a double garrison at the fort at Oswego, for more men at Saratoga, for a meeting with the Indians to secure their alliance, for additional money to meet war emergencies, and for further rebuilding of Fort George in New York City. He even outlined the exact methods they should use in rebuilding that fort.
Had the Assembly been wont to consider the supposed traditional neutrality of New York until specific requests came from the crown, they would not have responded so amiably to the request made by Clinton. Instead, it seemed as if both the Council and the Assembly tried to outdo each other in pleasing the new governor. The Assembly resolved to pay the transportation and to feed the additional men requested for Oswego and were more than happy to send more troops to Saratoga. The Council immediately issued the warrant for presents to maintain the Indian alliance, issued a proclamation forbidding the export of provisions and military stores in order to keep them out of French hands, and generally busied themselves with the war effort. The Assembly did try to defer the repairs of Fort George until the next session, but Clinton demanded they attend to them this session and the last day of the sitting saw Clinton signing a bill to take care of Fort George.

During the Assembly's recess, Clinton went to Albany and secured the allegiance of the Indians. While there he received a plan from Governor William Shirley of Massachusetts Bay concerning an attack on Canada. The majority of the Council, including DeLancey, had gone to Albany with Clinton and the matters discussed were all military concerns.

When Clinton returned from Albany, he reconvened the Assembly on July 18, 1744, and told the members of his successes with the Indians and a £50 overdraft on the money allotted for the government to spend on Indian presents. He asked that they attend to the matter of support for the government, but he made no mention of the term of support. A week later, when the Assemblymen seemed to Clinton to be somewhat slow, he renewed his demands for money stating that he had ordered all sorts of
defense materials and he expected them to pay for the materials. He coupled this information with a demand that they fortify even further.\textsuperscript{57}

The Assembly promptly acted on these demands and resolved to provide an even stronger defense. When Clinton again asked for even further defense provisions and even more money for the Indian alliance, the Assembly complied and did what he asked. The Assembly not only provided willingly for the war, but passed the annual governmental support bill too.\textsuperscript{58} It even placed a tax on real and personal property to support the war effort, a most unusual action for a New York Assembly.\textsuperscript{59}

Clinton obviously had total support from his Assembly. The only disagreements were between the Council and the Assembly. The first difference was on the problem of the fort at Oswego. At a free conference held between the two houses on the problem, DeLancey presided. The problem seemed to be settled satisfactorily and a committee of DeLancey, Colden, Philip Livingston, and Daniel Horsmanden was appointed to draft a message to Clinton with the suggestions of the joint committee.\textsuperscript{60}

Again DeLancey was appointed to present the message to Clinton. Because Clinton readily accepted the suggestions of the Council and the Assembly, it would seem that he was selected for the influence that he had with the governor.\textsuperscript{61} Indeed, throughout the entire session of the legislature, DeLancey was the most frequent messenger sent to Clinton with various bills and suggestions from both Houses.\textsuperscript{62} If the smooth running of the government throughout this period can be correlated to the number of times that DeLancey was sent to confer with the governor on various issues, then it would seem that Clinton was listening to the
advice of DeLancey and that DeLancey's advice was allowing the administration to move smoothly.

The second disagreement between the Houses was not settled so amicably. The narrative of the joint conference of both Houses on the winter fortification of Oswego printed in the Journal of the Assembly did not agree with what the Council thought had been said and done at the conference. According to Colden, the narrative made the Council seem less willing to provide for the war effort than the Assembly was. Quite naturally the Council was miffed and the resulting conference on that problem, again headed by DeLancey, only pointed up the competition between the Assembly and the Council to do the most for Clinton. Nothing was accomplished at the second conference, as both Houses refused to move from their original position.63

This relatively agreeable session ended with the argument between the Houses and the first statement from the Assemblymen that gave a small indication that they may have been tiring of meeting Clinton's defense demands. Two days before the end of the session, they told Clinton that they felt it would be imprudent to settle on an assault on the enemy before definite plans had been offered. They then refused to further consider the suggested plan of attack outlined by Governor Shirley. They had done everything else Clinton had requested and in their minds they had done enough.64 Unfortunately, Clinton failed to realize the shaded meaning of the Assembly's statement. He proceeded on the assumption that if he presented it with a full plan of attack, the members of the Assembly would agree to it.65 Instead they were telling Clinton that they felt they had already acted beyond the call of duty in this
war. They had done more than they had ever done in the past before plans from London had arrived. Now that they had done that much, they wanted to wait, as they had done previously, until the usual plan of attack arrived from London. When that schedule of action came, they would be more than willing to continue their support for the war. It is here, and on this point, that the divergence of the Assembly and Clinton begins to take place.

In the midst of all the amiable relationships between Clinton and the people of New York in September 1744, Clinton rewarded DeLancey with a commission as Chief Justice of the Supreme Court during good behavior. This commission was to replace his former commission "during pleasure" that he had received from Governor Cosby. Clinton later stated that he was persuaded to make this step by DeLancey himself. Undoubtedly Clinton's statement is true. DeLancey had, as noted and as Clinton admitted, done a great deal for Clinton in making his administration easy for him in the first year. But DeLancey's persuasions were most likely based on his own memories of a former Chief Justice who failed to do as the governor specified and the humiliating accusations of collaboration with Cosby tossed at him during the Zenger trial when in fact he had been trying to be politically impartial. Because of his greater involvement in the government, especially as advisor to Clinton, DeLancey probably requested the new commission to insure his independence on the bench. There should be no doubt that DeLancey also wanted the commission changed so that his political actions would not cause him to lose his position as Chief Justice. DeLancey could not have helped but think of the potential freedom from petty reprisals of a governor when he was
persuading Clinton to go against his instructions. But his freedom on
the bench probably weighed heavier on his mind because of his past ex-
periences. Later events proved justification enough on both accounts
for DeLancey. The changing of the commission with the sanction of
Council also regularized his appointment for the first time. The former
irregularity of his appointment in that he had not been appointed with
the concurrence of the Council as specified in the governor's instruc-
tions must have bothered the lawman.

The instructions that Clinton had from the King warned him, as it
had governors since 1702, not to appoint judges or justices with any
mention of "any limitation of time in the commissions". As if this
statement was not enough, the instructions further instructed that the
justices be appointed "during pleasure only". DeLancey's appointment
had not been according to Cosby's instructions originally. Obviously
Clinton, as Cosby and other governors, had no compunctions about viola-
ting his instructions when he could benefit from such by making his ad-
ministration easier.

Another reason for Clinton's deviation from his instructions may be
suggested. When he heard of the good fortune of DeLancey, Daniel Hors-
manden, the second judge of the Supreme Court, requested that he also be
given a commission during good behavior. His request was tabled. Colden
later made the statement that without his restraining influence,
Clinton would have commissioned anyone who paid enough. William Smith
concurred in that for a "bottle and a present", Clinton would grant al-
most anything. Viewing the wealth of the DeLanceys and the poverty of
Horsmanden,\textsuperscript{74} it is quite possible that DeLancey paid Clinton well for the new commission.

The winter of 1744/45 was calm and uneventful in New York. The discussion of military affairs was interrupted only by the news that Parliament was considering an act to prevent paper money from being printed in the colonies.\textsuperscript{75} The people of New York were generally alarmed about this development and special meetings were held about town. DeLancey called one to meet at Willets Inn\textsuperscript{76} and though the legislature was not meeting, several important decisions were made. As a result of these meetings, the merchants decided to send money to the Bakers in London through the auspices of Stephen DeLancey and Company and ask them to combat the issue in Parliament on behalf of New York.\textsuperscript{77} The issue was serious for the colony. The colonial wars in New York were consistently financed through the use of paper currency. The New Yorkers realized that they could fight the issue only in London through the various influential people they knew. Clinton did not seem to be interested. With the problem of paper money, the recognized need for a regularly appointed agent in London became pressing.

The March 12, 1744/45 meeting of the Assembly found Clinton pursuing the idea that if he offered a plan for an attack on Canada, the New York Assembly would readily vote supplies for that attack. Shirley had defined his plans for an expedition and in Clinton's speech to the Assembly he revealed the details of that plan and asked for the members' approbation. He also asked for two new forts, more men to be stationed at Oswego, more money to meet more frequently with the Indian allies during the war, and a "liberal Sum" for the government in time of
emergencies. He did not stop with these requests for money, men, and munitions, he also requested that New York unite with the other colonies and raise money to wage the war jointly. His entire message was concerned with requests for war supplies, excepting a brief mention that New York needed a regular agent in London as he had mentioned before.  

It was this request for an agent and the paper money issue (not mentioned by Clinton) with which the Assembly members chose to concern themselves. Immediately after Clinton had delivered his requests for defense and defense money, the Assemblmen expressed their concern about the bill in the House of Commons concerning paper money. Their second action was to repay Stephen DeLancey and Company the money advanced in January to refute that bill. Samuel and William Baker were then appointed agents of the Assembly to refute the bill in Parliament.

When defense had not been mentioned for two days, Clinton sent the Assembly his instructions on the raising of supplies and men in order to encourage a discussion of the business he felt more important. Instead the legislators chose to pursue the issue of paper money, knowing full well that they could not meet the defense demands of Clinton without the help of paper currency. They outlined the history of paper money in New York, voted thanks to those who had acted on the issue during their recess, and repaid all those who had involved themselves.

After a week of the Assembly's dealing with issues other than defense, Clinton became angry. The members of the Assembly had, in passing, decided to cut the garrison at Oswego to the normal number of twenty-five. On this action, Clinton stormed into the Assembly hall and in an agitated speech demanded to know why they had cut the garrison when
it was obvious to him they should be increasing it. He informed them that in view of the intelligence he had received, he had already ordered provisions for the fifty men currently stationed there.\textsuperscript{81}

The startled legislators, having finished their other business, immediately began to consider Shirley's plan to attack Canada at Louisburg. After some deliberation they decided to give £3000 to the expedition, but not to work with the other colonies as suggested in the plan. They obediently kept the number of men at Oswego at the fifty demanded by Clinton and gave Clinton the extra money for special contingencies. But they did not forget their concern with paper money, they decided the Bakers could handle the affair and postponed consideration of a regularly appointed agent to a later date.\textsuperscript{82}

The last month of the sitting was taken up with the consideration of various preparations for defense. The high hopes expressed by John Rutherfurd, a member of Council, for a vigorous prosecution of the war were by now diminished.\textsuperscript{83} Clinton repeated his requests for defense and again asked that the Assembly members consider cooperating with the New England effort against Cape Breton and Louisburg. In a joint discussion with the Council, the Assemblymen decided to fortify New York further, to give more presents to the Indians, and to give more money for the defense of the colony. But they still refused to consider Clinton's request for a joint effort against Canada.\textsuperscript{84} The reasoning for this action was the lack of instructions for the procedure from London. Although this never entered Clinton's mind as a real cause for their recalcitrance, it was generally discussed by the people of New York. The purpose for waiting for a Crown plan was simply stated as "unless
the Charge is repaid by the Crown, we shall be almost ruined." De-
Lancey was a member of the joint committee of the Council and Assembly,
but the lack of wholeheartedness for the Canadian scheme seemed to be
unanimous among those attending. Therefore it is safe to assume that
DeLancey was one of the majority of New Yorkers who preferred to wait,
as they had always done, for directions from London.

In a very angry dissolution speech, Clinton did away with the As-
sembly he felt was being unreasonable. Upset with the first rather mi-
nor instances of rough going with the lower house, Clinton charged the
legislators with a lack of attention to the defense of the colony. He
accused them of issuing gunpowder and deciding on batteries for New York
City without his permission and flatly told them that this was assuming
administrative prerogative and he would not allow them to satisfy their
thirst for power. Lashing out in all directions he made it clear that
he was upset by the lack of a return speech at the beginning of the ses-
ion and darkly blamed them for "personal Incivilities".

The Assemblymen had refused to consider a new petition for more
Indian presents and they had refused to join with New England in a sum-
mer expedition. They had done everything else that Clinton had re-
quested. This speech dissolving what Clinton considered a most stubborn
Assembly, upset the outgoing members. In the ensuing election the first
hints of a faction set up against Clinton were seen. Henry Beekman, in
a typical letter campaigning for re-election stated that he did not know
who "they" would put against him in the election but that he would run
again if his friends wanted him to do so. He did know that he would
have to make a stand against his opponent. These veiled resolutions,
written the day after the dissolution, illustrate the beginning division in the colony between those who supported Clinton's defense policy and those who wished to wait for further directions from London.88

It was at this point, when Clinton was feeling the frustrations of dealing with an Assembly who had opposed him for the first time, when his efforts at administration were beginning to run into snags, and when reports of Indian scalpings around Albany were coming in, that Clinton received an answer to his complaining letter of the previous winter.89 In response to his complaint of the lack of response from London to his letters he was told that the Lords of Trade always made an immediate answer to all letters received from governors. "where the subject appears to require Dispatch". Further, in answer to his outburst concerning his suggestions for appointments to the Council, they replied that they were not bound to any governor's recommendations to that body. In fact, as far as they were concerned, the people as well as the governor should dutifully acquiesce in any appointments made by the King in their colony.90

This criticism did not do Clinton any good. His advisory body, the Council, had been unable to smooth the ruffled feathers of the Assembly. DeLancey, though he headed the joint committee between the two houses, had been unable to bring the Assemblymen to any resolution for an expedition. Indeed, it is doubtful that he tried to do so. The new elections were giving rise to factions. Now Clinton was told by London that some of his letters were too unimportant to answer. If that were not enough to alarm and depress Clinton, the vice-admiral in the British Navy, he received the news that a member of his Council, Peter Warren,
had been appointed Commander-in-Chief of His Majesties Ships in North America. Clinton was merely to assist Warren. A personal friend of Clinton's in London wrote him that he had not even been considered for the appointment. When his name had been mentioned, it received the utmost derision from the members of the Admiralty. So disillusioned was Clinton at this point that in a return letter to his London friend, he offered to give the whole colony of New York to the member of the Admiralty who had laughed the hardest. The tone of the threat was unmistakable. New York, in Clinton's opinion, had become a punishment.

The combined pressures on Clinton produced a meeker attitude. He seemed, from this time, to be less sure about his home support and more eager to regain by valiant actions that respect which he thought he had lost. When he wrote home of the dissolution of the Assembly, he made no mention of the receipt of the scathing letter. Rather he promised the Lords that a justification of his actions in New York would be sent to them. He did send them the speech he made at the dissolution, but humbly apologized for troubling the Board. The tone of the letter indicated that Clinton's former arrogance was gone, now that he was unsure of himself he would do anything to please the Lords and his patrons at home. The best method to use to do this had already been shown to Clinton, he was to regain the prerogative of the Crown or at least prevent the Assembly from amassing further power.

Although Clinton had run into problems with his Assembly, for the most part his Council still felt that he had done everything in his power to promote the interest of the King in New York. They lamented the poorer support given to him by the Assemblymen and by some of the
Council. When most of the same members were re-elected to the lower house, they feared that Clinton would be unable to persuade the Assembly to do their duty in the war. John Rutherfurd, who stated these feelings well, foretold that Clarke's giving up of certain administrative powers would either be the greatness or the downfall of Clinton.94

The new Assembly met the last of June 1745. The members did not, as reported by William Smith, feel cowed by the dismissal.95 Rather, the letter that Clinton had received from the Admiralty appointing Warren as the Commander of the American Naval forces contained the magic formula to guarantee the Assembly's more vigorous actions on behalf of the war. In it, Clinton was ordered to assist Commodore Peter Warren with men, provisions, and shipping and to place New York in a posture of defense.96 These orders from London were what the Assemblymen had been waiting for. Clinton was unaware that he was making use of the solution to his problems with the Assembly when he presented the plan, instead he seemed to believe that the legislators had been frightened by his show of power. Speaking to the Assembly, Clinton told of his receipt of His Majesty's orders and he again asked the members to join the expedition against Canada by fulfilling their usual quota.97 He urged the utmost haste in fortifying the northern frontier and attending the Indian alliance.98

The members of the Assembly told Clinton they were now ready to cooperate with the other colonies. They knew that Clinton had the welfare of the colony at heart and they intended to make the colony secure in this war. And they did. They voted £5000 to reinforce Cape Breton, to repair their forts, reinforce Oswego, to raise supplies, and to
They refused but one item, the money for the governor's annual trip to Albany to treat with the Indians.100

Shortly after the adjournment of the Assembly came the news that the colonial efforts at Cape Breton and Louisburg had been successful. Their own Peter Warren was the hero of Louisburg. Wine and bonfires were ordered for the happy masses and the feelings in the colony were those of unity and joy at the end of the summer of 1745.101 Golden complained that he was thinking of not attending the next meeting of the Council since the business was "little else besides formality because we have no parties or disputes among us."102

When the Assembly met again in late August 1745, Indian affairs had deteriorated to the point that Clinton asked that this session be spent attending to those matters. He stressed the need for speed in granting money for presents for the Indians and a trip to Albany for himself. The French Indians had attacked New England and to preserve them from further depredations, it was important for New York to act.103 The Assemblymen again dutifully did as they were bid, even adding £600 to the normal £400 allotted for the annual gifts to the Indians to maintain their alliance.104

It was in this brief session that Clinton chose to ask the Assembly to pass a law outlawing all trade with the French Indians during the war with France. Such trade, according to Clinton, strengthened the French by allowing them to secure clothing and gunpowder from New York. In making the speech he referred directly to the Albanians as the people most involved in the trade. The members of the Assembly curiously failed to respond to Clinton, and asked simply to be adjourned to the Fall
because of the disease in the city. Clinton complied with the request and expressed privately his hopes of meeting them again in the Fall in good spirits.  

It was, at this point in Clinton's government, when all was seemingly going moderately well, that Peter Warren asked Clinton for more than a Council seat. In a letter dated August 28, 1745, Warren told Clinton, "You know My attachment to New York. If at any time you shall think of leaving that government, if you will see your good offices for me to succeed you I would gladly be as grateful as you can wish". He offered Clinton one-third the profits of the government as long as he should hold the office and suggested a pension of £500 for Mrs. Clinton. He asked Clinton to reply to his offer as soon as possible, and of course the offer was to be kept a secret. Clinton did not reply to this letter. Nor did he reply to a later flattering letter that did not mention Warren's offer, but certainly served to keep Clinton aware of it.

Instead, Clinton adjourned the Supreme Court and with the two puisne judges, Daniel Horsmanden and James Murray and two others of his Council, he journeyed to Albany to meet with the Six Nations. The object of the trip was to renew the Indian alliance. While at Albany, Clinton was not only successful in his effort to keep the Indians loyal to the British, he also issued a proclamation "Prohibiting all Traffick and Correspondence between his Majesties Subjects of this province and all Indians in League with the French." Since the Assembly had not taken his suggestion to ban the trade by law, Clinton had done so through royal prerogative. In his proclamation he mentioned that the trade had
been taking place under the pretence of a Treaty of Neutrality concluded between the Indians of the Six Nations and the French Indians, and he wished it to be stopped for security purposes.\footnote{111} It is important to note that in both cases in which Clinton referred to the Albany trade, both in the Assembly and in Albany, he spoke only of the trade between the Indians and not of the beneficiaries of that trade in Albany and in New York City. The issue for Clinton at this point was simply one of Indian affairs that had to be settled to insure the proper defense of New York in the war.

It was the 1745 fall session of the Assembly that proved to be the undoing of Clinton. Clinton's opening speech told the Assemblymen of his success with the Indians and again asked for further fortifications in New York and their assistance for the defense of their neighbors.\footnote{112} The legislators set to work, dealing with the annual support bill and debts arising from the war. The Council utilized DeLancey to carry various messages to the Assembly giving indication that he still had rapport with that body. All was congenial until the support bill was passed.\footnote{113}

The news of a French victory at Saratoga arrived when Clinton was no longer dependent upon his Assembly for the next year's governmental support and his salary.\footnote{114} It may have been this security for the coming year that led Clinton to lash out at the Assembly in telling about the fiasco at Saratoga. Whatever the cause, Clinton decided to take advantage of the discontent of the people resulting from the defeat on the northern frontier in order to force the Assemblymen to intensify their fortification efforts.\footnote{115} He blamed the lower house for the
attack on Saratoga, reminding them that he had asked them to fortify that frontier on numerous occasions. He then asked them to send troops to Saratoga, to supply the Indians with war materials, and bluntly accused them of not spending "as Cheerfully as other past Assemblies". He also told them of a budget deficit resulting from the war effort and asked they find some method to meet the costs of the emergencies of war.  

This attack on the Assembly met with resentment, but the legislators immediately turned to the problem of defense and began to fortify the northern frontier even further. They resolved to "cheerfully concur to every reasonable Measure for our own Defense, for the Assistance of our Neighbours, and to any well concerted Plan" to attack the enemy. They flatly stated that this was and always had been their firm resolution. Again with DeLancey smoothing the way between the Assembly and the Council, the work was done without argument, and the session was adjourned with Clinton signing twenty-one bills.  

Despite the placid overtones of the ending of the session, several letters written by Clinton to the Duke of Newcastle and the Lords of Trade reveal the ferment in the colony resulting from the attack on Saratoga. The attack had been a great shock to the inhabitants of New York. It had generally been expected that the Indians would spare the northern border of New York as had been done in the former wars. The New Yorkers had not been party to the treaty of neutrality between the Indian tribes, but they had definitely benefited from it in not having to defend the border. The defense had been left to, and well taken care of by the British Indians. The treaty made by Clinton attaching the Indians
to the British cause and the subsequent attempt made by Clinton to persuade the Indians to fight with the British in the war had negated the treaty of neutrality made in the former wars. Now the French Indians felt free to attack New York, as they had at Saratoga. But no one had told the New Yorkers of this development. Belatedly, under harsh accusations by the governor, the Assembly set about to do what they had thought already done.

In his letter to Newcastle, Clinton told of his changed attitude toward the Assembly. He complained bitterly, for the first time, of the parsimony of the Assembly in the area of defense. According to Clinton "This backwardness of the people's loyalty proceeds chiefly from the restraint they lay a Governour under by giving him a salary". Clinton had felt the freedom of having a secure paycheck for a year and had acted accordingly. Now he was beginning to feel that the only way a governor could ever secure the defenses of New York was to be free of the Assembly's hold on the purse. It was the control over the colonial money according to Clinton, that led to the Assembly's being so independent. The members knew too well the power that they had over the governor and they were learning equally as well how to handle that power. "They are jealous of the power of the Crown, and constantly encroaching upon its Prerogative by nominating Officers and appointing Commissioners in their publick concerns, without my knowledge" and by using the support bill to gain assent from him. Clinton had found that his choice was either to assent to the support bill with all its additions, or go without his salary.
Clinton also furthered his ideas on Albany and the Albanian trade in this letter to the home government. He complained of the Dutch trading with the French and the Indians and blamed the stubbornness of the Assembly on the Dutch Albanians. He even went so far as to lay the source of the problems between New York and the Indians directly upon the powerful Livingston family. Philip Livingston had been Clinton's major advisor on Indian affairs by virtue of his position as Secretary of Indian Affairs. Clinton was steadily becoming more suspicious of all who were around him. This mistrust of Livingston and Clinton's subsequent actions regarding his doubts were to further widen the breach appearing between the governor and his Assembly.

As Clinton railed against his Assembly and what he felt to be its grabbing at the royal prerogative, he received another letter from Peter Warren. This time, though, Warren informed Clinton that he had been appointed Governor of Louisburg. The offer made to Clinton for the New York government was cancelled.

The Assembly reconvened at Peter Warren's house in Greenwich on December 20, 1745, after a short recess. Clinton's speech to the Assemblermen again chided them for lack of proper attention to defense. He told them that he and the Council had taken matters into their own hands and had ordered the rebuilding of Fort Saratoga. Now, all they had to do was to finance that endeavor. Reminding them of their last resolution to do all they could for defense, Clinton left the Assembly to its work.

Instead of resolutely attending to the dire defense needs of the colony, the Assemblermen passed a militia bill and again asked to be
recessed. Clinton was finding that his words and requests were meeting with closed minds. He did not insist upon their attending to defense, instead, he did as they asked and adjourned them to a later date in the winter.126

During the Assembly recess, Clinton took it upon himself to act upon his distrust of the Livingston family and their involvement with the Indians. By-passing the Indian Commissioners which Philip Livingston headed, he appointed Aaron Stevens to go among the Indians and secure their interests to the British. This mission to get the Indians to perform in their agreement with the British was a secret mission, known only to Clinton, Stevens, and a Major Glenn.127 For Clinton there was no return from this attack on the power of the Livingston family.

While Clinton was secretly attempting to take Indian affairs into his hands and out of the hands of the Indian Commissioners, people in New York City were becoming alarmed about the state of defense of that city.128 When the Assembly met again, the members knew of the concern of the city people about defense and straightaway set about taxing the real and personal property of the colonists in order to form a base from which they could issue another printing of paper money. They not only financed everything passed since July of the past year with this emission of currency, but suggested to Clinton that he outline his plans for a battery for New York City so they could attend to that too. In three days they had done this as well as provide for the various forts in the colony.129

The legislators continued this rapid pace of work, turning down a request of Council to meet with them on the act to emit the currency.
In doing this, they flatly stated that it was a money bill and the Council had no right to act on money bills. The arguments over this attempt to print paper currency against the express instructions of Clinton were acrimonious. The battle continued into May from February 1746, each House fighting for its rights concerning money bills.

Clinton's tirades and his secretly taking the Indian affairs into his own hands were certainly enough to cause the proud Assemblymen to become somewhat less than avid for the war, but the argument over paper money was the primary cause of the split between Governor and Assembly. Earlier in the year, Clinton had dissolved an Assembly because of its preoccupation with the Currency Bill pending in the House of Commons. Exactly one year later, the reason for the concern over the bill became apparent. The Assembly members felt that they could not afford to wage the war on the level requested by Clinton unless they were allowed to issue paper money that would circulate until the money for munitions could be collected through taxation. The Assembly already had several emissions of money in circulation and the members seemed to be little interested in retiring any of the old bills. Because of the alleged misuse of paper money in the colonies and because the King felt that the coining and printing of currency was the prerogative of the King, Parliament had decided to consider the issue. Their consideration caused consternation in New York.

When the Assemblymen refused to meet with the members of Council on the problem of framing a bill to issue paper money, the Councilmen, resenting being told they could not initiate money bills, rejected the bill. The rejection was unanimous giving indication of the solid
feeling for the royal prerogative in the Council. Three reasons given for rejection written by DeLancey pointed out that the Assembly was moving to control the money matters in the colony even further. It was turned down because the money levied to pay debts in the bills was not granted to the King to be issued by warrant out of the Council. This provision definitely infringed on the rights of Council. Further, there were items in the bill that had nothing to do with the paying of debts nor the issuing of paper money. As if this were not bad enough, the Council members who attended most frequently were those from New York City and the bill taxed that area far heavier than the rural areas of the colony. In other words, the Assemblymen had devised a bill that was to solve all their problems and in order to get it passed had lumped the good with the foul to carry their entire program. Clinton would be forced to take the whole bill in order to get that which he had requested. To avoid discussion of the bill, the Assembly members asked for adjournment as soon as they turned down the Council's request for a joint committee.

Since smallpox was rampant in the city, Clinton again complied with the Assembly request and asked that it meet two weeks later in Westchester. When it met at Westchester on March 14, 1746, the Assembly members asked to be moved to Brooklyn since Westchester was so far from the city. Clinton then, on the 17th ordered them to Brooklyn. Finally, after a week of moving about the city, Clinton was able to address them in Brooklyn on March 20. His speech reiterated the same things he had requested from the previous sitting of the Assembly, excepting now he told them that the Indians had refused to enter the war. He now asked
for the wherewithal to persuade the Indians to take care of their duty. Again he reminded the legislators of the deficit in the revenue supplied for that year, again he told them he had already ordered supplies for Oswego and that he expected them to pay the cost, again he asked for fortifications.\textsuperscript{134}

To this the Assemblymen replied that they wanted to raise the money for defense and they had attempted to do so through printing new currency that was to be sunk through a personal and property tax. To bypass the Council, they asked Clinton for his opinion on this method of raising defense money.\textsuperscript{135} Clinton prudently replied that when such a bill had passed both houses, he would then judge the bill. The prudent reply had been, of course, advised by Council.\textsuperscript{136} So shunned, the Assemblymen began to pass bills separately that had been included in the original bill to print the paper currency. After they passed an act to further fortify New York City, acts to further supply the defenses of the colony, and an act to finish the new fort at Schenectady, Clinton felt emboldened to ask them to send troops to Louisburg to assist Peter Warren there. Unfortunately, Clinton had misjudged the Assembly. They had listened so well to his complaints that New York was not well fortified that they refused his request on the premise that it would endanger the colony to send any of its men away.\textsuperscript{137}

Finally, after two months time, the Assembly passed another bill to emit bills of credit. This time the act was unencumbered with various items that did not pertain to the paper money and it clearly stated that the £13,000 thus issued would, in three years time be repaid through taxes.\textsuperscript{138} This time the Council found that the Assembly had not
tried to aggrandize power through use of the act and recommended to
Clinton that he pass it in spite of the fact that it was contrary to
his instructions.\textsuperscript{139} The Council plainly felt that New York could not
finance the war without the paper money either.

During this extended effort to get financing for the war, Clinton
continued to pursue his secret Indian policy. Again and again he urged
Stevens, through Major Glenn, to realign the Indians with the British so
they could help protect the frontiers of New York. When he was told the
Indians refused to go to war, he asked Glenn to set about fortifying the
castles of the Indians but warned him not to exceed £600 in this effort.
He knew that the Assembly would never vote the money to strengthen the
castles of the Indians and hoped that by getting the Indians to draw
some blood, perhaps he could prevail upon the Assembly to allot some
money. In other words, Clinton felt that if the Indians got a taste of
war they would fight for the British, and if a small battle were fought
the Assembly would be willing to give even more for defense. To accom­
plish this purpose he begged Major Glenn to do anything he could to get
the war started.\textsuperscript{140} Clinton did not understand that the Assemblymen's
reluctance had been due to the lack of paper currency, not to the lack
of bloodshed.

Also during this period of time in early 1746, Clinton received
word from the Duke of Newcastle that Peter Warren had resigned his gov­
ernment in Louisburg due to ill health.\textsuperscript{141} Nevertheless, about the same
time he received the note, Clinton wrote to Warren that he was deter­
mined to leave New York with a profit. Hinting broadly to Warren to
make a more lucrative offer, Clinton stated that he was "determined to
stay till I have meet with an offer worth waiting for". He refused the first offer made by Warren stating that it interfered with the pension that he would receive in any case. The reason offered by Clinton for his decision to leave New York was his poor health. Nothing was said about his increasing difficulties with the Assembly and the Indian Commissioners.142

In June 1746, just after Clinton had convened the Assembly for a summer session, a plan for an expedition against Canada arrived from London. It was Shirley's plan, but it had now received the sanction of the home government. The letter from Newcastle gave detailed information on the use of the Indians and the Independent Companies and told Clinton the charges for which the Crown would be responsible.143

Although the Assemblymen had just voted to provide for 150 more men than the 300 requested by Clinton to protect the northern frontier, they were delighted to receive the plan that they had awaited so very long.144 When Clinton told them of the King's ordered expedition into Canada, he expected the same resistance that he had been contending with the past year. In his speech he dutifully reminded them of their past resolves to cheerfully provide for any well concerted plan, but in a tone that showed that he expected that they would choose not to help. Much to his surprise, the legislators expressed delight with the expedition and "with the greatest Pleasure and Alacrity" set about providing for the attack. The part about the expedition for which the Assembly had been waiting had arrived.145 The home government had outlined an attack (their "well conceived plan") and the London treasury was going to pay for all except the provisioning. The Assemblymen then, as they had done
in all previous wars, went about to fulfill the expectations of the home government as outlined in the letter. Clinton was left amazed and rather unsettled by the seemingly sudden activity on the part of the lower house. He reported to Newcastle that both houses were readily complying. 146

In spite of this sudden favorable turn of events, Clinton continued to pursue the objective he had outlined to Warren. In another letter written to Newcastle a few days later, he asked for a leave of absence to return to England "for recovery of my health". In making this request he coupled it with the desire that he be given a naval command with which to return home. He also complained that the New York government was not as lucrative as he had been led to believe. 147 Not a word was said about the offer he had received from Warren. Clinton continued his negotiations with Warren for the New York government throughout the summer of 1746 when Warren expressed a continuing interest. 148

In spite of his desire to leave the government, Clinton continued to make every attempt he could to wage the war successfully in New York. He queried the Council for the best means to implement the Duke of Newcastle's plan and how to handle the Indians. 149 A joint committee of the houses headed by DeLancey 150 recommended that the Council advise Clinton on several matters, but most importantly on how they saw the Duke of Newcastle's letter. To them, Newcastle had indicated that he expected nothing more from New York than provisions for the men that they were to raise. The Crown was to pay the men and for the presents given to the Indians. This letter obviously put the expedition on a different footing from the plans offered by Shirley and Clinton.
Clinton had expected them to pay for everything, presents, salaries, and all. They now felt that the things not required of them in the letter were to be provided for by the Crown. This response to Clinton was passed unanimously by the Council and DeLancey concurred in its intent. These thoughts of placing the burden of the expedition on the home government marked the first real difference of opinion between DeLancey and the Council and that of the governor.

The difference in opinion did not immediately become apparent. Clinton merely reported to Newcastle that the Assembly and Council had declared their loyalty, but that they seemed to be evading provision of materials for the expedition. Nevertheless he was going to Albany to attempt to persuade the Indians to join the proposed expedition.

The statement that the Council and the Assembly were evading provision of materials for the attack can be based only on Clinton's opinion that New York should provide for the expedition above and beyond that required in the letter from London. Clinton most likely knew from his advisors in Council and from DeLancey that never before had New York given more than was required of them by the home government. They had always gladly given all that was asked of them, but never more. The only basis for Clinton's complaint must lie in the fact that he wished to exhort them to give more so he could leave the government with a high opinion on the part of the home government. The reprimand he had received earlier coupled with his desire to leave probably gave him the impetus to strive for greater things against the advice of DeLancey and the Council.
The actions of the Assembly and the Council give every indication that they were meeting the challenge of the letter with eagerness and generosity. The House resolved to provide for a trip to Albany to meet with the Indians and for presents to help persuade those Indians to action. Clinton, in his zeal to do right by the home government, had asked other colonies to help with the expense of retaining the Indians. But the Assembly members, perhaps knowing that the other colonies were no more eager to spend excess amounts of money than they were, went ahead and provided a generous amount without relying on what might have come from other governments. Much to the chagrin of Clinton, the other colonies showed no more eagerness to provide beyond that which was required than did New York. On July 4, 1746, Clinton informed the Assemblymen that they were going to have to provide for the Indian presents by themselves as the other colonies had refused to do so. The news of these disappointing, for Clinton, refusals to help began to arrive just as he was readying to leave for his conference at Albany.

By the summer of 1746, Clinton was beginning to take notice of the advice given to him by the eldest Councillor, Cadwallader Colden. DeLancey had been his major advisor to this point. He had worked hard in an effort to keep the government in New York moving as smoothly as possible as Clinton had wished him to do. But Clinton's attitudes on the Indian problem, the neutrality, and the trade between Albany and the French Indians more closely resemble those of Colden than those of DeLancey. This is assuming that DeLancey, in recognizing that the merchants of his family were closely tied to supplying the Albany traders, would have been less eager to stop that trade in areas other than vital
goods. This had been the attitude expressed to Clinton in the Council report in June of 1746. That Clinton was beginning to recognize Colden as a source of advice in place of DeLancey is also shown by the "Observations on the Plan of Operations Communicated by Govr Shirley to Govr Clinton" written by Colden in late June 1746.\(^\text{157}\) It is shown also in Clinton's insistence that Colden accompany him to the conference at Albany with the Indians after the other Council members had declined the honor. Colden had also declined, but went because Clinton demanded that he go.\(^\text{158}\) Clinton's insistence was probably based on the similar attitudes that both held regarding the source of the Indian problems -- the Livingston family.

London's view that the Indian alliance had to be maintained at all costs had led Clinton to listen to Cadwallader Colden's views about the Indian problem. Clinton, frustrated with what seemed to be an intentional effort by the Indian Commissioners to keep the Indians out of the war, found Colden's thoughts on the Indian trade and Indian policy more in line with London's demands. Unfortunately, Colden's ideas were unrealistic given the political situation, and he was anathema to the merchants and landowners of New York. As mentioned before, Colden had supported the intensely disliked Burnet plan for Indian trade. This made him an unacceptable person to the Albany and New York merchants who plied that trade. His position as surveyor general of New York struck fear into the hearts of the land owners for he had never missed a chance to enforce the collection of quitrents or break up large estates.\(^\text{159}\) For the landowners whose estates were vaguely drawn, or who had conveniently forgotten to pay their quitrents, the mere notion that Colden
might influence the governor was a nightmare. When Clinton determined that he was going to solve the problems of the Indian alliance and involve the Indians in the war against the French negating the traditional neutrality (which he did not understand), he began to listen to Colden's advice. It was several months before the effect of Colden's counsel became apparent to the New Yorkers, but it is with this trip to Albany that Clinton discovered that he had a person in his Council that understood the imperial point of view on the Indian problem. Unfortunately, that person, Colden, failed to understand the practicalities of New York politics. As Clinton switched advisors from DeLancey to Colden, his effectiveness as governor of New York declined. Disasterously, Clinton was never able to understand why the New Yorkers reacted so strongly to Colden as his advisor.

While Clinton was preparing for his trip to Albany hoping to persuade the Indians, who were not inclined to be so persuaded according to all reports, to join the war, he continued to press the Assembly to pay all the expenses of the expedition to Canada. When he discovered Massachusetts Bay was paying expenses beyond those outlined in Newcastle's letter in the hope that they would be repaid by London for those expenses, he recommended to the Assembly that they do likewise. They had told him they felt that the King did not expect them to pay for those things not mentioned in the letter and they had consistently refused to consider doing so. Playing on their pride as New Yorkers he suggested that they really did not want to be outdone, so they therefore should make every effort to exceed the efforts of Massachusetts Bay. In doing this, they were told, they would save the crown money. Fully
one third or one fourth of the expedition money would otherwise be eaten up in the exchange rate with the merchants taking advantage of the situation to lower the rates unreasonably.160

This appeal to New York pride failed. It seemed that the Assembly members had very little pride when the saving or spending of money was concerned. They told Clinton that "His Majesty did not intend New York to supply the transportation costs" especially as its funds were exhausted. Clinton had told them of the budget deficits and they felt it would be "fatal" to advance such money to the Crown. The advance could be financed only by further emissions of paper money and Clinton had not signed the new bill for £40,000 they had passed to finance their own share of the expedition. Further, according to the Assemblymen, it was doubtful the Crown would lose anything in the course of exchange, for exchange rates varied.161 It is probable that the merchants of New York City had an easy time persuading the Assembly to make this response.

