

The Commissioners for Detecting and Defeating Conspiracies: Albany  
County, New York: 1778-1781

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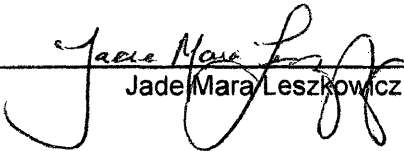
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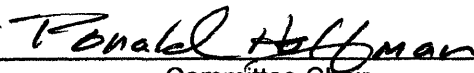
## APPROVAL PAGE

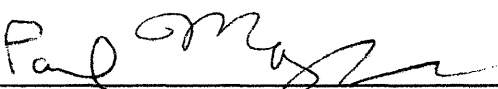
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## ABSTRACT PAGE

This Masters Thesis explores the behavior of the Albany County Commission for Detecting and Defeating Conspiracies during the American Revolution. Albany, New York, was divided ethnically and politically at the onset of the war. The Commission for Detecting and Defeating Conspiracies was a Patriot body created to shape a loyal American populace out of a disparate group of colonials.

This paper examines the methods that the Commission for Detecting and Defeating Conspiracies employed to determine the loyalties of the population. It enacted oaths of allegiance, implemented recognizance and bail, and exile, to create a Patriot community. In doing so, the Commission excised people who challenged the legitimacy of the revolution, thereby gaining authority and power for the burgeoning American government in New York.

## **The Commissioners for Detecting and Defeating Conspiracies**

**Albany County, New York: 1778-1781**

### **Introduction**

Edward Countryman, a very accomplished historian has written that “revolution is perhaps the most complicated concept in the modern historian’s vocabulary.”<sup>1</sup> Precisely because it is so hard to define many historians have debated the nature of the American Revolution. Fomenting a rebellion among thirteen disparate colonies, unifying the resistance to imperial oppression, and forging a new continental identity is perpetuated in the origin myths of the United States. For all the intellectual and social fervor for which the Revolutionary era seems fraught, one of the most under-studied aspects of the Revolution is the Patriot committee-system. Networks of town, county, and state-wide committees fanned out across the British continent to unify colonial resistance, implement an effective governing system, and legitimize the burgeoning Patriot government.

The methods these committees utilized in New York, the subject of my thesis, to implement and legitimize the Patriot government were also used to shape and define the revolutionary movement. The simultaneous creation of the American community with the foundational political ideology of the new nation reveals the jagged edges of the social, political, and military changes the country underwent. Changes were slow to manifest themselves in Albany, New York, and the speed with which they were introduced and accepted into the countryside seems glacial until actual physical violence presented itself on the landscape. The daily mediation of tradition, personal interest, political affiliation, and ethnic identity, with the threat of violent British occupation and Native American guerrilla warfare, altered the climate of upstate New York. As the implications of open rebellion swept

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<sup>1</sup> Edward Countryman. “Consolidating Power in Revolutionary America: The Case of New York, 1775-1783.” *Journal of Interdisciplinary History*, No. 4. (1976): 645-677, 647.

towards Albany, competing factions emerged to ensure the smooth operation of the civic sphere. The commercial and physical safety of the community came into conflict with the idealized political orientation of Albany. The Anglo-American population superseded the Dutch and Native American parties, both economically and politically, to create the surface appearance of Tories versus Whigs in the town government. A closer examination of the local governing structures that emerged during the Revolution reveals a polychotomous society with far more complex political affiliations than Tory and Whig, Loyalist and Patriot.

The committee system in upstate New York has been neglected in the historiography of the American Revolution. Not since Alexander C. Flick's 1926 classic *The American Revolution in New York: Its Political, Social and Economic Significance* has the committee system been examined closely. This study focuses on just one of the many committees in operation between the 1760s and 1790s. The Committee for Detecting and Defeating Conspiracies in Albany, New York, was begun in 1776 to ferret out people inimical to the American cause. This committee lasted at least through 1781, although some financial records indicate that some form of this body was continued through 1789.<sup>2</sup> The primary source for this commission is the *Minutes of the Commissioners for Detecting and Defeating Conspiracies in the State of New York Albany County Sessions, 1778-1781*. These *Minutes* magnify the daily challenges of perpetual definition and re-definition of the self, the community, the government, and the relationships that bound all together during the war.

The first section of this paper addresses Albany's origins and its situation at the beginning of the American Revolution. Albany is a unique site for study because of its ethnically diverse composition, yet the Commission for Detecting and Defeating Conspiracies reveals only one level of revolution in this community—a political superstructure operating

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<sup>2</sup> Victor Hugo Paltsits. *Minutes of the Commissioners for Detecting and Defeating Conspiracies in the State of New York: 1778-1781*. (Albany: NY State Press, 1909), 830-827. An examination of the financial appendices reveals that commissioners and rangers were being paid for active services well into 1784. Later dates often reflect payment for services rendered during the late-1770s and early 1780s. Financial auditing of this commission's records, by the New York State Legislature, may have continued until 1789.

on Anglo-American principles of governance. The second section of the paper examines the rise of the committee system in Albany and seeks to provide a larger context for the conspiracy commission. The years 1774-1775 brought a fledgling committee system into existence; one that was unsure of where it derived its legitimacy and how much authority it could exercise. The point of the committee system was to assign a special group of people a limited agenda to pursue. Ideally an efficient government would result from all the committees operating in a tandem.

It was not until the Declaration of Independence that loyalties became more finite. By 1776, the New York committee system needed a specific body to determine the political loyalties of the population. The creation of the commission and the legislation that enabled the operation of this body is explored in the third part of the paper. The final section analyzes the methods that the Commission for Detecting and Defeating Conspiracies employed to determine the loyalties of the population. It enacted oaths of allegiance, implemented recognizance and bail, and finally, exile, to create a Patriot community. In doing so, the Commission excised people who challenged the legitimacy of the revolution, thereby gaining authority and power for the burgeoning American government in New York.

### **Origins of a Revolutionary City: Albany, New York**

Albany, at the time of the American Revolution, was neither a frontier nor a metropolis. It was situated at the awkward point of development where it was commercially successful, but still a country backwater. It was a large town, ethnically and religiously diverse, but lacked the amenities of a city like New York. Much of its social development was stalled between the traditional Dutch town based on commerce and trade, and the new agricultural settlers, largely from within the British Empire and from Germany.

Albany is located about 150 miles north of New York City on the Hudson River and was settled by the Dutch West India Company as a fur-trading outpost called Fort Orange in

1624.<sup>3</sup> The first few years of settlement were fraught with tensions between Native Americans and the settlers, but trade and commerce were established as the lynchpin of this society. The Dutch were able to negotiate the Chain of Friendship Treaty with the Mahicans in 1642, which relied on a delicate balance of respect and reciprocity to maintain peace. Yet the imperial ambitions of England soon forced the Netherlands to increase the population of its North American colonies to prevent the English from expanding their New England colonies into Dutch territory.<sup>4</sup>

By 1650, New Netherlands was booming by the standards of its day. New Amsterdam was ethnically and religiously diverse, and commercially prosperous. Fort Orange was much smaller, but controlled the most profitable trade in North America, beaver fur. Through a series of Anglo-Dutch wars, both in the new and old worlds, between 1652 and 1672, the English and the Dutch alternately occupied Albany. It ultimately became an English possession in 1673 and remained so until the American Revolution.<sup>5</sup>

Donna Merwick, one of the foremost historians of colonial, Dutch, New York, argues that while the Dutch nominally accepted English rule, they also ridiculed it. She points to the overrepresentation of Dutch in court cases in which people were charged with contempt of authority and also to burlesque representations of English militarism and violence against natives.<sup>6</sup> Merwick argues that King Philip's and King William's wars set the Dutch at odds with English rule. In both cases the Dutch adhered to their alliances with Native Americans and continued to trade with the enemies of the English during the war. This practice enraged

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<sup>3</sup> There had been Dutch activity in the area of Albany since at least 1614. Some historians argue that the French had a short-lived trading post at the same location as early as 1540. Throughout it appears that Iroquois, Mahicans, and other local tribes used this area at least seasonally. See Charlotte Wilcoxon, *Seventeenth Century Albany: A Dutch Profile*. (Albany, NY:1984), 4. Wilcoxon notes that Native Americans are thought to have inhabited the site prior to Dutch settlement and that Mahicans lived adjacent to Ft. Orange for the first ten or so years of Dutch settlement.

<sup>4</sup> Alice P. Kenney. *Stubborn for Liberty: The Dutch in New York*. (Syracuse, 1975), 26.

<sup>5</sup> Kenney, *Stubborn for Liberty*, 53.