With this final effort, Clinton signed those bills needed to expedite the expedition and told the Assemblymen to consult with the Council during his absence in respect to their further adjournment. So saying he implied that the Council would be sitting in New York City while he was in Albany.162

Immediately upon dismissing the Assembly, Clinton left for Albany to talk to the Indians. A draft letter written shortly after he arrived in Albany, before the Indians arrived, gives some indication of what was happening in New York, and the reaction of Clinton to those events. The draft, addressed to the Duke of Newcastle, was dated July 24, 1746. In it the language is sloppy, phrases are misplaced, and thoughts are
abandoned in mid-sentence resulting in a somewhat incoherent document.163 A later draft, either misdated or perhaps rewritten in August 1747 is more clear, but the ideas expressed in both are the same.164 There is no indication that either draft was eventually drawn up and sent to Newcastle. The first draft is the most important for it reveals the state of mind that Clinton was in during the summer of 1746, just prior to the breakdown of his administration.165

Clinton began his letter with the lament that "I meet with so much Trouble and so much vexation that I don't know what to do, everything in life left to me without Money". In a series of disjointed phrases and repetitions, Clinton revealed that he was puzzled and angry because the Assembly had refused to finance the Canadian expedition beyond that which Newcastle requested in his letter of April 9th and the Council, including his adviser, DeLancey, has sustained the Assembly's decision. Governor Shirley of Massachusetts Bay had given him the idea that they should do more when his General Court had taken it upon itself to send an expedition to Cape Breton earlier and had advanced money for this expedition. Clinton was dismayed that he could not persuade his Assemblymen to do this for him. Worse, though, was the fact that the Council and DeLancey upheld the Assembly members' statement that he could expect no more from the colony than what the Assembly had already provided.166

When he had received no support in the matter from the Council, he had turned to his personal clerk, and to two other men of the Council, Stephen Bayard and Edward Holland and had asked them to try to get a loan advancing the money for the expedition from the merchants of the city. They, too, had refused.
Clinton was hesitant to draw bills on the Crown for the royal share of the effort. He at first ascribed this hesitancy to wanting the Assembly to advance the money in hopes London would refund the money.\textsuperscript{167} Then he attributed his lack of movement to wanting to save the Crown money by avoiding the poor exchange rates.\textsuperscript{168} Actually, the source of Clinton's problems with money probably lay with his own timidity due to the past reprimand by London and his desire to elevate himself in their sight.

Clinton always had relied on other people to tell him how to act. First, he had relied on Clarke, whose advice he held suspect. Then DeLancey had been the chosen one to help him administer his colony. Livingston had helped with the Indian matters. Colden was beginning to take Livingston's place but the problem of where Clinton was going to find the money for the King's share of the expedition was not one that any one of his advisors was going to solve for him. They had given their advice and Clinton had rejected it. When he sought counsel from another governor, Shirley had told him to get the money from his Assembly. Clinton had made every effort to exhort the Assemblymen to give more than they thought was required, but they had steadfastly refused on the basis that it would bankrupt the colony. The only resource left to Clinton was the Exchequer in London, and he had no orders to draw bills from that source.

The letter written in July 1746 clearly reflects the agony of a man trying to make a decision. The agony was great for Clinton; rarely had he ever taken action without advice. He had been reprimanded by the Lords of Trade and he had no wish to suffer further humiliation. The
horror loomed before him that if he decided to draw on the Exchequer, his drafts would not be honored. He would be ruined financially. Because he felt the situation was urgent he had already used some of his own money "which I happened luckily to be just paid" to pay for the Crown's share of the attack. But in July the bigger decision had to be made, and his regular advisors had not come to Albany with him.

The pressure of finance, coupled with the pressure of persuading the Indians to abandon their neutrality and fight for the British cause was obviously too much for Clinton. At Albany the results of his replacement of Livingston, who had accompanied him to that place, began to show. The fact that his distrust of Livingston had led him to send a secret mission among the Indians was sure to come out. Clinton must have felt great trepidation about the coming discussions with the Indians and the revelation of his behind the scenes activity to the Livingston family.

The fact that the Assembly and Council had agreed on the financing of the expedition led Clinton to suspect that there had been a "caball" between the leaders of both groups that was determined to make things difficult for Clinton. He told Newcastle in his letter that he had asked for the full Council to accompany him to Albany but he had been able to prevail on only three to make the trip. The other three he mentioned he had invited had made excuses and had stayed in New York City. DeLancey had refused, his wife "being out of order". Murray had turned Clinton down to tend to the pressing business of his law office. And Horsmanden had declined because of an attack of rheumatism. Clinton, whose mind was prone to suspicion, decided they had stayed in New York
to maintain this "caball" against him while he was in Albany. To support this contention, Clinton stated that he had become tired of doing "as the Cheif Justice directs" in order to maintain the peace in his administration. He also noted that the committees of Council gave him no reports of their actions. Abruptly, in the middle of this complaint, Clinton decided "if I do gett back to New York to Progue them: this will stop all their proceedings." Presumably he meant the Assembly rather than the committees of Council.

The letter ends in complete chaos. Clinton, expressing his feelings of aloneness, "without y® least assistance or hardly a person to trust", begged Newcastle to let him come home to attend to his personal affairs. Clinton's advisors were in New York City and he wanted to escape making the decision. But Clinton finally decided at the very end of the letter to "prepair a fair voucher" and rely on the Ministry to honor it, but only after begging for their protection. He felt he could make no other decision, "The Indians Murdering our people like Dogs abt us  Men frightend  Women Crying & for this present we are actually block-aded  have French Indians close to our Walls I beleive every night & can't get a Dutch man out to secure us".

It has been said, first by William Smith, and later by numerous other authors of early New York history, that Clinton's problems at this time arose from an argument that he had with DeLancey just prior to his leaving for Albany. The argument is first mentioned by Clinton many months later in a letter to the Lords of Trade dated tentatively the winter of 1746/47. The draft copy in Clinton's papers is in the handwriting of Colden and is entitled, "State of my Case in regard to my
Administration in New York Government sent to the Lords of Trade and to Mr. Guerin in 1746/47. This document is an obvious attempt by Clinton to pinpoint causes of his troubles during that winter.

The cause of his break with his close advisor, DeLancey, was specified as an argument that took place after both men had had too much to drink at a dinner party. The topic of the violent discussion was related to have been the bill to prevent desertions that Clinton had asked the Assembly to pass during the winter session of 1745. According to Clinton the purpose of the bill was to help the captains of the regular troops who were having to pay high premiums to gain enlistments, only to have the enlistees immediately desert. The city members had opposed the bill allegedly because their privateers were often asylum for those deserters. The Speaker of the Assembly, to whom Clinton had appealed, helped him get the bill passed with the help of the country members. DeLancey had been terribly upset that Clinton could get anything passed through the Assembly without his help and as a result, when he had too much to drink, harsh words were said about the city members of the Assembly versus the country members of the Assembly and DeLancey left the house in a huff. Clinton, according to the affidavit, tried to patch up the misunderstanding, but DeLancey refused and spread rumors of the mishap about town.172

The desertion act which allegedly was the source of differences between DeLancey and Clinton was passed February 27, 1745/46, several months before Clinton went to Albany.173 This was shortly after Clinton had become suspicious of Philip Livingston's advice about the Indians and had ventured into the field of Indian relations on his own. While
there is no reason to doubt the truthfulness of Clinton's words in this case, it would seem more reasonable to suspect that the parting of ways was merely indicated by the argument, that the real reasons lay in the division between Clinton and Livingston and DeLancey's subsequent support of the Livingstons. When Clinton turned to Colden, a less powerful and much disliked person in New York political circles for advice on Indian affairs, DeLancey probably allied himself with the Livingston family.

In any case, there seems to have taken place sometime in the months prior to Clinton's trip to Albany the beginning of a fissure between Clinton and DeLancey that was complete by the end of 1746. In the few months just prior to Clinton's Albany meeting there is every indication that DeLancey was striving hard behind the scenes to bring the Assembly to fulfill the requests made for the expedition. The major difference of opinion, indicated but never expressed, came over the method of financing the royal share of the attack on Canada. Here Clinton disagreed with his advisor and with most of the people in his government.

The source of the divergence, rather than a precipitous argument, seems to have been Clinton's gradually growing distrust of DeLancey. This suspicion was heightened by the Council's advice on the financing of the war and furthered by DeLancey's refusal to attend Clinton to Albany. It was not until later that the two had a final parting of ways. It is illogical to base DeLancey's refusal to go to Albany upon an argument that must have taken place months prior to the trip, especially in light of his efforts for the administration in the intervening time.
FOOTNOTES

CHAPTER II

1. Clarke to the Lords of Trade, October 7, 1736 and Clarke to the Duke of Newcastle, October 14, 1736, both in N.Y.Col.Docs., VI, 78 and 81.


3. Journal of the Board of Trade (October 22, 1736), VII, 135.

4. Smith, History of New York, II, 29-30; Clarke to the Duke of Newcastle, June 12, 1736, N.Y.Col.Docs., VI, 64. This had been discussed as early as 1707 as a result of monetary mismanagement by earlier governors. In 1712 a yearly grant had been passed setting a definite precedent for such action. This annual grant had been continued until 1715 when a five year grant was passed under Governor Hunter. (Spencer, "Rise of the Assembly," 165, 169, and 173.)


6. Clarke to the Lords of Trade, July 26, 1736 and Clarke to the Duke of Newcastle, October 7, 1736, Ibid., VI, 73 and 76.


8. Assembly Journal (November 6, 1736; April 5 and 27, May 3, 1737), I, 693, 895, 699, and 701; Clarke to Newcastle, November 23, 1736 and Clarke to the Lords of Trade, March 29, 1737 and Same, May 9, 1737, N.Y.Col.Docs., VI, 84 and 94; William Sharpas to Colden, December 24, 1736, Letters and Papers of Cadwallader Colden, II, 166; Smith, History of New York, II, 40.

9. Assembly Journal (September 2, 1737-October 13, 1742), I, 704-831; Clarke to Newcastle, December 17, 1737, June 14, 1740, and July 25, 1740, Clarke to the Lords of Trade, June 2, 1738, November 30, 1736,
all in N.Y.Col.Docs., VI, 110, 162, 166, 119, and 150; Clarke to the Lords of Trade, August 20, 1742, Doc.Hist. of NY, I, 463; Journal of the Board of Trade (October 31, 1738), VI, 343; John Rutherford to Colden, April 19, 1743, Letters and Papers of Cadwallader Colden, III, 21.

10. Assembly Journal (September 7, 1737), I, 706-708.

11. Ibid., I 708.

12. Clarke to the Lords of Trade, February 17, 1737/38 and Lords of Trade to Clarke, August 9, 1738, N.Y.Col.Docs., VI, 111 and 129.

13. Clarke to the Lords of Trade, April 24, 1739, Ibid., 141.

14. Clarke to Newcastle, November 30, 1739 and Clarke to the Lords of Trade, June 13, 1740, Ibid., 149-150 and 160.


16. Alexander Colden to Colden, October 13, 1737, Letters and Papers of Cadwallader Colden, II, 182; Assembly Journal (September 27, 1743), I, 839; "Instructions to Clinton," Clinton Papers, Clements Library; Journal of the Board of Trade (May 14, 1741), VII, 382; Clarke to the Lords of Trade, October 19 and December 15, 1741 and Lords of Trade to Clarke, August 3, 1742, N.Y.Col.Docs., VI, 206 and 209.


18. Clinton to ?, Incomplete draft, August 27, 1745, Clinton Papers, Clements Library.

In this letter Clinton angrily discusses Lord Vere's snide remarks about him and Admiral Anson's elevation above him in the navy. Clinton had been Anson's commander, but Anson became Clinton's. See also Admiralty to Clinton, April 20, 1745, Clinton Papers, Clements Library.

George Chalmers, An Introduction to the History of the Revolt of the American Colonies (2 vols.; Boston, 1845), II, 229.
19. Journal of the Board of Trade (May 14, 1741), VII, 382; DAB, IV, 225-26. Essay by Leonard Labaree. Clinton stated that he was led to believe that the New York government was worth £4000 a year. (Clinton to Warren, draft, 1746, Clinton Papers, Box III, Clements Library.


21. See Clinton's correspondence with his son, Sir Henry Clinton during 1750-1752, Clinton Papers, Clements Library.


23. Clinton to the Lords of Trade, n.d. [1746], Clinton Papers, Clements Library.

24. For the actions of the "Liberal Assembly" of 1737 see the Assembly Journal, I, 702 ff. The subsequent Assembly under Clarke elected in 1739 returned 16 of the 25 members and was definitely more conservative under the new speaker, Adolph Philipse. It, too, pursued the policy of an annual revenue, but it was not dominated nor influenced by DeLancey. If, as has been suggested, DeLancey caused the dissolution of the Assembly led by Philipse in 1745 to rid himself of Philipse because he refused to be dominated, then the Assembly could not have been led by DeLancey. The Assembly followed the lead of Philipse during those years. For contradictory statements on this problem see: Edward P. Lilly, The Colonial Agents of New York and New Jersey (Washington, 1936), 114; Spencer, "Rise of the Assembly," 189; Katz, "An Easie Access," 218; Smith, History of New York, II, 69; Assembly Journal, I, 749.

25. During Clarke's administration, DeLancey had spent his time on the bench of the Supreme Court and carrying out the duties of a Councilor. Although accused by some historians with more hindsight than facts of influencing the Assembly in its efforts to gain a yearly support and a large wedge of the royal prerogative, DeLancey had for the most part kept out of politics. The Assembly under Clarke that had secured most of the advantage in the battle over revenue had been dominated by James Alexander, a member of that body, and Lewis Morris, jr., the Speaker of the House. Both were avowed enemies of DeLancey at that time and there would have been little chance that they would have put a program outlined by DeLancey into effect. (Lilly, Colonial Agents, 114; Spencer, "Rise of the Assembly," 189; Katz, "An Easie Access," 218; Smith, History of New York, II, 69.). DeLancey had, in these years, gained in influence both at home and abroad. His consistent actions on the bench and for the colonial Council had raised his reputation at home. The news of this
increasing popularity reached London through his old friends as well as through new connections realized through the marriages of his sister, Susannah (Susannah Warren was DeLancey's eldest sister, not his daughter as often reported. His daughter Susannah, was born three years after the Warrens' marriage. She never married. [Story, The DeLancey’s, 16-17]) and his brother, Oliver.

Peter Warren, Susannah's husband, was a strong connection for DeLancey. A talented naval officer, he had married Susannah while stationed in New York. In the upcoming war he was to win fame and fortune through his command of the American arm of the British fleet. He not only accomplished the capture of Louisburg, but also took many lucrative prizes that were auctioned through the DeLancey mercantile firm. By the time that the differences between DeLancey and Clinton were at their height, he had been made an admiral in the navy and had become a member of Parliament. He had powerful patrons of his own in London, which included the Heathcotes, to whom DeLancey had recommended him. (Collections of NYHS, "Abstracts of Wills, IV, 203-205; Katz, "Between Scylla and Charybdis" 101-104).

Oliver DeLancey, fifteen years younger than his brother, strengthened family connections with the mercantile interest in London by marrying Phila Franks, daughter of a prominent Jewish family in both New York and Philadelphia. This marriage brought to bear influence from the merchant sources other than those of the Bakers in London. This pressure from various London merchants was to serve DeLancey well in future years. (David Franks to Naphtali Franks, April 1, 1743, Letters of the Franks Family, 114. See also footnotes on pp. 82 and 117; Henry Beekman to G. Livingston, March 20, 1742/43, Beekman Letters, New York Historical Collection.).


29. Warren to Clinton, August 22, 1742, Clinton Papers, Clements Library.

30. Clinton to the Lords of Trade, October 2, 1743, and Clinton to Newcastle, October 2, 1743, N.Y.Col.Docs., VI, 247 and 248; Min. Common Council (September 28, 1743), V, 95.


32. Clinton to the Lords of Trade, June 22, 1747, Clinton Papers, Clements Library.

34. Clinton to the Lords of Trade, October 2, 1743, N.Y.Col.Docs., IV, 247.

35. Assembly Journal, II, 1-2; Smith, History of New York, II, 84.

36. Clinton to the Lords of Trade, June 22, 1747, Clinton Papers, Clements Library.


38. Ibid., 3; New York Weekly Journal, November 14, 1743.


40. Clinton to the Lords of Trade, November 18, 1743, N.Y.Col.Docs., VI, 248-249; Journal of the Board of Trade (July 4, 1744), VIII, 118.

41. Assembly Journal, II, 6-14.

42. Clinton to the Lords of Trade, June 22, 1747, Clinton Papers, Clements Library.

43. Clinton to the Lords of Trade, January 2, 1744/45, N.Y.Col.Docs., VI, 270-271.

44. Journal of the Board of Trade (January 19-26, 1743/44), VIII, 93-94; Board of Trade to Clinton, January 27, 1743/44, Clinton Papers, Clements Library.

45. Journal of the Board of Trade (February 24 and July 4, 1744), VIII, 99 and 118.

46. Newcastle to Clinton, March 31, 1744, Clinton Papers, Clements Library.

47. Assembly Journal (April 17-24, 1744), II, 14-16.

48. Thomas Herring was in Scotland in the spring and summer of 1744. He helped raise large amounts of money to suppress that particular plot. See also Smith, History of New York, II, 86.

49. Assembly Journal (April 25, 1744), II, 16.

50. Ibid., (May 17, 1744), II, 21.

52. **Assembly Journal** (May 17, 1744), II, 22.
53. **Cal. Council Minutes** (May 11, 16, 18, and 21, 1743/44), VI, 344.
54. **Assembly Journal** (May 18-19, 1744), II, 22-23.
56. **Cal. Council Minutes** (June 5-14, 1744), 344.
60. *Ibid.* (September 5, 1744), 37.
62. See the **Assembly Journal** (July 18-September 21, 1744), II, 25-45.
64. **Assembly Journal** (September 19, 1744), II, 44.
65. Clinton to Newcastle, October 9, 1744, Clinton Papers, Clements Library.
67. **Cal. Council Minutes** (September 13, 1744), VI, 345; Clinton to C. Knowles, November 10, 1747, Clinton Papers, Clements Library.
73. Smith, History of New York, II, 192.

74. For a comment on Horsmanden's poverty see The Letters and Papers of Cadwallader Colden, II, 116.

75. James Alexander to Colden, January 13, 1744/45, Ibid., III, 100.

76. James Alexander to Mr. Murray, December 19, 1744/45, Rutherford Collection, NYHS.


78. Assembly Journal (March 12, 1744/45), II, 46-47.

79. Ibid. (March 13, 1744/45, 47-48.

80. Ibid. (March 15-21, 1744/45), 48-51; Smith, History of New York, II, 88-89.

81. Assembly Journal (March 29, 1744/45), II, 52.

82. Ibid. (March 29-April 9, 1745), II, 52-55; Clinton to Newcastle, March 1745, Clinton Papers, Clements Library.


84. Assembly Journal (April 10-May 11, 1745), II, 55-60.

85. Henry Lloyd II to Henry Lloyd, May 7, 1745, Lloyd Family Papers, i, 363.

86. Assembly Journal (May 14, 1745), II, 60-62.

87. Cal, Council Minutes (May 10, 14, 1745), VI, 348.


90. Lords of Trade to Clinton, April 5, 1745, N.Y.Col.Docs., VI, 277.

91. Admiralty to Clinton, April 20, 1745, Clinton Papers, Clements Library.

92. Clinton to ?, draft, August 27, 1745, Ibid.

93. Clinton to the Lords of Trade, June 10, 1745, N.Y.Col.Docs., VI, 278.

95. Smith, History of New York, II, 90.

96. Admiralty to Clinton, April 20, 1745, Clinton Papers, Clements Library.

97. "Instructions to Governor Clinton," Ibid.

98. Assembly Journal (June 25, 1745), II, 64.

99. Ibid. (June 25, 1745), II, 64.

100. Clinton to the Lords of Trade, July 25, 1745, N.Y.Col.Docs., VI, 281-282.


103. Assembly Journal (August 20, 1745), II, 71.

104. Ibid. (August 21, 1745), 72.

105. Ibid. (August 23, 1745), 73.

106. Ibid. (August 28-29, 1745), 75; Clinton to ?, incomplete draft, August 27, 1745, Clinton Papers, Clements Library.

107. Warren to Clinton, August 28, 1745, Ibid.

108. Warren to Clinton, October 11, 1745, Ibid.


110. "Clinton Proclamation", September 5, 1745, Ibid., 149-150.

111. Ibid.

112. Assembly Journal (November 2, 1745), II, 79.

113. Ibid. (November 14-19, 1745), II, 83-85.

114. Ibid. (November 20, 1745), II, 86.

117. Ibid. (November 29, 1745), 89; Smith, History of New York, II, 92.
118. Assembly Journal (November 22-29, 1745), II, 87-89.
120. Clinton to Newcastle, November 18, 1745, N.Y.Col.Docs., VI, 285.
121. Ibid.
122. Ibid.
123. Peter Warren to Clinton, November 26, 1745, Clinton Papers, Clements Library.
124. Assembly Journal (December 20, 1745), II, 89-90.
125. Presumably the militia bill was passed to strengthen penalties in order to avoid having the New York Militia refuse guard duty as they had done in early December 1745. (Cal.Council Minutes, VI, 350.
126. Assembly Journal (December 1745), II, 90.
130. Ibid. (February 21, 1745/46), II, 99.
131. New York Council to Clinton, February 27, 1746, Clinton Papers, Clements Library.
133. Ibid. (March 4-20, 1745/46), 100-101.
134. Ibid. (March 20, 1745/46), 100; Cal.Council Minutes (March 5, 1746), VI, 352.
136. Ibid. (April 5, 1746), 104.
137. Ibid. (April 9-April 22, 1746), 104-108.
138. Ibid. (April 28, 1746), 110.

139. Ibid. (May 3, 1746), 111; Cal. Council Minutes (May 3, 1746), VI, 353; "Council Advice regarding the paper money bill," May 5, 1746, Horsmanden Papers, NYHS.

140. Clinton to Major Glen, February 5, 1745/46 and March 10, 1745/46, Clinton Papers, NYHS.

141. Newcastle to Clinton, March 14, 1746, Clinton Papers, Clements Library.

142. Clinton to Warren, April 24 and 27, 1746, Ibid.

143. Newcastle to Clinton, April 9, 1746, Ibid.

144. Assembly Journal (June 3-4, 1746), II, 111.

145. Ibid. (June 6, 1746), 112-113.

146. Clinton to Newcastle, June 8, 1746, Clinton Papers, Clements Library.

147. Clinton to Newcastle, June 10, 1746, N.Y.Col.Docs., VI, 309.

148. Warren to Clinton, June 10, 1746, Clinton Papers, Clements Library.

149. "Council to Clinton in reply to his queries," June 11, 1746 and "Council to Clinton in reply to memoranda draft," June 12, 1746, Ibid.

150. Assembly Journal (June 17, 1746), II, 114.

151. "Council to Clinton in reply to memoranda draft," June 12, 1746, Clinton Papers, Clements Library.

152. Clinton to Newcastle, June 12, 1746, N.Y.Col.Docs, VI, 310.

153. Assembly Journal (June 18-20, 1746), II, 115.

154. Clinton to Newcastle, July 24, 1746, Clinton Papers, Clements Library.


156. Assembly Journal (July 4, 1746), II, 118.


160. *Assembly Journal* (July 8, 1746), II, 119.


163. Clinton to Newcastle, draft, July 24, 1746, Clinton Papers, Clements Library.


   This second draft is possibly an attempt to redraft the earlier letter. It contains certain ideas that did not occur to Clinton until sometime later.

165. There is no indication that the Lords of Trade handled this letter. Newcastle generally handed all correspondence he received from the governors to the Board and receipt of such letters was noted in their *Journal*. There is no such note for this letter.

166. Council to Clinton, draft memorandum, June 21, 1746, Clinton Papers, Clements Library.

167. The Assembly had just issued £40,000 in paper money to finance their share of the campaign and had laid personal and property taxes to sink the bills. They were understandably hesitant to issue further bills of credit.

168. Purposely lowered by the merchants according to Clinton.

169. The language of the letter here is so incoherent that it is difficult to ascertain whether Clinton is accusing the "Gaball" of his difficulties, or whether only the chiefs of the Assembly were responsible, or whether it was just the chiefs of Council who were causing his difficulties.

170. Clinton to Newcastle, draft, July 24, 1746, Clinton Papers, Clements Library.


172. Clinton to the Lords of Trade, 1746 or 1747, Clinton Papers, Clements Library.
CHAPTER III

THE DOWNFALL OF CLINTON

Clinton was distraught about the financing of the war, but the exigency of the situation demanded that he act like there was no problem. He was at Albany to meet the Indians and to act like there was no problem. This was his immediate responsibility. Indian affairs, directed by the Indian Commissioners, most of whom lived in and around Albany, had deteriorated. The people who had met to negotiate with the Indians did not know whether they were going to be able to overcome the influence of the French or not. Clinton, the previous fall, had laid the cause of the entire Indian disaffection at the feet of the Livingston family. They had, according to Clinton, used their position to take advantage of the Indians, and in doing so had disillusioned them about the British. Clinton had sent out his own emissary, Arndt Stevens, in an effort to keep the Indians loyal to the British. But current reports told Clinton that neither his efforts nor the efforts, if any, of the Indian Commissioners, had worked.

The second purpose of the conference at Albany was to initiate action on the plan to attack Canada. The plan had been Governor Shirley's suggestion and Shirley was corresponding with those at the conference about the military affairs. The conference was one in which

127
the allegiance of the Indians was not only to be secured, but one in
which they were to be persuaded to participate in a direct attack on
the French. The alliance, then, was more than the usual show of friend­
ship and trade, it was to include cooperation in war.

It was a month before all the Indians could be induced to come to
talk with the governor of New York. The intervening time was spent
scouting the area in order to set up better plans of attack, talking
the situation over with the Indian Commissioners, and deciding what
should be transacted at the conference.

Clinton also found time to lament his situation as the head of
the government of New York, and to draft another letter to Peter
Warren trying to persuade him to offer a larger sum for the governor­
ship. This time Clinton hinted that he already had another offer from
Clarke, but stated, if at all possible, he would rather leave the gov­
ernment in Warren's hands. Clinton restated his desire to return to
England to straighten out his personal affairs, and cautioned Warren
to keep both their negotiations and his desire to return to England in
complete secrecy.

After feeling abandoned by most of the forces in his colony,
Clinton received the good news that the merchants of New York had not
refused to give him a loan after all. A letter from Stephen Bayard
and Edward Holland told him that the merchants had agreed to let him
have £10,000 to tide him over until the money for the expedition arrived
from England. The merchants had taken less than a month to arrive at
this decision, but for Clinton it had not been made quickly enough.
The Indians finally arrived August 8, with William Johnson in the lead. With great difficulty, and the help of Johnson and Colden, Clinton managed to persuade the Indians to join the British in the expedition against Canada. Clinton had to reveal the plans for the expedition in order to gain such success with the obstinate Indians. If he wanted continued success, he would have to provide them with the war they seemed eager to wage. In order to keep the Indians happy, the attack on Canada had to be undertaken that fall, in spite of the fact that it was actually too late to guarantee such an expedition.

Clinton was ill at the beginning of the conferences. To prevent further delay of the meeting, Colden wrote and delivered the initial address to the Indians. Clinton remained in control of the affairs, but as usual, he relied heavily upon the advice of those with him. From the time of this conference, Colden's influence on Clinton increased, while the influence of DeLancey declined precipitously.

DeLancey was not immediately diminished in Clinton's eyes. A letter written to Clinton during the conference indicates that Clinton was worrying about DeLancey's health. "I cannot learn the Chief Justice has met with any accident", Bayard informed Clinton. This reference also reveals that the Chief Justice was not communicating with Clinton as frequently as he expected him to.

Another letter from Clinton to DeLancey reinforces the idea that DeLancey still retained stature in the eyes of Clinton during the summer of 1746. In this communication, Clinton told DeLancey of the upcoming expedition to Canada and asked that he "Devote some part of your life on any necessary Service for your Country". Clinton wanted
DeLancey to accept the command of the troops, telling him "Success of the present Expedition ... may depend" on it. The draft of the letter also shows the help Colden was beginning to offer Clinton. Colden edited the letter and added the statement that they realized he had no military experience, but they felt that his "extensive abilities" would make everyone agreeable to his command.\textsuperscript{14}

The Advisory Council at Albany made the decision to make the expedition as soon as possible. Clinton wanted to consult with the entire Council, but time did not permit this.\textsuperscript{15} The Indians had been persuaded to join only with the promise of immediate action and Clinton felt that pledge had to be fulfilled or they would risk the permanent loss of the Indian alliance. There was also the fear that the plan would be leaked to the French by some of the Indians present. It seemed that immediate action was necessary to preserve the element of surprise. The forces available in the colony were enough for the expedition if they were used efficiently. All that was lacking was a commander. In order to put the forces on the road as soon as possible the Council suggested that Clinton order all the troops to the "Carrying Place" under pretence of repairing the roads. He also should send the Indians to harass the French Canadian settlements, ask Shirley and Warren to appoint a commander of the forces, and devise a plan for payment of the troops in spite of the fact that the money for the expedition had not arrived from England.\textsuperscript{16}

The day before on August 30, 1746, Clinton had written DeLancey asking him to take command of the forces. Fortunately, because of the urgency of getting the expedition under way, DeLancey's reply was
immediate. He told Clinton that he was honored by the request, but felt he had to refuse for personal reasons. He had no military experience, but more pressing than that was his asthma. He had suffered from that affliction for many years and by now knew that September was not the month for a person with asthma to go into the countryside. He then recommended Captain Roberts for the position.  

Upon receipt of this note from DeLancey, Clinton belatedly carried out the advice of his Council. He wrote Shirley and Warren requesting their nomination for a commander, and then turned to the business of handling the Indians and the more immediate military matters. Here Clinton came upon the problems of directing an attack on Canada without consulting the Assembly.

When no advice had been received from Shirley or Warren by September 16, the Council decided the plan to attack Canada so late in the season should be abandoned. Instead, they would secure the frontier for the winter by building a fort above Saratoga and garrisoning troops over the winter there.

Four days after they had made this decision, an express letter from Shirley and Warren arrived with the nomination of Samuel Waldo as Commander-in-Chief. The expedition was declared on again. Because it was so late, the rapid movement of provisions was important. There was no time to consult with the Assembly, nor was there time to consult with the rest of the Council left in New York City. The season for efficient war efforts was rapidly waning.

The day Clinton received the name of the commander, he sent a message to the commissioners of the military stores in Albany. He
asked Cuyler and Ten Broeck to issue provisions to the troops at Albany. He also inquired about their directions on transporting these provisions with the army as it moved. Both men told Clinton that they had no such directions. Cuyler flatly stated that he could issue the provisions, but not transport them. Clinton consulted his Council at Albany to find out if he could charge the cost of transporting military provisions on London's credit, or whether it had to be charged to New York. The situation was left there, or so it seemed, while Clinton prepared to return to New York City to meet the Assembly.

Waldo had not arrived to take command of the forces when Clinton left for New York City. To make sure that the expedition was finally under way, Clinton issued orders just before he left, to send the Indians into Canada. He also took advantage of being in Albany to make the customary appointments there. For the most part the incumbents were reappointed to their offices, giving no indication that Clinton wished to revamp the government, in spite of his troubles.

When he returned from Albany, Clinton discovered that the members of the Council who had remained in New York City had been meeting frequently. These meetings had not been informal, rather they had been styled as meetings of the Advisory Council and minutes of their meetings had been taken. Clinton had expected them to meet as the Legislative Council and he had told the Assembly to consult with them about further adjournments while he was at Albany. At times, the members of the Council in New York City had met in that capacity and had done what Clinton had expected.
Clinton had assumed that the Advisory Council consisted of those men who travelled to Albany with the governor. Those who stayed in New York City had assumed that they were to take care of the day to day business of government while the governor was gone. There seems to be no trace of the instructions Clinton left with the Council that would explain their meetings as an advisory body. Previously, when the governor was out of town, the Council had met to handle matters that came about during his absence. They had determined the importance of the material and had either informed the governor, or had taken care of the matter themselves. Occasionally they had delayed action until the governor returned.27

There is every indication that the Council left in New York had been proceeding on this precedent allowing them to act. The first week, James DeLancey presided at the meetings. But the second week, Archibald Kennedy, a close friend of both Colden and Clinton assumed the chair. The change in chair shows two things. First, DeLancey had chaired the meetings as the eldest councillor, according to their proceedings.28 When a councillor who had occupied the office longer than he came to the meetings, DeLancey readily gave up the chair to that person. The chairmanship of the Advisory Council meetings alternated between these two men throughout the summer.29 Secondly, the change in the chair shows that all the Council, including Archibald Kennedy who was to remain faithful to Clinton in the ensuing battles, had assumed that the meeting of the Council in this manner at this time was accepted procedure.

Further indication that the Council was acting according to precedent was shown by their actions during the time Clinton was in Albany.
They received mail, in one case a letter from the Duke of Newcastle. They decided the letter was of such importance that they did not open it; rather, they forwarded it to Clinton immediately. Clinton also wrote to the Council while he was in Albany and the Council acted on those letters. Both these things show that neither the Council nor Clinton found their sitting at this time undue or without cause. Nor did either seem to think that the sitting of the Advisory Council conflicted with the idea that enough of the members of Council were in Albany to form dual advisory bodies.

During Clinton's absence, then, members of the Council remaining in New York sat and acted as the governing body. Since the war was the matter of greatest importance during the summer, it was inevitable they would handle military matters that they felt were too trivial for the governor's attention. The governor was concerned with the important negotiations in Albany and the Council appears to have agreed to facilitate those negotiations and the expedition without bothering the governor with things they could do themselves. Most of their actions required the governor's assent, but in every case the things they did were those they would have done had the governor been sitting with them. They obviously expected Clinton to concur in their actions when he came back.

Most of their time was spent in the effort to get troops ready for action. This meant that officers had to be commissioned so they could recruit and have their forces ready when Clinton asked for them. Most of the commissions were made with the advice of various Council members, so the Council seemed to see no harm in commissioning first and getting
consent later. Most of the commissions made were done in the first few days following Clinton's departure for Albany, giving indication that he may have privately requested them to make the appointments. The appointments were made while both DeLancey and Kennedy headed the meetings. Neither man seemed to think that what they were doing could be construed to be wrong. At one point Kennedy received a letter from Clinton asking that the companies that had been formed to sent to Albany. The timing of that letter, coming one day after the bulk of the commissioning, gives further credence to the conclusion that Clinton requested the Council to make the appointments.

The problem of military deserters was also handled by the Council that remained in New York City. Kennedy chaired the meetings that dealt with the problems initially, then the meetings in which it was decided to delay action until Clinton returned. The hesitance of the Council to become deeply involved with the problem gives further support to the idea that the Council was not trying to usurp prerogative, but was acting in the accustomed manner during the absence of a governor.

Shortly before Clinton's return from Albany, the Council received a letter from Commodore Peter Warren telling them of a large French fleet in the mouth of the St. Lawrence River. The fact that they did not send the letter to Clinton shows that the Council was aware that Clinton was leaving Albany, or perhaps had already left Albany. To send the information to him would have been a waste of time. Instead, the Council immediately sent the news to the other colonial governors and began to question the French prisoners in New York City to discover further information.
When Clinton arrived a few days later, he was told of the situation by the Council. The same day they received a letter from Shirley requesting part of the expedition force be sent to Rhode Island to protect that area from possible attack by the French fleet. Clinton may well have been a bit perturbed that he seemed to be the last one to know about the French fleet, especially since his Council had known for four days.

The presence of the French fleet changed the complexion of the attack on Canada. Troops that were formerly destined for Albany and the eventual march on Canada were now kept in New York City to protect the government. It was further discussed whether or not the troops at Albany should be brought to New York City to help defend the city, but it was decided that the troops coming from Maryland and Virginia for the expedition could be used for that purpose.

Clinton's address to the Assembly on October 17, 1746, was given by the Speaker of the House because of the Governor's illness. Although this was somewhat irregular, it was accepted by the members of the Assembly. In the speech, Clinton revealed his success with the Indians at Albany, but stated that he had been obliged to dismiss the Indian forces with the promise that they would return to duty when he directed. The cause of the dismissal had been the appearance of the French fleet in the mouth of the St. Lawrence River and the lack of an English fleet to counteract that force. Clinton told the Assembly that he had hoped that General Gooch, the person named by Newcastle, would have arrived in Albany in time to direct the expedition, but that he had refused the
appointment leaving Clinton to handle those military matters. Therefore he had found it necessary to give orders to facilitate the movement of troops in the expedition. Since the arrival of the French Navy, he had countermanded those orders and had ordered the troops to protect New York City. 40

After this basic discussion of military matters, Clinton commented on the horrible state of the Indian affairs. This disorder he attributed to the neglect of the Indians by the Commissioners of Indian Affairs. He needed money to improve matters. He also needed enough money to winter the troops at Albany for the protection of the colony. Reminding the Assembly of the great cost of the war for England, Clinton asked them to volunteer to pay for their security out of their own funds. 41

Then referring to the disagreement between the Assembly and Council the previous spring, he asked the branches of government to try to work together in harmony. The arguments, according to Clinton, had arisen from imaginary evils "often aggravated by the private Views of artful and designing men." He warned the Assembly against encroaching upon the power of another governmental branch and closed with the comment that he hoped they could all work together.42

The Assemblymen did not respond to this message for two weeks. The reason for this lack of courtesy seems to have been the desire to present Clinton with a statement of how they interpreted his actions of the past six months, and concurrently, to justify their own actions. This occupied most of their time until November 4, 1746. They did react favorably to Clinton's request for money to winter the troops at Albany. They also voted additional money to transport provisions to that point.
In the same resolution, the Assembly refused to allow any provisions for militia that had been in Albany since the previous May and June.  

Clinton was not unaware of the efforts of the Assembly to draw up its representation, nor was he uninformed of its grievances. Since the French fleet had frustrated the designs on Canada for this season, some of the actions taken by Clinton at Albany appeared rather strange. He had acted because the situation demanded urgency, now he had to justify those actions to a group of men who had little concept of the situation. He began by addressing himself to the problem of provisioning.  

On October 18, 1746, Clinton informed the Council of the refusal of the Commissioners to deliver provisions to the troops he had ordered to the "Carrying place". The basis of the refusal had been an act of the Assembly which had provided for those materials in the first place. This denial had made it impractical for Colonel Roberts to obey Clinton's orders. Clinton observed to the Council that the placing of military provisions in the hands of persons who were independent of the commanding officers' authority made any effort to wage war ineffective. He asked them to advise him about this matter.  

The Council's opinion, given three days later, was that the commissioners at Albany could not be reprimanded for refusing to deliver the provisions. They had complied with the act of the Assembly. If Clinton thought he saw a defect in the law that might cause harm in the future, he should point it out to the Assembly and have it corrected.  

Needless to say, this was not the response Clinton had expected from his Council. He had assumed that they would be as alarmed as he was about the fact that provisions could not be moved in an emergency.
His military background and their background as taxpaying New York citizens guaranteed that there would be a difference of opinion concerning this act of the Assembly.

In the same opinion, the Council expressed their dissatisfaction with some of Clinton's actions. He had requested that they advise him on the matter of a winter camp. They told him they felt a winter camp would be inadvisable, but they really could not be sure this advice was valid. They had been given no information about the transactions at Albany and therefore felt unqualified to offer advice about a winter camp. In this way the Council told Clinton that they did not appreciate waiting nearly three weeks for information about the Albany Conference. They felt the information should have been given to them immediately upon Clinton's return from Albany.

Clinton divined their thinly veiled complaint and immediately replied that he had intended to give them the reports, but he had been waiting for them to report to him "what you had done in the Matters which I had committed to your Care in my absence". At first glance, one is led to believe that the Council had not given Clinton the minutes of their meetings. But further perusal of Clinton's response reveals that he was upset with the Council for meeting as an Advisory Council during his absence. He told them they were a Committee of the Council and their reports should have been written as such. To make this observation, Clinton had to have access to their proceedings. Otherwise he would have had little way of knowing that the reports were written as Minutes of Council. Clinton continued, saying two Advisory Councils could not meet at the same time. He asked them to ponder the
result of a situation in which most of the members of the Council refused to accompany the governor, and then set themselves up as a distinctly separate Council. He complained that they had refused to go to Albany with him, implying that had they gone, they would have had no need to see the minutes of the Albany proceedings. He concluded with a plea for harmony and the presentation of the long awaited Albany Council proceedings.49

This response angered the Council. They had worked on the assumption their meetings had the sanction of the governor. Their actions had been correct according to the precedents. They had assumed the group which attended the governor to Albany was the Committee of the Council, and they, the Advisory body. Although the Council met the entire of November and discussed various military and legislative matters without incident, the tone for the emotional outbreaks of the following month was set in this Council meeting.

Clinton not only had problems with his Council, but the Assembly was in the process of writing a censure of his actions. He had hoped the Council would support him in the upcoming fray. But after the Council's opinion presented on October 21, he knew that he would have to rely on advice and support from other sources. It had been Colden who had drafted his response to the Council, and it was Colden who increasingly offered his wisdom and advice during the difficult months ahead.50

Knowing the Assembly would examine the accounts of the colony as they always did prior to passing a new Support Bill, Clinton discovered that he could not account for all his expenditures. Since the Assembly
would expect such an accounting, Clinton wrote to Major Glen asking him to tell Aaron Stevens to forward an explanation of his expenditures in his efforts to retain the Indians' affinity for the British. Clinton's assumption that the Assembly would ask him to be responsible for money Stevens had spent indicates the news of Clinton's efforts to bypass the Indian Commissioners had already reached the Assembly. His expectations were fulfilled two days later when the Assembly passed a bill requiring the examination of all the public accounts.

Following the Council's advice to get legislative redress for his complaints about the provisioning of troops, Clinton approached the Assembly with a request that the act providing provisions be amended so materials for the military would not be unduly detained. Revealing the vexations he had had with the Commissioners at Albany, Clinton now asserted the refusal of the Commissioners to deliver the goods had hindered the expedition so much that the orders he had given "are made impractical by the Season." Nine days before, Clinton had told the Assembly the expedition had been postponed because of the arrival of the French fleet off the coast of Nova Scotia. Now he was telling them it was an act of the Assembly which did not allow the rapid movement of provisions that was the primary cause for the deferment of the expeditionary plans.

Clinton's statements to the Assemblymen were not designed to retain their amity. The Assembly was already involved in drawing up a list of grievances. Laying the cause for the failure of the expedition to move this past fall on one of their acts only added fuel to the fire. The Assembly decided to investigate the situation revealed by Clinton.
On October 27, the Commissioners appointed to buy provisions for the military gave the Assembly two letters relating the problems Cuyler and Ten Broeck had had when they tried to issue the provisions. The letters, dated October 4 and October 20, 1746, related that the High Sheriff of Albany, Henry Holland had broken open the storehouses upon the order of Colonel Roberts, and had taken large amounts of the provisions. This news was referred to a committee of the whole house, and the Assembly returned to writing its grievances.

In the next few days the Assembly, without debate, passed its usual one year Support Bill, as well as several other badly needed bills for the waging of the war. The news of the forthcoming list of grievances from the Assembly had become common. Colden reported to his wife that "The Representation the Assembly is to make has not as yet appear'd after we shall have seen it we shall be able to Judge better of the Affairs in this Province." Coupled with this statement, Colden commented on the uncertainty in the colony that resulted from the lack of a British Naval Fleet to counteract the French fleet. Obviously the fear of attack from without and from within was troubling both Clinton and his advisor.

Finally, on November 4, 1746, the Assembly Representation was sent to Clinton and the magnitude of his problems in the colony became more apparent. In the document, the Assemblymen named the area of their greatest concern, Indian affairs. They told Clinton that they were "entirely unacquainted with the bad Disposition of the Six Nations of Indians, or who have been the Occasion of it...." The Assembly had complied with all his recommendations concerning the Indians and they
had even provided money beyond the usual amounts when he had requested it for his most recent trip to Albany. They informed Clinton that he and his "employees" were the best judges of how Indian affairs had been neglected. This defense of the Indian Commissioners was to be expected from the Assembly. The body not only included representatives who were directly involved with the commissioners, but several of the commissioners themselves, as well as at least three members of the Livingston family. Clinton's attempts to undermine that family and the commissioners could not pass without notice and a battle to determine just who it was who controlled the Indian affairs.

The Assembly pleaded total ignorance of the neglect and mismanagement of Indian affairs and asked Clinton to give them all the correspondence which had transpired since his arrival in the colony between himself and the commissioners. If he could not do this, they did not see how they would be able to give him any more money to manage those affairs knowing it might "be subjected to the same Misconduct." The Assembly knew about Arndt Stevens' activities and were prepared to insure the Indian Commissioners were informed about such special missions from hereon. One wonders if they knew about the missing vouchers; the tone of the Representation indicates that they may have. It is inconceivable that the Assembly could have been ignorant of the Indian affairs. The number of commissioners in the Assembly assured good information. But Clinton made the dreadful mistake of assuming they knew everything, and had compounded that mistake by attacking the prerogative of the Livingston family, who headed those affairs with Philip Livingston as Secretary of Indian Affairs.
From the discussion of Indian affairs, the Representation moved to the military efforts of the summer and fall of 1746. Clinton's orders for a winter camp at Albany were ridiculed. The Assembly argued that the severe cold and snow of that area made such a camp unfeasible. The men stationed there would not be able to defend themselves from the cold and snow, let alone from an enemy. Great numbers of them would probably die or desert, weakening the chances for a successful expedition the following spring. The Council had a week earlier made a similar statement about the winter camp. They had, though, implied they were unsure whether their advice was correct suggesting that additional information could change their minds. The Assembly's statement was flat; a winter camp was an inducement to desertion and defeat.

After attacking the military actions of Clinton, the Assemblymen proceeded to deny Clinton's allegation that they had been stingy in their war preparations. They knew the King had incurred a huge debt in waging the war, but they felt they had already done more than the King had asked them to do. They declared themselves at a loss to know what Clinton meant when he recommended their taking even more financial responsibility for the war. They had, in their opinion, always tried to spend as little of the King's money as possible.

After asserting their generosity, they deplored the obvious change in advisors that Clinton had made. They warned Clinton that they did not approve of his new advisor, Colden. They asked him if it had been Colden who told "Your Excellency to entertain a Distrust of the several Branches of the Legislature, at this critical Juncture...." They had had difficult times with the governor prior to this, but most of the
bad times had been the result of bad advice given to the governors by poor advisors rather than the result of a bad governor. Golden was the Surveyor for the Land Office, a person unwelcome as a close advisor to Clinton. He had, much earlier, tried to clarify many of the property boundaries of the New York landowners. He had succeeded only in earning their hostility when the boundary survey had disclosed the landowners claimed land that was not actually granted to them in their patents. The landowners in the Assembly viewed Golden's position next to the governor with trepidation as they recalled his former activity and the backlog of quitrents they owed on their possessions.

The final paragraph of the Representation dealt with the most recent grievance, the transportation of supplies. The paragraph is an obvious addition to the original paper and is worded more violently and more defensively than the rest of the representation. They told Clinton they found it difficult to conceive just how he had expected them to provide for the delivery of provisions beyond Albany. This they felt reasonable, since Albany was a "rendevouz" point for troops headed for military action in Canada. They told Clinton they had raised a great number of men, they had paid bounties for the enlistment of the men, they had gathered provisions, and they had paid for the transportation of the provisions to the rendezvous area. This in no way could be construed to be obstructionist. The attack Clinton had made on their legislation was becoming a rallying point for the Assembly.

The Representation concluded that the Assembly had always attempted to make Clinton's administration as easy for him as possible, but their
duty to the King and to the prosperity of the colony now outweighed their obligation to make his governorship a smooth one.66

Clinton immediately set about to reply to the Representation and to defend his petition on the topics they discussed. Colden made the observation to his wife that he hoped the people would be more pleased with Clinton's defense than they were with the charges of the Assembly.67

Their grievances presented to Clinton, the Assemblymen now turned to their investigation concerning the breaking open of the storehouse in Albany. The committee investigating the event found that on September 29, 1746, Colonel Marshall had delivered to Ten Broeck and Cuyler a warrant to supply the Independent Companies signed by Clinton. The Commissioners refused to honor the warrant, thinking they were not empowered by the act to provision Independent Companies. At no time did the Commissioners refuse to give the captains of the troops raised for the expedition their supplies. On October 17, the Commissioners were informed by the sheriff that he had a warrant to impress the supplies for the Independent troops. When the Commissioners again refused, the sheriff broke open the storehouse and took the provisions, leaving the warehouse empty. When the Commissioners asked by what authority the sheriff took the stores, he produced two warrants, one issued by Clinton under the Act to Impress "all other Things necessary for the carrying on the Expedition against Canada with the utmost Dispatch". The other was from Colonel Roberts, who had issued it after he had been refused supplies and transportation of those supplies in September. The sheriff had taken supplies for 1400 men although only 1270 men were in the service. Before this some field officers had demanded
transportation of the supplies, but they had always been refused. The situation became so bad that Colden had demanded that the provisions be transported. When he was refused, he had then threatened the Commissioners saying if they would not order the provisions transported the supplies would be taken from their control and they would be replaced.68

Hearing these reports, the Assemblymen concluded that Clinton had been ill advised to grant a warrant for the supplying of the Royal Independent Companies out of the colonial storehouse. The Commissioners, by refusing to supply the companies, had done their duty according to the law. The order to the sheriff from Colonel Roberts was illegal and his action constituted a misdemeanor. The breaking into the storehouse was not only illegal, it was also destructive of the rights and liberties of the people of New York. Tampering with those rights was a crime. Colden's threats were viewed as criminal. The Assembly decided that it would be futile for them to furnish supplies for the armed forces raised for the expedition to Canada unless they were assured that such criminal acts would stop. Viewing the illegality of these proceedings, the Assembly vowed on November 8 to tell Clinton about the incidents and to request the prosecution of the people who had acted criminally.69

The day after these proceedings, Clinton gave his answer to the Representation of the Assembly. In his answer he told the Assembly he thought the bad temper of the Indians was a result of the poor treatment they received from the fur traders and he had thought this was well known. He told them they should regulate the trade since the good
or bad disposition of the Indians could have serious consequences for the colony. Not only might the colony be put to great expense to regain the alliance of the Indians, but the military advantages of having the alliance were well known in the colony. He would do all he could to help them inquire into the Indian affairs and he was more than willing to give the correspondence they desired. In making these statements, Clinton, or more correctly Colden, the author of the message, ignored the fact that an attack on the Indian Commissioners was an attack on the Assembly and on the very influential Livingston. Although the words were conciliatory in tone, the position of Clinton insured a continuing controversy.

Clinton further informed the Assembly that the idea of a winter camp was not what they conceived it to be. If they—here alluding to the statement of the Council—wished to be further informed they might not disapprove of the camp. Their statements, he feared, would create disrespect for his orders among the soldiers who were to man that camp. Again, the tone of the statement was conciliatory, but the hint that the Assembly might be responsible for mutinies at Albany would not set well with the Assemblymen.

In his statement, Clinton threatened the Assembly that he was going to present the entire dispute to the Lords of Trade. He was not aware of any thing he had done to cause their anger. Rather than arguing with them, he had decided to let the Lords deal with the disagreements. He would expend his energy in governing and in forwarding the expedition, not in fighting. He had had, he complained, more difficulties in the last six months than any governor of New York and he had
received less help than any governor. He was sure the King would prove him right, but in the meantime he would be careful of all the rights and liberties of the citizens of New York.  

As Clinton's relations with his Assembly and Council reached an all time low, he was informed by his colleagues in military strategy, Governor Shirley and Sir Peter Warren, that his expectation that the New York Assembly pay for all the expense of the expedition other than the pay for the troops was unwarranted. In a letter answering his request for information about what the Crown was expected to pay and what the colony should be expected to provide, Warren and Shirley both told Clinton that the pay, clothing, and arms were to be provided by His Majesty. All other provisions were the colonies' collective responsibility.  

This had been the assumption the Assembly had been acting on. They had willingly provided for tents, food, blankets, etc. for the troops. They balked only when Clinton asked that they do more and now it seemed their balkiness was justified.  

Warren and Shirley also told Clinton that most of the colonies were paying the troops currently in hopes they would be reimbursed when the money from the King arrived. Here Clinton found a legitimate grievance. The Assembly and the Council had both steadfastly refused to advance money to pay the troops, even when they were given assurances that they would be repaid when the money from England arrived. Instead, Clinton had been forced to ask the merchants of the city for a loan. They had given him what he requested, but not as rapidly as he had expected it. Clinton had also been forced to decide that if it
became necessary, he would have to write drafts on the London Treasury
to pay for the expenses of the war.

Three days later, salt was rubbed into Clinton's wounds resulting
from the battle over finances when the merchants of the city again told
him of their willingness to loan him money. This time the loan was to
be advanced by four merchants known to have great interest in the Indi-
an affairs, Philip Livingston, Stephen Bayard, Edward Holland, and the
sheriff of Albany, Henry Holland.75 This loan may have been an attempt
to bribe Clinton into leaving the Indian affairs alone. Clinton, in
any case, must have been deeply concerned lest he become obligated to
those very men he had singled out as the cause of the misdirected In-
dian affairs. The fact that he had to accept the loan from these men
must have galled Clinton and further angered him with his recalcitrant
Assembly and Council. To a suspicious person like Clinton it might
have appeared that there was a conspiracy to force him into bankruptcy,
rather than an attempt to save the colony money while the merchants
made money.

On November 24, 1746, Clinton replied to the resolutions of the
Assembly concerning the transportation of military supplies. Although
the actions of the Council at Albany had not been censored by the
Representation, Clinton declared that he wanted to vindicate not only
himself but also clear the conduct of the Council that had accompanied
him to Albany. The speech was written by Colden, and rather than the
proclaimed defense of the rump Council, it was a defense of Colden's
actions in the controversy about the provisions.76
In the speech Clinton (or Colden) gave his version of the saga of the transportation of the provisions. According to this version, the decision to move the troops from Albany was made in conjunction with Warren and Shirley. They felt it would have been a tremendous advantage to take as many men as possible from the Independent Companies on this invasion of Canada. The New York troops had dwindled through death and desertion from 1500 to 1400. Therefore, Clinton had decided that the New Yorkers would not object if 200 men were taken from the Independent Companies for this expedition. The only expense to New York would have been the provisions which were already available. He had assured the commissioners that if they could not give the Independent Companies supplies, he would pay for the supplies by replacing them at his own expense. The warrants he used were in the form he had been advised to use by the full Council before he left for Albany.

When the time came for him to order the troops from Albany to the Carrying Place, he had sent Colden to inform the commissioners of the necessity of sending a sufficient amount with the troops. Since the commissioners were in charge of the provisions, he wanted them to transport the supplies to the Carrying Place or hire a trustworthy person to do so. If they would not pay the cost of the transportation, he told Colden to tell them that he would. Colden reported to him that the commissioners had agreed to his terms and Cuyler confirmed Colden's report. But, when Clinton asked Cuyler if someone had been found to move the goods, Cuyler said he had found no one. According to Clinton, it was not the right of the commissioners to withhold supplies when Clinton gave the order to march; an army cannot march without supplies.
When the commissioners had refused, it became the right of the Council of War to impress the provisions. Therefore, the Assembly was told, Clinton could not and would not order the prosecution of the men mentioned in the resolutions of the Assembly. Rather, as Clinton had mentioned before, this matter along with the others would be presented to the Lords of Trade for the proper resolution.77

Clinton assured the Assembly that if there was any embezzlement of the provisions, he would take care to punish the guilty. Also, the impressed supplies would be charged to the King. Provisions that were raised after this, he hoped would be handled in such a manner that he would not have to resort to impressment to get them for his troops.78

Then, not willing to let this peaceful speech suffice, Clinton revealed the complaints of the captains that the barrels of rum received from the impressed supplies lacked one gallon in each.79 This imputation that the maligned commissioners of the provisions had been pilfering their own stores was not conciliatory. The very purpose of the commissioners had been allegedly to prevent the governor from doing that very thing. The needling may have been warranted, but such an accusation, no matter how nicely it was stated, was bound to raise the ire of the Assembly.

Finally, Clinton defended the actions of Colden and asked them to reconsider what had been said about him.80 It is possible, since Colden wrote the speech, that he was trying to place himself in better light as an advisor to the governor. If Colden was trying to placate the Assembly, he chose the wrong words and the wrong time.
Along with the speech, Clinton gave the Assembly the various minutes of the Council of War that dealt with the provisioning problem and the orders given to impress the supplies. These documents upheld Clinton's version of the matter and reinforced his comment that the conduct of those involved in the impressment of the supplies was not contrary to their interests. Rather, it had been done to insure the guarding of the frontier and to assure that the expedition was carried out.\textsuperscript{81}

The same day that Clinton addressed the Assembly, twelve Indians arrived in New York City with eight prisoners they had taken in Canada.\textsuperscript{82} Clinton had been trying to justify his actions at Albany to his Assembly. It had been very difficult to explain actions that at one time seemed so urgent that he had forgone the usual consultation with the Assembly. Now with the arrival of the Indians and their prisoners, he had to explain to them the postponement of the expedition after he had ordered them into Canada to harass the French. The situation seemed rather hopeless to Clinton.

A letter from Colden to George Clarke in London gives the first hint of the interpretation Clinton was giving to the events since September 1746. "When his Majesty's orders for the Expedition ag'\textsuperscript{t} Canada came I was sent for to Toun I was surprised to find that all the Gov'rs friends had left him & were indeavouring at this critical conjuncture to distress him to that degree that his friends in England should think it proper to recall him".\textsuperscript{83} Clinton had, in July, hinted that a Cabal had been formed to distress him. Now, in November, his closest advisor was reporting the conspiracy as a fact. And indeed, since both
Clinton and Colden considered themselves innocent of all wrongdoing or missteps, it must have appeared as if some one was ready to "distress" Clinton.

Colden rightly pegged the cause of the problem being the Indian affairs and wrongly attributed the actions of the Assembly to their jealousy over the success that Clinton had had with the Indians at Albany. The Assembly was acting to preserve the prerogative of the Indian Commissioners and the control of the Indian affairs by the Livingston family. Undoubtedly the lucrative fur trade spoke loudly in the minds of the Assemblymen. With the trade relatively unregulated the Assemblymen, or at least those allied with the Livingstons, were more than likely happy with the Indian affairs as they stood. Any change, as indicated by Clinton's secretly sending out an agent, was apt to alarm these people. Clinton's accusation that the affairs were in a mess, indicated that changes might have to be made, and his success with the Indians in Albany had included promises that those changes were going to be made.

On November 26, the Assembly gave its answer to the conciliatory speeches and justifications offered by Clinton. They pronounced his response unsatisfactory, and announced they would not pass any more bills for provisions for the troops raised for the Canadian expedition as long as "notorious abuses committed in such as have been already provided, are openly avow'd and encouraged". Responding to Clinton's defense of Colden they attacked "Whoever advised his Excelency to return such an Answer: and observed that the speech seemed intent upon
creating dissent rather than conciliation. In view of this, they could not, "in Justice to the People they represent," proceed upon any business whatsoever. 86

Clinton, still trying to overcome the hostility of his Assembly and remaining unadvised about the political reasons for their anger, made another attempt to pacify them two days later. This time he announced his concern that they had not found his answer to their resolutions satisfactory. He seemed to be at a loss searching for a cause for their actions and lamely reiterated his expectations that the supplies for the military should be able to move fast enough so that none of the expeditions would be hindered. He again requested that they amend their act so the things that happened in September would not happen again. He assured them that if they reformed the act, he would be responsible for the provisions. He would even give them an exact accounting for the supplies. In his opinion they could expect no more. 87

The Assemblymen accepted this response of Clinton's. They had secured a promise of accounting. There was no more advantage to be reaped from the incident, especially with Clinton telling the Lords of Trade about the arguments. Consequently, they finished the work of the session by passing the Application Bill for the one year Support Bill and by providing the troops with winter supplies. 88 When Clinton attempted to enlist their help in handling the Indians that had come down from Albany they replied that they were tired and wished a recess. The Indians could be handled the next session. 89 Putting the Indian problems off would also give them time to prepare for the battle over those affairs.
Clinton signed the bills the Assembly had passed, including the one year Support Bill, and recessed it.  

When the legislative Council met on December 4, 1746, near the end of the Assembly session to act upon the bills passed by the Assembly, Colden was startled to find all the available members of the Council in attendance. After the business the Council was finished, Chief Justice DeLancey stated that he had something to bring to the attention of the Council. It came from a pamphlet he had recently read entitled, "A Treaty between his Excellencey the Governour and the six united Indian Nations...." He read from the pamphlet a paragraph that criticized the actions of the Council during the previous summer. The paragraph insinuated that the refusal of the Council members to accompany Clinton to Albany had been deliberate. By their refusal, they had forced Clinton to act with the few advisors available to him, and had left him open to the criticism that he had acted unilaterally. According to DeLancey, this paragraph was a misrepresentation of the facts and an "invidious Reflection upon" the members of Council who had not gone to Albany.

This sudden action by DeLancey was a surprise to both Clinton and Colden. The Council had studiously avoided all the recriminations between the governor and his Assembly during November. Now that the Assembly and governor seemed to have made an agreement, the Council chose to make their grievances known. The frustration of Clinton must have been great. He had just managed to extricate himself from the clutches of the Assembly when the Council, led by his formerly revered advisor, reopened the memories of his isolated position in Albany. The pamphlet had been published to justify his actions taken in Albany with the few
advisors available there, and now Council was bickering over the wording of the justification.

Why DeLancey chose this moment to protest the words of the pamphlet is unknown, but the reasons for his and his fellow Councilmen's actions can be suggested. The most obvious reason would be resentment by those of the Council who had not gone to Albany. Clinton had not consulted with them when he had made several important decisions regarding the war. Undoubtedly, they resented the fact that they had sat in New York City and had made every effort to fulfill the requests made by Clinton only to be thanked for their efforts on his return by an attack upon them. The resentment would have been heightened by public disclosure of Clinton's interpretation of the events. They had already been reprimanded for meeting as the Advisory Council rather than a Committee of Council and now the actions they had considered within the bounds of their prerogative were portrayed in the pamphlet as deliberate attempts to undermine the governor. Feeling falsely accused, they would have been miffed.

This resentment may have been enough for the Council to turn upon Clinton, but it undoubtedly was compounded by other, more individual factors. Clinton's undermining of the Livingston family had not been designed to keep friends in the Council. Philip Livingston, Secretary of Indian Affairs was a member of Council, and had accompanied Clinton to Albany only to find himself diminished in the eyes of the Indians by Clinton's acceptance of their complaints and his secretly sending an agent among those people. The attack on the Commissioners and the Liv-  

...
formerly upheld the Burnet Indian program of old and those who dabbled in the Albany trade and wanted the benefits of having the Livingston family continue to control those affairs.

Further compounding this situation, Clinton had changed his advisors from DeLancey to Colden. Colden was no more acceptable to those in Council than he was to the Assemblymen. His position in the land office conjured up the same horrors for them as it did for the Assemblymen. Worse, his well-known position on Indian affairs vividly brought the old attacks on the lucrative Albany trade to the minds of those involved in it. DeLancey had been a safe advisor in the minds of these people. As a fellow landowner and a man whose family was involved in the northern trade, they were sure their interests would not be unduly attacked. Colden had attacked those interests before and they were not interested in having him renew those efforts by persuading Clinton to adopt his advice.

DeLancey, of course, was not entirely devoid of feelings about the recent events. He had enjoyed his position as the major advisor to Clinton for it had not only challenged his abilities, but it had increased his reputation at home and in London. He had even gone so far as to make his position as advisor as impartial as possible by securing the Chief Justiceship during good behavior. Now he had been superceded by the undesireable Cadwallader Colden. His ego was undoubtedly injured, and his reputation would also suffer. Unless, of course, he and the rest of the Council could prove to the people of New York what the Assembly had already tried to prove: Clinton was following unwise advice and was not acting in the best interest of the New Yorkers.
The Council meeting showed the enmity of the rest of the Council towards Colden. He was forced to admit his authorship of the abhorred pamphlet and to suffer censorship for writing it. When he stated that he had no intention to cast derision on any member of Council, he was probably telling the truth. But making the authorship public was necessary if the Council wished the people of New York to dismiss its allegations. The purpose of the confrontation was to emphasize to the New Yorkers the change in advisors from DeLancey to Colden, and to let them know that the majority of the Council had not advised Clinton to take the steps he had taken and that they were opposed to those steps.

The Council meeting of December 4, 1746, showed that both the Assembly and the Council opposed Clinton's policies and his advisor. The only source of power left to Clinton was his resources in London. During the next few months he would write home, trying to activate the Lords of Trade to bring their judgment to bear on affairs in New York. If a faction had been formed to oppose Clinton, it came as the result of his not understanding the concerns of the people he ruled, and, more specifically, what he did as a result of that lack of understanding.
FOOTNOTES

CHAPTER III

1. Clinton to Newcastle, July 24, 1746, Clinton Papers, Clements Library.


4. Ibid.

5. Ibid. (August 18, 1746), VI, 361.

6. Clinton to Newcastle, July 24, 1746, Clinton Papers, oversize I, Clements Library.

7. Clinton to Warren, draft, July 1746, Clinton Papers, Box III, Clements Library.
   Clinton obviously refered to an offer Clarke made in 1741. By this time Clarke had lost all interest in the governorship.

8. Stephen Bayard and Edward Holland to Clinton, July 29, 1746, Clinton Papers, Box III, Clements Library.

9. Clinton to Newcastle, July 24, 1746, Ibid., Box III.


12. Ibid.

13. Stephen Bayard to Clinton August 20, 1746, Ibid., Box IV.

14. Clinton to Delancey, August 24, 1746, Ibid., Box IV.
   Draft edited by Colden.

160


17. DeLancey to Clinton, August 30, 1746, Clinton Papers, Box IV, Clements Library.

18. "Council Meetings at Albany," September 1746, Ibid., Box IV.

19. Ibid. (September 12, 1746).

20. Ibid. (September 16, 1746).

21. Ibid. (September 20, 1746); Warren to Clinton, October 20, 1746, Clinton Papers, Box IV, Clements Library.

22. "Council Meetings at Albany," September 20, 1746, Ibid., Box IV.

23. Ibid.

24. Ibid. (September 29, 1746).

25. Assembly Journal (July 15, 1746), II, 123.


27. See Cal. Council Minutes, during the various absences of Clinton and other governors. (i.e. May 20-June 23, 1725, VI, 298-299; June 29-July 28, 1726, 301; September 18, 1728-March 10, 1728/29, 306-307.


30. Ibid. (July 28, 1746).

31. Ibid. (August 12, 1746), IV, 357.


36. Ibid. (September 29 and 30, 1746), VI, 359.
37. Ibid. (October 4, 1746).
38. Ibid. (October 4-14, 1746).
39. Assembly Journal (October 17, 1746), II, 123.
41. Ibid.; Assembly Journal (October 17, 1746), II, 123-124.
42. Ibid.
44. Clinton to Council, October 18, 1746, Clinton Papers, Box IV, Clements Library.
45. "Opinion of the Committee of Council," October 21, 1746, Horsmanden Papers, NYHS.
46. Ibid.
47. Clinton to Council, October 22, 1746, Clinton Papers, oversize I, Clements Library. Draft in Colden's hand.
48. Ibid.
50. Clinton to Council, October 22, 1746, Clinton Papers, oversize I, Clements Library.
51. Clinton to Major Glen, October 21, 1746, Clinton Papers, NYHS.
52. Assembly Journal (October 23, 1746), II, 126.
54. Ibid., 656; Assembly Journal (October 27, 1746), II, 128.
55. Ibid. (October 29 and 31, 1746), II, 129.
57. "Representation of the Assembly," November 4, 1746, Clinton Papers, Box IV, Clements Library; also in Assembly Journal, II, 130 and N. Y. Col. Docs., VI, 656.

"The State of New York," is dated November 5; the Assembly Journal, November 3. The date on Clinton's copy is probably the first day he saw it.


59. Ibid. (October 29, 1746), II, 129.

60. Ibid. (November 4, 1746).

61. Ibid., 130-131.

62. Ibid., 131.

63. Ibid.


66. Ibid., 132.


68. Assembly Journal (October 29, 1746), II, 132-134.

Independent Companies were Royal British Troops placed in New York at the expense of the Crown.

69. Ibid. (November 8, 1746), II, 134.

70. Ibid. (November 10, 1746), II, 134.

71. Ibid., 135.

72. Ibid.

73. Peter Warren and William Shirley to Clinton, November 10, 1746, Clinton Papers, Box IV, Clements Library.

74. Ibid.

75. Philip Livingston, Stephen Bayard, Edward Holland, and Henry Holland to Clinton, November 13, 1746, Ibid., Box IV.

77. Ibid., 137-138.

78. Ibid., 138.

79. Ibid.

80. Ibid.

81. "Papers submitted with Clinton's message," November 24, 1746, Ibid.


83. Colden to George Clarke, November 26, 1746, Letters and Papers of Cadwallader Colden, III, 290.

84. Ibid., 290-291.

85. "Council Meetings at Albany 1746," September 1746, Clinton Papers, Box IV, Clements Library.

86. Assembly Journal (November 26, 1746), II, 139.

87. Ibid. (November 28, 1746).

88. Ibid. (November 29-December 2, 1746), 140.

89. Ibid. (December 2, 1746).

90. Ibid. (December 6, 1746).


93. Ibid., 330-331.
Clinton realized that with both his Council and Assembly launching attacks upon him, he would have to do more than present the situation to the Lords of Trade as he had promised the Assembly he would do. A memorandum in Cadwallader Colden's hand dated December 6, 1746, shows that the two immediately composed their version of the events in New York when they saw they had less support from the Council than they had expected. A letter written December 9, 1746, was the first of a series of letters written to explain the incidents of the past summer. It was the first letter Clinton had written home since the beginnings of his troubles in July. He knew his council members had influential friends in London, and he was especially aware of DeLancey's patrons.

It was essential that his interpretation of the issues arrive in London first. This letter began a campaign to enlist home support that was to last several years.

The December 6 letter set the tone for the following letters. The topics covered in it were expanded or restated as needed. In the letter, Clinton acquainted the Duke of Newcastle with the newly formed political faction in New York. The faction, according to Clinton, had been developed for the sole purpose of hindering the expedition against
Canada. At first the Assembly had been willing to spend as much money as the colony could afford, but the faction had now persuaded them to discontinue their generosity. Clinton now found that he was forced to check the growth of this faction, for its efforts had impeded the war effort. To do this he was going to remove Daniel Horsmanden, the "chief contriver and actor" of the opposition, from the Council and replace him with James Alexander.²

The revelation of the political problems was followed by a description of the assistance he had received from Colden since the development of the party. Clinton asked that Colden be appointed Lieutenant Governor of New York as a reward for his help. This appointment would also prevent "inconvenient sollicitations" for that office.³

After expressing the positive actions to be taken against the faction, Clinton expanded his account of the political activities in New York. Because of the actions of the faction, Clinton had been forced to draw large bills against the London Treasury to settle the Indian affairs. The New Yorkers had been unwilling to change the administration of those affairs, although it seemed necessary in order to retain the Indians' allegiance to the British. To override that resistance, and to retain the all important Indian allegiance, Clinton had changed the administration of those affairs by sending William Johnson among the Indians at the Crown's expense. Hopefully, this unilateral action would meet with the Lords' approval. To perfect the reorganization, Clinton asked the Lords to remove Philip Livingston from his office as Secretary for Indian Affairs. According to Clinton, Livingston had been the principle cause of the Indians' displeasure with the British.⁴
After relating the Indian problems, Clinton offered his explanation of the difficulties he was having with his government. The single cause of his problems with the Assembly had been its control of the treasury of the colony. The control was so great it could reward those who served its purposes and withhold payment from those who supported the King. Most Assemblymen were part of the faction, and it was likely they would refuse to pay Clinton's men. His salary was also controlled by the Assembly, thereby giving it undue power over him. If he opposed the Assembly, he did so at the risk of losing his salary. Clinton then suggested a plan to collect quitrents and use that source of income to pay the governmental salaries. This would free him from the whims of the Assembly. If the plan were implemented immediately, he would have the power to effectively quash the faction and put the Indian affairs in order. These themes of faction, expedition, Colden, Indian affairs, and Assembly control of finances were the ones Clinton would expound over and over in his effort gain home support.

Clinton had outlined his suggestion for collecting quitrents in a letter written to Pelham the day before. The ostensible purpose of the plan had been the payment of the governor a salary that was not dependent on the Assembly. The implementation of this plan, or even the hint that such a proposal had been made, would have confirmed the landowners' fears about Colden. It would also have embroiled Clinton in a controversy over the control of the government officials' salaries that most New Yorkers had thought settled during Clarke's administration. The plan also detailed how control of the Indian affairs was to be taken from the Livingston family. Everything related in this letter
confirmed the fears of the Assembly and Council members about the effect of Colden's advice on Clinton. Clinton had adopted Colden's suggestions.

Clinton's first formal presentation of the issues in New York was written in "The Present State of the Province of New York" dated December 12, 1746. Here, Clinton reviewed the problem of the Assembly's control of the colony's income, adding a discussion of the subsequent control of the nominations to various offices by virtue of its control of the salaries. This addition was prompted by a recent episode in which the Assemblymen had forced the government printer to print their grievances ahead of Clinton's account of the Indian Treaty at Albany. Their Representation had thereby reached the public first, leaving the impression that his pamphlet was a mere response to their grievances. When Clinton had inquired how this had happened, the printer excused himself saying he was paid by the Assembly. \(^8\)

Clinton also extended his complaints about governmental financing to include what he saw as the Assembly's attempt to control military affairs through its supply commissioners. This complaint also covered the Council's efforts to control the militia by making appointments during his absence the previous summer. \(^9\) Most of Clinton's facts, up to this point, had been simple interpretation of events. But with this essay, he began to resort to twisting the facts to strengthen his case. He said the Council, without the help of Mr. Kennedy "who refused to join them", had appointed military officers without his knowledge. \(^10\) As shown previously, Kennedy was indeed involved with the appointments, and the exchange of letters also showed that Clinton had
most likely requested the Council to make the appointments in the interest of facilitating the war.

Resorting to invective, Clinton then called the Assembly a group of Dutch farmers and shopkeepers run by avaricious men. These greedy men were involved in the Albany fur trade that had put the Indian affairs in such chaos. 11

The same day this official version of events was written, Clinton penned another letter to the Lords of Trade alerting them to a publication explaining the Council's version of the December fourth meeting. In order to offset the impact of that pamphlet, Clinton recounted at length his account of the meeting, ending with the observation that the Council was also involved in the popular movement against Colden. The source of the anti-Colden feelings was a nameless man of "superior fortune and numerous Relations". 12 To whom Clinton was referring is not clear. But logic points to Philip Livingston, the person Clinton saw as the source of his problems with the Indians and therefore the cause of his problems with the war. Clinton had recommended his removal from the Council and as Secretary for Indian Affairs. Hindsight has led many historians to say that Clinton meant DeLancey, though there is no proof nor reason to come to that conclusion based on the evidence in December 1746. In fact, Clinton had not mentioned DeLancey in his discussion of the New York affairs.

The Councilmen, aware of Clinton's report to London, did not delay in presenting their case to the home government either. Their official statement, the publication to which Clinton referred, was called a "Representation of seven members of the Council in reference to Colden's
pamphlet on the Treaty with the Six Nations". When printed in the *Weekly Post Boy* December 9, 1746, it explained their view of the December fourth meeting. They depicted the Clinton-Colden pamphlet as calculated to raise Colden's reputation with the public and to lower the reputations of the Council members. They correctly revealed that Colden, too, had at first refused to go to Albany. He went only when he was reminded that it was his turn to go with the governor. The excuses made by the other members were also recounted. Each stated the same reason they had given Clinton in June and added the fact that with the Supreme Court meeting in New York City in July, this prevented the justices, DeLancey and Horsmanden, from attending the governor.  

The Council included in their account, their version of the October 21 Council meeting in which they had refused to come to a decision about the winter camp until they had seen the minutes of the Albany Council. They saw Clinton's actions, in this case, as resulting from the bad advice he had been receiving. They reflected on his comments in June, when he had complimented the colony on their harmony and rhetorically asked what it was that had brought the colony to such bickering in a few short months. They also questioned whether there was any real disagreement between Clinton and the Assembly, noting that the Assembly had provided for governmental support and defense of the colony during its fall session.  

The Council members' real grievance was saved for last. In the last few paragraphs they reminded Clinton that in all the quarreling about the transportation of supplies, he had come but once to the Council for advice. They suggested that "perhaps had your Excellency
been pleased to have Consulted his Majesties Councill of the Province, Matters might not have been Carried to So great Lengths." Slighting the Council culminated in harsh feelings between Clinton and the Assembly because of Colden's influence on Clinton. Clinton had not consulted with them when he recessed the Assembly, nor had he bothered to give them his reasons for rejecting two bills that had passed both houses, nor had he given the minutes of the meetings with the Indians to the Council.¹⁵

These were but a few of the slights of the Council in the recent months. All were due to the influence of Colden on the governor, according to the Council. Colden had stated in his pamphlet that he was "the Next person to Your Excellency in the Administration"¹⁶ and the Councilmen were afraid that he was. The entire account was written, not to reflect badly on Clinton, but to convince the people in London that the Council and the Assembly had legitimate reasons to fear the placement of Colden so close to the governor. As far as they were concerned, Colden's advice was the unsettling force in New York politics. If he were removed, all would return to normal.¹⁷

Throughout January of 1746/47, all participants in the controversy maneuvered to show their best side in London. The people supporting Clinton assured him that Admiral Warren, brother-in-law of DeLancey, was ignoring the Council's grievances thus depriving them of an important patron in London.¹⁸ Colden reassured Clinton the only reason the Councilmen had bothered to publish their account was their jealousy over Clinton's success with the Indians. He also hinted that the problem with the Assembly was simply their growing "Independency".¹⁹ Colden
warned those who supported Clinton that they had to be on the guard "for I am far from thinking that their view is only defensive". And Clinton continued to press Major Glen for an accounting of the money spent on Indian affairs so he could present his case to the Assembly more effectively. Such a loose end could prove damaging to their case. Meanwhile, the members of the Council met privately to discuss their strategy in the affair. Philip Livingston and James DeLancey, the two Council members most concerned with the turn of events, found themselves allied in the cause.

When the Council published their explanation of events, the backers of the administration formed another statement to the Lords of Trade. Although brave words were uttered that "their representation it will fling them on their own backs", they knew their defense had to respond logically to the representation. Colden had responded heatedly to the charges made in the Council's narrative, making rash statements as "it could not be true that I refused to go" in reference to the Albany trip and asserting that Clinton's problems emanated from the poor advice given to him when he first arrived in the colony rather than from his more recent advice. So strong was Colden's language that Clinton's backers found they could not use his defense in presenting their defense to the Lords of Trade. Instead, what they eventually wrote was a description of Clinton's administration since he had come to New York.

While Clinton's defense was being written, he and his Council found they could agree on the winter attack on Crown Point suggested by Governor Shirley of Massachusetts. Daniel Horsmanden wrote the opinion of the Council stating that it was a "hazardous undertaking". If the plan
were pursued, the expedition had to be carried out before the end of
February when the spring thaws would make all transportation impossi-
ble.28 Clinton agreed with them and on January 22, 1747, outlined his
objections to the plan. The plan was unfeasible because of the lack of
time to implement it before the spring thaws; also it would be prefer-
able to wait until London's military plans were known.29 Clinton's per-
sonal advisors also agreed. Kennedy wrote Colden that the attack sug-
gested by Shirley was "absolutely impracticable this winter."30

On February 2, Clinton again asked the Council for their opinion
on the winter attack and they again told him they felt it was impracti-
cal. Clinton concurred.31 Why he asked them twice is puzzling, unless
the Council's charge that he had failed to consult with them had been
true. Unfortunately, Clinton chose this congenial meeting to give the
Council the minutes of the Albany meeting the previous summer. The min-
utes had been inserted in the Council Journal. The appearance of the
minutes there raised the tempers of the Council members, who questioned
who had decided the Albany Council superseded the Council that had met
in New York City.32 The argument over which Council was the real Coun-
cil burst into flame. The Council members that remained in New York
City maintained, with precedent on their side, that the members who
attended Clinton to Albany were a Committee of the Council. The inclu-
sion of these minutes in their Journal as Minutes of the Council was an
insult.