<sup>6</sup> Donna Merwick, *Possessing Albany: 1630-1710: The Dutch and English Experiences*. (Cambridge, 2003), 273-275.

the English but the Dutch found the English wars to be unrelated to their economic incentives.<sup>7</sup>

The Anglo-Dutch experience in Albany was complicated between 1690 and 1720 by Palatine German immigration into the upper Schoharie and northern Mohawk river valleys.<sup>8</sup> German land patents were granted and settled from Schenectady (20 miles from Albany) to German Flats (130 miles away) and even as far north as Fort Stanwix, Herkimer, and Oriskany (100 miles distant). Just south of the German patents, settlers from the English empire were moving into lands directly west of Albany, pushing against what would become the Fort Stanwix Treaty Line of 1765 and filling in the Susquehanna River Valley.<sup>9</sup>

In the meantime Irish, Scots-Irish, and Scottish, mainly Presbyterians, settled in Albany County, as well as the upper Susquehanna valley, mainly Cherry Valley, west of Albany. By 1760, there were sizable land grants to the north of Albany, settled by people who were nominally a part of the English empire, but given their own colonial experiences, of dubious loyalty to the Crown. By 1760, tensions between Native Americans and these new settlers resulted in violence; raids, forced removals, and retaliation were common outside of Albany.

Little is known about Anglo-Dutch relations and the processes of assimilation in Albany between 1720 and 1760. No major study has been undertaken to determine the social aspects of Albany during this time, although much use has been made of land records and genealogical information. Travelogues provide the best description of the city in the years leading up to the Revolution, and reveal more about the biases of the authors than how the town may have functioned. Lord Adam Gordon was a Scottish military official assigned to

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<sup>7</sup> Merwick. *Possessing Albany*, 281-282.

<sup>8</sup> Ruth L. Higgins. *Expansion in New York with Especial Reference to the Eighteenth Century*. (Columbus, Oh; 1931), 47-56.

<sup>9</sup> Higgins, *Expansion in New York*, 56-82.

Jamaica who began a tour of North America in 1765. He traveled from Florida up the east coast, stopping in Albany on his way to Canada before returning to Jamaica.<sup>10</sup>

Gordon records seeing the “pleasantest soil in the world,” and notes the “mostly Dutch and German” settlements along the river.<sup>11</sup> “There is an old stone fort at Albany and a stockade, also a large hospital, barracks, and storehouses, but being built of wood and in a hurry, they are like every other public work in America going fast to ruin.”<sup>12</sup> He observes that “the people of Albany are mostly descended of low Dutch and carry down with them the true characteristic marks of their native country, viz. an unwearied attention to their own personal and particular interests, and an abhorrence to all superior powers.”<sup>13</sup> In the same sentence, Lord Gordon points out that the late Stamp Act riots had nearly destroyed all the buildings in town, but the site was also of great strategic value located on the Hudson and Mohawk rivers. He observed “the town itself is dull and ill-built, having the gable end of their houses all to the streets, which are very dirty and crooked and confined by the rising grounds, close behind the town.”<sup>14</sup>

Gordon reveals that there was still a noticeable Dutch element in the town and that the town was not metropolitan in the way Boston or Philadelphia were perceived.<sup>15</sup> Gordon called Philadelphia “one of the wonders of the world, if you consider its size, the number of inhabitants, the regularity of its streets, their great breadth and length, their cutting one another all at right angles, their spacious public and private buildings, quays and docks, the magnificence and diversity of places of worship...the plenty of provisions brought to market,

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<sup>10</sup> Howard H. Peckham, ed. *Narratives of Colonial America: 1704-1765*, (Chicago, 1971).

Gordon was in Maryland at the beginning of May, see 255.

<sup>11</sup> Peckham, *Narratives of Colonial America*, 268.

<sup>12</sup> Peckham, *Narratives of Colonial America*, 269.

<sup>13</sup> Peckham, *Narratives of Colonial America*, 269.

<sup>14</sup> Peckham, *Narratives of Colonial America*, 269.

<sup>15</sup> Peckham, *Narratives of Colonial America*, 292. In Boston, he praises the fruitful lands and notes “the men here resembles so much the people of Old England, from whence most of them are sprung...[yet he decries] the leveling principle here everywhere operates strongly and takes the lead. Everybody has property and everybody knows it.” If one wanted to learn about the beautiful women of Rhode Island, Gordon spends a page extolling their virtues, but nothing so exciting caught his attention in Albany.

and the industry of all its inhabitants.”<sup>16</sup> Gordon praises it as the “first town in America” and “bids fair to rival almost any in Europe.”<sup>17</sup> With competition like Philadelphia, it is little wonder that in the 1760s Albany’s crooked little streets and Dutch inhabitants were not given much attention by contemporaries.

Fortunately for Albany, Richard Smith, a New Jersey resident and land speculator, decided to keep a journal of his 1769 travels in the river valleys of New York and Pennsylvania. Smith was more enchanted with the people on the landscape than was Gordon; he notes “a person in the act of sowing Peas upon a fruitful Meadow of an Island” as well as “good” houses and “brick” houses of the gentry.<sup>18</sup> Smith wrote

In the afternoon we viewed the Town which contains according to several gentlemen residing here, about 500 Dwelling Houses besides stores and Out Houses. The streets are irregular and badly laid out, some paved others not, Two or Three are broad [,] the rest narrow & not straight. Most of the Buildings are pyramidically shaped like old Dutch Houses in N York. We found Cartwright’s a good Tavern tho his charges were exorbitant.<sup>19</sup>

Smith also recorded that he agreed with Peter Kalm, a Swedish visitor to America between 1748 and 1751, “that the Townsmen of Albany in general sustained the character of being close, mercenary and avaricious.”<sup>20</sup> What type of people inhabited Albany that visitors to the city noted only such nasty qualities?

Smith observed that there were no “extraordinary Edifices in the Town nor is there a single Building facing Albany on the other Side of the River.” He also shared Gordon’s concerns about the condition of the buildings in town “the Fort is in a ruinous neglected Condition and nothing now to be seen of Fort Orange built by the Dutch but part of the Fossé or Ditch which surrounded. The Barracks are built of Wood and of ordinary Worksmanship;

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<sup>16</sup> Peckham, *Narratives of Colonial America*, 259.

<sup>17</sup> Peckham, *Narratives of Colonial America*, 259-260.

<sup>18</sup> Richard Smith. *A Tour of the Hudson, the Mohawk, the Susquehanna, and the Delaware in 1769: Being the Journal of Richard Smith of Burlington, New Jersey*. (New York, 1989), 81-82.

<sup>19</sup> Smith, *A Tour of the Hudson*, 82.

<sup>20</sup> Smith, *A Tour of the Hudson*, 82.

the same may be said of the King's Store Houses."<sup>21</sup> He claimed that "the Inhabitants generally speak both Dutch and English & some do not understand the latter."<sup>22</sup>

The Albany of Smith's visit had a public library, hospital, court house, jail, four "houses of Worship," a shoe warehouse, a lumber industry, and a town clock. He also noted that the houses were often made of brick, white pine with red or black tiles, and in the fashion of New York City had Linden, or Lime, trees planted at their front doors.<sup>23</sup> Smith's visit revealed more of the metropolitan connection that Albany had to the Anglo-inspired architecture and town layout. At the end of the 1760's Albany was a bustling town of about 4000 (compared to New York at about 13,000 and Philadelphia and Boston at about 6000 each).<sup>24</sup>

Lord Gordon observed in his diary that the King's warehouses had nearly been burned down during the Stamp Act riots. This was probably the work of the Sons of Liberty or the local mechanics society. Due to the existence of the Constitution of the Sons of Liberty of Albany, it is known that Albany was politically active from the outset of the troubles with England. The Constitution created a committee of thirteen men to work in concert with other committees to protest the Stamp Act and "or other thing that shall be thought by us unconstitutional and oppressive."<sup>25</sup> Of the 94 known signers of the 1766 constitution, only one became a Commissioner for Detecting and Defeating Conspiracies (Jeremiah Van Rensselaer). Alice Kenney, a historian of Dutch New York, claims that there was a separate Dutch tradition of protest manifested during the Stamp Act riots and the pro-American protestations of British policies.<sup>26</sup> How the specifically Dutch elements complicated and

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<sup>21</sup> Smith, *A Tour of the Hudson*, 82-83.

<sup>22</sup> Smith, *A Tour of the Hudson*, 83.

<sup>23</sup> Smith, *A Tour of the Hudson*, 83-84.

<sup>24</sup> Kenney, *Stubborn for Liberty*, 139. Kenney estimates that there were about 17, 500 people in Albany County and less than 100,000 in all of New York in the late 1750s.

<sup>25</sup> *The Constitution of the Sons of Liberty of Albany* accessed at <http://www.nysm.nysed.gov/albany/solconst.html#document>.

<sup>26</sup> Kenney, *Stubborn for Liberty*, see revolt chapter.

informed the scene in Revolutionary Albany is unknown, but it seems that commerce and wealth played into political behavior as much, if not more, than ethnic identity.