On February 11, 1746/47, a Committee of Council dominated by John
Murray and recorded by Horsmanden, sought to expunge the minutes of the
Albany meeting from the Council Journal. Noting that some of the
minutes the Council had seen earlier had been left out of the official Journal, the Clerk of the Council was asked to find out why the entries were in the Journal.33

This skirmish was quickly abandoned in favor of the discussion of the military affairs at hand. Both Council and Clinton reasserted their reluctance to become involved in a winter attack, and Shirley finally gave up his idea on March 2, 1746/47, giving fuel to the rumors that peace was coming.34

While Clinton and his Council were being amenable, the backers of Clinton were trying to find the best way to make their next statement to London. The correspondence between Clinton and Colden during February 1746/47 show the efforts they were expending trying to find the best approach to the case, hopefully making it foolproof. Clinton was obviously reluctant to make personal attacks for Colden told him "Your mistakes come from thinking others acted with the same Honor you hold."35 Clinton made up his mind when he received the news of the impact the Representations of both Council and Assembly had had in London. Clinton learned, in a letter from Sir Peter Warren, that he was representing Colden's attackers. Clinton's major agent had been ill, giving Warren full control over the material presented to the Lords of Trade. As a result of Warren's letter, Clinton decided to explain his position through personal attacks. He also began his inquiry into the legality of his suspending commissions.36

The result of the month long agonizing over presentation was a long paper, "State of my Case in regard to my Administration in New York Govern[†] Sent to the Lords of Trade and to Mr Guerin in 1746/47".
This account added several new incidents designed to bolster Clinton's case. The first addition reminded the Lords of Trade that Clinton had been advised to listen to DeLancey and not to insist upon long term governmental support. He had, as a result, considered DeLancey's advice carefully and had appointed DeLancey's friends to the vacant offices. Because Clinton had followed DeLancey's advice so closely, DeLancey, according to Clinton, had been able to secure control over both the Council and the Assembly. This arrangement had worked very well until the Desertion Bill had been passed in spite of the opposition of DeLancey during the winter of 1745. Clinton and DeLancey had argued over the matter and they had parted ways. As noted before, Clinton's memory of the facts of a year old event did not fit with what actually happened. There is no indication that a quarrel over the Desertion Bill which severed the DeLancey-Clinton relationship took place that winter.

Clinton's second revelation concerned Warren's request for the New York government. He had told Colden that he intended to show Newcastle the "Insolence" of Warren and this addition was designed to carry out that threat. He apprised the world that when he had requested a leave of absence because of his poor health, Warren had hinted that he would like to have the governorship. Actually, Clinton had requested the leave to straighten out his financial affairs in England, and Warren had requested the government some time before Clinton requested this leave. But with the turn that events had taken, Clinton's "factual" description of events asserted that Warren had spread the rumors of
Clinton's leave in order to succeed him as governor and to thwart Clinton's expedition to Canada. 42

Tying the two additional incidents together, Clinton informed the Lords of Trade that DeLancey had refused to help him write his speeches in order to help Warren's campaign for the government. Further, DeLancey, Horsmanden, and Murray had all tried to confuse him during Council meetings by asking him for unnecessary explanations and definitions of words. It had been at this point when Clinton asked Colden to assist him. 43

Clinton did not pinpoint the times these efforts to confuse him took place, and it is difficult to decide from the evidence presented when they might have happened. DeLancey had helped Clinton greatly during the spring 1746 session of the Assembly, but he had not helped during the fall session when Colden had written Clinton's speeches. The Council meetings to which Clinton referred could have been any one between June 1746 and spring 1747 when all three of the named men had opposed the governor at one time or another. Given the inaccuracy of Clinton's previous statements, this accusation should probably be viewed as an attempt to build a case that would benefit Clinton and Colden and diminish the influence of Warren and DeLancey in London.

Clinton also expanded his theory that a conspiracy against him existed. In this statement of his case, he advised the Lords that both the Council and the Assembly were party to the conspiracy against him. This was an elaboration of the feeling Clinton had expressed in July 1746, except now the secret proceedings of the Joint Committee of the
Council and the Assembly became not only an effort to frustrate the Canadian expedition, but also a scheme to gain control of Clinton's government.44

Repeating his version of the 1746 Albany convention, Clinton restated the Livingston family's guilt for alienating the Indians and the Councilmen's guilt for refusing to accompany him to that outpost.

To cast more guilt onto Warren and DeLancey, Clinton unveiled a third incident. All the problems that had arisen because of the great numbers of desertions and mutinies among the troops for the Canadian attack were credited to DeLancey. Although DeLancey had recommended Colonel Roberts as the person with the ability to lead the troops into Canada, Clinton told the Lords that DeLancey had intentionally refused to rule on the question of courts martial for deserters and mutineers just to frustrate Roberts in his efforts for the expedition. DeLancey had simply maintained that he could not give an opinion unless he had a case.45

Paired with this complaint about the legal actions of DeLancey was a rehash of the Council meeting of October 21, 1746, on the winter camp. Clinton concluded his case attacking DeLancey for his refusal to help him with his speech opening the fall session of the Assembly.46 The speech had been written by Colden, causing doubt that Clinton had really wanted assistance from DeLancey. Clinton's parting stab unveiled still a fourth incident, though a minor one. DeLancey had become drunk at a party and had insulted Clinton.47

The number of newly revealed incidents in Clinton's case for the Lords of Trade, suggests several things. First, it intimates that
Clinton's backers were reaching deep into their memories for events which could show why there was an opposition to Clinton. Secondly, it shows that Colden and Clinton were fully aware that their case would have to be very complete if they wanted it to compete with Warren's influence in London. Thirdly, it appears that they had decided the best way to discredit Warren was to attack his brother-in-law, DeLancey, who was furnishing Warren's information.

After sending his explanation of events to London, Clinton belatedly called the Assembly for the traditional spring session in March 1747. He told the members of the Assembly that he had delayed their meeting in hopes that the military plans from London would arrive. The plans had not arrived, but he felt they should make preparations for the defense of their frontiers anyway. They may not have enough time to do it later. He told them he had already sent Colonel Roberts to consult with Governor Shirley and he had asked the Indians to forego their spring hunt so they would be available when the Assembly provided for an attack on Canada. He had also dispatched rangers and scouts to gather information about the French. He informed the Assemblymen that it was their duty to provide further for the levies and to pay his expenses for another trip to Albany. He told them that London had not responded to the suggested quota system, but he, nevertheless, expected them to raise their share of the men. The proposed meeting at Albany, Clinton told them, was extremely important so they should provide for the suggested provisions immediately.

The Assembly delayed action on the requests Clinton had made. On April 3, the Speaker of the House asked Clinton if he wanted them to
continue in session even though there was no quorum. The Speaker told
Clinton that the Assemblymen really wanted to be excused. Clinton,
somewhat alarmed, informed the Speaker that the Assembly had to con­
der the issues recommended to it. He was sure that he would soon be
called to Albany for a war conference. Clinton then went to the Assem­
bly and asked for provisions for the rangers and scouts. The King had
provided for these men last year, but Clinton solicitously told the
Assembly members that he was sure they would want to do it this year
since they had the opportunity.49

The following day, the Assemblymen renewed their November eighth
resolution to furnish provisions only for New York troops and to pay
the transportation of those supplies only to Albany. They then supplied
the troops for three months and gave Clinton £150 for his trip to Albany.
They also voted to provide for the rangers.50

Having done these things, the Assemblymen asked Clinton to adjourn
them. Clinton expressed his surprise and anger at their request, tell­
ing them they had not acted on any of his recommendations. He asked
them why they had kept him waiting without telling him they intended to
do nothing. As far as Clinton was concerned, they had done nothing
about Indian presents, and they had refused to save the King money.
Nevertheless, he would consult with the Council about their request
for adjournment.51

The reasons for the Assembly's recalcitrance are not difficult
to discover. Clinton had told them of several unilateral actions he
had taken. After their experience the previous session with what they
thought were actions taken by Clinton alone, the lack of consultation
would have bothered the Assembly. Clinton had also observed that Lon-
don had sent no orders for a summer campaign. The Assembly had acted
in 1746 only when the plans from London had come. With no plans for
1747, they would be equally as stubborn. The lack of plans also may
have reinforced the rumors that peace was being negotiated. Peace
would make all the preparations Clinton was requesting unnecessary, and
the Assembly was very reluctant to spend money they did not have to
spend. Further, Clinton had told them he was directing the Indians to
stay at home. Control of the Indian affairs had been a sore point the
previous session, and the Assembly would be reluctant to encourage Clin-
ton's supervision of those matters.

In spite of all these reasons not to act, the Assembly had done
several of the things Clinton had requested. They had provided for the
troops, for the rangers, and for his trip to Albany. They definitely
had not done everything Clinton had asked, but his statement that they
had done nothing was unjustified.

On April 9, 1747, Clinton asked the Council if he could adjourn
the Assembly before they had passed bills that would implement their
resolutions on the military matters. The Council advised him to re-
quest the bills be passed and not to excuse them until he had the bills
in hand. Then he should adjourn them for a very short period of time,
since it was probable they would be needed in the near future. The
next day, the Assembly rapidly passed the requested bills, but Clinton
did not adjourn them.52

On April 16, responding to reports of skirmishes along the north-
ern frontier, the Assembly asked Clinton to make one hundred men
available to "scour" the Albany woods. These one hundred men could be
taken from the "unimployed" troops already in existence. The Council
also responded to the renewed fighting by recommending officers for the
100 men requested by the Assembly. Clinton approved the request only
after the Assemblymen chided him for not approving the bills he had
demanded earlier. Conspiring with the chiding, the Assembly asked for
adjournment again observing that sitting was expensive for their consti-
ituents who were already burdened with taxes.

Clinton's backers had received favorable letters from London telling
them that Clinton was "Kin" to those in power and those in power
"give to those that serve them". Having received such encouragement,
they felt emboldened to further their attack on the DeLanceys. In a
letter to Knowles, Clinton told him that Oliver DeLancey was the head
of the faction that was opposing him. Oliver had "taken great Libertys
in meddleing in Government affairs & I take him to be a very danger
[sic] fellow for he knows no bounds to his tongune". The cause of this
attack on Oliver had been a friendship of his with Clinton's daughter's
suitor. This letter shows two important things. First, that Clin-
ton's natural suspicions were beginning to cause him to lash out in all
directions. Knowles response was one of astonishment that Clinton
would attack the suitor who had always expressed the highest regard for
him. Secondly, in spite of his attack on James DeLancey in the March
paper, Clinton still did not regard him as the head of the opposition.
That attack had been an attempt to discredit Warren, not to expose
DeLancey as the instigator of the opposition. Clinton had, though,
come to regard the younger, more outspoken DeLancey as a chief member of the faction.

The Assembly had not fulfilled Clinton's expectations and they had been rather snide toward him on two separate occasions. They had implied they were provisioning "unemployed" troops and they had accused Clinton of holding up the war effort by not signing the bill for rangers. On April 24, 1747, Clinton refuted these unmannerly attacks. He told the Assemblymen their comment regarding the unemployment of the levies was untrue, and delineated all the activities of the troops over the winter months. He also told them the Indians had been secured at no expense to them. This must have sounded strange to the members of the Assembly as they had appropriated over £1000 for the Albany Conference and Indian presents and they had been told the money was spent. He told them he had tried to avoid the differences they had had last fall, but their disrespect for him was inexcusable.

Clinton had properly reprimanded the Assembly thus far in his speech, but as seemed usual for the speeches written by Colden for Clinton, Clinton proceeded to offer the Assembly fuel for the next altercation with him. Clinton attacked the "richest men in Albany" who feared, according to Clinton, a Canadian expedition that would ruin their trade with the Indians. Clinton complained that his efforts to carry on the war were being impeded by the irate traders whose trade he had stopped. These traders' treatment of the Indians had made it difficult to engage the Indians in the war effort and now Clinton was beginning to believe their impediment of the war was contrived with the help of the French. After Clinton revealed this plot against New York
and the British, he expressed his hope that the members of the Assembly would not be taken in by the Albany traders and they would work to prevent the "neutrality" the schemers wanted to perpetuate in favor of their trade.59

Reaction to the last part of Clinton's speech was rapid and predictable. That afternoon, the Assemblymen resolved that since Clinton had accused them with neglecting the defense of the colony, treating him with disrespect, and had revealed the alleged scheme between the Albany traders and the French, they would write another representation that would protest and answer his accusations.60 The attack on the Livingstons was not going to be tolerated. The Assemblymen also knew that the bills they had passed to expedite the war were lying unsigned on Clinton's desk.

Clinton did not have long to ponder the Assembly's promised representation. News arrived that many of the soldiers were deserting because they had not been paid. He asked the members of Council for their advice, and they suggested he take stringent measures as news of even more desertions arrived daily.61 Clinton finally passed the bills that had been lying on his desk since mid-April that provided for supplies and payment of some of the troops. If the desertion problems had not prodded him into signing the bills they might have lain there until orders from London had arrived. Finally, on May 2, Clinton adjourned the Assembly, and then only because of the military riots in Albany.62

Clinton now worked closely with the Council to stem the tide of desertions. Money was quickly raised in the city to loan Clinton
the funds necessary to pay all the troops. Notably, two of the merchants who agreed to help Clinton were John and young Robert Livingston whose family Clinton had been attacking so vigorously.63

After scraping together enough money to offer the troops partial pay, Clinton found that Captain Peter Schuyler, a wealthy New Yorker, had paid the full salaries of his troops. Clinton immediately reprimanded Schuyler for doing this without consulting him. To have one company receive full pay while the others received only partial pay invited mutiny. Even though he was sure Schuyler had acted with zeal for the King's service, Schuyler was to pay only the amount that had been offered to the other troops.64

Clinton was somewhat baffled by the lack of replies from London to his December explanation. Remembering the Lords of Trade's statement that they answered all important letters, he again wrote Newcastle explaining conditions in New York. The mutinies and desertions taking place added to Clinton's apprehension as he complained about the Assembly's stubborness and the lack of directions from London. He told Newcastle the troops were mutinying because they had no supplies and nothing to do. He was convinced the disorders were the result of rumors spread among the men that they were not going to be paid. The Assembly had refused to pay the troops and Clinton had been forced to pay them out of his own pocket. Although he said he was working closely with his Council, he again asked for alterations in it and the appointment of Colden as Lieutenant Governor.65

Clinton did not tell the Duke of Newcastle that he had not asked the Assembly to pay the troops. The Assembly had been in recess during
most of the desertion problem, and they had not been asked to pay troops since their somewhat curt refusal the previous November. Clinton's statement was probably based on the fact they had refused to advance the Crown the money the previous year.

He also neglected to tell the Duke that the New York merchants had loaned him the money to pay the troops. The loan was in effect until the money from London came. Unless London failed, his fortune was intact. He did tell the Duke he was cooperating with his Council to refute their accusations that he had not sought their advice. But the strangest thing about this letter was his admission that the Assembly was right in saying the forces were idle. He attributed their mutinies to the lack of supplies, though he, personally, had not signed a bill for a month after it was passed that would have sent supplies north.

In the middle of the mutinies, desertions, and the uncertainty over summer military plans, the Assembly reconvened and presented another representation to Clinton answering the speech he had made when he recessed them. The members of the Assembly informed Clinton that they had been acting on precedent when they had suggested using the rangers, and their comment on the unemployed levies merely referred to the fact they were not being used for the expedition for which they had been raised. They knew the Indian allegiance was important, so important that they had appropriated over £1000 to secure their fidelity. They gently reminded Clinton of some thing he hoped would be forgotten. He had not told them how the money they had appropriated had been spent. They were aware of the importance of the several proposed defense plans, but they were having to supply troops from other colonies and they felt
it only right that the other colonies share the expense. In the last year they had spent £40,000 on the war, they had even provided for commissioners to help coordinate the war effort. But they did not see how the few Council members who had gone to Albany with Clinton had the power to make agreements with the commissioners from other colonies.  

Further, they were concerned that he continued to follow the advice of a man in whom they had no confidence. They had not known about the Albany traders' correspondence with the enemy, but if they were guilty, they should be punished. If Colden had given those "notions" to Clinton, he had "grossly abused his confidence". They then complained about Clinton's using "private persons" in Indian affairs. Those people had caused great problems since their efforts were not aligned with the Indian Commissioners' endeavors.  

The members of the Assembly concluded their statement by expressing hope that Clinton had heard that the presents given the Indians the past summer were not worth one-third the amount allotted by the Assembly. There were also rumors that he had sold prisoners of war to neutral tribes for weapons. It was their duty to report these rumors to Clinton and give him the opportunity to clear himself.  

The receipt of this representation and the news that Schuyler's giving his troops full pay had caused further mutinies weighed heavily on Clinton. He and Colden continued to hope for news from London that would settle the problems of the colony. Consequently, the Schuyler affair was duly reported to the Duke of Newcastle with the observation that these things, all put together, showed the danger the faction had put the colony in. Further, it should be obvious to
the people in London that the King's service all over North America was suffering because of the actions of a few New Yorkers. 71

On May 26, 1747, Clinton responded to the Assembly's representation before dismissing it until June 2. He told the Assemblymen he was laying their grievances before the King along with his answer, which would be the best they could expect. Clinton then heatedly asked the Assemblymen why their representation was not in their proceedings, and how they managed to write it when they met for the first time at two o'clock and it was sent to him by four. Obviously, he answered himself, it had been previously written in the spirit of faction. 72 Clinton's anger had caused him to ignore the Assembly's announcement on April 24 that they were going to write a representation. The paper had not been presented until May 19. They had been recessed during that time and any meetings they might have had would not have been recorded in their Journal. The Assembly had had plenty of time to discuss their grievances off the record.

Because no word had come from the ministry concerning the matters they thought important, Clinton and Colden continued to shower London with letters containing their version of events in New York. 73 Clinton again wrote the Duke of Newcastle on May 30 sending the Assembly representation and his reply to that paper. In the covering letter, Clinton observed that the King either had to show support for Clinton or give up his authority to the faction. The Assembly's representation, according to Clinton, had been written without any evidence to back its charges, he again asked the Lords of Trade to sit as judges. 74
For the first time James DeLancey's name appears in conjunction with Daniel Horsmanden and John Murray as a perpetuator of the rumors which had led to the false representation. He directly attacked DeLancey as "a man of violent passions & unforgiving principles". Asking for orders to suppress the faction, Clinton stated that their power lay in their control of public opinion and their influence in the Assembly and the Council. He also asked to return to London to defend himself and to insure the faction's effort to have the bills he had drawn on the Exchequer voided did not work.\(^{75}\)

Clinton's first attack on DeLancey had been an effort to discredit Warren's testimony. On April 22, 1747, he had confided that the leader of the faction was the youngest DeLancey, Oliver. Now Clinton had made the transition necessary to accuse James DeLancey. Such a transition was inevitable given Clinton's suspicious mind and the close relationship of DeLancey with both Warren and Oliver DeLancey. Furthermore, DeLancey had opposed Clinton, along with several other Council members, several times, most notably in the December 4, 1746, Council meeting. Although all seemed to be going well with the Council this year, Clinton's attacks on the Livingstons had driven the DeLanceys and the Livingstons closer together because of their interest in Albany. There is no doubt that DeLancey disapproved of Colden's domination of the pliable Clinton. Clinton's letter had given indication that he was being very petty. If DeLancey had not avidly supported Clinton over the past year, this attack indicates he was now in direct opposition. A combination of the attack on the Livingstons, Colden's advice, his own interests, and his personal knowledge of Clinton had put him there.
In his remarks concerning the Assembly's representation to the Lords of Trade, Clinton pointed out how rapidly the document had passed that body. He let them know that his daily expectation of orders from London had led him to keep the Assembly past its request for adjournment. Clinton told the Lords that the Assembly had been argumentive from the first day of its current session. The Assemblymen had refused to supply rangers when he had refused to use current levies as rangers. The Assembly had insinuated the Indians were not employed in the war. They were not, but they would have been had the Assembly supplied them. The Assembly's assumption that the Crown was paying for the Indian presents was false, according to Clinton. It had been presumed to cover the mess made of the Indian affairs. Clinton reasserted his charge that the Assemblymen had not supported him as well as they had other governors. They were so eager to take over the military, Clinton told the Lords, they refused to act on Clinton's recommendations, questioning what he had managed to do. The allegations against Colden represented the view of only a few in the Assembly. There had not been harmony before he had become his advisor. Colden's advice hindered their attempts to take over the King's prerogative and for this reason they maligned him.76

Clinton proceeded to implicate the Albany traders by asserting they had spread the rumors that caused the recent mutinies. The Assembly representation said he had kept them from examining the Indian affairs, but he had never been asked for the papers they would need for such an investigation showing they did not intend to make it. Their charge about the Indian presents was false; he had accounted for them
after he returned from Albany. He dismissed their charge that he had sold prisoners of war, saying he had no reason to do so. Clinton's defense closed with the complaint that the Assembly had attempted to keep him from seeing the representation before it was published.77

Clinton's justification to the Lords of Trade was violent, long-winded and repetitive. In his letter, several times the length of the Assembly's account, Clinton had snatched at every point to defend himself. Boldly lying, he had told the Lords that the members of the Assembly had refused to provide for rangers, when in fact they had done so days before he signed the bill into law. Dredging up implications that may or may not have been there, he accused the Assemblymen of making statements that were not in their representation. Their assumption that the Indian presents were being paid for by the King was correct. Clinton had been told that by his Council, by Governor Shirley, and by others, but he insisted they were wrong. They were giving Clinton a higher salary than they had given any other governor, and they were doing it with the same annual support bill they had used before. Clinton was probably referring to the fact that his perquisites were less than he thought they should be.

In the past he had maintained their war contributions were meager, now he admitted the Assembly's reluctance became evident only in this session. Clinton's fear of an inquiry into the Indian affairs was so great that he had been pressuring Colonel Glen to get the accounting he needed to defend his expenditures. His charge the Assembly did not intend to pursue the inquiry seems strange in view of his effort to be
prepared. Although the Assembly had clearly stated they were reporting rumors, Clinton had treated them as if they had been fact.

Clinton's irrational defense can be explained partially. The Assembly representation was well-written and the facts presented fit with the facts from their Journal. Clinton, himself had recently upheld part of their presentation in a letter home. Now he had to discredit that. Before he had been merely suspicious that the opposition was trying to ruin him. He now had persuaded himself this was true. In this state of mind he dredged up everything he could find to defend himself against real and supposed charges. The thought that perhaps the home government had not replied to his letters because they thought them unimportant, the pressure of the mutinies, the stubborness of the Assembly, his rejection by several Council members, his inability to account for some of his expenditures on Indian affairs all culminated in this defense making it violent, detailed, repetitive, and often incoherent. Someone had to be blamed for the mess.

Clinton recalled the Assembly on June 2, 1747, and again asked it to pay for the Canadian expedition on its own. He told the Assemblymen he had spent part of his private fortune trying to further the war in New York. Nine thousand pounds in his bills of credit were being used to pay the mutinous forces. He asked the Assembly to redeem those bills. The very least they could do, he told the members of the Assembly, was to assume the responsibility of those loans so his family would not be left destitute if something happened to him. If they refused, he threatened he would not be responsible for what might happen in New York.
The Assemblymen answered Clinton's demand two days later by referring to the letter from the Duke of Newcastle dated April 9, 1746, which stated the troops raised for the Canadian expedition were to be paid by the Crown. It was obvious to them that the King did not expect New York to advance money to pay those forces. They had given supplies for those troops cheerfully, but the pay was Clinton's responsibility as a crown official. He could take care of it by drawing bills on the London treasury. His insistence that they should back his bills of credit implied that he did not trust the King. The day following the Assembly's reply, Clinton adjourned it.

The mutinies at Albany continued as rumors that the expedition to Canada was to be abandoned filtered in from Philadelphia and Boston. The attempt to stop the mutinies by paying the soldiers had had no effect. The concerted efforts of the members of Council and Clinton to quell the riots drew the praise of Colden. The Council finally decided on June 19, 1747, to send Clinton to Albany to attempt to settle the six week old disturbances. When Clinton left, he gave specific instructions to the Councilmen about their actions during his absence. They were to maintain peace in the city, expedite the King's service, tell him of the steps they took to expedite it, and forward all dispatches they saw fit. These were the same powers they had exercised during his last absence. Clinton seemed to have defined the limits to forestall any hard feelings and to maintain the current working relationship.

While he was in Albany, Clinton wrote another defense of his administration. This letter to the Lords of Trade was more subdued and
logical than the previous defense. Returning to the style in his first two efforts, he began his story earlier, with the Clarke administration. To show the continuity of the attempts of the faction, he said that Clarke's method of quieting the faction had been one of conceding to its demands. The Assembly had been very powerful when Clinton took over the government. Clinton had been unacquainted with the affairs of New York, so he had relied on DeLancey's advice. DeLancey had told Clinton that the Assembly would never support the government except by annual grants. He had advised Clinton to first win the affections of the people, then make his move to regain the prerogative. This had seemed reasonable to Clinton, and he had followed that advice. It was not long, though, before Clinton realized that DeLancey was using his position as an advisor to build up his own interest so he would be able to take over the government. This would have put the administration of New York into the hands of the faction. By the time DeLancey had finished with his schemes, Clinton found he was simply "first officer of the Council" not a governor.83

Clinton listed DeLancey's "designs" for the Lords of Trade. First he had persuaded Clinton to accept the one year support that made the governor dependent on the faction controlled Assembly or more correctly, the DeLancey controlled Assembly. Secondly, DeLancey's suggestion that Clinton call for a new Assembly when he took over the government, had been designed to free DeLancey of the speaker so he could make the Assembly dependent on himself. This had been accomplished by the election and the use of a joint committee of Council and Assembly. This joint
committee had planned the movements of the faction. All their schemes revolved around opposition to new taxes.\textsuperscript{84}

The third thing DeLancey had done in his effort to control the New York government, had been to encourage opposition to the Canadian expedition. The people of New York had originally welcomed the plans for that expedition, but the zeal of the Assembly had been doused when DeLancey showed them the heavy taxes Massachusetts Bay had incurred. Now the Assembly refused to do anything beyond what they had been told to do in the letter from Newcastle.\textsuperscript{85}

Fourthly, the faction members had tried to ruin Clinton's credit in England. They had done this by attempting to discredit his success with the Indians. This allegation, according to Clinton, was proven by the fact that they had taken over military affairs while he had been in Albany securing the Indian alliance. It was further proven by their own minutes written by Horsmanden with the advice of DeLancey and Murray.\textsuperscript{86}

The fifth and main way DeLancey had tried to gain power, was through procuring appointment as Chief Justice during good behavior. DeLancey had pressured Clinton for the appointment which gave him "the greatest influence as no man can think himself safe from his power." According to Clinton the power had continued through a succession of governors and it now threatened to overpower him. It would be impossible to prove DeLancey's guilt since the people feared "they may become subject to the resentment of a Man in such power and known to be of implacable temper." When Clinton had given DeLancey the commission, DeLancey had been willing to help Clinton, but as soon as he had secured his position "he put himself at the head of the Faction". Ever since
DeLancey had been Chief Justice had had schemed to weaken the authority of the governor. Accordingly, all Cosby's problems could be attributed to DeLancey's ambitions to become Chief Justice. Clinton's offered proofs for these allegations were all the acts of the Assembly since Clarke.87

Clinton, after making his case, asked the Lords of Trade to revoke DeLancey's commission as Chief Justice by an act of Parliament. He told them they could use the loophole that there was no mandamus requesting the appointment to revoke the commission. As Clinton could see, there was no hope of suspending DeLancey from the Council while he remained Chief Justice.88

This was the first time that Clinton's case against DeLancey was carefully drawn. But he had definitely resorted to twisting facts to fit his case. DeLancey had exerted a great influence over Clinton at first. But Clinton was now crediting all the bad things about his administration to DeLancey. DeLancey was a powerful man in the colony and those not well acquainted with New York could have been persuaded by the logical argument. But Clinton's dissolution of the Assembly that had sat for ten years had not been a scheme to change the speaker. Adolph Philipse remained in that position after the election.89 The speaker did not change until 1745 when Clinton had angrily dissolved the Assembly for its reluctance to pursue the Canadian expedition.90

Further, Clinton had found no fault with the joint committee until both Council and Assembly had disagreed with him about the financing of the expedition.91
DeLancey had persuaded Clinton to appoint him Chief Justice during good behavior to maintain his independence as an advisor. Now Clinton realized the potential DeLancey had to control the government through his offices, his popularity, and his patrons in London. This realization horrified Clinton whose generosity was a mistake writ large as DeLancey moved into open opposition. Acknowledging the power arrayed against him, Clinton begged the Lords of Trade to solve his problems for him.

At Albany, the problems of the long delayed expedition to Canada were continuing to grow. Johnson and a number of Indians had come to Clinton asking why he had drawn them into an Indian war if he was not going to fulfill his promise concerning the expedition to Canada. The Indians felt Clinton had lied to them since they had not yet seen the army Clinton said was coming. Referring to them as "dogs", Clinton told Colden something had to be done or the Indian alliance was lost.\(^{92}\)

Thoroughly depressed by the situation in New York, Clinton again wrote the Lords of Trade telling them New York was controlled by the faction. "I can not take the consequences for it unless you send some instructions as to what to do to keep the Kings authority". All of Clinton's attempts to better the situation over the last year had encouraged the faction to go to greater lengths, now Clinton was reduced to begging the Lords for help.\(^{93}\)

Another letter to Maynard Guering expressed Clinton's depression further. He told Guering the cause of his depression was the bills he had drawn on the treasury without knowing if they would be honored. It was going to take £30,000 to pay the mutinous troops and he now wished
he had asked permission to draw the pay from the Exchequer. If he could come home, he could prove DeLancey was "a Villain". Further, Clinton told Guerin that he was going to suspend Horsmanden from the Council as soon as the ship sailed with this letter. The action would not reduce DeLancey's power, but it would be a show of power.\textsuperscript{94}

Clinton told Guering that he was unsure what powers he had to correct the situation. He knew that other governors had dealt successfully with like problems. "I don't see why I should be such a Fool as to be uneasy when I can make myself Easie & I should be glad to know if I have not as much power....as any other Gover\textsuperscript{n}...provided I could Show good cause...."\textsuperscript{95}

Clinton then reiterated his desire to return to London and straighten out his accounts and again suggested that Colden be made the Lieutenant Governor during his absence. Throwing all caution to the winds, Clinton then announced,

"If Doct Colden is not made Leut\textsuperscript{t} Govern\textsuperscript{r}. & something done for him & M'. Allexander made of y\textsuperscript{e} Council he retires into y\textsuperscript{e} Country I then am left entirely alone what am I to do I can't pretend to gover\textsuperscript{n} alone & I can Expect nothing from y\textsuperscript{e} Faction unless I give myself up entirely to them,...after all their Gross affaronts this I know is their tirms & this I must Submit to or come home & run y\textsuperscript{e} risque of His Maj\textsuperscript{t}. Displeasure & be Shott for a Diserter & yet rather than I submit on such Shamefull Scandalous tirms & be y\textsuperscript{e} joak of every ones conversation, I will undergo both Displeasure & Shooting".

Clinton had decided to suspend Horsmanden and assert the power he had, then go home and fix his accounts whether or not he received permission to go.\textsuperscript{96}
Clinton also wrote Undersecretary Andrew Stone begging him to let him come home as the governor of New York. Fearful of the position the Assembly had forced him into by refusing to back his bills of credit, Clinton felt he had to go to London to explain why he had presumed to draw the bills without permission. Clinton's panic in this respect seemed to mount as he was compelled to draw more from the King's account. He had been told over a year before by both Shirley and Warren that he could draw the bills, and only recently he had received notice from Robert H. Morris, Jr., the governor of New Jersey, that it was proper to draw on the Crown for the army's pay. Clinton's escalating fear can be explained one of two ways, either he could not substantiate with vouchers the entire amount of the bills he had drawn, or he was truly convinced that the faction was trying to ruin him financially.

Late in July 1747, Governor Shirley confirmed the probability of an Indian defection telling Clinton there was "the utmost danger of a total defection of all the Six Nations from us to the French interest, unless we do speedily and vigorously join with them in prosecuting an Expedition against the French". When Clinton presented the Council with this letter and his opinions derived from his conversations with Johnson and the Indians at Albany, it concurred and ordered an immediate expedition against Crownpoint.

The entire Council had agreed on the expedition and DeLancey even presumed to offer a plan of attack to the Council. He also suggested that the cost of the troops should be shared by the colonies rather than borne by New York alone, as had happened in 1746. This plan was
discussed by the Council, but no final plans were made. The arrival of a ship from England changed the complexion of the war.\footnote{101}

When the ship arrived in Boston, Clinton immediately sent for any letters that may have come for him. He hoped the Lords of Trade had acted on his requests, but instead Clinton found that the Canadian expedition had been set aside.\footnote{102} If the necessary attack on Crown Point was to be undertaken, New York would have to pay for it.

Clinton still had no directions from England. No word had been said about his drawing bills against the Treasury, but the Crown had withdrawn their support for the expedition. Did this mean the bills of credit he had already drawn would not be honored? Had the faction been successful in its attempt to keep the Crown from honoring those bills? The expedition against Crown Point was necessary to maintain the Indian alliance. He had been ordered by the King to keep that alliance at all costs. Would Clinton be able to persuade the Assembly to pay for the expedition without help from London? The lack of directions from London and the withdrawal of the expedition served only to weaken Clinton's interest in New York. As Colden stated, "Affairs draw to a Crisis they cannot continue long in the state they are in."\footnote{103} Clinton had to find some way out of the morass.

Clinton had met his Assembly August 4, 1747. He had informed the Assemblymen that the Council felt an attack on Crown Point was absolutely necessary to maintain the Indian alliance. He told them the estimated cost of the expedition was £14000 and exhorted them to assume most of the cost. Massachusetts Bay and Connecticut had already pledged
money for the attack, Clinton told the, and they should act quickly and
do likewise. 104

On August sixth, the Assemblymen replied that they would cheerfully
give their just proportion necessary for a "well concerted scheme."
They told Clinton they did not feel they could tax their constituents
further without telling them the reasons for the tax. The failure of
last year's expedition and the continued expense of the levies made it
impossible. New York would assume one third the cost of the attack,
and if Pennsylvania could be persuaded to contribute to the expedition
each third could be lessened. 105 This cautious, but affirmative reply
was probably in Clinton's mind as he tried to decide what to do now that
London had withdrawn their support of the expedition.

Clinton asked his Council for its opinion on several military mat-
ters. The Councilmen, though, found they lacked information and asked
Clinton for more so they could advise him. To Clinton, this request
seemed to be an attempt to force him to reveal more than he wished. He
accused the Council of trying to call "your Excellencey to account" and
haughtily informed them that he was accountable only to the King. 106

When the Councilmen gave their report on August 28, 1747, they
apologized for requesting additional information saying it really had
been necessary and they had no intention of trying to make Clinton
accountable to them. But the report shows that they had been trying to
force Clinton to reveal information they had reason to suspect existed.
It is evident in the report that Clinton had not told them that the
home government had disengaged itself from the attack on the Canadians.
The Councilmen, suspecting or perhaps knowing this had been the news
from London, made use of every means possible to force Clinton to tell
them. But Clinton wanted them to commit themselves to a plan that
would keep the Indians loyal. If he told them of the lack of home sup-
port, both Council and Assembly would assume that peace was at hand and
forgo the necessary attack.

By refusing to confide in the members of Council who had been con-
ciliatory since January, Clinton forced them to pressure him for infor-
mation. Clinton considered this pressure as an attempt by the opposi-
tion to further discredit him. The Council asked Clinton why he could
no longer draw bills on the Treasury, and why he could no longer find
the money to support the Indians. They wanted to know how he knew the
Indians were complaining to Johnson and what provisions had been made
for them. Clinton knew if he released the information needed to an-
swer these questions, he would invite opposition and lose his chances
of retaining the Indian alliance. Therefore, he elected to remain si-
lent and contest the report later. He told the Council he needed more
time to peruse the report, and the Council granted it.

The same day Clinton's Council was confronting him with what they
saw as a lack of evidence, Clinton sent a message to the Assembly ask-
ing it to consider the same issues he had raised with the Council. He
told the Assemblymen he could no longer draw bills on the Crown and he
asked them to supply the Independent Companies, the levies from the
Southern colonies, and the Indians. Additionally, he wanted them to
reimburse Johnson, who had paid double to transport supplies to Oswego
because of enemy activity. He also wanted them to pay for the trans-
portation of supplies to Saratoga.
The Assemblymen were puzzled by Clinton's requests. Earlier he had asked them to prepare for an expedition and now he was telling them they would have to pay for all of it. He did not tell them why they had to pay for things Newcastle had clearly told them were the Crown's responsibility. Their reply to Clinton's message showed this puzzlement. They told Clinton that the Independent Companies could take care of themselves like they always had and it was unreasonable to ask them to provision the Southern levies when they were supporting 1600 men from New York. Newcastle had clearly said that each colony was to support their own troops. If the Southern colonies were not complying, he should see that they did. Further, Clinton had told them on June 18, 1746, that the King had assumed the costs of Indian presents. Since the orders had not been rescinded, Clinton should draw on the Crown for those costs. Charges for transportation of supplies should also be charged to the King, until the orders were revoked. Johnson had contracted to pay the overcharge for transportation, and it was his, not their responsibility. But if Johnson wanted them to, they would pay and provision 150 rangers to rid the area of enemies. 111

Although Clinton was sure the Assembly would do nothing if he told them the King had withdrawn his support for the expedition, he should have been doubly sure they would not assume the additional expense as long as they thought the Crown would pick up the tab. Yet, when they responded predictably, he recessed them to think it over for a week. 112

When the Assembly met again September 8, 1747, the members immediately voted the money and provisions for the 150 rangers they had recommended Clinton employ. They also asked him to relieve the fort at
Saratoga since they had information that indicated the New Jersey troops stationed there were about to desert because of the lack of provisions. If they did desert, they recommended that Clinton replace them with New York troops.\textsuperscript{113}

Clinton told the Assembly the next day of his concern about their message of September 2, especially since he was now faced with either having to withdraw the troops from Saratoga or let the fort be deserted. He restated his demands made on August 28, and told them that since the Crown had gone to such great expense to recover the alliance of the Indians, the least they could do was assume the expense of the maintenance of the alliance. If the Indian alliance failed, it would be impossible to keep the Saratoga fort. Therefore, Clinton said, he could not relieve the fort until they had answered his demands properly.\textsuperscript{114}

The Assembly's initial response to Clinton's plea was to restate their request that he relieve the fort with the additional rangers they had supplied. They later considered Clinton's demands again and they renewed their resolution that they were unreasonable, but they would consider reimbursing Johnson if he could show he was suffering from additional cost.\textsuperscript{115}

The same day that the Assemblymen showed Clinton they could be as stubborn as Clinton was, Clinton astonished the entire Council by suspending Horsmanden. Horsmanden immediately demanded a copy of the reasons for his suspension, but since Clinton had not written them yet, he was not gratified. Although this action seemed to come without warning, Clinton had requested Horsmanden's removal nine months before, and he had announced he was going to take the action in late July.\textsuperscript{116}
Presumably the incident that forced Clinton into action was the Report of the Council on August 28 that Horsmanden had drawn up. The insolent tone and the pressure applied in that document had so angered Clinton that he was willing to act without the approval of the home government.

Unquestionably, political feeling were running high in New York in September 1747. The intrigue to gain information to prove one or the other's case is shown by an affidavit given to the court by John Ayscough, Clinton's personal secretary. Asycough related that while at the house of Stephen Bayard, Mayor of New York City and Council member, Bayard had told him that Clinton had decided to replace him. He also said he had heard rumors that Clinton was leaving the government, and if he did leave on the ship in port now he would leave the Assembly sitting. In that case, they would impeach Colden, who would be in charge of the government as President of Council. The charges they would use were the pieces Colden had written that accused the Albany traders of treason. Further, the Council would refuse to meet with Colden. Both DeLancey and Horsmanden were prepared to go to London and present the case of the Council and the Assembly. Already £1000 had been raised for the trip if it proved necessary.117 Ayscough then disclosed that he had been told that Horsmanden had helped the Assembly write their representation of May 1747 and that both DeLancey and Horsmanden had met in a tavern with Assembly members to plot their maneuvers.118 This information must have delighted Clinton, for it fit perfectly with his description of events.
On September 27, 1747, Clinton used the information in a letter to the Lords of Trade. He complained the faction had "nothing less in view, than the overturning of the Constitution of his Majty's Governts in the Plantaions". The faction had flatly refused to contribute to the intended attack on Canada and it was now trying to saddle the King with all the expense of retaining the Indian alliance as well as the cost of the expedition.

He told the Lords of his suspension of Horsmanden and sent his reasons for the dismissal. He recommended that James Alexander be restored to the Council in Horsmanden's place. He also sent the reason why he had not given the causes of the suspension to Horsmanden. He explained that other members of Council were just as guilty as he was, but since they were wealthy men, he had chosen to try to regain their support by more gentle methods, especially since the expedition to Canada depended on harmony in the Council.

Clinton explained to the Lords of Trade why he felt it was necessary for Parliament to restore harmony to the New York affairs, rather than his attempting the matter. The faction was already powerful in all the northern colonies, and if it were not stopped it would take over all the governors. A fixed support had to be set up that made good use of quitrents. Clinton closed his letter emphasizing that he was still trying to carry out the Canadian expedition and he was currently waiting on the New York Assembly to join Massachusetts Bay and Connecticut in that effort.

Clinton did not tell the Lords that he had told neither the Assembly nor the Council that the Crown had withdrawn their support of the
expedition. Instead, he left the impression that they knew but still refused to assume their share of the cost of the effort. Most of this letter reiterated what Clinton had said in previous letters, but it tended to complain more. The Lords of Trade, in their "State of New York", noted that Clinton complained "greatly" when they discussed this letter.122

Clinton's explanation for suspending Horsmanden involved six reasons, four of which directly applied to Horsmanden. First, Horsmanden was a debtor and had no estate. Second, he was a leader of the faction formed to take control of the government. This was proven by the Ayscough affidavit and the fact that Horsmanden had written all the Minutes of Council that distressed Clinton the most. Third, the faction had tried to curtail all war supplies and to control the financial matters of the colony. This was proven by reading the Assembly Journal. Fourth, the faction had helped the Assembly get control of the nominations to office and they had paid Horsmanden for his help through Assembly accounts, while the governor had no supplies. Fifth, the faction had slandered the governor. And sixth, the faction had slandered those close to the governor. The last two points were proven by the representations of the Assembly and Council.123

The lengthy packet stated in several places Clinton's conviction that the faction was motivated by "Republican and levelling principles."124 This was the first time Clinton had assigned these reasons to the faction's activities against him. Before the attacks had been regarded as personal attacks on Clinton and Colden, but Clinton was beginning to see a conspiracy that involved all the northern colonies.
Clinton's view that the faction was united in its reason for harassing him has been accepted by later historians of New York history. Although the Council and Assembly may have worked for a common result, and some of their reasons may have been the same, they also proceeded from different motives. The Council wanted to maintain its position as advisor to the governor and to lessen the effect of Colden's advice on Clinton. The Assembly was fighting to retain its control over the financial affairs of the colony. Colden's advice tended to work against this control, so they wished to get rid of Colden. As a result, the Councilmen tended to less rabid in their opposition, moving into opposition when they saw a chance to less Colden's influence and increase theirs. The Assembly, historically jealous of its rights, was convinced that Colden, a proven royalist, was influencing Clinton to take away the rights for which it had fought so hard. Any hint that Clinton might be taking control of any right, Indian affairs or financial affairs, the Assembly immediately and bitterly let its objections be known.

In this packet to the Lords of Trade, Clinton acknowledged the information that the troops for the Canadian expedition were to be disbanded had reached him yet he insisted that his defense efforts were necessary. It was these efforts that the Assembly was strongly resisting. But Clinton did not reveal the end of the expedition until October 19, 1747, over a month after he asked the Assembly to plan for the expedition. This effort of Clinton's to get the Assembly to pay for the attack gave rise to some of the most violent factional activity in New York.
In a reiteration of what he told the Lords of Trade, Clinton explained why he kept his silence about the expedition to the Duke of Newcastle. He said that Governor Shirley had asked him to keep the information secret in order to save the Crown money. The letter from Shirley did not mention secrecy but given Clinton's previous demands that the Assembly save the King money, it is possible that Clinton had convinced himself that Shirley told him it was necessary. And the secrecy did fit in with Clinton's efforts to save the Indian alliance by carrying out the expedition.

On September 29, 1747, Clinton reported to the Lords of Trade that he had suspended Stephen Bayard who had come into a Council meeting, "hot from Faction, and threatened my person in a most insolent manner." He did not explain the removal beyond that, saying he was sure the Lords would find his reasons sound when he sent them later. In the same Council meeting, Bayard was removed from his position as Mayor of New York City and Henry Holland was appointed to that position.

On the same day, Horsmanden wrote the Lords of Trade that he had been suspended from Council without the advice or consent of the Council, and without cause given. He had also been suspended from the Supreme Court and from his position as Recorder of New York City without any reasons given. Telling the Lords of his devotion to Clinton, he said he could not think why Clinton had suspended him. The sudden change of mind had been due to Colden's advice. Colden had dominated Clinton for a year. So engrossed was Clinton with Colden's advice that reports of Council had been suppressed when Colden did not like the
advice offered. Most recently, the Council report of August 28 had suffered suppression.\textsuperscript{129}

On September 30, 1747, the Assembly met again only to have Clinton recess them to October 5. Though dismissed, the Assemblymen expressed their dismay with the frequent adjournments and asked Clinton for an explanation. They told him that they had several matters they wanted to attend to and they were waiting for the report from the commissioners that was to decide the fate of the Canadian expedition. Clinton ignored their request.\textsuperscript{130}

The next day, the commissioners presented their report to the Council and that body debated what had to be done to defend the frontier and preserve the fidelity of the Indians. They asked the commissioners also to report to the Assembly to get their reaction, and then spent the next several days concentrating on the war and Indian problems.\textsuperscript{131}

When the Assembly met on October 5, the members immediately resolved that the state of the frontiers and the colony could be no longer neglected. The frequent adjournments had caused them to delay providing for their security too long. Clinton sent them the agreement that the War Commissioners had made with the other colonies and asked them to grant all that was necessary to fulfill the agreement, to secure the frontier, and to retain the Indian alliance. The agreement had not contained the last two items, but it was their responsibility to see the Indians remained faithful. He asked them to pay all the levies raised for the Canadian expedition, and told them he felt they should pay all the costs of securing the frontier and the Indian
alliance, although he would try to get help from the Southern colonies. They also should provide for Indian presents since they had not been distributed for some time. Clinton assured them he would be frugal with any money they appropriated. 132

On October eighth, the Assemblymen decided they would support the plan drawn up by the War Commissioners from Connecticut, Massachusetts Bay, and New York. They also decided to provide for the necessary security of the northern frontier and presents to be given to the New York Indians. Obviously realizing that Clinton meant to stand firm on his declaration that he would spend no more Crown money, they asserted they felt the King's orders still were in effect, but they would give £800 for presents anyway. They also told Clinton they would provide for the fort at Oswego, build new forts in Indian territory, and undertake to pay the Albany troops when they received the King's orders for their discharge. Then, they offered provisions for Saratoga, even though Clinton had not mentioned that fort. And they asked Clinton if he had complied with their requests to relieve that fort. 133

When Clinton received their message, he immediately informed them that they were acting on matters he had not recommended, and he would refuse to accept anything that did not relate to his requests. Time was of essence, and everything else could be deferred. 134 The Assembly had been generous, they had given in to his demands that they pay for the forces at Albany and for Indian presents. Had Clinton chosen judiciously to accept those resolutions that pertained to what he wanted and ignored the others, he perhaps could have set the colony on a more peaceful path. Instead he chose to attack the rights of the Assembly.
Upon receipt of Clinton's message, the Assembly locked its doors to consider this new attack on its rights. The members immediately resolved that "it was the undoubted right of the house to proceed on all proper subjects in such a manner that they thought best." Telling them otherwise was a breach of their rights. Clinton's declaration that he would receive nothing that did not relate to his requests was not only unprecedented, but it also subverted the rights of the Assembly and the people it represented. The person who advised Clinton's message had to be an enemy of the colony. 135

Their anger over Clinton's attempt to muzzle the house, found expression in another remonstrance, saying they regretted the loss of cooperation that had come about since June 1746. It is inconceivable that this long and involved document could have been written during the time given it in the Assembly Journal. 136 The paper had probably been in the making for some time. It may have been already written and waiting for an excuse to present it to Clinton. This would explain their peevishness at the frequent recesses and their discussion of the Saratoga fort for which they had previously refused to transport supplies. In the paper 137 that the Lords of Trade were to consider most representative of their case 138 the Assembly gave their version of events since June 6, 1746, the day Clinton had told them of the Canadian expedition. Up to this point, the Assembly said, there had been perfect harmony among the Governor, Council, and Assembly. The Assembly had with great zeal, provided for the expedition. But when Colden began to advise Clinton, disharmony resulted. 139
Maintaining that they did not know the Indians were alienated prior to the treaty made in the summer of 1746, the members of the Assembly accused Clinton of keeping "the Indian Affairs a most profound Secret" by using private people, rather than the Indian Commissioners. The use of a private person was ill advised because the influence the Livingstons had had over the Indians was dissipated by this person. The Indian Commissioners were insulted by Clinton's methods and it would have been more sensible for Clinton to suspend the commissioners he found incapable and appoint new ones rather than confuse the Indians with two different influences.  

The Assembly explained the "neutrality" that Clinton had complained about saying that the French and the British Indians were related and they had refused to participate in their disagreements for some time. If Clinton had let the French and British fight their own battles without involving the Indians, the war would not have been as expensive. After spending great amounts, most of which had been spent by London, there was no assurance that the Indians remained true to the British. The Assemblymen had seen no effect of the alleged alliance other than a few Indians parading around New York City with a few French scalps. They had heard of the enormous drafts on the Exchequer presumably drawn to maintain the Indian alliance, but they had not heard "Reports of Presents lately made". Therefore, it seemed "That your Excellency must now have a very considerable Sum in the Bank, on that Score".  

The Assembly members informed Clinton that he did not have the interests of the colony at heart, and listed one by one his efforts to fortify the colony and their remedies for his errors caused by poor
advice. He had treated the people of New York with contempt, especially the Assembly. His speeches and messages to the Assembly seemed to have been designed to divide the colony and make the Assembly the cause of the division. 142

In spite of Clinton's charges that they had failed to secure the colony, they had repeatedly provided supplies and money. They had been harassed by frequent recesses without the consent of the Council, and this hindered their attempts to pass bills needed by the colony. Many of the bills that provided for the war had been lost or delayed by the recesses. 143

The parting shot by the Assemblymen concerned Clinton's charges that they were stingy with the war effort. They had, they told Clinton, appropriated in excess of £70,000 for the war. They were now becoming fearful of a tax revolt by the taxpayers whose burden was increasing. In spite of this threat, they said, "We are ready and most heartily willing to do every Thing that can be reasonably expected of us, consistent with the Circumstances of the Colony, that may be for His Majesty's Service, and the Interest, Security, and Defence of this and His Majesty's other Colonies in North-America." 144

This remonstrance was well written and remained consistent with the facts in the Journal for the most part. Only when they had turned to invective and attacked Colden and accused Clinton of pocketing money drawn from the Treasury for Indian presents was their case unsubstantiated by facts. Their explanation of the neutrality and Indian affairs was definitely influenced by the Indian commissioners and the Livingstons. Their description of the military affairs naturally favored
them. They had definitely stacked the cards their way, but in no place did they resort to twisting facts. If an event did not help their case, it was omitted. They discussed few specific events, making the paper one that could be utilized both at home and in London.

Clinton refused to receive the remonstrance because he had promised the Assembly he would receive nothing outside his message. By refusing the memorial, Clinton unwisely set himself up for the charge that he denied the Assembly the time-honored English right of petition. He had already attacked the rights of the Assembly, as they saw it, but now he attacked the rights of all colonists.

The members of the Assembly did not have another paper waiting in the wings for such a misstep. Instead they chose to occupy themselves with strengthening the security of the colony. On the twelfth of October they repassed several bills that had been voided by the frequent recesses and turned to a discussion of the colony's forts. They asked Clinton to give them the results of his consultations with various people, so they would know how to handle the troops at Albany. Clinton told them he had no advice concerning those levies.

The same day Clinton replied to the Assembly paper, though presumably he had not seen the remonstrance. To mask the fact he had seen the paper, the message began as an answer to their military resolutions made on October 8. He had refused to accept them before, leading to the presentation of the remonstrance, but now he complimented them on their readiness to comply with the War Commissioners, snidely commenting that it was essentially the same plan they had refused last October, except this year it was to be financed by them instead of the King.
Clinton then accused the Assembly members of having voided the expedition last year through their commissioners withholding supplies and told them that the "same Clogs upon the Provisions...has rendered it impractical at any Time since." 147

Clinton told the Assemblymen that he was "at a Loss to conceive" why they insisted the King's orders regarding Indian presents were still in effect. Calling them liars, he refuted their accusation that he had made several large unspent drafts on the Crown. He further noted that the Indians had done a great deal in the British effort against the French. Although Clinton was trying to remain within the framework of answering the October 8 resolutions, this statement was an obvious defense against the Assembly charge that the Indians were costly and idle. At this point Clinton's message gave up all pretence and openly refuted the Assembly remonstrance, which he had refused to accept.

Angrily, Clinton accused the Assembly members of being crazy. He informed them that since he had drawn the drafts for Indian presents against the King, he was accountable only to the King and he did not have to answer to their charge that he had embezzled funds. It was they, not he who was listening to poor advice. 148

Defending himself against the Assembly's charges concerning Indian affairs, Clinton suggested that they had been ungrateful to the men who had fought for their defense. Referring to their resolution to pay the forces at Albany when they were discharged from the pay of the King, Clinton asked, "Pray, Gentlemen, from whence do you expect certain and undoubted Advice, that the Forces at Albany, are to be discharged from his Majesty's Pay?" Those troops were under Clinton's command, he told
them, and to suggest payment was an attempt to take control of the army. Either they accepted his method of protection, or they could do without. After all, he made the decisions on military affairs. This attempt of theirs to control military matters was obviously the result of the effort to cast an "unjust Odium on my Administration" by the opposition. They had opposed all reasonable measures he had proposed, and because of this he was forced to withdraw the garrison at Saratoga.\textsuperscript{149}

Then reasserting that he would not accept any thing that dealt with matters other than those contained in his speeches and messages, he accused the Assembly members of presuming they had the same rights as the House of Commons. Telling them that they were dependent on the King and Parliament, he told them that any person with Royal authority can "put Bounds and Limitations, upon your Rights and Privileges, and alter them at Pleasure". Since he had the royal authority, he could prevent them from considering anything he did not wish them to consider. Calling their effort to present him with the remonstrance "unmannerly", he told them he could read it in their Journal. Saying the committee from the Assembly that attempted to read the remonstrance to him was "rude", he informed the house that he would accept nothing from them "the contents of which is not previously communicated to me in private ...."\textsuperscript{150}

Clinton railed at the Assembly, saying their representation was indecent and disrespectful. It showed that they intended to give New York to the French and proved they favored neutrality. He had tried to be conciliatory this session, and he suggested they get to the business of supplying all necessary for the defense of the colony and the
fidelity of the Indians. Reserving the most shocking statement for the last, Clinton told the Assembly that from this time he would not pass any support bill unless it conformed with his Instructions and Commission. The ill effects of past governors' concessions were coming to the fore, and he was going to put an end to them. There would be no more annual support bills. 151

Clinton's heated reply had charged the Assembly with causing the failure of the Canadian expedition in 1746, totally disregarding the arrival of the French fleet. He had insisted the King's orders to provide Indian presents at Crown expense were revoked, but he had kept the proof of that statement secret. He had accused the Assemblymen of trying to take over military affairs and told them they caused the withdrawal of the troops from Saratoga, though they belatedly had provided for supplies for that fort. But his most important statement was his attack on the Assembly's rights.

The Assemblymen had assiduously built up their rights over the years and they were not going to let Clinton's assault pass without a fight. They could survive being called stingy, stupid, and stubborn, but they did not want to survive if their rights as an Assembly were overthrown. The Assemblymen, from this point on, viewed Clinton as an enemy who was determined to alter the New York government and take away their rights. He had to be stopped. He had cast down the gauntlet by telling them there would be no more annual appropriations; the Assembly members accepted the challenge to fight for their existence. They would not be defeated for defeat meant a return to governors like
Burnet and Cosby. Now that they had power, they would not give it up without a vicious fight.

Clinton's reprimand of the Assembly did have its effect. Right after his speech, the members passed bills to supply the troops in New York until May 1748, to provide the Indians with a gunsmith, and to supply the garrison at Albany. But their efforts were for naught. Clinton, on October 19, 1747, finally told the Assembly that the King had abandoned the Canadian expedition and had asked the troops be discharged. He had been asked to direct them to pay the forces and they would be reimbursed by Parliament. He then asked them to pay and provide for some troops at Albany beyond the King's dismissal. The following day the Assembly approved his request for eight companies of men to be stationed at Albany, but they refused to advance pay for the levies raised for the expeditions.

After providing for the defense of their frontiers, the Assembly took time to react to the governor's reprimand. They decided to defend themselves against the charges of misconduct during the presentation of their remonstrance and to have their story printed in the newspapers. In the first move in the all out war against Clinton, the Speaker of the House revealed that Clinton had forbade the printer to publish their remonstrance. The printer had defied Clinton and had asked the Assembly to vindicate his action.

The next day the Assembly resolved that the people of New York had a right to know the proceedings of their representatives. Therefore, Clinton's attempt to prevent the publication of those proceedings was a violation of the people's right to know. The governor may have
refused to receive the remonstrance, but it was a regular proceeding. Clinton's action was "arbitrary and illegal", a violation of the rights of the Assembly and the freedom of the press. The Speaker and the printer had only exercised their duties in printing the papers. 155

Surprisingly, Clinton did not react to the Assembly's declaration. He seemed to have spent himself on his answer to their remonstrance. Instead, he responded to their resolution for paying the eight companies to be stationed in Albany. Observing they had proposed to lower the pay of those troops, Clinton suggested it might be better to use the militia to forestall any mischief. 156

The Assembly, delighted at being given the chance to harass Clinton, began to haggle over whether or not the regular troops should be used or whether the militia should be used, and at what pay. Saying the governor must be confused by the advice given him, the members declared their difficulty to understand what he wanted. Clinton tried to clarify the matter, but the Assemblymen refused to be enlightened and professed their total confusion due to his irrational counsel. Nevertheless, they did pass a bill to pay and provide for eight companies on the frontier. 157

Clinton had already ordered the militia to be ready to march to Albany, and with this Assembly bill, he finally turned to the Council for its advice. Laying the letters from Shirley and Knowles about the disbandment of the expedition forces before the members, he asked for their opinion about the defense of the frontier. Although they had not met for a month and this was their first official notice of the disbandment, they obviously were not ignorant about the controversy
between Clinton and his Assembly. They recommended the procedure the Assembly was insisting upon, but suggested that the pay was too low. They also suggested that he ask the merchants for an advance on the money to pay the expedition forces.\footnote{158}

On November 8, 1747, Clinton began another barrage of letters to the home government concerning the state of affairs in New York. He confirmed the discharge of the troops in a letter to Under-Secretary Andrew Stone, but he informed him that he would have to draw another large draft on the Crown because the Assembly refused to pay the troops. He then told Stone that both the Council and the Assembly were upholding a neutrality with the French. DeLancey was the "principal author" of it, as he obstructed every effort Clinton had made to attack Canada. Clinton expressed hope that the ministry was listening to his complaints about DeLancey and that they would act to remove him from all his offices in New York.\footnote{159}

Clinton disclosed that he had been forced to defend himself in front of the Assembly, but the silence from England seemed to encourage DeLancey in his opposition. The Assembly, Clinton asserted, was corresponding with the enemy and the opposition would next move to disavow orders from the Crown. Already the New York militia had refused to comply with his orders.\footnote{160}

It is interesting to note that the neutrality Clinton claimed caused reluctance on the part of the Indians to ally themselves with the British a year ago, now was something that both Council and Assembly avowed. Moreover, DeLancey was the leader in this New York effort to ally the colony with the French. Clinton's expectations of what the
Council and Assembly should have done for the war effort were far greater than what had been done. As a result, a small seed, probably mentioned by Colden, about a past neutrality during Queen Anne's War between the French Indians and the British Indians, had grown in the mind of Clinton to be a full-fledged treasonous effort by DeLancey and all the members of the Council and Assembly. That they were cautious in their war spending to the point of reluctance was true, but the accusation of treason had no basis.

Clinton also wrote the Duke of Newcastle, telling him that DeLancey was "insatiable in his pursuit of power" and he would stop at nothing to accomplish his desires. Copying word for word from a letter from Sir Charles Knowles, Clinton informed Newcastle that it would be easier to prevent the designs of the opposition than to remedy them. Knowles had been generally speaking about the faction, but Clinton applied the words directly to DeLancey. Knowles had said that if he were Clinton he would suspend all the leaders of the faction and tell all his friends about their "base Designs". Clinton told Newcastle that he was going to suspend DeLancey from Council and he hoped to gain Newcastle's support to suspend him from the Supreme Court. Making his first original statement in the letter, Clinton stated that the Assembly, with whom DeLancey worked, had been insolent and he was going to have to dissolve it to improve matters.  

Clinton then illustrated his charge that the Assembly, and the faction, were bent on levelling and republicanism. He told the Duke that when he had received the orders to disband the expedition, he had recommended to the Assembly members that they protect their frontiers.
Clinton's only original comments were gross misrepresentations of the debate about the troops. The Assembly had readily approved the companies, but at a lower pay than they had been paid by the King. The militia presumably had refused to obey Clinton's orders because they knew that other troops had been provided.

It should be noted that Clinton came to his resolution to destroy the faction only after a very straightforward letter told Clinton what Knowles would do if he were in Clinton's place. With the peace rumors becoming more persistent, it is possible that Clinton saw he would have to have good support in New York if his vouchers from the war effort were to be paid without discussion in London. Or perhaps the Assembly's latest trick had goaded him, or maybe the opposition had become more visible. At any rate, he now took strong action against his opposition.

Clinton's letter to the Lords of Trade repeated what he had told the Duke of Newcastle about DeLancey and his control of the Assembly. But this time he told of his own bravery, for when he had seen the faction's activity peaking, he had suspended Horsmanden and Bayard, and he was now considering suspending DeLancey to stop the growth of the faction altogether. He recounted the militia incident and resolved that he would from now on, adhere to his Commission and Instructions. He asked for their countenance.

This time, Clinton told the Lords that DeLancey had deceived the common people by telling them that the Assembly had opposed Clinton in
order to save the taxpayer money. Actually, "...his real motives are his own interests." Unwittingly, Clinton had managed to state the truth of the situation. The Assembly did want to save the New York taxpayer money, but any connection DeLancey had with the Assembly proceeded from his own personal opposition to the Governor. He did not uphold a fictitious neutrality, nor did he believe in the levelling tendencies of the Assembly. DeLancey's personal integrity was at stake along with his, and a number of other people's, property as long as Col­den was Clinton's major advisor. Since the Assemblymen opposed Clinton for their own reasons, why should he not join them in a popular opposition rather than do it alone?

The Assembly members were convinced they were going to be dissolved and they therefore began to campaign for their re-election in order to "Save our Contry," as Henry Beekman said. They asked their printer to reprint the remonstrance and give each member ten copies so they would have them to pass out to their constituents as campaign materi­al.

They repeatedly asked Clinton to supply Albany before the snow prevented it, but Clinton told them their bill was poorly written and he could not pass it. The should have, he told them, added a clause to prevent misapplication and embezzlement of the provisions. The Assembly finally passed a bill agreeable to Clinton and on November 25, 1747, he signed it along with another bill issuing £28,000 in paper currency and dismissed them.

In Clinton's dissolution speech he told the Assembly members he had not infringed upon their rights, he had merely prevented them from
assuming control over him. He begged them to admit the lies and slander they had published in the representation and remonstrance. These statements proved their contempt of the King's authority. They had not provided for the Indians, they were told; they had refused to secure the frontiers like he had suggested; they had encouraged the militia to disobey him; they had refused to give the King credit showing little regard for him; they had refused to provide for the Independent Companies; and they had proven they wanted to make the military of New York dependent upon them. The bills they had written, and he had unwillingly assented to proved his accusations. Since he knew a great many people disapproved of their conduct, he was going to allow the people to reveal their sentiments, and call for a new election.168

Clinton had denied that he had infringed upon their rights. The Assembly members could not have helped but be aghast at his denial. He had then accused them of failing to provide for their colony, yet they had kept 800 men in the pay and provision of the colony. When Clinton had suggested they were trying to take over the command of the military, he was probably somewhat right. The Assembly did wish to control those matters they thought necessary to insure what they considered to be the proper expenditure of their funds. But it is doubtful that they wanted complete control of military matters.

Clinton did assent to another one year Support Bill during this session of the Assembly, though he had stated that he would accept no more bills contrary to his Instructions and Commission. That was not the only bill he had signed contrary to his Instructions. The paper money bill also violated them. Even the bill to provide and pay the
forces at Albany violated them for it had made the commissioners accountable only to the Assembly independent of the governor. Colden had objected to passing these acts in Council, but Clinton had agreed to them anyway.

The Assemblymen girded themselves for the election battle and expressed their hopes it would go quietly. Hoping that Colden could be prevented from controlling the elections in the north, they set about the task of winning. Clinton's backers were not idle. They published anonymous letters from "a gentleman in one of the Neighboring Colonies" to influence public opinion. These letters, undoubtedly written by James Alexander, accused the old Assembly members of trying to give New York to the French.

Colden wrote a letter to the Lords of Trade for Clinton telling them about the dissolution of the Assembly and the reasons for it. He said the Assembly had attempted to encroach upon the governor's power and in the past they had succeeded. The Support Bill they had just passed assumed the right of appointment. The only way this could be corrected was if the Privy Council would intervene and disallow the bill. If they could devise a way to support the government while they attempted to correct the power-grab, Clinton would be glad to follow their directions. Again discussing the alleged neutrality with the French, Colden attributed it to the desire to trade with the French. Then naming the members of the Council who belonged to the faction as Horsmanden, Murray, Bayard, Livingston, and DeLancey, Colden again asked that Livingston be suspended from all his offices.
Colden also reported a conversation between Oliver and James DeLancey in which Oliver had asked James if the affairs in the colony could be carried on without an Assembly. James supposedly had answered, "Yes, if the people could be persuaded into it, but they won't care to part with their money at that rate." The question had been posed in conjunction with a statement that Oliver would like to hang three or four Assemblymen and set up his own government. The incident was dutifully disclosed to illustrate the lack of concern for the King's authority in New York and the DeLanceys' rapacious desire for power.  

Asking the Privy Council to disallow the Support Bill was clever, as Clinton would be able to use the money, only to have the bill disallowed months after the money had been spent. Clinton had stated that he no longer wanted to accept one year Support Bills, but Colden must have persuaded him to take this route of action in order to illustrate to the Assembly the Royal displeasure with limited Support Bills.  

The most revealing item in the letter was the purported comment by DeLancey. Clinton had told the home government about DeLancey's leveling tendencies, yet this statement said he would like to do without an Assembly except he realized it had to be used to control the expenditure of government funds. The statement is definitely not one a leveller would make.  

December 1747 was filled with the preparations of each side for the new Assembly election. Colden reported that he was sure Colonel Gassbeck would not win, and that Beekman was receiving strong resistance in Dutchess County. Both were members of the opposition. The Assembly members issued a public letter restating their entire case against
Clinton and his advisors. In "A Letter from some of the Representatives in the late General Assembly of the Colony of New York, to his Excellency Governor C-----n", the Assemblymen responded to Clinton's attack on October 13, 1747. 176

In the letter they said Clinton had dissolved the Assembly in order to prevent the publication of this letter. They considered everything that had happened between June 8, 1746, and the current date, and the effects the administration's advisors had had on the events. Restating all the charges made in the earlier representations, they commented that they could no longer trust Clinton to advise them properly. He had begun to think of them as a money machine. If they contributed to every whim of the governor's without consideration and judgment, what would their constituents think? Denying they wished to control the military, they reminded Clinton that he had signed the bills that regulated the militia. If he did not like them, he did not have to sign them. They refused responsibility for the abandonment of the fort at Saratoga. They had tried to get Clinton to relieve the fort, but the frequent recesses and his telling them they could not discuss matters he had not suggested to them had completely disrupted their attempt. They told Clinton that the rumors of his pocketing public money did not originate with them, but with the people. Reaffirming their readiness to defend the colony, they referred to the recesses that had been made without the advice of the Council, and how they had been hindered in their efforts to make provisions. They imputed Clinton's attack on their rights and on the freedom of the press to the bad advice of Col- den, and suggested Clinton find a better qualified advisor. If this new
advisor would truthfully point out their defects, they would do all they could to correct themselves.\textsuperscript{177}

This piece of electioneering touched everything in which the voters were interested and dwelt on the Assembly's attempt to save the colony money in spite of having a governor who was trying to increase his fortune at their cost. Dealing less with their rights, they sought to prove Clinton intentionally prevented them from considering the legislation that dealt with money effectively.

The knowledge that the election might go against him kept Clinton from issuing the new writs until Colden reminded him they could not delay beyond January first because it was necessary to meet the Assembly in the early spring. He could, after all, prorogue it from time to time if he found it was not necessary to meet it.\textsuperscript{178}

Clinton issued the writs for the election on January 2, 1747/48. Both Clinton and Colden continued to hope for news from London that would "give a great turn to the affairs" in New York.\textsuperscript{179} They replied to the Assembly "Letter" in a document of similar length, an "Address to the Freeholders & Freemen of the Cities & Counties of the Province of New York..." Undoubtedly written by Colden, it expressed pleasure in the news of the recent dissolution of the Assembly. The "freeholder" gave Clinton's version of the situation in the colony. The voter was told that Clinton had risked his fortune in the governorship because of the Assembly. Colden dwelt on the problems Clinton had had in transporting provisions and the subsequent failure of the expedition, and enumerated the insults the Assembly had given the governor. The charges the Assembly had made regarding Clinton's embezzlement were
refuted. The Assembly was accused of encroaching upon the powers of the governor and replacement of the current members of the Assembly by others who would consider the interests of the colony and protect it from the enemy was urged.180

In spite of the efforts of Colden, Alexander, and Clinton the election went against them. Nineteen of the twenty-six members were returned with the same man elected as Speaker of the House.181 Explaining away the defeat, they resolved that next time "more care ought to be taken to inform the People truely & to disperse the papers wrote in Vindication of the Administration" more effectively.182

But that was not the only defeat that Clinton was to suffer in January 1747/48. News of the steps the Lords of Trade were taking with regard to the situation in New York came near the end of the month. Within a week of his defeat at the polls, Clinton learned that DeLancey had been appointed Lieutenant Governor. The letter from Newcastle also enclosed permission for Clinton's requested leave of absence. Newcastle instructed Clinton to commission DeLancey before he left for England.183 A letter from Warren, which arrived in the packet, indicated that the commission for DeLancey had come through Warren's influence. Warren expressed his hope that DeLancey's appointment would "contribute to ye settling all ye uneasiness yt have...subsisted for some time past".184

The next day, Clinton sadly and without heart reported the second defeat to Colden. "The day before Yesterday Waddle arrived from London & Brought me a Notification from ye Duke of Newcastle that Chief Justice DeLancey was appointed leu Governor of this Province....I am wholly disapointed in my Expectations".185
FOOTNOTES

CHAPTER IV


2. Clinton to Newcastle, December 9, 1746, Clinton Papers, Box IV, Clements Library.

3. Ibid.

4. Ibid.

5. Ibid.

6. Clinton to Pelham, December 8, 1746, Ibid., Box IV.

7. Ibid.


9. Ibid., 462.

10. Ibid.

11. Ibid.

12. Clinton to the Lords of Trade, December 12, 1746, Clinton Papers, Box IV, Clements Library; Clinton to 1st Baron Monson, December 20, 1746, Ibid.


14. Ibid.

15. Ibid.


230
17. Archibald Kennedy confirmed that the Representation was written to forestall the consequences of Clinton's statements in London in a letter written to Colden, December 22, 1746, Letters and Papers of Cadwallader Colden, III, 310-311. When Bancroft transcribed the same letter, he added, "This thing is not to be preinted. Where it was hatched, you may guess, but it was kicked into shape at the cart & horse, where I hear they had many meetings." Unfortunately, many historians have used this addition as proof of a faction. It is not on the original and I found it in no other place than in the Bancroft Transcripts, Colden I, 46-47, New York Public Library.


20. Colden to Archibald Kennedy, January 18, 1746/47, Ibid., 335.


22. Henry Beekman to Gilbert Livingston, January 14, 1746/47, Beekman Papers, I, NYHS.


26. "State of my Case in regard to my Administration in New York Governt Sent to the Lords of Trade and to Mr Guering in 1746/47", Clinton Papers, Box IV, Clements Library.


28. "Council Committee to Clinton", January 17, 1747, Clinton Papers, Box IV, Clements Library.

29. "My Reasons agt Attack on Crown Point this Winter," January 22, 1747, Ibid., Box IV.


33. "Memoranda of Examination of G. Banyer, Dept. Sec'y in regards to the entries in the minutes of the Council at the Indian Treaty at Albany," February 11, 1746/47, Horsmanden Papers, NYHS.


37. "State of my Case in regard to my Administration," Clinton Papers, Box IV, Clements Library.

38. Ibid.

39. See Chapter II for an earlier discussion of this problem.


41. "State of my Case in regard to my Administration," Clinton Papers, Box IV, Clements Library.

42. Ibid.

43. Ibid.

44. Ibid.

45. Ibid.

46. Ibid.

47. Ibid.

48. Assembly Journal (March 25, 1747), II, 141.

49. Clinton Memoranda, April 3, 1747, Clinton Papers, Box IV, Clements Library; Assembly Journal (April 3, 1747), II, 143.

50. Ibid (April 4, 1747).

51. "Clinton Memoranda", April 7, 1747, Clinton Papers, Box IV, Clements Library.

52. Ibid.; Cal. Council Minutes (April 9, 1747), VI, 363.


56. Clinton to Knowles, April 22, 1747, Clinton Papers, Box IV, Clements Library.


58. *Assembly Journal* (April 24, 1747), II, 145-147; "Clinton speech to the Assembly", April 24, 1747, Clinton Papers, Box IV, Clements Library.


60. *Assembly Journal* (April 24, 1747), II, 148.


64. "Clinton to the Commanding Officers at Canestreuns," May 3, 1747, Clinton Papers, Box I, NYHS; Clinton to Peter Schuyler, May 6, 1747, Clinton Papers, Box V, Clements Library.


71. Clinton to Newcastle, May 23, 1747, Clinton Papers, Box V, Clements Library.

72. *Assembly Journal* (May 26, 1747), II, 156.

74. Clinton to Newcastle, May 30, 1747, draft in Colden's hand, Clinton Papers, Box V, Clements Library.

75. Ibid.


77. Ibid.

78. Assembly Journal (June 2, 1747), II, 157.

79. Ibid. (June 4, 1747), II, 158-159.


81. Colden to Mrs. Colden, June 7, 1747, Ibid., 400-401.

82. Cal.Council Minutes (June 19, 1747), VI, 365; "Extract from Minutes of Council," June 19, 1747, Horsmanden Papers, NYHS.

83. Clinton to the Lords of Trade, June 22, 1747, Clinton Papers, Box V, Clements Library.

84. Ibid.

85. Ibid.

86. Ibid.

87. Ibid.

88. Ibid.

89. Assembly Journal (March 1739), I, 749; Ibid. (November 8, 1743), II, 1.

90. Ibid. (June 25, 1745), II, 63.

91. See Chapter II for the June 1746 events.


93. Clinton to the Lords of Trade, July 24, 1747, N.Y.Col.Docs., VI, 364.

94. Clinton to Guering, July 23, 1747, Clinton Papers, Box V, Clements Library.
95. Ibid.
96. Ibid.
97. Clinton to Under Secretary Andrew Stone, July 24, 1747, N.Y.Col. Docs., VI, 377.
98. Robert H. Morris to James Alexander, June 3, 1747, Rutherford Papers, IV, NYHS.
99. Shirley to Clinton, July 24, 1747, N.Y.Col.Docs., VI, 382; Also in William Shirley, Correspondence of William Shirley, Governor of Massachusetts and Military Commander in America, 1731-1760, ed. Charles H. Lincoln, (2 vols.; New York, 1912), I, 392. Hereafter cited as Shirley, Correspondence.
100. Cal.Council Minutes (July 28, 1747), VI, 365; "Minutes of Council," July 1747, Horsmanden Papers, NYHS.
102. Colden to Mrs. Colden, August 12, 1747, Letters and Papers of Cadwallader Colden, III, 417; Governor Shirley to Clinton, August 15, 1747, Shirley, Correspondence, I, 393.
104. Assembly Journal (August 4, 1747), II, 159.
105. Ibid. (August 6, 1747), 159-196.
108. Ibid.
110. Assembly Journal (August 28 and 31, 1747), II, 162.
111. Ibid. (September 2, 1747), 163-164.
112. Ibid. (September 4, 1747), 165.
113. Ibid. (September 8 and 9, 1747), 165.
114. Ibid. (September 10, 1747), 165-166.
115. Ibid. (September 12, 1747), 167.
117. "John Ayscough Affidavit," September 22, 1747, Ibid., Box V.
118. Ibid.
119. Clinton to the Lords of Trade, September 27, 1747, N.Y.Col.Docs., VI, 378-380.
121. Clinton to the Lords of Trade, September 27, 1747, Ibid., 380.
124. See Clinton to the Lords of Trade, September 27, 1747; "Clinton's Reasons for Suspending Horsmanden "; and "Clinton's Reasons for Not communicating the above" all in Ibid., 378-382.
125. Ibid., 381.
126. Gov' Shirley to Clinton, August 15, 1747, Shirley, Correspondence, I, 393.
127. "A Short Account of the Governour of New York's Conduct since the time he received His Majesty's orders to make preparations for an expedition against Canada, to the present time....," September 27, 1747, N.Y.Col.Docs., VI, 399-403.
128. Clinton to the Lords of Trade, September 29, 1747, Ibid., 404; Cal.Council Minutes (September 29, 1747), VI, 367.
129. Horsmanden to the Lords of Trade, September 29, 1747, N.Y.Col. Docs., VI, 404.
130. Assembly Journal (September 30, 1747), II, 166.
131. Cal.Council Minutes (October 1-6, 1747), VI, 367.