Because of the lack of research on Albany in the first half of the eighteenth century historians of the Revolution in New York have often treated Albany as inconsequential in comparison to the activities in New York City. The prevalence of the Dutch language, architecture, and insular attitudes are often noted as the entirety of Albany social sphere. It is often thought that the Native American alliances were more important to the commercial business of the town, and that men in the Dutch Reform Church frequently constituted the town's government.<sup>27</sup> Other literature ignores the town itself and poses the war in Albany County as an extension of the DeLancey and Livingston land feud. Neither of these approaches gets at the nature of Albany as a community before the war. The *Minutes for the Commission for Detecting and Defeating Conspiracies* afford a look at how a community was shaped during the war, even if we lack a complete picture of how it operated before the war.

Albany, as a unique site of study during the war, offers the *Minutes for the Commission for Detecting and Defeating Conspiracies* as well as a diverse and complicated social history. In the 1930s, Ruth L. Higgins argued that Albany ceased to be a frontierland in 1690, when settlements to the west were created.<sup>28</sup> To be sure, Albany was not by the time of the revolution, an isolated outpost, but its concerns—Native American raids and borderland skirmishes—were frontier issues. This was especially the case during the years 1778-1780, when the Butler and Sullivan raids in the Susquehanna River Valley, including the Cherry Valley massacre, disrupted the local economy, contributing to food shortages, migrations, and terror, that severely strained the Albany government.<sup>29</sup> Part of the absence of secondary

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<sup>27</sup> Patricia U. Bonomi. *A Factious People: Politics and Society in Colonial New York*. (Columbia; 1971) and Robert M. Ketchum. *Divided Loyalties: How the American Revolution Came to New York*. (New York, 2002).

<sup>28</sup> Higgins, *Expansion in New York*, see appendix map (np).

<sup>29</sup> Cherry Valley is only 60 miles west of Albany. For a concise explanation of the Cherry Valley massacre and the warfare in the Susquehanna Valley see Peter C. Mancall, *Valley of Opportunity: Economic Culture along the Susquehanna, 1700-1800*. (Ithaca, NY: 1991), 130-160, esp. 136-137.

literature on Albany during the early to mid-eighteenth century can be attributed to the lack of interest in a town caught between the frontier and the metropole, that said the cultural diversity of the community raises the question of how ethnic identity structured the reaction to violence in the war years. The cultural baggage of the people who were within and without the British Empire, as well as colonials and immigrants, made for a multivalent political scene in which revolutionary disorder exerted profound influence on the people who compromised Albany.

### **The Committee System in Albany**

In the early years of rebellion, Albany strictly defined the American cause as redress for the Coercive Acts, in a manner that respected the Anglo-American conception of the British constitution. Between 1774 and 1776, a patriot committee system developed across the continent and in Albany. Although it is not the intention of this paper to examine the workings of the Albany Committee of Correspondence, a brief look at the evolution of the agenda and the powers of this Committee is necessary to understand the context in which the Commission for Detecting and Defeating Conspiracies emerged.

By the early 1770s Albany was governed by a committee called the Corporation, and where its powers failed, the Sons of Liberty took over. But it was not until the First Continental Congress that the Committee System became more regulated, and integrated into a larger political-governing machine. The call for the First Continental Congress was heeded by Albany, which allowed some of New York City's representatives to act as Albany representatives. The First Continental Congress convened between September 5, and October 10, 1774, to discuss the acts commonly referred to as the Coercive, or Intolerable, Acts.<sup>30</sup> This Congress had elected representatives from all of the colonies except Georgia. From the outset

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<sup>30</sup> The Intolerable Acts include the Boston Port Act, the Massachusetts Government Act, the Quebec Act, the Administration of Justice act, and the Quartering Act passed in May and June 1774.

the Congress re-affirmed its allegiance to the Crown and stressed its commitment to upholding its rights under the British constitution. But its goal was “to obtain redress of these grievances, which threaten destruction on the lives, liberty, and property of his Majesty’s subjects in North America.”<sup>31</sup> To impress the serious nature of the Congresses’ grievances upon the Crown, the Congress voted to boycott imports and products from the British Empire until the Intolerable Acts were repealed.<sup>32</sup>

The Congress declared that homemade goods and colonial industry should be supported and even traditional dress should be modified to accommodate homemade clothing articles.<sup>33</sup> To enforce the boycott and prescriptive dress in the public sphere the Congress ordered that any merchant caught violating the Congress’s injunction should be punished by a local committee.<sup>34</sup> These committees were to

be chosen in every county, city, and town, by those who are qualified to vote for Representatives in the Legislature, whose business it shall be attentively to observe the conduct of all persons touching this association; and when it shall be made to appear to the satisfaction of a majority of any such committee, that any person within the limits of their appointment has violated this association, that such majority do forthwith cause the truth of the case to be published in the Gazette, to the end that all such foes to the rights of British America may be publicly know, and universally con[d]emned as the enemies of American liberty; and thenceforth we respectively break off all dealing with him or her.<sup>35</sup>

British importers were to be publicly denounced as “enemies of American liberty” and the enforcing bodies were called the Committees of Observation and Inspection. A development that cannot be stressed enough at this point is the New York General Assembly’s refusal to

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<sup>31</sup> “Extracts from the votes and proceedings of the American Continental Congress, held at Philadelphia on the 5th of September 1774. Containing the bill of rights, a list of grievances, occasional resolves, the Association, an address to the people of Great-Britain, and a memorial to the inhabitants of the British American colonies. Published by order of the Congress.” Philadelphia: printed. Boston: re-printed by Edes and Gill, in Queen Street, and T. and J. Fleet, in Cornhill., M,DCC,LXXIV. 1774. Evans No. 42728, 13.

<sup>32</sup> “Extracts from the votes and proceedings of the American Continental Congress...”, 13-15.

<sup>33</sup> “Extracts from the votes and proceedings of the American Continental Congress...”, 16.

<sup>34</sup> “Extracts from the votes and proceedings of the American Continental Congress...”, 16.

The wording also requires the merchandise to be confiscated and either stored at the merchant’s expense, or the profits from the sale of the boycotted items be distributed to Boston, who was suffering the effects of the occupation and Blockade.

<sup>35</sup> “Extracts from the votes and proceedings of the American Continental Congress...”, 16-17.

vote in favor of a continental association to boycott English goods. The rift between the General Assembly and the factions that supported the Continental Association and boycott took a full year to mature. From 1774 until April 1775 the Assembly was able to continue to function but it was competing against a newly emerging pro-American shadow government.<sup>36</sup>

Early in April 1775, the General Assembly disbanded and by the end of the month New York City issued a call for a Provincial Congress to form. The first Provincial Congress of New York met on May 22, 1775 and reaffirmed its commitment to making peace with England.<sup>37</sup> When the Provincial Congress adjourned it appointed a Committee of Safety to undertake specific tasks regarding the implementation of the Congresses' resolves. The Committee of Safety was also to correspond with other state committees and to secure funds, and requisitions for the Continental Army.<sup>38</sup> The Committee of Safety was intended to operate only when the New York Provincial Congress was not in session. It had a limited agenda to pursue in between provincial conventions. Yet this committee was replicated across the state, and soon divergent powers would be found in each configuration.

Albany had formed a Committee of Correspondence in 1774 to handle issues related to the protestations of the English policies and also to curb the activities of the Sons of Liberty

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<sup>36</sup> Agnes Hunt. *The Provincial Committees of Safety of the American Revolution*. (New York, 1968), 62. The General Assembly adjourned in April 1775 and was unable to reconvene. By 1775, the usurpation of royal colonial government by committees was becoming more effective. A Committee of Observation and Inspection in Albany, New York, probably did exist. Thomas S. Wermuth, in *Rip Van Winkle's Neighbors: The Transformation of Rural Society in the Hudson River Valley, 1720-1850*, relates a vignette about a Committee of Safety and Observation in 1775 leading a mob to destroy English tea.<sup>36</sup> Unfortunately, one problematic of the remaining records is the inconsistent naming practices of the revolutionary committees. The use of Committee of Inspection, Observation, and Safety, or Committee of Safety, or Committee of Inspection and Safety, may actually reveal individual bodies created to execute specific Patriot legislation. The names of the bodies and their prerogatives and jurisdictions often overlapped, superseded each other, or worked in concert together. In some situations it seems that the committees were organically named based on the needs of the local communities, in other cases it seems that Patriots combined their commissions due to lack of manpower or authority. A direct correlation between the Committee of Inspection and Observation called for by the Continental Congress and the active bodies in Albany can be assumed but not completely substantiated.

<sup>37</sup> *Journals of the Provincial Congress, Provincial Convention, Committee of Safety and Council of Safety of the State of New-York: 1775-1777*. (New York; 1842). Hunt, *Provincial Committees of Safety*, 63.