133. Ibid. (October 8, 1747), 171.

134. Ibid., 172.

135. Ibid. (October 9, 1747), 173.

136. Ibid., 181.

137. Entire Remonstrance is contained in the *Assembly Journal*, II, 173-180.


140. Ibid., 175.

141. Ibid., 176.

142. Ibid., 177-178.

143. Ibid., 178-180.

144. Ibid., 180.

145. Ibid.

146. Ibid. (October 12 and 13, 1747), 181-188.

147. Ibid. (October 12, 1747), 181.

148. Ibid. 181-182.

149. Ibid. 183-184.

150. Ibid. 184-185.

151. Ibid. 186-187.

152. Ibid. (October 14, 16, and 19, 1747), 188-190; Thomas Lawrence to Clinton, October 20, 1747, Clinton Papers, VI, Clements Library.


154. Ibid. (October 26, 1747), II, 191-192.

155. Ibid. (October 27, 1747), 193.

156. Ibid. (November 2, 1747), 194-195.
157. Ibid. (November 3, 1747), 195.


159. Clinton to Under-Secretary Stone, November 8, 1747, Ibid., 408.

160. Ibid.

161. Sir Charles Knowles to Clinton, October 25, 1747, Clinton Papers, Box VI, Clements Library; Clinton to Newcastle, November 9, 1747, N.Y.Col.Docs., VI, 409.

162. Ibid.

163. Clinton to the Lords of Trade, November 10, 1747, Ibid., 411.

164. Ibid.


166. Assembly Journal (November 12, 1747), II, 198.

167. Ibid. (November 10-25, 1747), 198-201.

168. Ibid. (November 25, 1747), 202-205.


170. Henry Beekman to Henry Livingston, November 24, 1747, Beekman Papers, I, NYHS.


172. "Extract of a Letter from a Gentleman in one of the Neighboring Colonies to his Friend in New York," November 27, 1747, Clinton Papers, Box VII, Clements Library.

173. Clinton to the Lords of Trade, November 30, 1747, Ibid., Box VII. Draft of a letter received from Colden on November 26, 1747.

174. Ibid.

175. Colden to Clinton, December 9, 1747, Ibid., Box VII.

177. Ibid.

178. Colden to Clinton, December 20 and 29, 1747, Clinton Papers, Box VII, Clements Library.


180. Address to the Freeholders, Ibid., III, 312-238.

181. Assembly Journal (February 12, 1747/48), II, 222.


183. Newcastle to Clinton, October 27, 1747, Clinton Papers, Box VI, Clements Library.


185. Clinton to Colden, January 31, 1747, Ibid., IV, 10-11.
CHAPTER V

CLINTON IMMOBILIZED

The news that James DeLancey had been appointed Lieutenant Governor stunned Clinton, yet when he disclosed the news to Colden he expressed the hope that DeLancey would now feel constrained to make the administration more peaceful. Bolstered by optimism, Clinton told Colden that he had decided to suspend his judgment on the appointment "till I see how ye Chief Justice intends to proceed".

In a matter of days the hopeful optimism changed to despair. Clinton lashed out in his frustration at Newcastle, accusing him of inattention to the letters Clinton had written home. "...I persuade my self it cou'd not have been done", Clinton fumed, "had the Lords received any letters." Ploddingly retelling his version of DeLancey's opposition to his efforts at success in the proposed Canadian expedition, Clinton suggested that perhaps part of the violent opposition had arisen from DeLancey's own knowledge that Sir Peter Warren had been able to procure the abhorred appointment. DeLancey knew, Clinton asserted, he had little power while Clinton remained in the colony. Therefore he had begun an effort to force Clinton and his men out of the government. According to Clinton, the news had unhappily become widely known in the colony during a very important Assembly election. The thought of the
appointment had caused such fear among the people, who dreaded the power of DeLancey, that nearly all of the Chief Justice's men were reelected in order to placate him.²

Sir Peter Warren had dabbled in the appointments for the colony of New York. This was an ordinary occurrence with the Lords of Trade. They had found that listening to the English patrons of colonials a logical way to make appointments that seemed appropriate for the distant areas of the empire. But Clinton now objected to this normal policy. He labelled Warren's efforts on the part of his brother-in-law DeLancey as "imprudent" and he expressed his horror that such an appointment could have been made without his personal consent or knowledge. Charging the Board to make no more alterations or promotions in his government without his express permission, Clinton demanded Newcastle's assurances that Warren would not be able to repeat his influences on the behalf of New York.³ In his fury, Clinton now claimed to have control over all the usual governor's appointments as well as the appointments heretofore made by the Lords of Trade.

Colden's reaction to the dilemma presented by the appointment of DeLancey to the Lieutenant Governorship was practical. Noting that Newcastle really had very little time to consider the affairs of New York, he told Clinton that if he would take the time to read over his commission, he would find that the governor had "power sufficient to rectify every thing".⁴ As was usual regarding the powers possessed by the royal authority, Colden was right. From the time of Governor Bellmont in 1698 the governor of New York had received in his commission the right to suspend up to five Councillors as long as he represented the reasons for
doing so to the Lords of Trade. If the King was satisfied with those reasons, the action taken by the governor would stand. Since the lieutenant governor often sat as a Councillor, he too, was subject to suspension.\textsuperscript{5}

To make the power of suspension absolutely plain to the governor, an additional clarification of the power had been written. This part of the commission made it clear that the lieutenant governor could be suspended with the usual "charges, reasons, proofs, and answers" being sent to the Lords of Trade. Furthermore, after the suspension, the governor was allowed to appoint another lieutenant governor who would fill the office until the pleasure of the Lords was known. These suspensions took effect immediately upon the governor's action and they were very rarely reversed by the Lords of Trade.\textsuperscript{6} Clinton definitely had all the power he needed to suspend all the offending members of the Council, as well as the lieutenant governor. He also had the power to appoint Col- den to the position of lieutenant governor as he had stated he wished to do on a number of occasions. Governor Cosby had successfully used these powers of suspension to quell the opposition during his term of office. This example of quick action a mere fifteen years earlier should have emboldened Clinton to act decisively on the suggestion of his advisor. But Clinton delayed; because he wished to see the effect of the appointment on DeLancey; because he wanted to win over the Assem­bly; because he lacked courage.

Clinton met his newly elected Assembly February 12, 1747/48. The War Commissioners from New York, Connecticut, and Massachusetts Bay had agreed on a plan for carrying on the long war during the interim.
plan had been changed somewhat by Massachusetts Bay and Connecticut when their Assemblies had adopted the agreement. Since New York had agreed to the unaltered plan the previous fall, Clinton felt there should be no objection to the modifications. In his address to the Assembly he warned them of the continuing disaffection of the Indians and declared that the implementation of the war plans as devised by the commission was necessary to maintain the valuable Indian alliance. Recommending the same things he had the previous fall regarding the colonial debt, Clinton concluded his speech with a plea for a peaceful session.  

The Assemblymen answered this conciliatory address on February 18, 1747/48, by assuring Clinton that they would act with all the necessary speed to amass the supplies needed for the security and defense of the colony. In considering the agreement made by the commissioners for the war, the Assembly decided that the additions made by the Massachusetts Bay General Court were such that they defeated the ends of the original agreement. Because of these changes, the Assembly refused to accept the pact as it stood. Instead, they agreed upon additional resolutions for defense that they felt would fully protect New York in case of attack and that would begin to pacify the restless Indians.

Clinton had high hopes of being able to carry through the expedition plans. These hopes had been fostered by the expectation that DeLancey would persuade the Assemblymen to accept the few changes made in the plans. DeLancey's willingness to do this, Clinton hoped, would arise out of the fact that Clinton held his appointment to the lieutenant governorship. A letter from Newcastle had elevated his hopes further for it directed Clinton to give presents to the Indians and to take all
other necessary steps to maintain the Indian alliance at the expense of the crown. Newcastle explicitly stated that the cost of the presents would be reimbursed, indicating that he and the Lords assumed that the Assembly would advance the cost of the presents now. Delighted with this turn of events, Clinton immediately appointed William Johnson to take charge of the Indians and asked the Lords of Trade to affirm the appointment.

The gratifying Newcastle letter was referred to Council and February 29, 1747/48, the members replied favorably in an open letter to Clinton that was composed and signed by DeLancey. The Councilmen suggested that Clinton not delay and immediately send Johnson with presents to the Indians. They expressed their wholehearted agreement with Clinton's appointment of Johnson for the Indian duties and recommended that the War Commissioners' plan to destroy Crown Point be carried out. To implement the plans, they advised that the Commissioners from the three colonies lose no time in meeting to iron out their differences.

On March 30, 1747/48, Clinton interrupted his busy Assembly to give them a message recommended by the Council. The Councilmen had asked that he give them two new letters from Massachusetts Bay Governor Shirley and tell them of the Council's concurrence with the ideas presented in those letters. Shirley had suggested that he and Clinton meet concerning the war problems and also meet with the Indians about the needed alliance. The Council had also charged Clinton with telling the Assembly its opinion that the expedition against Crown Point was absolutely necessary to maintain the interest of the Indians. To facilitate their actions on these potentially expensive items, Clinton
revealed Newcastle's letter stating that the crown would reimburse their expenses for all efforts to maintain the Indian alliance.\textsuperscript{14}

That same day, the Assembly signalled its support for Clinton. They acknowledged the King's generosity in allowing the Indian alliance to be secured at the expense of the crown and then declared that the colony should enter into any "well concerted scheme". They then voted to enable the War Commissioners of New York to meet with the other colonial commissioners to settle the differences on that "scheme".\textsuperscript{15} Clinton's delay in suspending DeLancey seemed to have been a sound move, but Newcastle's letter had more to do with the compliancy of the Assembly than did DeLancey's appointment for in it the crown had assumed the costs of the Indian alliance.

On the surface all seemed to be going well, but Clinton was troubled. Colden had returned to his "Philosophy" and exhibited little interest in participating in the politics of the colony. He only wished to clear his name of the aspersions he felt had been cast upon it in London and to retire from public life.\textsuperscript{16} Clinton had suggested he prepare a memorial to the Lords of Trade in the attempt to clear his name and he had promised Colden that it would be presented to the Lords by Clinton's interests in London. Colden had done this,\textsuperscript{17} but Clinton's attempt to pry him away from his beloved pursuit of science and induce him to return to his advisory position by requesting a clarification of his comments on the governor's suspension powers failed.\textsuperscript{18} Colden tartly informed Clinton that he understood the powers of his commission very well. Granted, such powers given therein had to be used with caution during wartime, but they were definitely there. Musing that DeLancey
might attempt to restore Horsmanden to the Court so that he could control the Supreme Court while DeLancey was at the head of the government, Colden flatly refused Clinton's appeal for help. Instead, he sharply warned Clinton to be careful lest "his Majesty's ministers suspect that the Difficulties in the administration of Gov't in this Province have arisen from your Excelly's imprudence". 19

Colden, it appeared, was tired of Clinton's vacillation. Clinton had the power to solve his problems and Colden had told him so. If Clinton would not accept this advice on the matter, there was little Colden could do but retire from politics, hope Clinton would act on the suspensions, and make an effort to clear his name of the aspersions he thought cast upon it in London.

Two days before the Assembly's stated support of Clinton, the Governor wrote Colden that he had told DeLancey that he did not want to quarrel with the Assembly, but the Assembly was being impertinent anyway. In view of what he considered veiled statements made by the Assemblymen, Clinton had decided to take the advice of James Alexander and the Council and pass only those bills recommended by both sources. Clinton was pleased that the Council seemed to be pushing for the Crown Point expedition with diligence and was delighted with the £1200 the Assembly had given him for Indian presents and his trip to Albany. Yet he complained to Colden that he could not get the Assembly to do anything, and expressed his continuing hope of orders from London. 20

This letter from Clinton to Colden is important for it shows that although Clinton continued to press the reluctant Colden for advice, he was beginning to accept it from other sources. This step was one that
could prove helpful in Clinton's dealings with the Council and Assembly. Yet Clinton's views of the events in New York continued to differ sharply from the views of the Assembly. The Assembly had prepared for the war in every way but one, they had not agreed to the plan currently advanced by the War Commissioners. Clinton had said they had done nothing. Clinton's "nothing" meant they had not agreed to his pet scheme and until they did so they would be viewed by Clinton as having taken no action whatsoever for the war.

Also upsetting to Clinton was the fact that during this session, the Assembly took a step that Clinton had recommended to them from the beginning of his term in office. They appointed a regular agent, Robert Charles, for the colony. The purpose of this appointment as stated in the bill, was to employ the agent to work for "financial relief" from the burdensome costs of the war. They hoped to prevent what they saw as the monetary ruin of New York. Charles was directed to manage other public affairs of the colony only upon the designation of the Assembly. The appointment was buried in the annual Support Bill and the payment of Charles' salary was to be on warrant from the Speaker of the House. The purpose of this appointment was interpreted by historian William Smith as an attempt by DeLancey and the Assembly to put an agent in London that would present their point of view to the Lords of Trade in opposition to Clinton's viewpoint. This interpretation has been extended until a recent historian announced that "Charles was expected to represent the interests of the fur traders generally and the DeLancey family in particular."
Two studies have shown that the legislators' primary reasons for appointing an agent at this time had more to do with Parliament's consideration of a bill to abolish paper currency in the colonies and the increasing conflicts with New Jersey over their common border than with party politics. These views are supported by the statements made by the Assemblymen and the instructions drafted for Charles' use. Immediately upon his appointment, he was instructed to deal with the border problems between New York and New Jersey.

Robert Charles was no stranger to New Yorkers. He was currently the private secretary to Peter Warren (who could represent any Assembly views to the Lords of Trade far better than Charles could) and he had run several errands for Governor Clinton in 1743/44. At that time Clinton had recommended to the Assembly that Charles be appointed as New York's agent, but the Assembly had delayed until now to act upon the suggestion. It should be noted that Charles followed his instructions to the letter and his subsequent actions at the Lords of Trade dealt almost exclusively with the problems of paper money and the border issues concerning New York.

The appointment of a colonial agent in this fashion was not designed to please a governor who recently had been angered by the Lords of Trade with their appointment of DeLancey as Lieutenant Governor. The appointment had been made in such a way that if Clinton wished to deny the Assemblymen the agent they had specifically informed to listen only to their directions, he would have to veto the badly needed Support Bill for the colony and do without his own salary. In other words,
the Assembly had assumed the executive right of appointment in the colony at a time when Clinton was painfully feeling the results of the Lords of Trade's appointment of DeLancey as Lieutenant Governor.

In spite of the efforts of the Council and DeLancey to forward the war effort, Clinton's frame of mind led him to report to Shirley that his efforts to bring the Assemblymen to agreement with the plan of the colonial War Commissioners had failed. They had refused in spite of DeLancey's promise to do all in his power to influence them to pass the plan. When the Assembly resolution of March 30 concerning the suggestion that the commissioners meet again to reformulate their plan was brought to Clinton, he was dismayed. He felt that the Assembly really intended to do nothing. DeLancey had told him at that time the members of the Assembly were beginning to feel that the colony of New York could not support all the troops they had raised for the protection of the frontier, yet Clinton interpreted DeLancey's explanation to mean that the Assembly was refusing to participate in a joint effort. This attempt to reformulate the plans and spread the cost among several colonies was labelled by Clinton as an effort to "bring about a Neutrality" simply to distress him. The upshot was Clinton's expressed distrust of DeLancey's explanation and his actions.30

Although the Assemblymen had voted on the day following their resolution to provide the pay and other provisions for 800 men,31 Clinton continued to express his view that the Assembly had done nothing.32 On the advice of James Alexander, Clinton assented to the various acts passed by the Assembly and Council, including the one year Support Bill
which named Robert Charles as the agent for New York, and recessed the Assembly for a month.\textsuperscript{33}

The legislators had raised men, provided supplies, given money to repair forts, advanced money for Indian presents, but they had refused to work with Massachusetts Bay and Connecticut on the proposed expedition as the plan currently stood. They had provided for a meeting with the commissioners from those colonies to see if a better plan could be devised. Still Clinton told the home government that they "only declared themselves in general terms....to preserve the neutrality." DeLancey had worked with the members of the Assembly and had tried to bring them into an agreement with the other two colonies, but his efforts to explain the Assemblymen's position to Clinton had fallen on deaf ears. Clinton reported that he now had great reason to believe that DeLancey was using his influence as a "leveller" to hinder all the measures for the expedition.\textsuperscript{34}

The proof of Clinton's accusation that the rich DeLancey was a "leveller" came from the legislative appointment of Robert Charles as the agent for New York. Having forgotten that he himself had recommended Charles' name to the Assembly for that position earlier, Clinton now stated that it had been the influence of Warren that had won the position for Charles. Because Warren was a patron of DeLancey's in London it was therefore obvious that DeLancey had been the moving force of the entire affair. The method of appointment undermined the powers of the governor. Clearly DeLancey was a "leveller."\textsuperscript{35}

Clinton took notice only of the method used for the appointment, not of the reasons for the appointment as spelled out in the Assembly
Journal. The first reason, the threatened abolition of paper currency, probably eluded Clinton. He had never understood the legislature's concern with paper money. He viewed it as a ruse the Assemblymen used to avoid dealing with the major problems of the colony. The second reason, the emerging border problems with New Jersey, would have been beyond Clinton's comprehension. He was being advised by James Alexander, a member of the Council of New Jersey as well as a member of the New York Council. Alexander's land holdings in New Jersey would have led him to influence the pliable Clinton to support the New Jersey point of view. The Assembly felt constrained to make sure that Charles took his orders from the Assemblymen to insure that the New York viewpoint in the border affair was presented. They feared, with reason, that Clinton would not have been prone to do this. Clinton's subsequent actions documented their fears. These two things concerned the Assemblymen greatly, but Clinton could not understand their position. Hence the appointment had to be part of the plot to remove Clinton from his government by encroaching upon the royal prerogative in New York. Inasmuch as the appointment was irregular, Clinton asked the Lords of Trade to ignore Charles' petitions to that board.

It was June 21, 1748, before Clinton met his Assembly again. The meeting was prompted by the Council's recommendation that he ask the Assembly to do something to relieve the plight of the Indians who were without arms, ammunition, and clothing. Clinton dryly informed the members of the Assembly that since the season was so far advanced, he could not take action on the items they had provided for in March. Therefore they should act upon the general defection of the Indians and bring them
them back into the arms of the British. The method suggested by Clinton quite naturally, was the military plan for the reduction of Crown Point as it had been agreed upon by the other two colonies. He had, he informed the Assembly, invited the Indians to meet with him at Albany in July. In order to insure that they came to the meeting, the Assemblymen should provide those things recommended by the Council. Clinton also disclosed that he had appointed Johnson as the Colonel of the Levies and ordered them to pay him in that capacity. Naturally, the troops already raised would have to be continued in the pay of New York. 38

The Assembly immediately provided all that Clinton had asked in order to meet the Indians in July and postponed all the other matters to the upcoming fall session. 39 The Assembly members then began to consider other matters that concerned them, the first being an act passed by New Jersey defining a boundary between the two colonies. The New Yorkers, after discussing the matter thoroughly, decided to postpone their discussion of the boundary problems until fall. They felt that the second matter, an infringement upon the rights of the colonists by their governor, was of greater concern. 40

Colonel Henry Beekman revealed to them that Clinton had stopped the court proceedings in the trial of Captain Josiah Ross. Ross' men had deserted during the May disorders the previous year, but they were now suing Ross for their back pay. Beekman insinuated that Clinton's intention had been to overthrow the court proceedings. Clinton explained to the Assembly that he had meant merely to put a stop to the claims made by the men who had legally forfeited their claims to pay by deserting. 41 Clinton's attempt to uphold one part of the law violated
the colonial concept of the right to trial. If Clinton was correct in
his reading of the law, that would have been discussed at the trial and
Captain Ross would have been acquitted. But Clinton elected to shut
down the courts, feeding the fears of the Assemblymen that he intended
to obliterate the rights of the colonials.

The aroused Assemblymen then told Clinton that they were a little
surprised that he continued to press them to unite with the other colo-
nies in the proposed expedition. The Assembly members had shown they
were ready and willing to push for the expedition, but Massachusetts Bay
had withdrawn its war stores from Albany and it was that colony, not New
York, which should be pressed to come to terms. The Assemblymen sugges-
ted that since the war effort had distressed New York financially, Clin-
ton should represent to the Lords of Trade the poor financial conditions
of all the colonies involved. Having said their piece, the members of
the Assembly requested adjournment and Clinton complied.42

Amidst rumors of peace and the effect it would have on the New York
trade, Clinton left New York City to meet with Governor Shirley and the
Indians at Albany.43 Accompanying him into the wilderness were DeLancey,
Livingston, Kennedy, and Colden. This segment of the Council advised
Clinton to continue the troops in the pay of the colony past the limita-
tion set by the Assembly in hopes that the Assembly would pick up the
tab when they met in their fall session. With the help of the Council-
men, Clinton and Shirley persuaded the Indians to remain loyal to the
British cause. Shirley and Clinton also found time to discuss private-
ly the military affairs, the state of their governments, and the
continuing rumors of peace before they returned to New York City on August 7, 1748. \[44\]

During these private discussions, Shirley and Clinton devised a scheme whereby Shirley would come to New York City, ostensibly to observe the conditions of the New York government. He would then return home and write to the new Secretary in charge of the colonies, the Duke of Bedford. Shirley was to tell the Duke that the horrible state of affairs in New York was all due to the levelling efforts of Clinton's opposition, namely James DeLancey. To put the plan in motion, Clinton first wrote a covering letter to Bedford. \[45\] He then drafted a letter purportedly from Shirley to the same person. \[46\] Included with this letter was a certificate to be signed by Shirley stating that Clinton had overspent the money allowed for presents for the Indians and a request for reimbursement. \[47\] Then to give the entire affair credence, Clinton and Shirley wrote a joint letter to the Lords of Trade offering Clinton's version of the recent meeting with the Indians. \[48\] Shirley later changed part of the original scheme and instead of signing Clinton's predrafted letter and sending it to Bedford, he changed the direction of the letter and sent a recopied version of Clinton's draft to Clinton. He told Clinton to enclose this recopied draft in a letter to Bedford himself. The purpose of the change in direction, according to Shirley, was to give the letter greater plausibility in London. But in a separate letter to Clinton, Shirley made it clear that he did not wish to have Pelham nor Bedford think that he supported Clinton. Nor did he want the home office to think that he was involved in any way in New York
politics. The change in the direction of the letter did away with any hint that Shirley might support Clinton. 49

In the first letter, Clinton reported that he had taken advantage of Shirley's presence in New York City to have him examine the matters Clinton had discussed in so many letters to the Lords of Trade. Since he had written Shirley's letter for him, Clinton told Bedford that after Shirley's description of the politics in New York, all he could add was a description of the methods used by the faction to take over the government in New York. He repeated his version of the events of the summer of 1746 stating that the Councilmen who had remained in New York City had acted without his knowledge and they had refused to give him a copy of their proceedings. He restated his initial commitment to listen to the advice of DeLancey and the charge that DeLancey had used this position to form the opposition. Now changing his reason for the cause of the factioning, Clinton blamed the entire affair on Warren's effort to get the New York governorship for himself. Clinton now claimed that when the effort to get the government seemed to fade for Warren, the faction revised their plot in order to make DeLancey governor. "It was with this view and to serve this purpose that the schemes were laid which have since given me so much trouble." 50

To put this scheme in effect the faction had done everything possible to make him want to leave New York. The expedition against Canada had offered them their greatest opportunity to make things difficult for him. So diligent were they in their efforts, Clinton was now persuaded that they wanted to make the government of New York so difficult that no one from England would want to come to New York as a governor.
When this point was reached, DeLancey's name was to be offered to the Lords who would feel forced to accept the convenient nomination. All these allegations were proven, so Clinton wrote, by the appointment of Charles as the agent for New York. He was secretary to Warren and that made the scheme obvious. The existence of a conspiracy was corroborated by the appointment of DeLancey as Lieutenant Governor after Clinton had shown the Lords it was unwise.51

Since Bedford was newly in charge of the colonies, Clinton also sought his approval for retaining the commission for DeLancey in his possession. He also requested specific directions for action in New York. Clinton revealed to Bedford that he was now "resolved to insist on having the support of the government granted" for a period of five years.52

The joint letter from Shirley and Clinton was written in the same tone, but was calculated to convince the Lords of Trade of the success they had had in Albany with the Indians. Much of the success had been due to the appointment of William Johnson as an emissary among the Indians, but Clinton and Shirley claimed the glory due Johnson for themselves. The rumors of peace had made the entire effort difficult according to Shirley and Clinton, especially since the rumors favored the "neutrality". Nevertheless, they had triumphed and they had persuaded the Indians to remain in the fold of the British in order to benefit from the British trade.53

The news of the impending peace arrived soon after Clinton returned from Albany and before he sat down to carry out the scheme he and Shirley had devised.54 Since the war had not formally ended Clinton asked
and received permission from the Council to continue the troops in the pay of New York until the Assembly met.55

Clinton's problems were not over with the prospect of peace. He still had to resolve the problem of his overdrafts on the Exchequer, supposedly made to keep the Indians true to the British.56 And he still had to prove that it had been the activity of an opposition party that had hindered the war effort in New York. The news from London indicated trouble was brewing in the effort to have Clinton's overdrafts honored. The London correspondents also told Clinton that his continuing degradation of DeLancey was meeting with demands for legal proofs, something Clinton had yet to provide. This new intelligence prompted Clinton to send a personal agent, John Catherwood, to London to represent his interest to the Lords of Trade, and to attempt to straighten out his financial affairs. Clinton's role in this new plan of action was to stay in New York and legally prove the villainy of DeLancey.57

In October 1748, Clinton showed that the Assemblymen's appointment of Charles as their agent bound only by their orders was justified. He recommended to the owners of the property along the New York-New Jersey boundary that they form a "friendly agreement" to solve the problem of continually increasing violence on that border. He also advised the Lords of Trade that the interest of the Crown was not concerned in this purely local matter.58 Clinton simply was not concerned with the matter of boundaries, an issue that involved the Assembly's time for years to come. The members of the Assembly had come to know of Clinton's indifference to the interest of the colony and this formed part of their objections to him as their governor.
Further revealing his insensitivity to the wants and needs of the New Yorkers, Clinton followed the advice of Governor Shirley and asked for a support bill for the government over a term of five years. None of the advisors Clinton had used before this time had suggested that he return to the five year support and do away with the annual bill. DeLancey had suggested that he maintain the annual bill. Colden, although he abhorred the loss of executive power through the annual bill had suggested Clinton maintain it because of the war. Even James Alexander, in the midst of peace rumors and with an illegal appointment contained in the bill, had suggested to Clinton that he accept the annual support bill. Each of these men was a New Yorker, and the royalist Colden who ostensibly supported the return to the five year support was properly wary of the opposition that would arise from such an action. Instead of returning to such long term support as the end result of putting down the faction as Colden had suggested, Clinton rashly took the advice of the Massachusetts Bay governor and decided to use the bill as an attempt to restore the diminished royal authority in New York.

The reaction of the Assembly to such a request was predictable. With rumors that DeLancey had been appointed the governor of New York flying about the countryside, there was no way the Assembly members would assent to such a request. They knew that if the rumors were true they would not be asked to give up their favored method of controlling avaricious governors. DeLancey was a New Yorker; he understood their needs. On October 19, 1748, the Assemblymen informed Clinton that their long experience with the five year support bills had led them to abandon that method ten years ago during Clarke's administration. The
good effects of the annual support bill were so obvious that they intended to continue that method. An example of the good effects of the annual bill and its grants by name was the fact that Clinton had been unable to appoint an unfit person to the third seat of the Supreme Court after he had been so unwise as to dismiss "A Gentleman of Experience and Learning in the Law...". Clinton, according to the Assembly, had been well advised when he had initially accepted the annual support bill and although they were sorry to cause trouble, they felt they had to exert their preference for that method of governmental support.  

In spite of the growing argument over the method of governmental support, the Assemblymen did not forget the defense needs of the colony. They considered the approaching peace and then provided for the pay of the forces until November 1, 1748. In addition, they supplied the pay and provisions for a smaller detachment of troops to be stationed on the northern border for a year after the peace.

The very day the Assemblymen were debating these defense matters, Clinton again complained to the Duke of Bedford and the Lords of Trade that they had refused to do anything and proclaimed that now the war was nearly ended, he hoped to regain the executive powers that had been usurped by the Assembly. In order to do this he asked the Lords of Trade to disallow the current annual support bill that contained the curious clause appointing Charles as the agent for New York. He also asked the Lords to stop the encroachments on the powers they had given him. In the past Clinton had asked the Lords to give him instructions on how to regain the executive powers, but in these letters he made it clear that he wanted the Lords to assume the entire task of stopping the
New York Assembly. The Lords of Trade were to take this request very seriously in considering the affairs of New York over the next few years.

Clinton had made an error in asking the Assembly for term support before he had quashed the faction. When he refused to receive the return address of the Assembly dealing with the support, he made another mistake. The Assemblymen immediately accused Clinton of denying them their right to have access to the governor. This denial led, in turn, to the destruction of all communication between the branches of government and subsequently to the subversion of the British Constitution.

Clinton not only had asked the Assemblymen to give up the method of support they had fought for, but he had now attacked their rights as an Assembly. Accordingly, they became convinced that Clinton was trying to change the form of government in New York.

When Clinton refused to receive the Assembly's statement on the method of support, he stated he had never known a country to disarm before the end of a war. But Clinton was left with no choice but to agree with the legislature or to go without defense when the Council concurred with the Assembly. Because Clinton was not concerned with the interests of the New Yorkers, he did not realize why they were so eager to rid themselves of the burden of war expenses. Their haste in this case was probably increased by the Parliamentary consideration of the bill to abolish paper money, a necessity to them as their sole method for raising enough money to wage war. Clinton felt the action of the Assembly had no cause other than to attempt to foil him in his effort to govern the colony. Blind to the Assembly's asserted rights, Clinton dismissed their claim of right saying they claimed "all the powers and
Clinton continued to attack DeLancey in his letters to Bedford after he had been told this was not well received in London. Telling Bedford that he hoped the King would suppress the Lieutenant Governor's commission to DeLancey, he repeated his desire that the home government step in and solve the problems of New York. Not content with attacking DeLancey, Clinton proceeded to attack DeLancey's interest in London, naming specifically the Archbishop of Canterbury and Sir Peter Warren, both of whom were in great favor at Court at this time.

Asserting that DeLancey's interest was feigned, he told Bedford that DeLancey had bragged to him in public that his interest was far stronger than Clinton's. He decried, "...What a cruel hardship would it be on me or any Governour if interest should prevail in such a case as this...." thus admitting that DeLancey's home interest was strong. Such a statement also shows that Clinton was losing hope that his interest would prevail. After this beating of the breast, Clinton then told Bedford that he thought there was enough evidence to suspend DeLancey from his commission as Lieutenant Governor. He then requested Bedford to make that move for him. He also refused, without instructions on how to deal with the situation, to meet the Assembly.

While Clinton was lamenting his position in letters home, the Assemblymen continued to act upon matters they felt important to the colony. They discussed the New York-New Jersey border situation and sent directions to Charles. They also took care of paying for
various and sundry services pertaining to the defense of the colony. On November 12, immediately after the Assemblymen had passed the bill to apply the money granted by the Support Bill, Clinton dismissed them. His reason for proroguing them was allegedly their resolution of October 26 concerning their rights as an Assembly, which according to Clinton, had just come to his attention. He told them that in most of the bills they passed they had assumed the executive function of government, but due to the necessity of the services the bills provided for, he was forced to sign them.\(^1\)

Among the bills Clinton signed was the one year Support Bill. The Assembly had won their point in this round. Clinton excused himself for passing the annual bill, after telling Bedford that he would not, by informing the Lords of Trade that this bill was constructed differently than the former ones. Clinton also told the board he was forced to pass the bill in order to continue the governmental income from duties.\(^2\) Clinton's attempt to make excuses did not convince the Lords of Trade. They noted in their paper on "The State of New York" "...It must however be observed, that this Act is the same as others which have been passed for the same purpose since the year 1737."\(^3\) Clinton did, however, refuse to pass the bill that applied the support bill to salaries, services, and debts. In doing this he left himself without a salary, the colony without services, and many debts unpaid.\(^4\) His reason for not passing this bill, he told the Lords, was it was this bill, not the Support Bill, that usurped the powers of the executive.\(^5\)

Throughout this period of tribulation for Clinton, he was continually urged by Shirley to "perserver" for matters were coming to a head.
With the Assembly making its utmost push, they would soon be settled and Clinton would be the eventual victor. Shirley then exhibited his lack of knowledge of the problems of New York, in spite of his "letter" to Bedford. He told Clinton that he should remove the man from Council who the Assembly had complained was giving him bad advice. The Assembly had been refering to Colden, but Shirley assumed they had been talking of DeLancey. He informed Clinton that all he had to do was present the whole matter to the King and remove DeLancey immediately. Specifically telling Clinton (as Colden had) that he had the power to suspend all the trouble makers from the Council, Shirley went on to outline the best method of action. Without mincing words, Shirley told Clinton that he should remove the troublemakers for only a very general order, at best, could be expected from the King.

Colden, impatient with Clinton because of his inaction on the matter of DeLancey's suspension, again wrote Clinton telling him that by now he had surely observed how very little time the ministers of the King had to deal with the matters of the colonies. He reminded Clinton that even Governor Knowles had told him it would be easier to get a thing already done approved than to receive permission to take action. If Clinton continued to delay, observed Colden, it may be that the Lords would begin to question why he was "affray'd to do what is in your own power to do & which you represent as so necessary to be don". Would not the Lords ask themselves what it was that Clinton had to hide and would not the delay give credence to the accusations of the Assembly? Asking Clinton to make a "mature deliberation" of the matter, Colden made it clear that he was very unhappy with Clinton's procrastination.
Clinton wrote Colden that he had already taken the matter into hand. He had sent Catherwood to London with instructions on how to handle the whole affair. He simply did not wish to surprise the Lords with any action he would take. Once Catherwood had determined if they were agreeable to the step, Clinton assured Colden, it would be taken. 

Clinton was afraid, as Colden suspected. His fear was that he might go against his superiors. All the advice from the colonial men Clinton relied upon would never give him the confidence to suspend DeLancey. Only a word from London would do it. DeLancey's interest in London was strong enough to scare Clinton into thinking that his own patrons would not be able to justify the suspension with the evidence he had. Clinton doggedly insisted that the advice had to come from London and he stubbornly hoped that John Catherwood would be able to elicit that advice from the board within a very short period of time.

Clinton's procrastination can also be explained by a letter he received from the Exchequer in London telling him they needed vouchers in order to pay the bills he had drawn on the Treasury. Since he had had difficulty getting the vouchers he needed for the Assembly of New York, it is most likely that he did not have the vouchers so demanded by London. In the same letter the Treasurer also told Clinton that no more of his bills were going to be paid until vouchers were received. It appeared that the only hope Clinton had of having the missing vouchers paid was to remain in the good graces of the Lords of Trade. He had come to New York to repair his fortune; the suspension of DeLancey might have turned the good graces sour and ruined Clinton financially.
In the list of instructions Clinton had drawn up for Catherwood, he had emphasized that Catherwood was to do three specific things. He was to secure the payment of all the bills Clinton had drawn upon the Treasury. He was to secure the cancellation of the commission of DeLancey as Lieutenant Governor. And he was to clear the names of both Colden and Clinton of the Vilification heaped upon them by the opposition forces in London. Clinton's concern for Colden's name came not only from events in the past, but also from the most recent attack on the advice offered by Colden in the Assembly's response to Clinton's request for a five year support. DeLancey had participated in that attack in a council meeting when he had become angry with Colden's position on the New Jersey border problems. The attacks had proceeded from different premises, but Colden and Clinton had assumed them to be connected and part of the plot to drive Clinton out of New York.

With January 1749 came the news that the Peace of Aix-la-Chapelle had at last been signed, but Clinton's troubles were far from resolved. He had stirred up a hornet's nest with his demand for a five year support and his subsequent actions. The party spirit was destined to rise with DeLancey's provincial support gaining strength at every turn.

It was during the early part of 1749 that incidents involving the younger brother of DeLancey began to be discussed in the Governor's circles. In each reported case, Oliver DeLancey exhibited violence, usually the kind that should have been brought to court in a case of assault and battery. But in each case, according to the accounts, Oliver went free because his brother James sat on the Supreme Court and was
so powerful that no one could hire a lawyer to prosecute the younger brother. The first hint of this violent activity on the part of Oliver DeLancey was given when Clinton found that the Mayor of New York City and Council Member, Edward Holland, had been threatened by Oliver thereby nullifying any support that he could have, and possibly would have given Clinton.

Further allusions to Oliver's activities appear in a story which related his attack on several Jews recently arrived from Holland and in even another story in which Oliver whipped a man who refused to give him room on the road. Colden had disclosed that Oliver was out in the countryside brutally electioneering for an election the opposition was convinced was in the offing. The result of these attacks by Oliver, whether planned or simply an exhibition of a violent temper on the part of a young man feeling the benefit of having a powerful older brother and great wealth, was to frighten Clinton into further inaction. If fear of Oliver was the cause of Mayor Holland's sudden illness at this time, it did prevent formation of a quorum at the Council meetings stymieing all Council business.

Clinton repeated his complaints about James DeLancey for the Lords of Trade on February 24, 1748/49, but he still did not act on the one thing he felt so important. As yet unknown to him, the Lords were taking action on his letters. With the new Secretary, the Duke of Bedford, the Lords of Trade took all of Clinton's letters into account and ordered a "State of the Affairs of New York to be collected and prepared and laid before the Board as soon as possible." Clinton was to suffer through the inability of the Council to act, the rampaging rumors of a
new election,94 and violence on the New York-New Jersey border95 before this news would filter back to New York.

Catherwood gave indication of the first steps of action in April when he reported to Clinton that the efforts he had made to have DeLancey removed from the Council seemed to meet with approval though positive action had not yet taken place.96 The rumors that DeLancey was suspended spread across New York along with the news that the Assembly was to be reprimanded. This delightful news was dampened only slightly for Clinton when his daughter eloped with the young British naval officer, Captain Roddam.97 But the official news of the rumored suspension did not come.

Catherwood worked diligently in London to bring about all the was rumored in New York, but the Lords of Trade consistently delayed until their comprehensive statement on New York was prepared for the King.98

In the meantime the news from the frontier of New York indicated the Indians were again becoming upset with the British. Clinton had done nothing to resolve the problems he had had with the Assembly. There seemed to be no hope of finding money to reassure the Indians of the support of the British. Clinton, in order to carry out the commands of the Lords, was thereby forced to pay some of the expenses involving the Indians out of his own pocket since he would not meet the Assembly.99

Oliver DeLancey's unorthodox electioneering continued throughout the spring. In June 1749 he terrorized John Ayscough, the High Sheriff of New York City100 and stabbed another man who disagreed with him about the politics of New York.101 Although Ayscough gave Clinton the legal proofs he needed, the gentlemen who witnessed the stabbing
refused to give evidence. Clinton discovered that no lawyer would ever prosecute Oliver and that the Attorney General of New York also refused to bring charges against the young DeLancey. Clinton's search for a bold lawyer led him to young William Smith. Smith held great hatred for the DeLancey family as a result of the disbarment of his father by James DeLancey years earlier. He was more than willing to prosecute the brash younger brother. Clinton nominated Smith for the Attorney General's position, in order to facilitate matters, and asked that the old and infirm occupant be removed.

This incident showed more than anything the total lack of control Clinton had over the legal system in New York in June 1749. When Governor Cosby had determined that he had lost control over the legal system, he had suspended the Chief Justice, Robert Morris, and thereby had regained control with his own appointees. But Clinton was afraid to take such bold steps. And he had hampered such action with the "good behavior" commission he had given James DeLancey.

With great effort, Clinton finally collected enough legal evidence against Oliver DeLancey in the stabbing incident to have him prosecuted. The incident had touched Clinton personally during the argument preceding the violence. Oliver had damned the Governor, calling him a "scrub". The timorous Clinton refused to let this pass. When he presented the legal depositions to the Council for action, James DeLancey declared his abhorrence of the words and actions of his younger brother. With tears in his eyes, he asked to be excused from the Council while the case was being considered. The Council, without DeLancey, decided the words spoken by Oliver tended to "excite Sedition" and
asked the old Attorney General, who at first had refused to handle the case, to prosecute. The Council continued throughout the month of July to take legal depositions against Oliver and drew up charges of sedition and of disturbing the peace against him.

Clinton was convinced that "This outrage with other like efforts are the last struggles of a disappointed faction." He was confident that James DeLancey not only knew about, but had encouraged the violent activities of his younger brother. There is no evidence of James DeLancey's involvement or lack thereof to support Clinton's contention. Clinton knew that conviction in this case would be difficult, but with the mass of overwhelming evidence he was sure the Attorney General, with the assistance of young William Smith and James Alexander, would prevail.

In his elation over the possibility of securing actual legal proof of James DeLancey's opposition via his imprudent brother, Clinton forgot that DeLancey was a good politician in all matters. DeLancey's proper repudiation and withdrawal from the Council was a "right step" according to Governor Shirley. It gave the appearance that the Chief Justice was shocked and saddened by his brother's actions. His stepping down gave evidence to the public that he would not interfere with the judicial system as Clinton had done, even if it meant the conviction of his own brother.

What Clinton considered a sure victory for him turned out to be a most bitter defeat. When the case was brought up in the Quarter Sessions of the New York Court, it was continued by one vote. The legal opinion given to Clinton by his lawyers told him that it would not be
"prudent to make such motion next time let alone prudent to push matters any further." If the case was pushed and they did manage to gain the judgment, they had "no room to expect the fine will be above ten Shillings if so much, as the Court now stands." Clinton had already lost what control he had over the Assembly and Council, now he could not gain a conviction in a clear cut case of sedition. What power he possessed in New York was being rapidly diminished as Oliver DeLancey's case showed the people of New York the governor's lack of control of the judiciary.

In the midst of his initial glee over being able to formulate a case against the DeLanceys, Clinton met his Assembly for the first time since the previous fall. Although he had told Bedford then that he could not meet the Assembly until he had the positive directions from the Lords of Trade, Clinton convened it on June 27, 1749, with no evidence of guidance from London. The purpose of the meeting was to be the consideration of support for the government for a term of five years. Whether Clinton felt that this current show of power against the DeLanceys coupled with the rumors of James DeLancey's suspension would give him the power to overcome the determination of the Assembly is not known. What is known is that Clinton found the courage to meet his Assembly without instructions from London and he requested term support. It is probable that the aforementioned facts gave him the needed courage.

Though Clinton had given the Assemblymen a copy of his Instructions so they could devise a bill of support that met with those specifications, the reaction of the Assembly was predictably the same.
Unimpressed by Clinton's show of power, they informed him they had devised the current method of support to make sure the public funds were not misspent. They had perused the offered Instructions, but they did not find any mention of a five year support in them. Until they received direct word from the Lords of Trade that this was the manner of granting support they were to use, they would continue to use the method they had developed. In his opening speech Clinton had told them to pay the debts of the colony. They took this opportunity to explain to Clinton that they had passed the bill to pay the debts the previous fall session. He was the one who had hindered payment of those debts when he refused to assent to the bill that had been passed by both houses.  

Clinton, again asserting his power, refused to receive this address from the Assembly until he had seen a copy of it. The Assemblymen immediately resolved that he had no right to insist upon a copy of any address before it was presented. His doing so was a breach of their rights. Clinton, in return, insisted he had a right to be informed of everything that was considered in the legislature. If they exceeded their limits, he also had the right to restrain them. Then declaring that he had seen a copy of the address in their Journal, he offered to receive it.

On July 12, 1749, Clinton made his speech in answer to the delayed Assembly address telling the members he would no longer ignore their attempts to humiliate his administration. He asked them to reflect on the gentleness of his deeds over the past ten years and to contemplate their attempts to embarrass his administration. Their continual appeals to the people had been deliberate misinterpretations of his requests. Most
misrepresented had been his request for term support. All he had asked was that they make their support bills conform to the Instructions given to him by London. Then lecturing them on the means and methods of government, Clinton told the Assemblymen that the granting and issuing of money had to be in different branches of the government in order to prevent misapplication and to conform to the British Constitution. Having said this, he again demanded a support bill that would conform to the Instructions given to him by the King, one which would state that the money was to be issued by his warrant. If they chose to pass their typical bill, they would have to include a suspending clause that would allow the Privy Council to judge it before the bill went into effect. This would force the home government to be the judge in the matter of how to grant support. 116

The next day, the members of the Assembly replied to Clinton's forceful message saying that as far as they knew their dispute with Clinton had arisen only recently with his demand for a five year support. Since his attack on them gave them reason to continue the argument, they would. In this return, the Assemblymen lectured Clinton about the methods of government as they saw them. The Assembly had been formed they told him, to provide for the needs of the colony. If the legislature paid attention to only those items recommended to them by the governor, half of what was needed would not receive attention. They were well aware that the British Constitution provided that the King spend the money raised by Parliament. But the situation in the colonies was different. Often the governor of a colony did not have the same concern for the people of his colony that the King had for his
constituents. The King had a stake in the country whose people entrusted him with the spending of their money. Therefore he had every reason to be concerned with their public welfare. The case of the colonial governor was different. He was generally a stranger in the colony and owned no estate in the colony he governed. It was all too easy in this case to put the public welfare in second place behind his own interest in enlarging his own estate. Therefore the placing of public money in the hands of an uninterested governor was simply asking for it to be misspent. When this happened, the Assembly had no recourse. The governor could not legally be called to account, the Council could be intimidated by sudden suspensions, and the Lords of Trade were really uninterested in the supplications of a colonial assembly. Because of all this, they would not, they declared, raise any money that was to be disposed by a governor's warrant. They would continue the method of support they had devised. Closing their categorical denials of Clinton's requests, they observed that if this was an example of his "gentleness", it certainly did not have the effect he wanted it to have. Rounding out their argument, they then listed all Clinton's attacks on the rights of the colonials during his ten year term in office. They wanted to prove that Clinton was one of those governors who had no interest in the colony other than enlarging his estate. 117

Clinton again refused to receive this address until he had seen a copy of it in their Journal. He decided that since they refused to pass the type of support he required, he would not argue. Instead, he would let the people in London handle the whole problem. The
legislators should, he felt, address themselves to the problem of paying the debts of the colony in a separate bill.\textsuperscript{118}

The Assembly noted his breach of their privilege of access to the governor and resolved they would not do any more business until they were satisfied in this matter of their rights. The long delay in the payment of the colonial debts and services had, after all, been Clinton's fault. He had not passed the bill they had devised that would have paid them.\textsuperscript{119}

Clinton replied to this saucy address reiterating his reasons for not receiving the former addresses, including the most recent. He again told them they were putting on a show for the people. He was taking the matter straight to the Lords of Trade. The Assembly obviously had forgotten they were dependent upon him. They now assumed the rights of the House of Commons. Telling them this, Clinton restated his request for a separate bill to pay the colonial debts. He, personally, was not going to deviate from his Instructions.\textsuperscript{120}

The Assemblymen's response to this was to stand on their refusal to do anything. Clinton dismissed them on August 4, saying he was sorry this session had been so unproductive and argumentative. Repeating his defense against their accusations, he chastised them for not doing anything. He ended his dismissal speech with an accusation that they were plotting the overthrow of the government. Clinton flatly stated that he had searched through the history of the colony and he had been unable to find an instance of a governor misapplying funds granted to him by the Assembly.\textsuperscript{121}.
Needless to say, Clinton's statements about the purity of the past governors was probably highly humorous to the older members of the Assembly. More than likely, the statement had the effect of increasing their conviction that Clinton simply wanted the term support to line his own pocket.

During all this bickering with the Assembly Clinton discovered that Governor Shirley was going to go to England.122 He immediately decided to enlist him as another emissary on his behalf. Colden also took advantage of the proposed trip by writing a long letter to clear himself of the aspersions cast upon him by the opposition, though surprisingly enough nothing had been said about the former advisor to the governor in the last session of the Assembly.123

Clinton, in his letter to the Lords of Trade on July 28, 1749, told them he had met the Assembly in spite of the lack of instructions from London because of the "Exigencies of the province". His excuse for doing so was the need to pay the debts of the colony and the activity of the French Indians. But the lack of instructions from the Lords clearly had hindered his efforts to control the session. The statements made about the King and Parliament, and the colonial governors clearly showed that either Clinton had to have the support of the King or he would have to give up the administration of the colony to the Assembly. He had simply prorogued the Assembly in hopes that the instructions would soon arrive. The Lords, Clinton told them, could not help but be convinced of the obstinacy of the Assembly when they had read their Journal.124
The faction, of course, was headed by James DeLancey. It was not going to give up any power as long as there was any expectation that their view of the situation might be upheld in London. Clinton then complained that although the governor could not command a penny of the colonial money, the Speaker of the House could use it for the private services of the faction. To prove this charge, Clinton told the Lords that he had requested an account of the public money, but the Colonial Treasurer had ignored him. Concluding his letter, Clinton begged the Lords to take the dangerous state of affairs in New York under consideration.125

On August 7, 1749, Clinton again complained to the Lords of Trade about the powers the Assembly had acquired. Telling them again that they either had to "vigorously support his Authority" in New York or give it up to "an insolent faction", Clinton emphasized that the situation was all the Lords' fault. They had delayed too long in sending instructions and upholding the suspensions of Horsmanden and Bayard. This had given the faction the hope that Clinton would give up, deliver the commission of Lieutenant Governor to DeLancey, and leave the province. According to Clinton, the whole purpose of the Assembly in the last session had been to show the London ministry that the people of New York were dissatisfied with him. Demanding a speedy answer that would uphold his authority, Clinton again left the matter in the hands of the Lords of Trade.126

Late in August 1749, Clinton enlisted the help of Lewis H. Morris, son of the former Chief Justice of New York, currently the Chief Justice of New Jersey. As an old enemy of the DeLancey family, Morris was
easily persuaded to use his upcoming trip to London to represent Clinton's version of New York affairs.  

Clinton needed all the help he could find. Late in September he had discovered the routine colonial statistics requested by the Lords of Trade were being delayed because the constables had decided they did not have to obey Clinton's orders to gather the data. Clinton had managed to get the data for New York City only after he threatened the constable with prosecution. He had found that he had to threaten the other constables, too, in order to get the information.

Just as Clinton's power in New York hit a new low, news came from John Paris in London that the ministers had agreed that Clinton had to be removed from his post. They felt this was the only way peace could be restored to New York. They intended to send a new governor with his salary paid by the home government and he would be given particular powers and instructions to deal with the situation.

Concurrent with that news came word from John Catherwood that the accounts of the Canadian Expedition had been lost. Catherwood asked that Clinton bring the papers with him when he came to London. Clinton could not please the Lords by sending the routine statistics. The accounts for the aborted expedition were lost. Suspicious as always, Clinton felt that Catherwood had betrayed him. None of the three major instructions he had given to Catherwood had been accomplished. The bills could not be paid because the accounts were lost. No word of the clearing of Golden's or Clinton's names had come. And worst of all, the Chief Justice still maintained his commission for the Lieutenant Governorship. Stating that Catherwood was a great expense, Clinton asked his
son, Henry Clinton, who was in London, to collaborate with Chief Justice Morris to make sure that Catherwood was trying to gain the end he had been directed to accomplish.\footnote{131}

In mid-October 1749, Clinton informed the Duke of Bedford that contrary to Catherwood's expectations, he had decided to stay in New York until the faction was overcome. He simply could not leave the government in the hands of DeLancey. Further, he had altered his plans to suspend DeLancey. Instead of suspension, he now hoped to have the commission revoked as a show of power against the faction. Mere suspension was not enough to silence the faction. All they would do was try to have DeLancey reinstated. Therefore, Clinton decided, the better route to take was to revoke the commission entirely.\footnote{132}

The same day he told Bedford he was going to stay in New York, he wrote the Lords of Trade complaining of the Assembly and stressing the need for immediate imposition of the King's authority as the only way to solve the colony's problems. Then asking them to consult with Governor Shirley, who had gone to London, for verification of his facts, Clinton spent the rest of the letter recapitulating the same allegations against the faction, against DeLancey, and against the Assembly he had sent to the Lords so many times before.\footnote{133}

The beginning of November 1749 offered a ray of hope for Clinton as rumors began to fly saying that Warren's influence in the London ministry was waning because of his support for DeLancey.\footnote{134} That hope was dashed by Catherwood's letter informing Clinton that the ministry assumed that he had already suspended DeLancey from the government. They also assumed that he had appointed Colden in his place as Lieutenant
Governor. This news should have encouraged Clinton to proceed with the suspension of DeLancey, but he now had changed his mind about the suspension and wished the commission to be revoked. Clinton let the opportunity pass.

Any further expectations to bring matters in New York to a peaceful conclusion had rapidly diminished when he ordered the colonial treasurer to prepare the accounts showing all the outstanding Bills of Credit in New York to comply with his instructions from the House of Commons. The paper currency problem the Assemblymen had feared was beginning to manifest itself in New York. The treasurer, showing his disdain for Clinton, refused to comply. His refusal also delayed, hopefully, any action on the bill in Commons.

Clinton duly reported to the Duke of Bedford that he had no way of forcing the treasurer to show his reports as long as the Assembly protected him. Also, as long as the judges of the colonial courts were part of the plot against him, he could not take the treasurer to court. A week later, the treasurer, Abraham DePeyster, changed his mind and the outstanding Bills of Credit were delivered to the Council. Clinton read the report, found it full of mistakes, and requested a corrected copy. In another letter to the Lords of Trade, Clinton outlined the history of the past Bills of Credit in New York. He told how the Assembly had won the appointment of a colonial treasurer instead of the usual Receiver General. All of this had taken place during the reign of Queen Anne, and was the basis of the power which the Assembly was wielding. Because the Assembly had its own treasurer, it could finance the
faction while Clinton and his supporters went without money. Recommending that the Lords suspend the Treasurer and all the laws upholding his position, Clinton emphasized that this should make the King's authority paramount in New York once again.\(^{139}\)

Throughout the month of December the Treasurer delayed his presentation of the corrected version of the Bills of Credit. Finally, on December 28, 1749, the account was presented and the incident was put to rest in the face of even greater problems for Clinton.\(^{140}\) The reason for the Treasurer's delay, other than disrespect for Clinton, is not difficult to discover. Abraham DePeyster had held his accounts until copies could be made and sent to the colonial agent along with instructions on how to proceed with the problem concerning paper money. Only after these were dispatched did DePeyster come forward with the accounts for Clinton.\(^{141}\) The Assemblymen, knowing that Clinton did not understand the place of paper money in their economic system and suspecting that Clinton would support the Parliamentary effort to do away with what they considered to be vital colonial currency, had taken the time to make sure their point of view was received in London to refute any statements Clinton might make later.

The problem that was arising to obliterate Clinton's problem with the colonial treasurer also dealt with the economics of New York. This issue pinched the pocket of Clinton directly, for the Assembly in its last argumentive session had not renewed the bill to collect the duties from whence Clinton collected part of his revenue. Since the bill was due to expire the first of January 1749/50, Clinton decided to see if he could legally extend the bill beyond the date given to it by the
Assembly. All of Clinton's advisors were of the same opinion, he either would have to do without the income or meet the Assembly to pass a new bill. As Colden put it, "I thought your Excellency had maturily considered the subject matter....There is no doubt but that the Duty Act expires and these Duties cannot be levied any longer. Although Clinton had suspected that Catherwood was frittering his time and money away in London, Robert H. Morris wrote Henry Clinton, who in turn sent the letter to his father, that Catherwood was very diligent in attempting to secure the matter assigned him. Unfortunately, the men in the ministry were the cause of the delay, not Catherwood. In spite of the efforts of Catherwood, Morris reported, the matter of Clinton's drafts on the Exchequer continued to go badly. The news that Catherwood was loyal to him should have pleased Clinton, but the news that his drafts could be returned to him for him to pay overwhelmed any good news. This was especially deflating at a time when Clinton had discovered that in order to keep the Assembly at bay, he would have to do without his income from the duties of the colony.

Clinton's depression over these revelations did not last long. The news that the Lords of Trade were considering the State of New York arrived in the colony, elating all of the Royal supporters. The letter from Bedford assured Clinton they would support him to the fullest if the facts turned out as he had represented them. Another letter arrived from London saying there were only a few objections to his accounts, and James Alexander reported to Clinton the news that the "Canadian bills" were likely to be paid soon. These bits of news delighted Clinton so much that he declared to Colden "I think there can
be no likeliness of a DeLancey succeeding in any Shape. The news that his bills were to be paid encouraged Clinton to draw another draft on the Exchequer, although the ministry had informed him that they would honor only those drawn for the purposes of Indian affairs. This one, for £100, was addressed to Alexander.

The ministry in London was definitely considering the New York affairs as had been reported. The Privy Council had requested a report of the border disorders between New York and New Jersey. The fears of the Assemblymen seemed well grounded when the Lords began to consider these incidents, along with the many papers sent to them by Clinton in March 1750.

So exuberant was Clinton about these activities, that his letters to Bedford and to the Lords of Trade fairly bounced with enthusiasm. He told the Duke he had received notice that the New York affairs were under consideration and that the King's authority in New York was being upheld against the "malicious attacks" of the opposition. He expressed his hope that the Lords would reach a speedy conclusion for he could not meet the Assembly without their support. Further, the King had no revenue at all in New York at this moment. Excusing the fact that he as yet, had sent only legal proofs of the actions of Oliver DeLancey, Clinton assured Bedford there was absolutely no doubt that James DeLancey headed the faction. "Your Grace knowes that it may be difficult to bring what is legal proofs of such kind of secret transactions" Clinton explained to Bedford. He told Bedford that the circumstantial evidence he had collected would have to suffice as depositions by witnesses were impossible to collect. Clinton admitted he could not prove any of his
allegations about the actions of DeLancey.\textsuperscript{151} The arrival of this letter in London undoubtedly gave DeLancey's interest in London the foothold it needed to prove the innocence of their client.

As was usual, Clinton's high spirits rapidly declined when he approached the problems of governing the colony. In April 1750, he again attempted to move the Treasurer of the colony to correct the second report he had given the Council in December. Like the one DePeyster had presented the last of November, Clinton had decided this one was also full of mistakes. Again, DePeyster delayed and excused himself from making the corrections requested. Even the presentation of Bedford's orders for the accounts did not stir DePeyster to action. As far as Clinton was concerned this proved the faction was using public money to carry on its battle against Clinton.\textsuperscript{152} Complaining that he could not get anyone to appear for the King in Court, Clinton again asked the Lords of Trade to take the New York affairs into their hands.\textsuperscript{153}

As the affair with the Treasurer dragged out, Clinton became even more upset with the slowness of action by the Lords of Trade. Because he had no money for the governmental expenses, the administration in New York, or what there was left with an inactive Council and a stubborn Assembly, was grinding to a halt.\textsuperscript{154} When the French Indians began to attack the British Indians in June 1750, Clinton found he could not call out the militia. The act governing them had also expired. He had been advised by his supporters that the power of militia lay in his hands, but Chief Justice DeLancey curtly informed him it did not for there was no Act. Because the members of the militia agreed with DeLancey, Clinton was immobilized.\textsuperscript{155}
Near the beginning of June 1750, an incident happened which served to illustrate Clinton's position in New York. This same incident, oddly enough, gave rise to the hope that Clinton could, after all, offer the Lords legal proofs that would remove DeLancey from all his positions in New York. On June 7, 1750, a British Naval ship anchored in the Hudson River shot at a small boat which had refused to lower its flag in deference to the British flag. The shot had unfortunately killed a woman who had been holding a small child while sitting in the boat. The gunner's mate was sent at the request of the Captain of the ship to testify at the Corner's inquest. The inquest found the gunner's mate to be guilty of "Willful Murder" and DeLancey as Chief Justice committed the man to jail to await trial.

This was not an unusual incident for New York. There had existed for some years an enmity between the New Yorkers and the Royal Naval ships sent to patrol the rivers for enemies and smugglers. The most usual resistance shown by the New Yorkers was the refusal to show the proper respect for the King by keeping the flags on their boats at full mast while passing a Royal ship. As early as 1739 stories circulated about captains of ships threatening to turn their cannons on ships that refused to dip their flags.

This particular case, though, took on all the political innuendoes of the New York scene. The captain of the ship was the son-in-law of Governor Clinton, Captain Robert Roddam. Although the Commission of the Governor stated very specifically that all crimes on the river waters were in the jurisdiction of the Courts of Admiralty, DeLancey took this opportunity involving a highly emotional case to illustrate the total
incapability of Clinton. In spite of pleadings and threats by Clinton and his son-in-law, the gunner's mate remained in the New York City jail on DeLancey's warrant. 161

Clinton knew he had no power to rectify the situation. The Attorney General had utterly refused to prosecute the case, or for that matter, even take notice of it. 162 Captain Roddam's appeal to Clinton to make the Attorney General comply with his request to represent the matter to the Lords of Admiralty met with excuses. 163 Clinton's silence in the case is explained by his resolution "...to suffer the Judges to go on as they shall think proper." 164

The motive behind this resolution was Clinton's hope that DeLancey's refusal to give the case to the Admiralty Court where it clearly belonged would be enough legal proof to suspend him from his commission during good behavior as the Chief Justice, as well as all his other offices in the colony. Clinton simply gave the whole matter to the Lords of Admiralty with the observation that the conduct of the Chief Justice in the case "can not be reckoned consistent with good Behaviour." 165

Clinton's efforts in the colony concerning the incident consisted entirely of printing the clause of his Commission regarding the jurisdiction of the Admiralty in the newspapers. 166

The episode showed without a doubt that Clinton was entirely immobilized in New York. He was at odds with the legislature, the Council had no quorum, he had no money to run the government, and he had no power to enforce the King's authority. His only hope in the situation as he saw it, was to compile the legal proofs needed to have DeLancey removed. He could have prevented the entire situation by a timely
suspension, but he had consistently refused to exercise the power he had without the express permission from the Lords of Trade. Even when the tacit approval had come, Clinton had still delayed. DeLancey had not taken the power away from Clinton, he had assumed the power when Clinton refused to exercise his authority and created a leadership vacuum.
FOOTNOTES

CHAPTER V


2. Clinton to Newcastle, Clinton Papers, Box VII, Clements Library.

3. Ibid.


8. Ibid.; Assembly Journal (February 13, 1748), II, 224.


12. Clinton to Newcastle, February 24, 1747/48, Ibid., 419.


15. Ibid. (March 31, 1748), 236.


22. Ibid. (April 9, 1748), 237.


26. Ibid., 116.


30. Clinton to Shirley, April 1748, Clinton Papers, Box VII, Clements Library.

31. Assembly Journal (April 1, 1748), II, 236.

32. Clinton to Colden, April, 1748, Letters and Papers of Cadwallader Colden, IV, 32-34.

34. Clinton to the Lords of Trade, April 22, 1748, *N.Y. Col. Docs.*, VI, 419-420.

35. *Ibid.*.


38. *Assembly Journal* (June 21, 1748), II, 239.


42. *Assembly Journal* (June 29-30 and July 1, 1748), II, 241-242.


46. Shirley to Clinton, August 31, 1748, Clinton Papers, Box VII, Clements Library; Shirley to Clinton, August 13, 1748, *N.Y. Col. Docs.*, VI, 436.


48. Clinton and Shirley to the Lords of Trade, August 18, 1748, *N.Y. Col. Docs.*, VI, 437.

49. Shirley to Clinton, August 31, 1748, Clinton Papers, Box VIII, Clements Library.

This letter shows how the two men contrived to have the letters presented to make it seem that Clinton was right in his views.

51. Ibid.
52. Ibid.
53. Clinton and Shirley to the Lords of Trade, August 18, 1748, N.Y. Col.Docs., VI, 437-440.
55. Ibid. (September 24, 1748); "State of New York," N.Y.Col.Docs., VI, 688.
56. Clinton to William Pitt, draft, September 5, 1748, Clinton Papers, Clements Library.
57. Clinton to Colden, September 7, 1748, Letters and Papers of Cadwal­
       lader Colden, IV, 75-76; Clinton to the First Duke of Dorset, Octo­
       ber 30, 1748, Clinton Papers, Clements Library.
58. Clinton to the Lords of Trade, October 7, 1748, N.Y.Col.Docs., VI, 454.
59. Assembly Journal (October 14, 1748), II, 243; Clinton to Bedford,
60. Colden to Shirley, July 25, 1749, Letters and Papers of Cadwal­
       lader Colden, IV, 122-123; Colden to Clinton, December 27, 1749
       and Colden to John Catherwood, November 21, 1749, Ibid., 183-186
       and 159-165; Catherwood to Clinton, May 2, 1750, Clinton Papers,
       Clements Library.
61. John Lloyd to Henry Lloyd, October 11, 1748, Lloyd Family Papers,
       I, 411.
63. Ibid. (October 20, 1748), 247.
64. Clinton to Bedford, October 20, 1748, Clinton to the Lords of
       Trade, October 20, 1748, N.Y.Col.Docs., VI, 455, 456-457.
66. Ibid. (October 26, 1748), 249.
67. Ibid. (October 27, 1748), 250; "State of New York," N.Y.Col.Docs.,
       VI, 690.
68. Clinton to the Lords of Trade, October 30, 1748, Ibid., 458.
70. **Assembly Journal** (October 20, 28-29, 1748), II, 247, 250-251.


72. Clinton to the Lords of Trade, November 15, 1748, *N.Y.Col.Docs.*, VI, 466.


74. **Assembly Journal** (November 12, 1748), II, 257.

75. Clinton to the Lords of Trade (November 15, 1748, *N.Y.Col.Docs.*, VI, 466.

76. Chirley to Clinton, November 7, 1748, Clinton Papers, oversize I, Clements Library.


78. Colden to Clinton, [December 8, 1748], *Letters and Papers of Cadwallader Colden*, IV, 482.


80. J. West to Clinton, November 22, 1748, *Ibid.*, Box VIII.


82. "Instructions" for Catherwood from Clinton, December 4, 1748, *Ibid.*, Box VIII.


85. John Stevens to James Alexander, January 21, 1748/49, James Alexander Papers, Box IX, NYHS.


88. Clinton to Catherwood, February 17, 1749, N.Y.Col.Docs., VI, 471.

89. Colden to Clinton, February 19, 1749, Letters and Papers of Cadwallader Colden, IV, 100-103.

90. Clinton to Catherwood, February 17, 1749, N.Y.Col.Docs., VI, 471.


92. Clinton to the Lords of Trade, February 24, 1748/49, Ibid., 472.

93. Journal of the Board of Trade (February 7, 1748/49), VIII, 378.

94. Henry Beekman to H. Livingston, March 10, 1748/49, Beekman Papers, Box I, NYHS.

95. William Alexander to James Alexander, March 17, 1748/49, William Alexander Papers, Box I, NYHS.


97. John Ayscough to Colden, May 9, 1749, Ibid., IV, 10-110.

98. John Catherwood to Henry Pelham, June 6, 1749, Clinton Papers, Box IX, Clements Library.


100. Ayscough Memorandum, June 12, 1749, Clinton Papers, IX, Clements Library.


102. This is the early New York historian and son of the lawyer, William Smith, DeLancey had suspended in the Zenger trial.


106. Ibid.


109. Ibid.; Clinton to Shirley, July 3, 1749, Clinton Papers, Clements Library.

110. Shirley to Clinton, July 17, 1749, Clinton Papers, Clements Library.

111. James Alexander and William Smith, November 6, 1749, Legal Opinion Clinton Papers, Box IX, Clements Library.

112. Assembly Journal (June 28, 1749), II, 259.

113. Ibid. (July 5, 1749), 261.

114. Ibid.

115. Ibid. (July 7, 1749), 262.

116. Ibid. (July 12, 1749), 263-265.

117. Ibid. (July 14, 1749), 268.

118. Ibid. (July 17, 1749), 268.

119. Ibid. (July 18, 1749), 269.

120. Ibid. (July 20, 1749), 270.

121. Ibid. (August 4, 1749), 271-274.

122. Shirley to Clinton, July 17, 1749, Clinton Papers, Box IX, Clements Library.


125. Ibid.

126. Clinton to the Lords of Trade, August 7, 1749, Ibid., 522-524.
127. John Ayscough to Golden, September 11, 1749, Letters and Papers of Cadwallader Golden, IV, 141; William Alexander to James Alexander, October 9, 1749, copy, William Alexander Papers, Box 1, NYHS.

128. Clinton to the Lords of Trade, September 24, 1749, N.Y.Col.Docs., VI, 524.


131. George Clinton to Henry Clinton, September 20, 1749, Clinton Papers, Clements Library.


133. Clinton to the Lords of Trade, October 17, 1749, Ibid., 529.


137. Clinton to Bedford, November 22, 1749, N.Y.Col.Docs., VI, 534.


143. Colden to Clinton, December 27, 1749, Ibid., 182-186.

144. R. H. Morris to Henry Clinton, January 13, 1750, Clinton Papers, Clements Library.


149. Acts of the Privy Council (February 2, 1750), IV, 97.

150. Journal of the Board of Trade (March 2, 21, 1750), IX, 42, 44-45.


152. Clinton to Bedford, April 3, 1750, Clinton to the Lords of Trade, April 3, 1750, Ibid., 554-555 and 557.

153. Ibid.

154. Clinton to Bedford, April 9, 1750, Ibid., 558.

155. Clinton to the Lords of Trade, June 7, 1750, Ibid., 561.


159. Roddam to DeLancey, June 8, 1750, N.Y.Col.Docs., VI, 572.

160. Morris to Charles Wager, 1st Lords of Admiralty, October 10, 1734, The Papers of Lewis Morris, 64; Clinton to Bedford, June 12, 1750, N.Y.Col.Docs., VI, 571.

161. Ibid.; Roddam to DeLancey, June 8 and 9, 1750; DeLancey to Roddam, June 9 and 12, 1750; Roddam to DeLancey, June 19, 1750, Ibid., 572 573, 585.

163. Roddam to Clinton, July 26, 1750, Clinton to Roddam, July 27, 1750 Ibid., 584-584.

164. Clinton to Bedford, June 12, 1750, Ibid., 571.


166. Clinton to Bedford, August 3, 1750, N.Y.Col.Docs., VI, 574.
By mid-year 1750, Clinton had learned from John Catherwood that the Lords of Trade were not only considering the situation in New York, but they had decided Clinton would no longer be the governor of that colony. Clinton was to be retired from the entire political scene and be appointed head of Greenwich Hospital. Catherwood had advised the Lords that Clinton would rather have a position of command in the Royal Navy, but "...the Lords thought Greenwich a very good Competency for your Exc' to retire upon...." An earlier letter from Catherwood had informed Clinton that without vouchers, it seemed unlikely all the notes Clinton had drawn on the Exchequer would be honored. Clinton would have to pay for the unsupported items himself.

The news contained in these letters reveals that the Lords of Trade were fulfilling Clinton's demands in relation to the situation in New York. They were going to support the Royal authority in New York and rectify the predicament in which Clinton now found himself. He had pleaded for their action, and now they were acting. But rather than deal with the mess in the manner Clinton had specified, the Lords of Trade intended to act on the reports they had compiled and do the things they felt best for the situation. Clinton had, in his letters, left the
impression he could do nothing, that only they could set things on the right course. The Lords had decided that to set things right it was necessary to send over a new governor with Instructions that would correct all the evils of the conditions as Clinton had reported them.3

Clinton had won and lost his battle. He had been so deft at reporting the evils and wrongs of DeLancey that the Lords did not consider leaving the administration in that man's hands. At the same time, Clinton had so thoroughly described DeLancey's political strength in New York, they would not dare remove him from his positions for fear of repercussions. A new governor was definitely the only answer. This verdict left Clinton in a curious lame duck position for the next three years while the Lords made every effort to straighten out the matters in his government using information from Clinton's letters and the various agents and patrons in London.

Clinton had boxed himself in, and after the news that Catherwood had given him about his vouchers, he was left trying to find the most graceful way out of a situation that promised to bankrupt him. His new instructions to Catherwood were longer and more detailed. Still number one on the list was the demand that DeLancey's commission as Lieutenant Governor and his commission as Chief Justice be revoked by the Lords of Trade. Clinton also wanted Catherwood to persuade the Lords to dismiss, by letter of decree, the current New York Assembly. Clinton was fearful of a new election without overt royal backing. The two requests at the bottom of the list best show Clinton's concern about his position. He demanded that Catherwood manage to have him return to England before the new governor was sent out. In this way he would be governor of New York
when he left the colony and being so, he had to be given what respect remained of that position until the last. He also desired Cathenvood to attempt to reverse the suggestion that Greenwich Hospital be his end. Cathenvood was to try even harder than ever to get the command of a Naval fleet for him.⁴

Clinton's battle to remain governor of New York and to oust DeLancey from his positions was seemingly lost as the Lords of Trade set about to restore order to New York. They did not, however, ignore the suggestions and complaints that Clinton had made, but adhered closely to his recommendations as they interpreted them. They appointed Edward Holland and William Johnson to the Council and restored James Alexander to his post on that board. All these appointment had been suggested by Clinton and were made in the order he had named, in spite of a great effort by Sir Peter Warren to have Johnson named first.⁵

The news that he was to lose his post in New York cancelled the excitement Clinton should have felt about the victory of the appointment of his men to the Council. His letter to the Lords of Trade the last of July 1750 was full of accusations that the continued insolence of the faction was the Lords' fault and caused by their much belated action. Clinton reminded them that the government had been two years without financial support. He now felt he could no longer use his own credit to finance the troops he found necessary to keep the French at bay in New York. Further, he had discovered that the Indians were upset because they had not received their traditional presents when peace had been made. Because he could not face the old Assembly with honor, and because it was necessary that an Assembly be called for the financial
relief of Clinton and New York, Clinton announced he had dissolved the old Assembly and a new one was to meet in September 1750. Whiningly, Clinton prematurely placed the blame for the failure of the elections to go his way on the Lords. He bluntly stated that if they had given one shred of evidence of their support of him, the faction would have lost this election. Clinton closed his recriminations begging the Lords to support him. Their appointment of his men to Council in the order he desired was not enough evidence of support for Clinton.

Had Clinton known of the reply Warren had sent to Oliver DeLancey's request for appointment to the Collectorship of Duties in New York, perhaps he would have been less depressed by his situation in New York. Warren had informed Oliver DeLancey that he would solicit for the collectorship on his behalf, but not to be surprised if he did not manage to secure the position for him. "...the name of DeLancey has been so Injuriously and Scandalously represented at present there is no possibility of doing you any service in a Publick Way...." Clinton's multitude of letters and accusations were taking their toll in London's opinion of the DeLanceys.

John Catherwood's memorandum indicated that knowledge that Clinton was going to be recalled as governor was widespread. Rumors about his leaving were pointed and rampant. Governor Shirley presented a request for the New York post when Governor Clinton returned to England on the basis of these rumors. Shirley obviously felt that in spite of what he knew about the politicking in New York, he could handle the situation. This action of Shirley's gives rise to the speculation that there were those, Shirley included, who felt the situation New New York was as much
the fault of Clinton's ineptness of governor as it was of the growth of powerful political factions opposing the governor. The Lords had already indicated their feelings about Clinton's ability when they decided to remove Clinton to Greenwich Hospital.

The election campaign for the new Assembly in New York was bitterly fought. The campaign was noted for its large number of vicious political writings. The results of the election proved that the people still supported the members of the old Assembly. Nineteen of the twenty six members of the new Assembly had served in the previous legislature which had challenged Clinton on the matter of long term support. Of the seven new members one in particular showed the support of the people for what Clinton called the DeLancey faction. Peter DeLancey, brother of the Chief Justice, was elected to the new Assembly.

Clinton's own knowledge about his leaving New York muted the demands he made on the new Assembly. He requested proper protection from the French, payment of the debts of the colony, and a support agreeable to the King's Commission. Broadly hinting that he would accept any support bill that did not combine matters of several different sorts, Clinton politely left the Assembly to its work.

The Council, now revived by the new appointments, agreed amicably with Clinton's requests and assured him they would uphold him in any proper measure for the support of the government. They made a special show of their backing of Clinton in these efforts to follow the Instructions of the King.

The Assembly, in turn, assured Clinton that they would consider all the topics that he had suggested and promptly introduced their usual one
year Support Bill. By September 11, 1750, this Support Bill had passed all three branches of government. But after such a drought of action there remained a great deal to be done, including the application of the government Support Act just passed. The border problems with New Jersey were intensifying as were the problems with the French and the Indians. As had become his habit, Clinton reported to his superiors his doubts that the Assembly would accomplish anything.

The rumors of Clinton's termination in the governorship and the knowledge of the Lords of Trade's discussion of New York affairs produced a spirit of conciliation on the part of both sides. Clinton knew he had to convince the Lords of his ability to govern if he were to escape the horror of Greenwich Hospital. The Assembly, in turn, had to look peaceful and compliant if they were to influence the Lord's choice of a new governor. Though the letters the participants wrote and the pages of the Assembly Journal come a picture of the joint effort to smooth out matters. It was reported that DeLancey was making every effort to conciliate the people, while the Assembly actually sought Clinton's advice on matters.

The Assembly, though conciliatory in tone, did not give up its stated principles, nor did it begin to trust Clinton. In the course of its work, the Assembly sent Agent Charles new instructions on the New Jersey-New York border problems and voted to maintain their position on the problem at public expense. Ever mindful of their rights, the legislators considered an election case they felt may have violated those rights.
In the matter of Indian affairs, they told Clinton they would not agree to Pennsylvania's current proposals. They felt New York had handled the expense of those affairs entirely over the past year. Until the other colonies promised to contribute their share of the expenses, New York had no choice but to secure their own borders the best they could with their limited finances. Then voting a present of considerable size for the Indians, they asked Clinton to immediately meet with those allies.20

Other than refusing to unite with Pennsylvania in the matter of the Indian alliance and total defense, the Assembly gave Clinton everything he had demanded. When he asked for Indian presents, he got £950. When he asked for blacksmiths and additional presents for the Indians, the Assemblymen granted that.21 But the members of the Assembly absolutely refused to deviate from their time-honored method of granting and applying support for the needs of the colony. Since both sides felt the need to look good in London, and because both the Assembly and Clinton knew the colony could not survive without services, Clinton offered a compromise proposal to the Assembly. The compromise allowed him to present the image of having handled matters in New York efficiently, hopefully increasing his chances of being brought home as governor to the Admiralty of a fleet.22

Working with the Speaker of the House, David Jones, the compromise proposals were discussed and redrawn from mid-October until the end of November 1750. The Assembly's position was simple and clear; they wished to return things to the same basis as they had been when Clinton had arrived in 1743. Clinton wanted his debts and those of William
Johnson to be paid by the colony. He also discussed such things as the salaries of the military officers being paid on a warrant issued by the Council and signed by himself, as well as a few moderate additional allowances for himself.  

The compromise effort initiated by Clinton, came to a happy solution for both parties. The Assembly maintained its control over the administrative portion of government by keeping its form of Support for the government including the naming of the officials in a separate application bill. In return, Clinton was able to present a better face to the Lords of Trade. The Assemblymen gave him the long awaited accounts of paper money so he could satisfy the Lord's requests on that issue. They paid his debts and some of William Johnson's as he had requested. And they gave him the honor of signing warrants issued by the Council on a limited basis. The Assembly even agreed to give Clinton and the other officers of government their back pay with interest.  