<sup>38</sup> Hunt, *Provincial Committees of Safety*, 64.

and the Mechanics Committee.<sup>39</sup> From extant material it is known that Albany's Committee of Correspondence was meeting in some form by April 1774, because it agreed to allow James Duane, John Jay, Philip Livingston, Isaac Low, and John Alsop to represent Albany in the First Continental Congress.<sup>40</sup> The first recorded meeting minutes from this body was January 24, 1775, and was recorded under the name "Committees of Correspondence and Safety."<sup>41</sup>

The first meeting of this Committee stated that it was "to approve of the Resolves of the former Committee of Correspondence (to wit) their Resolves which have been printed of the 23<sup>rd</sup> of November and 10<sup>th</sup> December 1774."<sup>42</sup> The next meetings included nominations to cabinet positions as well as electing delegates to the Second Continental Congress and the New York Provincial Congress. In addition, these Committee members sent letters to all known existing committees of correspondence and safety in Albany County, asking for attendance at a County meeting regarding organization and discussion about delegate selections. At the same time, it ordered "two hundred copies" of an advertisement for donations for Boston, and for the ads "to be stuck up at the most publick Places in said Districts" across the county.<sup>43</sup>

Although the intention of the Committee was to work through representative bodies and consensus, it was immediately drawn into an impending military crisis where it would have to define the limits of its authority as a body. At some point between March 21 and April

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<sup>39</sup> David G. Hackett discusses the Albany Sons of Liberty and their power in *The Rude Hand of Innovation: Religion and Social Order in Albany, New York, 1652-1836* (New York 1991), 50-52.

<sup>40</sup> These are the same men that New York City chose. This is James Sullivan's point in *Minutes of the Albany County Committee of Correspondence, 1775-1778*. (Albany, 1923), iv-v. Stefan Bielinski, the foremost historian on colonial Albany and Director of the Colonial Albany Social History Project, supports the hypothesis that this committee was active in 1774 in his brief essay "The Committee of Correspondence" at <http://www.nysm.nysed.gov/albany/coc.html>.

<sup>41</sup> Sullivan, ed. *Minutes of the Albany County Committee of Correspondence*, x.

<sup>42</sup> Sullivan, ed. *Minutes of the Albany County Committee of Correspondence*, 5. These resolves would have been printed in *The Albany Gazette*, no known copies of this paper have survived the war era.

<sup>43</sup> Sullivan, ed. *Minutes of the Albany County Committee of Correspondence*, 10.

12, 1775 the Albany Committee of Correspondence received a letter from the Stockbridge, Massachusetts, Committee of Correspondence. It can be extrapolated that the Stockbridge committee inquired about the pro-British population of Kinderhook, New York (only about 25 miles separated the two towns). The Albany Committee found it necessary to respond with “reluctance” that it was true that Kinderhook refused to support the Continental Association and that Albany was

still willing to hope that their Conduct rather proceeded from wrong Representations and apprehensions, Propagated and instilled by those (as you justly suggest) who are disaffected to the Rights and Liberties of America, than to an unfriendly disposition to the Common Cause, a Cause of Greater Consequence, than they now are aware of...<sup>44</sup>

Two weeks later, Albany again wrote to Stockbridge—“we are extremely sorry to find that the Kings Troops have commenced Hostilities against your Province”—but since it, as a Committee of Correspondence, was a “Sub-Committee” of a larger body, it could not send military assistance. But it could assure Stockbridge that “your fears of the Inhabitants of Kinderhook taking up arms against you, we look upon as entirely Groundless.”<sup>45</sup>

In this instance, the Committee was formed to create open communication with other committees and based its legitimacy on the directives of the Continental Congress and the New York Provincial Congress. This exchange reveals that it saw itself subordinate to a larger enterprise but was immediately cognizant of the reality of conflicting loyalties and violence. By April 29, 1775, the violence in Massachusetts necessitated new protections “for the Safety of the good People of this County And whereas the Committee of Correspondence do not conceive themselves fully invested with the Power to do every matter which in this Critical Hour may become necessary...”<sup>46</sup> The *Minutes* continue to explain that either the current Committee should be transformed or a new one created “to be a Committee of Safety[,]

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<sup>44</sup> Sullivan, ed. *Minutes of the Albany County Committee of Correspondence*, 12. As the war played out Kinderhook continued to be a hotbed of Loyalism and afforded the Albany Committees plenty of suspects for disaffection.

<sup>45</sup> Sullivan, ed. *Minutes of the Albany County Committee of Correspondence*, 13.

<sup>46</sup> Sullivan, ed. *Minutes of the Albany County Committee of Correspondence*, 15.

Protection and Correspondence, with Full Powers to Transact all such matters as they shall conceive may tend to the welfare of the American Cause...”<sup>47</sup>

On May 1, 1775, all citizens who were eligible to vote were called to a meeting to decide if they would fully support joining “the Several Colonies on the Continent, in their opposition to the Ministerial Plan now prosecuting against us.”<sup>48</sup> The attendees agreed and the Committee, with expanded powers, should begin to gather resources to support the rebellion.<sup>49</sup>

The Committee, meeting almost daily, engaged in heated correspondence with local New York counties as well as South Carolina, Massachusetts, and Pennsylvania Committees regarding their respective stances on military action, both locally and across the colonies. Throughout the summer of 1775 the Committee of Safety, Protection, and Correspondence was occupied with quelling rumors of Indian and slave rebellions, as well as collecting war matériel and raising a militia.<sup>50</sup> This committee began negotiating with Oneida, Canandaiguas, Mohawks, and other Native American tribes in the Six Nations, sometimes at the behest of the Indians and more often, to counteract British machinations with their Indian allies. Much of the unrest had to do with Colonel Guy Johnson, the English Superintendent of Indian Affairs, and Joseph Brant, a powerful Mohawk leader, who rallied Native Americans to uphold their alliances with the English. The Committee also received correspondence and

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<sup>47</sup> Sullivan, ed. *Minutes of the Albany County Committee of Correspondence*, 15.

<sup>48</sup> Sullivan, ed. *Minutes of the Albany County Committee of Correspondence*, 16-17.

<sup>49</sup> Their first action on May 1, 1775 was to write a letter of support to Boston in which Albany declared “On the twenty second Instant a Provincial Congress will meet when we have not the least doubt but such effectual Aids will be afforded you, as will Teach Tyrants and their Minions that as we were born free, we will live and die so, and transmit the inestimable Blessing to Posterity, be assured Gentleman that nothing on our Parts shall be wanting to evince that we are deeply impressed with a Sense of Unanimity, and that we mean to Co-operate [sic] with you in this arduous struggle for Liberty to the Utmost of our Power...” Sullivan, ed. *Minutes of the Albany County Committee of Correspondence*, 18.

<sup>50</sup> As of May 4, 1775 the Albany Corporation, the representative government of the city was still functioning and asked this Committee to help it create a Night Watch. By this time, the Corporation’s legitimacy and ability to effect change had eroded. Sullivan, ed. *Minutes of the Albany County Committee of Correspondence*, 25.

reports from Northern New York about General Guy Carleton's military preparations in Canada.

It was not until the first week of July that the Committee's authority began to stretch beyond the physical safety of the county's inhabitants when it had to decide if a person held opinions inimical to the American cause. At this point, the American cause was clearly defined as protesting the "Deluded and Despotic Ministry" to restore "Harmony and Peace, upon Constitutional Principles."<sup>51</sup> Peter Van Ness was the first person suspected of not supporting the American cause, and was interrogated by the Committee. They found that he "bears a good Character and that of a Friend to the Cause of Liberty." The Committee also warned Van Ness not to press counter-charges against his accusers in order to facilitate the "Reconciliation of Peace in the Neighborhood, and the Promotion of the General Cause of Liberty."<sup>52</sup> From this point forward, people accused of supporting the Crown, or people accused of being neutral, were periodically brought before the board by their own neighbors and acquaintances.

In August 1775, surveillance of strangers and people of questionable political affiliation began in earnest. On August 5, the Committee wrote to the surrounding counties that pro-British suppliers and officials were passing through their district with information regarding Patriot activities. In order to stop this behavior Albany recommended that all passages to the northwest be guarded. In addition these counties should "prevent all Strangers, and also all known Persons of whose Sentiments they are Scrupulous in respect to the United Cause from Passing up the Mohawk River farther than the German Flatts without a Pass or Recommendation from the Congress or some known Committee."<sup>53</sup> The Albany Committee

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<sup>51</sup> Sullivan, ed. *Minutes of the Albany County Committee of Correspondence*, 128. That summer war preparations were considered a precaution as the primary mode of reconciliation was hoped to be diplomatic negotiations.

<sup>52</sup> July 4, 1775. Sullivan, ed. *Minutes of the Albany County Committee of Correspondence*, 147.

<sup>53</sup> Sullivan, ed. *Minutes of the Albany County Committee of Correspondence*, 187. German Flatts is about 80 miles northwest of Albany.

also sent “a Copy of this Resolve...to the Congress to obtain their Sentiments.”<sup>54</sup> Governance by committee-system was a dialogic enterprise, where sometimes the directives came from the Congress and other times the local needs of the pro-American committees, pressed uniform action upon other committees via the Congress. The power to impress the need for specific types of legislation upon the Congress, testifies to the legitimacy that that representative body had gained in a short time. The respect with which it was held, as duly elected and representative of the majority of the voting people’s wishes, was growing.