With this compromise, the session of the Assembly ended rapidly with the passage of all the bills needed to carry out the compromise. The Lords of Trade noted in their paper on the State of New York that "...these Acts are all passed in the same irregular manner as former Acts of the like nature, and are consequently liable to the same objections, the Assembly having thereby assumed to themselves almost the whole of the executive part of Govern." The Lords were not fooled by Clinton's statements to the contrary. Clinton had sacrificed the executive control of the government for the financial relief he needed to face the possibility of his having to pay several vouchers from the past war and to gain the peace needed to escape Greenwich Hospital.
John Catherwood's letter of April 2, 1750, convinced Clinton that even though he had to give up the governorship of New York, he had done the right thing by compromising. Catherwood now reported that Clinton was being blamed for allowing the duties and militia act to expire. Now that these acts were reinstated with back pay assured, certainly London would compliment him on his accomplishment. He would now be able to leave his government "with a better Grace." In his letter to the Lords of Trade, Clinton excused himself by telling the Lords that since the colony was in dire distress and since he had had no orders from London on how to proceed, he had given in to the Assembly in order to get the needed money. Admitting defeat in his battle with the Assembly, but not telling the Lords what he had won, Clinton asked the Lords to observe the contempt the Assembly held for the King's authority. He again requested the Lords to enforce their authority since he could no longer do so.

Clinton's next exposition to London dealt entirely with how he was ably managing the matters in New York. He told the Lords of his plans for meeting with the Indians at Albany the next year and of his efforts to gain the cooperation of the other colonial governors in the treaty effort. After offering evidence of his ability as an administrator, Clinton asked the Lords for a year's leave of absence to regain his health and to tend to his affairs in England. This request obviously was an attempt to fulfill one of the petitions he had made earlier—to be brought home as the Governor of New York.

Clinton knew he was being called home and he had put in his request for a leave of absence. He now assumed he would not be in the colony
much longer. His assumption was shared by others, including DeLancey. DeLancey was well aware that Clinton had held a commission for him as Lieutenant Governor for some time now. He now wanted to see it realized before the departure of the Governor. He told Clinton's secretary, John Ayscough, that he was willing to make a deal with Clinton. He would pay all the profits of government to Clinton until Clinton was able to find another person to take the position. DeLancey further promised that he would not dismiss any of the men Clinton had put into office. To this proposal, Clinton tartly replied to Asycough that if DeLancey had news of his leaving, then he knew more than he did. It had already been determined by the Lords that Clinton was to stay in the government until a new governor was found. DeLancey was not to exercise his commission as Lieutenant Governor. Clinton's representations of DeLancey's opposition had convinced the Lords of that fact.

In another memorial to Bedford on February 28, 1750/51, Clinton again asked to be relieved of the governorship of New York. He also warned against leaving DeLancey in the Lieutenant Governorship when he did leave the colony. Clinton asked the Duke to assent to his naming another man Lieutenant Governor and enclosed a legal opinion that he had the power to do this and to bring the commission of DeLancey home with him.

This memorial demonstrated what was becoming offensive to Clinton's supporters—his inability to exercise the power that he had. Murmerings of this disaffectation began to emerge as the rumors of Clinton's going home increased. By May 1751, the most staunch of the royal backers had come to the conclusion that "more full and Express power cannot be
given by his Majesty than by that is already given..."35 Cadwallader Colden and James Alexander were both extremely disappointed in Clinton's inability to exercise the royal power given to him. Both were sure that because the power was so explicitly given, Clinton would never receive the open assent he expected from London. Clinton's supporters, like his opposers, now looked at the actions of the Lords of trade with anticipation. Their expressed hope was for the replacement of Clinton by a new and stronger governor.36

But Clinton continued to insist that when he got the needed assent from the Lords of Trade, he would, at last, suspend James DeLancey. His fear of the man's power and the unknown reaction of the home government kept him immobilized while his supporters retreated to a passive position.37

John Catherwood's next letter from London contained both good and bad news. Clinton learned that his expenses from the past expedition were going to be honored by the London Treasury after all. But he also found that his request for a return to England had not been settled.38

Also in the letter was a small bit of news that would later diminish Clinton even more in the eyes of the New Yorkers and the Lords. Clinton had appointed Philip Livingston to Secretary of Indian affairs, a minor position now that William Johnson had assumed control of Indian affairs with the blessing of London. Unfortunately, the power to make that appointment was not the governor's, it was one of the several appointments the Lords of Trade reserved for themselves. The Lords, unknownst to Clinton, had appointed Peter Wraxall to the position.39

Clinton did not immediately respond to this action by the Lords. He
apparently did not expect his appointment to be overthrown nor did he expect Wraxall to press for the position once he found it filled.

Clinton met his Assembly on May 30, 1751, to tell them of the death of the Prince of Wales and to gain their assent for a meeting with the Indians the following July. Although the Assembly had already voted £950 for Indian presents, Clinton informed them that would not be enough money. The Assembly responded with their condolences in regards to the Prince's death and the hopeful suggestion that the provisions already made by the Assembly, in addition to the expected contributions of the other colonial governments, would with "frugal Management", be sufficient.

Clinton accepted the rebuff gracefully remarking that he was sure the amount would not be enough to pacify the Indians, but he promised he would do his best to manage. He then recessed the legislature.

Still trying to find the courage to carry out his threatened suspension of DeLancey, Clinton now made out a list of reasons supporting the action he wanted to take. These reasons reiterated all the charges he had made against DeLancey over the past several years. They placed the failure of the New York government during those years squarely in DeLancey's hands. After making his case, and writing down the reasons, Clinton continued in his dilatoriness.

The Speaker of the House, David Jones, contrary to the Assembly's vote, slipped Clinton an extra £200 to buy the needed Indian presents. With this in hand, the proposed meeting at Albany now materialized. The governors of the other colonies involved in the protection of the northern borders all thought that the meeting was necessary, but their
respective assemblies had voted such small presents that it seemed absurd to Clinton to continue with the plans for an encounter with the Indians. But the Council directed him to proceed and Clinton went.\(^{44}\)

Completely upset with the way things were going in the colony and with his failure to bring the financial help of the other colonies into Indian affairs, Clinton again wrote Bedford. He told the Duke that in spite of the fact that he had not received his leave of absence, he was determined to leave New York before another unkind winter ruined his health. Clinton had heard that Warren had been commissioned as the governor of New York and he saw no reason why he should stay and be humiliated and deprived of transportation home. After he met the Indians at Albany, Clinton informed Bedford, he was going to go home.\(^{45}\)

Colden, Alexander, DeLancey, and Holland accompanied Clinton to the meeting with the Indians. The Indians demanded that William Johnson, who had recently resigned his position as Commissioner of Indian Affairs be reinstated. The Council recommended that Clinton do every thing possible to realize the Indians' demand.\(^{46}\) The peace with the Indians was accomplished, but only tentatively until Johnson assented to return to his position. As the Assembly had suspected, the other colonies refused to join with New York in the peace effort.\(^{47}\)

Immediately following the Albany conference, Clinton again requested a leave of absence. A letter from Catherwood had told him that his request for a leave the previous December had been denied. In his new solicitation, he confidently stated that he knew they would not leave the government in the hands of DeLancey and he asked that Colden be recognized as the head of the government. Clinton assured Bedford the
faction was decreasing and Golden could now be left as President of the Council without any ill effects.48

During the summer of 1751, the Lords of Trade finished their study of the State of New York. The report, which concluded that there appeared to be a great dispute between the Governor and the Assembly, had been approved with all its recommendations by the Privy Council and King. The report stated that the Assembly had encroached upon the royal prerogative by taking the executive power away from the governor. To remedy this, a new set of Instructions was to be designed.49

While the report was being presented to the King and Privy Council, rumors about who was to be the next governor continued to fly around the colonial countryside. It was now evident that William Shirley would not be honored with the appointment and it seemed that Peter Warren had not received the commission either. Perhaps Chief Justice William Morris would be the next named.50

Amidst the rumors of his leaving and conjecture about who was to replace him, Clinton again met his Assembly. He made his usual requests regarding the governmental support and money to settle the Indian affairs.51 This time the Assembly gave notice that the compromise had not killed their spirit to fight for their rights and they curtly informed Clinton that he had not told them to proceed with their business. Clinton was a little surprised by their mood, but diplomatically clarified his position and gave them the order to proceed upon the important business of retaining the Indian alliance.52 Then to fulfill the promise that had been made to the Indians at Albany, Clinton begged the members of the Assembly to pay the debts William Johnson had incurred in
trying to maintain that alliance over the past several years so he would return to his position. After all, they had promised to pay the past debts in the agreement made with Clinton a year ago.  

The Assembly immediately voted to pay Johnson for the vouchers they had in hand. But the Council, more aware of what might happen to the Indian alliance if Johnson were not paid in full, and if he could not be persuaded to return as the Commissioner of Indian Affairs, requested the Assembly to turn the vouchers over to them. They wanted to determine how much was owed to Johnson and hopefully they could give Johnson a bonus by padding the vouchers. The Assembly naturally refused to turn the vouchers over claiming that the matter was one of money affairs and that the Council could not interfere with the money matters of the colony. The control of money was the Assembly's right. Emboldened by their successes of the last year, the Assembly now tried to use the payment of Johnson to gain control over the appointment of the Commissioner of Indian Affairs. Both Clinton and the Council resisted this attempt on the King's prerogative. When the Assembly became increasingly obnoxious and increasingly possessive of what they considered their rights, Clinton dissolved the very Assembly with which he had made his compromise for peace.  

The Assembly had passed the Support Bill early in the session and had been confident of its power to remain in session. Consequently the members were startled when Clinton summarily dismissed them. The Assembly's feelings about Clinton were expressed by Johnathan Livingston when he wrote Robert Livingston, jr. of the dismissal of the Assembly,
"Good G-d Help us & deliver us--". The Assembly awaited Clinton's departure.

The Council had backed Clinton in this skirmish with the Assembly. The major reason for this backing had been the necessity, as they saw it to maintain William Johnson in the position heading the Indian affairs. DeLancey had not attended this session of Council. This seems strange since he had accompanied Clinton to Albany. But the October Court circuit through the counties of New York was more important to him than the Council meeting.

The Assembly was convinced that they had been dismissed in order to rid the Assembly of Philip Schyler. They knew Johnson refused to have Schyler meddle in the Indian affairs and would not return to his position unless Schyler were gone. Indian affairs were deeply entrenched in New York politics and once again the livelihood of the Albany merchants was becoming a bone of contention between the Council and the Assembly. The Council wished for defense and peace, the Assembly wanted to satisfy their constituents in Albany. With the dissolution of the Assembly, new forces of opposition were unleashed.

The Lords of Trade moved slowly but deliberately in their attempt to bring order to the New York affairs. Late in 1751, Catherwood informed Clinton that the Lords had decided that if Clinton could not bring the Assembly to term with Colden's help now, then it was definite that Colden could not do so when Clinton left. It was obvious to the Lords that DeLancey should not be left with the administration. Therefore, a person totally uninvolved with the New York situation had to be selected as the new governor.
Thomas Jones, in his *History of New York*, stated that at the beginning of 1752 New York was in a most happy state with "parties...forgotten and animosities forgiven." But the electioneering for the new Assembly and the bitter feeling over who should control Indian affairs makes Jones' statement wrong. The election for the new Assembly again went badly for Clinton and all hopes he had for that election were dashed when essentially the same people were re-elected.

Clinton's defeat at the polls loosed new rumors concerning his departure. Robert H. Morris reaffirmed Catherwood's report that a new governor would soon be appointed for New York. Morris' letter seemed to indicate that the Lords would wait until Clinton came home before sending the new governor allowing Clinton to return to England as governor. Repeating the rumors he had heard about DeLancey's commission being suspended and letting the government fall into the hands of Colden, Morris then informed Clinton that a holder of a disputed position, Peter Wraxall, was coming to the colony with a commission from the Exchequer in hand.

So depressed was Clinton about the situation in which he found himself that he again determined to leave without the express permission of his superiors in London. Rumors flew and the people of New York began to wonder what was in store for them when and if Clinton should leave. One spectator wrote "...it's still believed that the Great Man will Leave the Province some time next summer; & it's doubted whether he will meet the new Assembly; in Case of a Change I know not whether it will be better especially if Morisania should Reign...."
All the while the Lords of Trade moved deliberately in their preparations for New York; first drawing up new Instructions for the new governor, then deciding to make the appointments of the colonial judges in England as Clinton had suggested to them.\(^{70}\)

Having decided once again to return to England, Clinton renewed his decision to suspend DeLancey from all his positions in the colony. He asked again for the legal opinions on the matter and received the same affirmative opinions of the lawyers Smith and Alexander that he did indeed have all the power he needed.\(^{71}\) With this assurance, Clinton once more wrote the Lords of Trade that he was determined to suspend DeLancey. He hoped they would write to Colden as the president of the Council after he had done this deed in order to remove the difficulties that could arise. Clinton ignored Catherwood's information that the Lords had decided not to leave the government in the hands of Colden. He simply reiterated his determination to come home and told them the support for the government would end the minute he left the colony, but Colden was willing to meet the hardships of that situation.\(^{72}\) It seemed to be all settled.

By mid-year 1752, the governors of the colonies had received a circular letter from the Lords of Trade telling them to adhere to their Instructions religiously.\(^{73}\) This admonition was evidence of the Lords attempting to deal with the New York problems. At the same time Clinton received orders from London to put Wraxall in his disputed position as Secretary of Indian Affairs.\(^{74}\) Then, to make sure that their plans for New York would be effective, Clinton was ordered to stay in New York. The Lords informed Clinton that his leaving his government at this time
would be "attended with very ill consequences". He was to stay in New York until the Lords decided what "Method of Government shall take place upon your leaving the Province."^75

Clinton had already prepared to leave New York and he was forced, upon the receipt of these very definite instructions, to order his belongings taken off the ship he had planned to take home.^76 Angry with this turn of affairs, Clinton dashed off a letter to Catherwood demanding to know how Catherwood could have remained so ignorant of the situation. Why had he not warned him about his having to stay in New York before he had all his goods loaded on the ship, Clinton demanded to know. Clinton was now convinced there was a plot to keep him in New York.^77 Catherwood had told Clinton his request to leave had been denied, but Clinton preferred to see the situation as one in which he was caught innocently between a group in New York who wished to ruin him and a group in England who also desired his ruin. Somehow these two groups were related to DeLancey in Clinton's mind. He felt himself to be "devested of my government, liable to the Insults of a daring Faction, & deprived" of any means to return to London.^78

In the face of such adversity, Clinton decided that he would not be ruined if he could help it. Since he was convinced he would never leave New York, he might as well make the best of it. He wrote to Colden, the Surveyor General, and requested information about land he could invest in in the colony.^79

Although Colden reported to his London correspondent that Clinton had resolved to stay in the New York government until the new governor arrived, it is clear from Clinton's letters that he had come to no such
Clinton lashed out at the order telling him to stay, saying he was staying only because of the command. The order had placed him in an extremely bad position. He had sold all his household effects; he was sure that another winter in New York would kill him; and his personal affairs in London needed his attention. To Clinton the command was "severe Punishment". He could not see that the order was the Lords' attempt to keep the government out of the hands of DeLancey. He could not comprehend why the Lords had to go to such lengths to manage that point. Why, he asked, did not they let him give the commission to another person as he had requested? Clinton would not accept Catherwood's explanation for the Ministry's not following Clinton's directions to appoint Colden either as President of the Council or as Lieutenant Governor. The Lords' logic was clear: if Colden could not help Clinton now, how could they expect him to manage alone?

There may have been more to the Lords' keeping Clinton in New York than is initially apparent. Clinton had on many occasions threatened to suspend DeLancey. The latest threat had arrived in London and on June 9, 1752, the Lords recorded in their Journal they had received a letter from Clinton "signifying his intentions of suspending James DeLancey, Esquire, Lieutenant-Governor of that province." The next day the Lords had asked Catherwood when Clinton intended to leave New York and Catherwood had replied that he did not know for sure as Clinton was hoping to sail on a forty gun ship from Halifax. A letter, the one ordering Clinton to stay, was immediately dispatched. The Lords seemed to have assumed that Clinton had carried out his threat and had already suspended DeLancey. Perhaps their action was taken to keep the
government in New York functioning. Without a governor or a lieutenant governor, Colden would have been head of the government and the Lords had already decided that Colden would not do given the circumstances in New York.

The news that Clinton was not going home after all travelled the rapid course of a rumor. This knowledge led to the developing worry that the Assembly would not meet. In his preparations to leave the colony, Clinton had ignored doing many of the things for which he had asked the previous Assembly to provide money. The major area of neglect had been the defense of the colony and the care of the Indians.

As the gossips continued to speculate on just who would be appointed governor, Clinton tried to pick up the pieces of his administration and do what desperately needed doing. He found he had no power to proceed. He could not appoint the new sheriff of Albany for fear of objections from DeLancey and Murray, members of Council. And he feared meeting the Assemblymen because of the strong feelings against him.

By October 4, 1752, Clinton had simmered down enough to renew his letter writing campaign defending his position. Lengthy expositions enumerating the same points he had made in so many other letters about the Assembly's encroachment upon the power of the King were sent home. Now Clinton tied the whole of the past actions of the Assembly to the Albany fur trade. He thought he could explain why he could not appoint the sheriff of Albany by showing the opposition of the Albany fur traders. He also attributed the efforts of the Assembly to keep the war costs down to the seditious efforts of the fur traders.
New York politics did involve the Albany fur trade, but the Assembly's reticence in the war effort proceeded from fear of bankruptcy and fear that paper money was soon to be abolished. The Albany fur trade complicated the Indian affairs, not the war effort. Clinton was blind to the fact that the New York Assembly did not wish to finance a war effort they felt would be disastrous to their economy. They knew they would be forced to issue more paper money causing deprecation and inflation. They felt the defense of their borders benefited other colonies as much as it benefited New York. Therefore these other colonies should help them finance the defense of those borders. Furthermore, paper money was in trouble, the Parliament was continuing to consider their use of the use of the currency. Until they knew whether or not they could use their favorite method of financing wars, New York Assemblymen were not going to be generous with war expenditures. It was with this in mind that Agent Charles continued his efforts in London.\(^{89}\)

In spite of speculation to the contrary, Clinton met his Assembly October 24, 1752. In a very short speech he asked the members to deal with the Indian affairs which were at a critical stage and gave them all the information he possessed about those affairs.\(^{90}\) The Assembly replied to Clinton's plea with a request for adjournment because of the smallpox. Clinton politely declined until the most important matters; support for the Government, repair of the forts, and attention to Indian affairs were taken care of.\(^{91}\) The Assembly then began work immediately, passed the Support Bill, provided the money for the repair of the forts, and resolved to buy Indian presents the following May. Clinton signed these bills and adjourned the Assembly November 11, 1752.\(^{92}\)
The session was not as easy as it appeared to be. At one point, the Assembly had decided to consider who was to be appointed Commissioners for Indian Affairs. Rather than quarrel with them, Clinton compromised and appointed half the Assemblymen's appointees and half of William Johnson's appointees settling that volatile issue for a while.93

As Clinton found he did have some power to make appointments in the colony, the news that Peter Warren had died in London came to the colony.94 Clinton immediately wrote the Lords of Trade asking that William Smith be appointed to Warren's Council position.95 In London, Lewis H. Morris put in his plea for the open position on the Council.96 The fate of Clinton's request for Smith, one he assumed would be honored, was already dim. The Peter Wraxall appointment problem had gone back to London. Clinton had refused to depose his own appointment of Philip Livingston although Wraxall had shown him the commission from the King. As a result, Wraxall returned to London and filed a complaint against Clinton. Clinton had, according to the Lords, "exceeded his Authority and Acted in a manner inconsistent with his duty to the Crown."97 Clinton's desire to handle all his appointments was surfacing at a most inopportune time.

The day after the Lords had considered Clinton's lack of attention to what they considered royal authority in appointments, they received his letter complaining of being left in New York as punishment.98 Logically, Peter Warren's death should have diminished DeLancey's patronage in London enough to allow Clinton's supporters to succeed in their efforts on Clinton's behalf. But the arrival of this letter seemed to
lower Clinton's reputation amongst the Lords of Trade to the point that his patrons could do nothing.

In New York, Clinton desperately tried to find a way to circumvent Wraxall's commission. He was informed by his legal counsel that there was no basis for any action. Resenting the displeasure the Lords seemed to be heaping upon him, and complaining that he should have more control over appointments, Clinton wrote Catherwood. In this letter, he confided that he thought Wraxall had been "put up" to making the complaint against Clinton and that the Lords had handled the complaint very badly. As far as he was concerned, the whole matter should have been left up to him. This he stated in spite of the fact that he had not exercised appointment powers he did have.

In another letter, this one to his patron Lord Lincoln, Clinton was even more acidic and complaining about Wraxall's challenge to his power of appointment. Claiming that he had never dreamed the Lords would ever overturn one of his appointments, he had appointed the man he felt best for the position. Clinton realized the failure of this appointment meant the end of what shreds of power he retained in New York. A governor who could not command political patronage through appointment was no governor at all.

In a more subdued tone than his draft letter to Lincoln, Clinton explained exactly how he felt about the whole situation. While Warren had been alive he had not been surprised when his appointment were overturned in London. Warren, according to Clinton, had been the major voice of the New York faction in London. But now that Warren was dead, there seemed to be no reason for this action by the Lords of Trade. He
asked Lincoln how Lord Halifax and the Lords could continue to hold such a bad opinion of him when the chief antagonist had been removed. He saw the whole Wraxall affair as "interfering with my Perquisites in Government" and such interference was decreasing the amount of money he could make in the government. Clinton failed to understand why the Lords took the matter so seriously, yet it had been he who had represented to the Lords how eroded the royal power was in New York. The Lords of Trade were not going to let anyone, not even Clinton, further deprive the royal government of power in New York.

With the new year, 1752/53, came new problems for Clinton. A bitter verbal war erupted in the newspapers concerning the control of the proposed college, making that a political issue. The New York-New Jersey boundary still was not settled, skirmishes on the Livingston Manor along the Massachusetts Bay border began to make that boundary a political issue. Although DeLancey, as Chief Justice, pressed for a definition of the Massachusetts Bay-New York border in an effort to settle the problem, Clinton ignored his and the Livingstons' pleas for action.

The Lords of Trade decided, with the recommendation of Lewis Morris, to accept Clinton's proposal to appoint William Smith to the Council. But they discovered that Clinton had failed in still another area. Clinton had been unable, under his own power, to bring a few mutineers to trial. Henry Fox, the King's Secretary of War had had to handle the matter for him. It was obvious that Clinton had no control over his militia, little control over his patronage, and no power in New York by 1753.
Early that year, Clinton received a patient letter from the Lords of Trade in response to his hot-headed missal complaining about having to stay in New York. This letter explained, as clearly as possible, the efforts of the Lords concerning New York. The Lords apologized for having inconvienced Clinton by asking that he stay in New York and explained that often in public positions, private matters had to give way to public considerations. In this case, the Lords told Clinton, they had merely tried to do what was best for the peace and welfare of New York and its citizens. 108

Taking Clinton to task for his letter, the Lords informed him that "Nothing can be more unbecoming your character than to suggest as you do in your Letter, that "New York troubles...have proceeded from the Misrepresentations of your Enemies." There had been, according to the Lords, no complaints of Colden's conduct, nor had his character ever been questioned, but

"it may be improper all Circumstances considered that the Administration of Government in your Province should at this time devolve upon him. It cannot be supposed that the Party which you have often suggested to have strenously opposed and defeated your Measures would more quietly submit and acquiesce in the Government of one invested ...with a temporary Authority".

This was especially true since Clinton had represented DeLancey to be the head of the opposition party and it was he who would have to step aside to make way for Colden. This would serve to incite party spirit, not calm it according to the Lords of Trade. Instead of restoring the authority to the King, it would only serve as a basis of further encroachments on that power. This was especially so if what Clinton had
told the Lords about DeLancey was true. Therefore, the Lords explained, it was absolutely necessary that Clinton stay in New York until the new governor was able to take over the government. This letter is confirmation that Clinton's complaints to the Lords of Trade had merely served to enmesh him in a web of his own making. Had he taken action rather than expecting the home government to solve all his problems, he could have had his way, with all the constitutional authority backing him. The letter also discloses the awareness the Lords possessed of Clinton's situation in New York.

In an incomplete draft of a letter to his son, Henry Clinton, George Clinton poured out his feelings on his plight. "They are endeavouring to turn me out of everything without any reason or a hearing." Clinton lamented that not only was his opposition in New York against him but the home government had also been poisoned against him. Realizing that it had been he who had convinced the Lords that DeLancey was not a proper person to leave with the government, he failed to notice that he had also convinced the Lords that he was equally unable to control the situation in New York.

While Clinton was bemoaning his situation in New York, the people of that colony were turning to speculation about who the new governor was to be and to an all out verbal war in the newspapers about the new college. By April of 1753 the dispute over whether the school was to be related to the King's religion, or to be a non-sectarian school was in full swing. The energies of the people were caught up in the argument and the political wars of the past years were all but forgotten. Clinton was to be replaced. They no longer cared about him.
They may have speculated about who was to be the new governor, but they trusted that the home government would make a wiser choice this time.\textsuperscript{114}

In May 1753 came the news that Sir Danvers Osborn was to succeed Clinton as the governor of New York. Taking Clinton's complaints about the effect of the New York winters on his health, the Lords made sure he would arrive soon enough so that Clinton could return to England for the winter.\textsuperscript{114}

In such a peaceful atmosphere, Clinton met his Assembly for the last time. He asked them to consider all the problems the next governor would meet; the Indian complaints about their land, the public debts, the new college, and the boundary disputes. The Assembly happily began to work on his recommendations.\textsuperscript{115} They asked Clinton to meet with the Indians at Albany and voted him the money to pay for his expenses and a large amount of presents.\textsuperscript{116} Clinton declined to make the trip, citing his health, but recommended that someone be sent to settle the complaints of the Indians.\textsuperscript{117} A joint committee of the Houses recommended that in view of the imminent arrival of a new governor, perhaps the trip to Albany should be postponed and a person sent among the Indians to apprise them of the situation and to give them presents. In a joint letter authored by DeLancey, Johnson was the person suggested for the difficult task.\textsuperscript{118} To assure his acceptance of the assignment, the Assembly had already voted payment of his claims on the government.\textsuperscript{119}

In spite of the seemingly peaceful and fruitful session, Clinton's letter home at the end of it was as full of complaints as his letters were when the Assembly had engaged in bitter battle with him. He complained of some people still trying to stir up party heat and aiming for
a dissolution of the Assembly. According to Clinton, he had ignored these attempts to disrupt the session and had brought the meeting to a peaceful conclusion. Clinton was still trying to leave the impression that he could control New York affairs in spite of the difficulties posed by unnamed persons.

By mid-summer, 1753, the Lords had completed the new Instructions for the new governor. These Instructions had been especially designed for the New York situation. They were supposed to solve all the problems in that colony represented by Governor George Clinton. Further, Clinton's appointment of DeLancey as Supreme Court Chief Justice during good behaviour had been studied to see if it could properly be disregarded by the new governor. It had been concluded that nothing could be done. It seems that although Clinton's complaints had insured his departure, they were not going to be disregarded.

In the new Instructions, Daniel Horsmanden was permanently suspended from the Council as Clinton had suggested over and over. Ironically, this suspension came as Horsmanden was regaining his reputation in the eyes of the governor. Clinton had just reappointed him to the Supreme Court.

The focus of these Instructions dealt with that aspect of New York politics which had caused so much strife during the last two administrations, the encroachment made by the different branches of the legislature upon the Royal Prerogative. The Instructions attempted to restore that prerogative to both the crown and governor. Most important in this effort was what was to become widely known as the 39th Article, an article written specifically for New York. This article recited all the
encroachments on the King's prerogative and announced that in order to restore peace to New York, the governor was going "to use his best endeavors" to restore a permanent and fixed revenue to the colony. Further, the correct methods of raising and disposing of the public money according to the warrant of the governor was to be reinstated. The Lords placed their hopes that the new governor would not be besieged, as the last one had, by party politics in this article. Although they wisely had been able to cut through all the literature and ascertain Clinton's position in New York, the Lords of Trade divulged by writing this article that they really did not understand the concerns of the New Yorkers.

Sir Danvers Osborn arrived in New York on October 7, 1753, with the new Instructions and explicit directions on how to handle the deteriorating Indian Affairs. His arrival was hailed by the people of New York and they greeted him with all the pomp and circumstance generally accorded the arrival of a new governor. The speeches made to him were cautious, but friendly. They emphasized their hopes that he would be ready at all times to vindicate their rights and privileges as English citizens, and that he would refrain from infringing upon their "Inestimable Liberties, Civil and Religious". After celebrating his arrival, Osborn published his commission and assumed the office of Governor, while Clinton glumly participated in the proceedings. Clinton's last act of office was to present DeLancey with his commission as Lieutenant Governor of New York.
With Sir Danvers Osborn safely seated as Governor of New York and James DeLancey commissioned as Lieutenant Governor, the stage was set for the hopes and plans of the Lords of Trade to be carried out. Unfortunately, the recently widowed Osborn found the prospect of taking on New York too much. He was found dead the morning of October 12, 1753. Osborn had first burned all his papers and then had hanged himself. An investigation showed that he had committed suicide in a depression stemming from the difficulty of the task of restoring the royal prerogative in New York.130

On Friday, October 12, 1753, James DeLancey was sworn into the office of Lieutenant Governor and became the head of government of New York. This was done without ceremony. His first act of office was to appoint a commission to inquire into the death of Osborn.131

The death of Osborn was saddening, but it did little to dampen the enthusiasm with which the people of New York accepted DeLancey as their new head of government. The speeches welcoming first Osborn, then DeLancey expressed concern about the colonials' rights as Englishmen. The people of New York had become convinced, as the Assembly had been, that Clinton had trampled on their civil rights. The messages of congratulations dwelt upon the idea that since DeLancey was a colonist, he would know how to govern them properly without trying to divest them of their rights. He had been the Chief Justice of the colony and his reputation had been one of being just. The welcoming speeches expressed this knowledge that he would be able to maintain the rights and liberties of the colonists. Further, since he was already rich, the speakers announced their confidence that DeLancey had no reason to dip into the public
treasury. He was told "You are also under the strongest Motives to seek our Prosperity" since you own an estate here and "...we have no Reason to expect a Weakness at Helm".\textsuperscript{132}

All of these speeches and all of the speeches made to Osborn reflect the popular feeling that Clinton had infringed or had attempted to infringe on the rights of the colonist and the colonial Assembly. The Assembly had battled with Clinton on the matter of their rights several times, but Clinton had attributed these battles to the attempt to secure more of the royal prerogative. These speeches seem to indicate that there was indeed a real concern for the rights of the Assembly and of the people. And there was a very real feeling that those rights had been impinged upon by Clinton.
FOOTNOTES

CHAPTER VI

1. Catherwood to Clinton, April 2, 1750, Clinton Papers, Box X, Clements Library.

2. Ibid.

3. Ibid.

4. Catherwood Memorandum to the Duke of Newcastle, June 20, 1750, Ibid., Box X.

5. Journal of the Board of Trade (July 19, 1750), IX, 90; Clinton to Colden, July 19, 1750, Letters and Papers of Cadwallader Colden, IV, 221-222.


7. Warren to Oliver DeLancey, August 11, 1750, Warren Papers, NYHS.

8. Shirley to Newcastle, September 1, 1750, Shirley, Correspondence, I, 508-509.


Smith states there were only six new members in the Assembly, but a simple count reveals seven.


12. Ibid. (September 4, 1750), 276.


14. Assembly Journal (September 5 and 6, 1750), II, 277-278.

15. Ibid. (September 11, 1750), 279.

329

17. Ibid., 588.


19. Assembly Journal (September 18 and 21, 1750), II, 282. The so-called Tappin Case.

20. Ibid. (September 27 and October 3, 1750), 284 and 287.

21. Ibid. (October 18-19, 1750), 292-293.


24. Ibid.; James Alexander to Colden, November 7, 1750, Ibid., 230-231; Smith, History of New York, II, 158-159. Smith shows here that he did not know of the compromise.


28. Colden to Clinton, December 1, 1750, Ibid., 238-239.

29. Clinton to the Lords of Trade, December 2, 1750, N.Y. Col. Docs., VI, 598.


34. Archibald Kennedy to Colden, April 15, 1751 and James Alexander to Colden, April 14, 1751; Letters and Papers of Cadwallader Colden, IV, 264 and IX, 93.


37. Ibid.

38. Catherwood to Clinton, March 4 and 5, 1750/51, Clinton Papers, Clements Library.

39. Ibid.

40. "Clinton's Speech to the Assembly, May 30, 1751, Box I, NYHS.

41. Assembly Journal (June 4, 1751), II, 309.

42. Ibid. (June 5-6, 1751), 310.


44. Clinton to the Lords of Trade, June 13, 1751, N.Y.Col.Docs., VI, 703.

45. Clinton to Bedford, June 18, 1751, Ibid., 712; Alexander Colhoun to Clinton, June 24, 1751, Clinton Papers, Box XI, Clements Library.


47. Clinton to the Lords of Trade, July 17, 1751, N.Y.Col.Docs., VI, 713.

48. Clinton to Bedford, July 18, 1751, Ibid., 726.


51. Assembly Journal (October 8, 1751), II, 310.

52. Ibid. (October 9 and 14, 1751), 311-312.

53. Ibid., (November 13, 1751), 313.
54. Ibid. (November 13, 1751), 322.

55. Ibid. (November 13-18, 1751), 322-325.

56. Clinton to the Lords of Trade, November 19, 1751, Clinton Papers, Box XI, Clements Library; Assembly Journal (November 20-25, 1751), 326-328.

57. Peter Keteltas to Robert Livingston, Jr., November 25, 1751, Robert R. Livingston Papers, NYHS.


60. Philip Livingston to Robert Livingston, Jr., November 29, 1751, Robert R. Livingston Papers, NYHS.

61. Minutes of Council, October 1751, Clinton Papers, Box XI, Clements Library.


66. P.V.B. Livingston to Robert Livingston, Jr., February 26, 1752, Livingston Family Papers, NYHS.

67. Robert H. Morris to Clinton, March 11, 1752, Clinton Papers, Box XII, Clements Library.


69. Jonathan Livingston to Robert L. Livingston, Jr., March 25, 1752, Paul Richards to Robert Livingston, Jr., March 26 (16?), 1752, Livingston-Redmond Manuscripts, FDRL.
70. "Order in Council respecting the Appointment to Offices in the Colonies"; N.Y.Col.Docs., VI, 757-758.

71. "Legal Opinion on Suspending a Lt. Governor," April 5, 1752, Clinton Papers, XII, Clements Library.

72. Clinton to the Lords of Trade, April 8, 1752, N.Y.Col.Docs., VI, 759.

73. Lords of Trade to the Govrs of the Colonies, June 3, 1752, Ibid., 760.

74. Robert Sanders to Clinton, June 8, 1752, Clinton Papers, oversize, Box II, Clements Library.

75. Lords of Trade to Clinton, June 16, 1752, N.Y.Col.Docs., VI, 761.

76. Clinton to Capt. Hutchinson, July 24, 1752, Clinton Letterbook, Clinton Papers, Clements Library.

77. Clinton to Catherwood, July 26, 1752, Ibid., 71-74.


79. Clinton to Colden, July 28, 1752, Ibid., 77-79.


81. Clinton to the Lords of Trade, August 2, 1752, Clinton Letterbook, Clinton Papers, Clements Library.

82. Journal of the Board of Trade (June 9-10, 1752), IX, 284.

83. Philip Livingston to Robert Livingston, jr., August 5, 1752, Livingston-Redmond Manuscripts, FDRL.

84. Clinton to William Johnson, August 25, 1752, Clinton Letterbook, Clinton Papers, Clements Library.

85. New York Mercury, August 31, 1752; Clinton to Colden, September 26, 1752, Letters and Papers of Cadwallader Colden, IX, 121.

86. Clinton to Johnson, August 28, 1752, Clinton Letterbook, Clinton Papers, Clements Library.

87. Clinton to Catherwood, August 30, 1752, Ibid., 110-113.
88. Clinton to the Lords of Trade, October 4, 1752; N.Y.Col.Docs., VI, 764-766; Clinton to James Alexander, October 7, 1752; Letters and Papers of Cadwallader Colden, IV, 344-345.

89. See Robert Charles' actions at the Board of Trade.

90. Assembly Journal (October 24, 1752), II, 329.

91. Ibid. (October 25-28, 1752), 331.

92. Ibid. (November 1-11, 1752), 332-336.


94. New York Mercury, November 6, 1752.

95. Clinton to the Lords of Trade, October 24, 1752, N.Y.Col.Docs., VI, 766-767.

96. Memorial of Lewis Morris to the Lords of Trade, 1752, Ibid., 765.

97. Lords of Trade to Lords Justices, November 7, 1752, Ibid., 768-769.

98. Journal of the Board of Trade (November 8, 1752), IX, 355.

99. James Alexander to Clinton, November 17, 1752, Clinton Papers, Box XII, Clements Library.

100. Ayscough to Chief Justice Lewis H. Morris, November 24, 1752, Clinton Letterbook, 126, Ibid.

101. Clinton to Catherwood, November 25, 1752, Ibid., 128-129.

102. Clinton to Lord Lincoln, [1752], draft, Clinton Papers, Box XII, Clements Library.

103. Clinton to Lord Lincoln, November 26, 1752, Ibid.

104. New York Mercury, January 15, 1753; The Independent Reflector: or, Weely Essays on Sundry Important Subjects, more Particularly Adapted to the Province of New York (Republication of original numbers 1-52 [November 30, 1752-November 22, 1753]; Cambridge, Mass., 1963)

105. Robert Livingston to James Alexander, January 22, 1753, Rutherford Papers, NYHS.

106. Ibid., DeLancey to Clinton, January 31, 1753, Clinton Papers, oversize Box II, Clements Library.
107. Lords of Trade to Secretary Fox, January 31, 1753; N.Y.Col.Docs., VI, 772; Fox to the Lords of Trade, February 3, 1753; Ibid., 771-772; Journal of the Board of Trade, (January 17, 1752/53), IX, 385.

108. Lords of Trade to Clinton, November 29, 1752, Clinton Papers, Box XII, Clements Library; Earl of Halifax to Colden, Letters and Papers of Cadwallader Colden, IV, 389-391.

109. Ibid.

110. Clinton to Henry Clinton, March 12, 1753, Clinton Papers, Box XII, Clements Library.

111. New York Mercury, April 16, 1753; Independent Reflector, 1753.

112. Ibid.; New York Mercury, April 30, 1753 and May 21, 1753.

113. Ibid.


116. Ibid. (June 6-20, 1753), 339-43.

117. Ibid. (June 22 and July 3, 1753), 344, 349-350.

118. Ibid. (June 29-30, 1753), 348-349; New York Assembly Minutes, July 3, 1753, Clinton Papers, Box XII, Clements Library.

119. Assembly Journal (June 29, 1753), II, 348.

120. Clinton to the Lords of Trade, June 30, 1753, N.Y.Col.Docs., VI, 778.

121. Acts of the Privy Council, (June 6 and August 10, 1753), IV, 207, 208-210; Lords of Trade to Earl of Holdeness, August 9, 1753, N.Y. Col.Docs., VI, 793; Journal of the Board of Trade (June 25, 1753), IX, 441.


126. New York Mercury, October 8, 1753; Lords of Trade to Sir Danvers Osborn, September 18, 1753, N.Y.Col.Docs., VI, 800.

127. New York Mercury, October 8 and 15, 1753.

128. Min. Common Council (October 15, 1753), V, 420.


130. Thomas Pownall to the Lords of Trade, October 14, 1753, N.Y.Col. Docs., VI, 802-803.


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