As the tempo of war preparations accelerated on both sides, so did the restrictions on civic life in Albany. By late summer 1775, the Committee was regulating behavior in terms of militia duty and night watch guard duty. Failure to attend either resulted in fines, and interrogation, while raising a false alarm also resulted in fines.<sup>55</sup> September found two men jailed by the Committee for “inimical conduct against the American Cause.”<sup>56</sup> In November the Committee was presented with the problem of counterfeiting and depreciating money.<sup>57</sup> Increasingly, other committees and Albany’s inhabitants were looking to the Committee of Safety, Protection, and Correspondence to ensure a consistent level of security in their everyday lives.

### **The Turning Point: 1776-1778**

For over a year, the Albany Committee of Safety, Protection, and Correspondence extended its authority from an enforcer of the Provincial and Continental Congresses’ directives to a de facto governing body in the city and county of Albany. But by January 1776 the Committee reached a breaking point in dealing with “certain Persons avowedly inimical to the Rights & Liberties of America, [who] are making use of undue influence and propagating

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<sup>54</sup> Sullivan, ed. *Minutes of the Albany County Committee of Correspondence*, 187.

<sup>55</sup> Sullivan, ed. *Minutes of the Albany County Committee of Correspondence*, 241.

<sup>56</sup> Sullivan, ed. *Minutes of the Albany County Committee of Correspondence*, 244.

<sup>57</sup> Sullivan, ed. *Minutes of the Albany County Committee of Correspondence*, 291.

Sentiments with the express view to deter the virtuous asserters of American Freedom.”<sup>58</sup>

During 1775, people were either brought before the Board to be questioned or a sub-committee was appointed to investigate each individual claim. As the claims mounted, the Committee realized that a more permanent body needed to be established to investigate alleged cases of inimical behavior, disaffection to the American cause, slanderous speech directed against the committee, and flat-out spying for the British.

Between January 1776 and May 1776, the Albany Committee of Correspondence became frustrated with the number of complaints that they had to deal with and began charging sureties and bonds for all people found guilty of speaking ill of the board, or the American cause.<sup>59</sup> Increasingly financial punishment for loyalty to the Crown was not enough to deter supporters, so the Committee implemented restrictions on movements.<sup>60</sup> But policing the behavior of the populace took away from the Committee of Correspondence’s daily administrative duties of governing the town and county during a war.<sup>61</sup> Increasingly Albany tried to send people of suspect loyalties to the towns from which they originated or passed them on to military tribunals. In most cases, these people were sent back to Albany wasting time, money, and resources arguing over whose jurisdiction these people fell under.

In response to the complaints from Albany and other committees, the Provincial Congress formed the First Commission for Detecting and Defeating Conspiracies in May 1776 to “make effectual provision for detecting, restraining and punishing disaffected and dangerous persons in that colony.”<sup>62</sup> This commission was meant to focus on Tory plots that threatened a united colonial response to the royal government. However, this council was too small and inefficient, so in June a new committee was formed. Shortly thereafter the

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<sup>58</sup> Sullivan, ed. *Minutes of the Albany County Committee of Correspondence*, 306.

<sup>59</sup> Sullivan, ed. *Minutes of the Albany County Committee of Correspondence*, 388.

<sup>60</sup> Sullivan, ed. *Minutes of the Albany County Committee of Correspondence*, 392.

<sup>61</sup> While the Committee’s frustrations mounted the community turned to the Committee to handle allegations of inflation, election fraud, petty theft, smuggling, and militia desertion. Basically, local governance had effectively fallen to the Committee by spring 1776.

<sup>62</sup> Alexander C. Flick, *The American Revolution in New York: Its Political, Social and Economic Significance*. (Albany; 1926), 44.

Provincial Congress suspended the commission's duties and took over hearing cases against Loyalists.

The Declaration of Independence altered the political scene in Albany. One of the least surprising changes that occurred was that the definitions of loyalty and political affiliation became more finite after July 1776. Word of the Declaration reached Albany by the 18<sup>th</sup> and the Committee of Correspondence declared that it would be posted outside City hall at 11 am on July 19<sup>th</sup>. It was read to the militiamen and townsfolk who had gathered to hear it; it was "received with applause and satisfaction."<sup>63</sup> One historian argued that each "American was forced to take a stand. Either he must acknowledge himself a Loyalist and hence a champion of oppression and tyranny and a traitor to the United States" or he was a friend to the American cause.<sup>64</sup> There would be no room for Loyalism or neutrality in Albany after mid-July.

In September of 1776, the Provincial Congress organized a new conspiracy committee with seven members. This committee was given power to create and direct county committees for detecting conspiracies.<sup>65</sup> The committee formed in September only sat until January, when it was again dissolved. The creation and dissolution of specialty committees corresponded with the limited authority the Provincial Congress was granted by its representatives. If the Provincial Congress was only authorized to convene for a specific amount of time, the bodies that were subordinate to it were also only legitimate when they could directly derive their authority from the Congress.

The cycle of creation and dissolution continued throughout 1777, until about the time New York ratified its state constitution. For example a new state commission for detecting conspiracies was formed during February 1777, with just three members, and by August 1777 it had grown to a nine-member body named "Commissioners for Detecting and Defeating all

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<sup>63</sup> Sullivan, ed. *Minutes of the Albany County Committee of Correspondence*, 497.

<sup>64</sup> Flick, *The American Revolution in New York*, 71.

<sup>65</sup> Victor Hugo Paltsits, ed. *Minutes of the Commissioners for Detecting and Defeating Conspiracies in the State of New York: 1778-1781*. (Albany: NY State Press, 1909), 11.

Conspiracies.”<sup>66</sup> At this point it seems that the directives from the Provincial Congress resulted in local committees of correspondence forming their own Commissions for Detecting and Defeating Conspiracies. For example, the town of Fish Kill had its own “conspiracy commission” that Albany sent its suspected Tories to when it did not have its own commission convened.<sup>67</sup> These local bodies derived their power from the local governing committees but also from the legitimate Provincial Congress. It seems that the way that the Committee of Safety operated was the model for how the committees for detecting and defeating conspiracies functioned, especially in terms of its structure and the scope of its activities which were tied to a limited agenda and subordinate to the Provincial Congress.<sup>68</sup>

Between April 1777, when the New York State Constitution was ratified, and April 1778, when the notes for the commission begin, the type of organization and powers this committee was granted continued to evolve. Although legislation was introduced in October 1777 to create a permanent committee for detecting conspiracies the bill was tabled. It was not until February 1778 that a comprehensive bill was passed. *An Act appointing the Commissioners for detecting and defeating Conspiracies, and declaring their powers* passed in the state convention. The preamble states:

by Reason of the present Invasion of this State, and of the Disaffection of sundry of the Inhabitants of the same, it will be expedient to continue the said Board; which experience hath shewn to be of great Use and Importance. To the End therefore, that the State and the Peace of the same, may be effectually guarded and secured, against the wicked Machinations and Designs of the Foreign and Domestic Foes thereof.<sup>69</sup>

The previous commissions were perceived as having been effective in their goals and the state assembly continued to refine and alter the body’s authority. In April 1778, when the notes for

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<sup>66</sup> Paltsits, ed. *Minutes*, 11.

<sup>67</sup> Sullivan, ed. *Minutes of the Albany County Committee of Correspondence*, 587.

<sup>68</sup> It does not seem that Albany had its own committee for detecting and defeating conspiracies until October 1776 but the functioning and duration of this committee is unknown; it may be probable that it operated in similar fashion to the state committee; but only a few references to an operating committee exist in the *Minutes of the Albany County Committee of Correspondence*.

<sup>69</sup> Paltsits, ed. *Minutes*, Appendix I, 777.

the commission begin, two more acts were passed respecting “disaffected persons.”<sup>70</sup> One gave permission to the board to remove any “dangerous disaffected Persons and Families, as now are, or hereafter shall happen to be resident at or near any Post, Pass or Encampment, within this State, to be removed to such other Place or Places within the same, as he shall deem expedient.”<sup>71</sup> The other increased the number of commissioners to be appointed.<sup>72</sup> These acts provide a clear idea of what type of agenda the Commissioners were trying to pursue and how they were achieving those measures.

The commission was empowered to send for people and evidence, confine people, and to take bonds from people released on recognizance. The commissioners also were responsible for the comfort of confined individuals, and not to inflict “corporal punishment” on prisoners. In addition, they were to keep regular minutes, which were to be submitted to the New York state legislature for review.<sup>73</sup> The amended bill, passed on April 3, 1778, allowed the number of commissioners to be no greater than “twenty or thirty,” but only a quorum of three were needed at any time or place to legally convene a hearing.<sup>74</sup>

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<sup>70</sup> Paltsits, ed. *Minutes*, Appendix I, 780.

<sup>71</sup> Paltsits, ed. *Minutes*, Appendix I, 780.

<sup>72</sup> Paltsits, ed. *Minutes*, 782.

<sup>73</sup> Flick, *American Revolution in New York*, 344.

<sup>74</sup> Paltsits, ed. *Minutes*, 16. It is unable to be ascertained from the existing sources when the Albany Committee of Correspondence received instructions to create a commission for detecting and defeating conspiracies. The act passed on February 5, 1778 but no notation for the receipt of a letter of instruction either from the Congress, the governor, or another committee is listed. Between February 5 and April 3, 1778, when the amended act passed, the Albany Committee of Correspondence received two letters from private individuals, six from other committees, nine from American military officers, one from an English military officer, one from their assembly representatives, and three from the governor. (*Minutes of the Albany County Committee of Correspondence*, 920-959. This survey does not count letters brought to the board and orally defended, only letters brought by post or messenger.) The letter from the assembly representatives is dated February 15 and was received on February 18<sup>th</sup>. It contained the “Resolutions of Congress and Resolutions of a Convention of the different States” but apparently only pertaining to the regulation of wheat and food prices. (*Minutes of the Albany County Committee of Correspondence*, 926) From this letter and the letters from the governor to this committee, the average message took between one and five days to arrive. Why the act for a commission for detecting and defeating conspiracies is not mentioned is not known, although it does reveal some limitations of the source in terms of assessing how and why certain entries were made in the primary source and what was not being written in the records and why.

Between February and April 1778, the Committee of Correspondence continued to handle cases that involved suspected Tories, admitted Loyalists, and those who refused to take oaths of allegiance to the new state.<sup>75</sup> Oddly enough, a spate of local committee formation occurred in early April when committees were formed to examine inn- and tavern-keepers (for proper liquor licenses), to examine “degradations” (damages inflicted on private property by soldiers), and to act as a special treasury emissary, but no mention of a conspiracy commission.<sup>76</sup> Around the same time the Committee of Correspondence recommended “to the Committees of the respective Districts in this County forthwith [sic] to disarm all such Inhabitants of their Districts who have been with the Enemy, and not taken the Oath of Allegiance to this State, or other ways evinced their Sincerity to the Cause of America.” In addition, the Albany Committee of Correspondence also asked them to “apprehend and send to this City all such Prisoners of War, Deserters from the Enemy, and Inhabitants of this County who have been with the Enemy and still evince their Enmity to the Cause of America.”<sup>77</sup> It is unknown if the board planned to examine these people or if the Commission for Detecting and Defeating Conspiracies was expected to convene and handle these cases.

The first meeting of the Albany County Commission for Detecting and Defeating Conspiracies was held on April 13, 1778. Seven of the fourteen members of the Commission were active members of the Committee of Correspondence for the month preceding the commission’s formation—four of whom constituted the core of the commission almost continuously through 1781. For the remaining crossover days it seems that three core members Isaac D.Fonda, John M. Beeckman, and Jeremiah Van Rensselear, were attending both committees. Matthew Visscher served as secretary for both committees. The notes for the Committee of Correspondence effectively end on April 16, 1778 with an additional

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<sup>75</sup> Sullivan, ed. *Minutes of the Albany County Committee of Correspondence*. See February 25, 932; March 4, 935; March 9, 940; March 18, 945; March 26, 950 and April 1, 956.

<sup>76</sup> Sullivan, ed. *Minutes of the Albany County Committee of Correspondence*. April 2 and 4, 957-959.

<sup>77</sup> Sullivan, ed. *Minutes of the Albany County Committee of Correspondence*, 956.

meeting in June to appoint a committee to audit the accounts.<sup>78</sup> It is unknown whether these men continued to work on both committees. Unfortunately, more information pertaining to the Committee of Correspondence was destroyed in the fire at the Capitol Building in Albany in March 1911.<sup>79</sup>

For the purpose of this study, the Commission will be treated as a single entity because no dissenting voice was ever recorded in these minutes between April 1778 and August 1781. All decisions were rendered as unanimous and singular. As much as these *Minutes* shed light onto the types of behavior occurring in small communities during the Revolution, they also obscure the individual personalities who in fact created the Revolutionary era community and state. It is important to keep in mind that in general the committees were mostly composed of the elites of the community; some were traditional landowners, merchants, and politicians trying to keep their local power consolidated and some were political upstarts, but with enough wealth to be taken seriously by the older elites. There were thirteen men appointed to the Albany County Commission for Detecting and Defeating Conspiracies between 1778 and 1781; fifty-one total for all counties in New York. In Albany's case, from a cursory survey of the names that appear in the Committee of Correspondence, Provincial Congress, and the Commission for Detecting and Defeating conspiracies, these men had been pro-American from 1775 onward.

### **Committee for Detecting and Defeating Conspiracies**

April 20, 1777 brought the ratification of the first constitution of the state of New York. The constitution explicitly states how the committee system was conceived to operate and how it derived its legitimacy from the people. The New York state legislators felt that the committee system had been a temporary expedient to the abuses of the Crown. They wrote,

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<sup>78</sup> Sullivan, ed. *Minutes of the Albany County Committee of Correspondence*, 962-963.

<sup>79</sup> It can be pieced together, from letters and references in existing sources, that the Committee continued operating into the 1780s.

“whereas the present government of this colony, by congress and committees, was instituted while the former government, under the Crown of Great Britain, existed in full force, and was established for the sole purpose of opposing the usurpation of the British Parliament.”<sup>80</sup> The constitution argues that the committee system was to become obsolete when the reconciliation with Britain occurred but that that outcome “is now considered as remote and uncertain.”<sup>81</sup>

The legislators also complained that “many and great inconveniences attend the said mode of government by congress and committees, as of necessity, in many instances, legislative, judicial, and executive powers have been vested therein.”<sup>82</sup> While they make it quite clear that Britain was at fault for necessitating an organic governing system they believed now that imperial rule was an outlandish prospect. The constitution states that it

appears absolutely irreconcilable to reason and good conscience for the people of these colonies now to take the oaths and affirmations necessary for the support of any government under the Crown of Great Britain, and it is necessary that the exercise of every kind of authority under the said Crown should be totally suppressed, and all the powers of government exerted under the authority of the people of the colonies for the preservation of internal peace, virtue, and good order, as well as for the defense of our lives, liberties, and properties, against the hostile invasions and cruel depredations of our enemies...<sup>83</sup>

Britain was no longer capable of exercising legitimate power over New York and since the mechanism for government was in place it now was to be considered the only legitimate governing body in the state. The constitution

recommended to the respective assemblies and conventions of the United colonies, where no government sufficient to the exigencies of their affairs has been hitherto established, to adopt such government as shall, in the opinion of the representatives of the people, best conduce to the happiness and safety of their constituents in particular, and America in general.<sup>84</sup>

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<sup>80</sup> *New York State Constitution of 1777* accessed at *The Avalon Project* at [http://avalon.law.yale.edu/18th\\_century/ny01.asp](http://avalon.law.yale.edu/18th_century/ny01.asp).

<sup>81</sup> *New York State Constitution of 1777* accessed at *The Avalon Project* at [http://avalon.law.yale.edu/18th\\_century/ny01.asp](http://avalon.law.yale.edu/18th_century/ny01.asp).

<sup>82</sup> *New York State Constitution of 1777* accessed at *The Avalon Project* at [http://avalon.law.yale.edu/18th\\_century/ny01.asp](http://avalon.law.yale.edu/18th_century/ny01.asp).

<sup>83</sup> *New York State Constitution of 1777* accessed at *The Avalon Project* at [http://avalon.law.yale.edu/18th\\_century/ny01.asp](http://avalon.law.yale.edu/18th_century/ny01.asp).

<sup>84</sup> *New York State Constitution of 1777* accessed at *The Avalon Project* at [http://avalon.law.yale.edu/18th\\_century/ny01.asp](http://avalon.law.yale.edu/18th_century/ny01.asp).

One can envision the committee system as a top-down network of assemblies, each receiving and implementing orders as they were passed down the line. This would be a simplistic view of how the committee system actually worked. It was a collaborative and dialogic process in which the individual communities relayed the pressures and realities of their experiences horizontally to local communities and vertically to the county and then state levels. When the congress created laws that addressed issues specific to one community, they were adopted as needed among other communities. Importantly, the individual communities were not afforded different levels of autonomy emanating outward from the highest committee (New York Congress) but instead the congress had to derive its legitimacy and authority from the multitude of committees and local governments below it. Although, directives from the state committees often tried to coordinate American policies, only voluntary, local implementation made the state government effective.

The *Commission for Detecting and Defeating Conspiracies* played a major role in garnering popular support for the Albany committee system. By instituting oaths of allegiance, imposing financial penalties, and restricting movements, the commission built a community that legitimized the Patriot government. The *Commission for Detecting and Defeating Conspiracies* targeted known Loyalists and people suspected to be disaffected to the American cause. In the post-1777 context disaffection was simply any behavior that demonstrated that the individual did not believe in the legitimacy of the American government. In this time period disaffection was a real, discrete political category that defined the lack of loyalty to the government.

On the surface this committee's behavior could provide an opportunity to delineate the shades of neutrality and the categories of political allegiance in the revolutionary period, but it does not. From this source one cannot correlate the degree of political affiliation with the punishment or restrictions assigned to the alleged offender. There are too many external factors that may have affected how punishments were determined such as previous political behavior, personal relationships within the community, the personalities on the commission,

military exigencies, Vermont's secession, or the financial status of the state treasury. All of these external factors, and more, limit the ways in which the information in this source can be handled. Due to this the implications of this committee's behavior can only be painted in broad strokes.<sup>85</sup>

What remains is that it was due to committees like the Commission for Detecting and Defeating Conspiracies that a coherent political agenda could be implemented in New York. After the Declaration of Independence and the ratification of the state constitution, New York could dedicate itself fully to creating a new state. Determining the political affiliation of the inhabitants of the community was the first step to building a new sovereign body. The mission of the Commission for Detecting and Defeating Conspiracies was finding disaffection in all of its forms and limiting the potential power disaffected persons could wield.

### **Oaths of Allegiance**

The oath of allegiance is a much-debated topic today as it was during this country's inception. In the 1950s, Harold Hyman maintained that loyalty oaths were the most oppressive forms of power in the Revolution. Hyman posited that American oaths of allegiance "emulat[ed] royal and rebel practices at home...[and] used loyalty tests as weapons of ideology, political partisanship, and peculation."<sup>86</sup> I argue for a commonly found theme in the historiography of loyalty oaths, that oaths "place Americans in increasingly extreme positions regarding allegiance" and that the Commission for Detecting and Defeating Conspiracies enabled these political extremes to be implemented.<sup>87</sup>

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<sup>85</sup> One of the broad strokes is the trend towards correlating disaffection with overt Loyalism from the spring of 1779 onwards.

<sup>86</sup> Harold M. Hyman, *To Try Men's Souls: Loyalty Tests in American History*. (Berkeley, 1959), 23. In a very pessimistic view of the American revolution, he also poses American commissions as illegitimate bodies that tyrannized innocent members of the British empire.

<sup>87</sup> Hyman, *To Try Men's Souls*, 61.

There are many complicated themes intertwined with loyalty oaths such as ethnic identity, religious affiliation, political citizenship, and personal inclination. But what the Commission hoped to do was to create a set of normative values for the community as a whole and then forcefully socialize the individual into those norms through the use of the oath. The oath was a public declaration in front of the committee, representative of the legitimate government, and was often witnessed by a personal acquaintance of the oath-giver and reinforced by a financial commitment (surety or bond) paid by a second party. The Commission made sure that individuals were made responsible not just to the new American government but also to the community in which they lived.

The oaths of allegiance were mainly uniform in content; most relied on the oath-taker's sanity, and god, to solidify the contractual nature of this speech. In June 1778, the state assembly passed an act that explains how the oath should be taken.

I, A.B. do solemnly, and without any mental Reservation or Equivocation whatever, swear and call God to Witness; or if of the People called Quakers, affirm, that I do believe and acknowledge, the State of *New-York*, to be of Right, a Free and Independent State. And that no Authority or Power, can of Right, be exercised in or over the said State, but what is, or shall be granted by or derived from the People thereof. *And further*, that as a good Subject of the said Free and Independent State of *New York*, I will to the best of my Knowledge and Ability, faithfully do my Duty; and as I shall keep or disregard this Oath. So help and deal with me Almighty God.<sup>88</sup>

Five young men tendered an oath of Allegiance to the state on July 11, 1781 in which they stated,

I do swear upon the holy Evangelists of Almighty god that I will be true to the State of New York and will Conduct myself as a good and faithful subject of the said State ought to do; that and I will not aid, comfort, council with, or Assist in any way whatever any of the Enemies of the said State of New York or the United States of America and that I will immediately make known any Plots that may be intended against any of the said United States and discover that may come to my knowledge any of their Enemies whenever I know there are any lurking about in the Country to any Officer or to the Board of Commissioners—So help me God—<sup>89</sup>

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<sup>88</sup> Paltsits, ed. *Minutes*, 784.

<sup>89</sup> Paltsits, ed. *Minutes*, 747.

Quakers, or Shakers, posed the largest hurdle to this type of allegiance. Many protested it as a violation of their religious beliefs. To address this problem and to make the oath-taking process more inclusive, an act was passed in April 1778 to allow Quakers to affirm their allegiance by raising their hands, instead of swearing an oath. The Quakers continued to claim that the wording of the oaths violated their religious beliefs and “petitioned the legislature for relief.”<sup>90</sup>

Oath-taking was very serious to the men of Revolutionary Albany; an oath was a person’s reputation, promise, and contractual obligation. Michael Kammen explored the effects of oath-taking on the community in his essay “The American Revolution as a *Crise de Conscience*: The Case of New York.” He warns historians against ignoring “a history of inner turmoil which is suffused with tragic power because it is so very personal and deeply felt.”<sup>91</sup> When looking at the Commission’s interactions in terms of a policy to coordinate authority and gain legitimacy, creating a population nominally Patriot was the first step in weeding out dissenters. Kammen argues, “maintaining political supremacy was paramount; adherence to abstract principles was secondary.”<sup>92</sup> Here Kammen brings to the fore the paradoxical nature of each state in America: a Commission that forces people to pledge themselves to a state that celebrates freedom from tyranny. Because of the coercive nature of these oaths, many of them “concluded with a declaration that they were voluntarily sworn without any mental reservation. In many cases such forced hypocrisy only compounded the violation of conscience.”<sup>93</sup> Kammen posed oath taking as a crisis of conscience, and oaths as “expressions of integrity,” and the violation of personal integrity as the true cost of the war.<sup>94</sup>

Conversely, historians like James H. Kettner argue that men like the Commissioners “were concerned to keep their cause legitimate and to avoid measures that resembled too

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<sup>90</sup> Paltsits, ed. *Minutes*, 43.

<sup>91</sup> Michael Kammen, “The American Revolution as a *Crise de Conscience*: The Case of New York” Richard M. Jellison, ed. *Society, Freedom, and Conscience: The American Revolution in Virginia, Massachusetts, and New York*. (New York; 1976), 189.

<sup>92</sup> Kammen, *Crise de Conscience*, 130.

<sup>93</sup> Kammen, *Crise de Conscience*, 157.

<sup>94</sup> Kammen, *Crise de Conscience*, 165.

closely their arbitrary actions of their former sovereign.”<sup>95</sup> The Commission mitigated overt oppression by allowing an accused person to think about taking the oath. Oath taking was extremely important to the people of Albany and it forced them to examine the ideological and material conditions of their lifestyles in order to choose a side.<sup>96</sup>

The distinctions between these two processes that Kammen and Kettner lay out are not that clear. The commission took pains to garner the support of the populace and to appear legitimate as per the language in the constitution. For example, on July 30, 1778, when a neighborhood was split over the character of a person named Simon Frazer, who was allegedly disaffected; dueling petitions were circulated for and against his release from jail. By the time the matter came to the board the petition against Frazer’s release read that some people had “uneasiness” and wanted to “enter into a Combination to lessen the Number of the disaffected by sending the Orders to move off & threatening to Abide by the Consequence in Case of Neglect.”<sup>97</sup> The Commission debated the issue and decided that, “such Declarations are unwarrantable and tend to sap the Foundation of all Law and good Government.” The Commission continued to note, that “this Board will receive into their Custody & Charge all such disaffected Persons who upon Proof can be convicted of any Crimes against the Liberties of America...” and if the inhabitants were to send anyone to the Commission to be tried they must “send with them the Charges against them properly attested.”<sup>98</sup> The Commission took pains to inform the community of its intentions to give due process to everyone, and that expectations for fairness and order would be met to the best of its abilities.

In addition to making sure a fair process was followed, the commissioners also signified which part of the committee system was legitimate. On August 8, the Commission in

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<sup>95</sup> James H. Kettner, “The Development of American Citizenship in the Revolutionary Era: The idea of Volitional Allegiance.” *The American Journal of Legal History*, v. 18, no. 3 (Jul 1978), 208-242, 225.

<sup>96</sup> An example of this occurs on July 17, 1778. Two men “requested Time to consider of it [the oath] till Next Monday morning at ten Oclock which was granted them.” Paltsits, ed. *Minutes*, 173.

<sup>97</sup> Paltsits, ed. *Minutes*, 185.

<sup>98</sup> Paltsits, ed. *Minutes*, 185.

Albany received disturbing news that a group of people was impersonating the conspiracy commission and harassing and interrogating alleged disaffected people in the “Hosack District.” The Commission *Minutes* note that “sundry Persons under the Pretence of having Authority from the Commissioners of Conspiracies to examine into the Conduct of Persons by them supposed to have been unfriendly to the American Cause [,] use unbecoming Language[,] and pretend to exercise Power not vested in them.”<sup>99</sup> These pretenders caused the residents of the area to feel “ill used.” The Commission “resolved that no Person or Persons under any Pretence whatsoever disturb or molest any of the Inhabitants without first obtaining due Proof” and that direct authority must be given by the Albany Commission “or any other legal Authority of the State.” If the pretenders persisted in their actions the Commission threatened that “they shall answer the same at their Peril.”<sup>100</sup> This may be a seemingly bizarre case but in a war-torn countryside there were competing structures of governance. Besides the Anglo-American conflict there were American-American conflicts. Different levels of revolution were occurring, some more radical than what the Commission for Detecting and Defeating Conspiracies was trying to pursue.

The Commission did not tread softly regularly—it aggressively created a new citizenry in Albany County. These tactics inspired resistance, possibly more so than if they had left the inhabitants alone. For example, Archibald McNeal was ordered to appear on May 16, 1781 ostensibly to be interrogated about his activities. He asked that he be able to stay at his farm and the Commissioners agreed if he took the “Oath of Allegiance to this State.” He refused and declared “his Intention of Not taking up Arms in Defence of the American Cause.”<sup>101</sup> The same day Duncan McArthur was “questioned as to his Political Principles and declaring his Intention of not taking up Arms in defence of the Country and acknowledging at

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<sup>99</sup> Paltsits, ed. *Minutes*, 197.

<sup>100</sup> Paltsits, ed. *Minutes*, 197.

<sup>101</sup> Paltsits, ed. *Minutes*, 712.

the same time that he was sworn for the King when Burgoyne came down.”<sup>102</sup> Both were jailed.<sup>103</sup>

The best-case scenarios for the Commission were people who chose to take the oath of allegiance or people who already took the oath and had proof. For example on July 30, 1778 Dirk Delamater “who was cited to appear this Day”, claimed that he had “heretofore taken an Oath of Allegiance.”<sup>104</sup> He was told to produce the certificate of proof, which was written out and registered by the committee from which the oath was administered. Delamater returned to the Albany Commission on August 6 with a “Certificate subscribed by Richard Esseltyne Esqr. Justice of the Peace of his having taken the Oath of Allegiance to the State.”<sup>105</sup> Delamater’s allegiance was assured and he was released from examination. The process was sometimes as simple as Col. Hendrick Frey’s. He “was cited to appear this Day[,] appeared and being tendered the Oath prescribed by the Act lately passed by the Legislature[,] he declared his Willingness to take and it was accordingly administered to him.”<sup>106</sup>

Oftentimes, people requested more time to consider the oath, especially in the early years after Independence. Although, choice was the centrifugal force around which this committee operated the Patriot governing framework determined how the allegiances could be constructed. The Commission also established the timetable on which the decision would be made, and decided the consequences of that decision, while preserving the illusion of voluntary allegiance. Although, if a person requested time to consider the oath and he did not report back to the Commission “his Non Attendance should be construed into a Refusal.”<sup>107</sup>

Other people just flatly refused to take the oath. On August 13, 1778 David Van Schaack “appeared before the Board in Consequences of a Notice published in Louden’s

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<sup>102</sup> Paltsits, ed. *Minutes*, 712.

<sup>103</sup> Unfortunately for the Commission their tactics were not one hundred percent effective. Archibald McNeal was previously arrested and released on May 28, 1779 to enlist with Colonel Henry Van Rensselaer’s new regiment, his time with the Patriots must not have changed his mind about allegiances.

<sup>104</sup> Paltsits, ed. *Minutes*, 186.

<sup>105</sup> Paltsits, ed. *Minutes*, 195.

<sup>106</sup> Paltsits, ed. *Minutes*, 197.

<sup>107</sup> Paltsits, ed. *Minutes*, 223.

Paper and being tendered the Oath prescribed by the Act he refused to take” it.<sup>108</sup> An example that illuminates both the personality of an individual brought before the board and also what the board considered particularly offensive or anomalous behavior is recorded on July 23, 1778. The *Act pertaining to persons of neutral and equivocal behavior* had recently been passed and the Commission had issued citations for a number of people to come before it and take the oath. The act states that “certain of inhabitants of this State, have, during the Course of the present cruel War, waged by the King and Parliament of Great-Britain, against the People of these States, affected to maintain a Neutrality, which there is reason to suspect was in many Instances, dictated by a Poverty of Spirit, and an undue attachment to Property.”<sup>109</sup> After a few more paragraphs of scathing language about people who “shelter themselves under a government” that they refuse to help create and sustain, but also “daily endeavor to undermine and subvert,” the Commission was empowered to call people before who may have the power to “do mischief” to the state government.<sup>110</sup> Two of the men who were called before it were Barent Van Der Pool and Andries Huyck. They

appeared before the Board according to the Citations served on them and they being tendered the Oath prescribed by the Act lately passed by the Legislature absolutely refused to take it— Benjamin Baker also appeared before the Board according to Citation and the Oath by the Act prescribed he refused to take it and declared that if he did he would perjure himself and none but Rogues and Fools would or could take it.<sup>111</sup>

Needless to say the Commissioners were not impressed. They resolved

that such a Declaration is a high Contempt and Insult upon the Authority of this State in General and this Board in particular and that therefore in the

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<sup>108</sup> Paltsits, ed. *Minutes*, 202. Samuel Loudon, a Patriot who escaped occupied New York, published *The New-York Packet, and the American Advertiser* in Fish Kill, New York. See Isaiah Thomas, et al. *The History of Printing in America: With a Biography of Printers, and an Account of Newspapers*. (1874)

<sup>109</sup> Paltsits, ed. *Minutes*, 783-786. This act also empowered the Commission to exile neutrals and loyalists to the enemy lines, publish their names in newspapers, and register their names on a state-wide list of Loyalists. The act also has a communal element in it in so much as all property of people who refused to take the oath, “shall be charged with double taxes...hereafter.”

<sup>110</sup> Paltsits, ed. *Minutes*, 783-786.

<sup>111</sup> Paltsits, ed. *Minutes*, 177-178.

Judgement of this Board it is inconsistent with the safety [of] the said State that the said Benjamin Baker should be permitted to go at large.<sup>112</sup>

Baker was imprisoned.

Normally, the first entry for the day was routine. Men such as Van Der Pool and Huyck showed up, were interviewed, and often refused to take an oath. Perhaps they had had a more mundane conversation with the Commissioners that warranted no special comments from the Commission secretary. Perhaps a person like Baker was already disliked by the Commissioners and was goaded into such a declaration or possibly, as Kammen suggests, his conscience would not allow him to be abused by this rebellious body. Two weeks later Benjamin Baker, among others, was given ten days notice to “gather fourteen Days Provision for themselves and such of their Families as they chuse should accompany them (Persons capable of bearing Arms excepted) they are also permitted to take with them all their Cloathing and Household Furniture[.] The charges of Transportation to the Enemies is to be defrayed by themselves.”<sup>113</sup> Although we can only conjecture why Benjamin Baker made such a declaration, it is a rare opportunity to hear a voice that otherwise would have been lost.

The wording of the Commission’s response in the *Minutes* is also important because the board knew what was at stake if it did not severely punish detractors. The “Declaration is a high Contempt and Insult upon the Authority of this State in General and this Board in particular.”<sup>114</sup> The Commissioners recognized their roles as branches of the state government and surmised that their inability to coerce allegiance out of the local inhabitants would delegitimize their mission and result in a loss of authority. Baker’s challenge to the legitimacy of the Commission (and to the American war for Independence) struck home for the Commissioners. Their power was tenuous and limited. Not only were there fears of

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<sup>112</sup> Paltsits, ed. *Minutes*, 177-178.

<sup>113</sup> Paltsits, ed. *Minutes*, 191. Baker should be considered lucky. The Commission soon would not allow exiles to take more than the clothes and food they needed for their journey. Property, land, assets, and personal items all reverted to the state. The enemy lines the Commission refers to is probably Canada. There is further discussion of sending people under a flag of truce to Canada on August 18, 1778, Paltsits, ed. *Minutes*, 208-209.

<sup>114</sup> Paltsits, ed. *Minutes*, 177-178.

overwhelming Loyalist support but also if men like Benjamin Baker were allowed to stay in the community, he could provoke an outburst of Tory militarism. More likely if Baker would have stayed, he would have remained on his farm and out of the Patriots' view, but they feared that his challenge to their endeavor would shake the confidence of those around him, those who were less inclined to support the cause but had been converted by the Commission. In the view of the Commission, he needed to be banished. The community was only as strong as the weakest individual and dissent could dissolve the foundation of their new citizenry.

### **Recognizance and Bail**

Oath-taking functioned to separate Patriots from those who were unwilling to declare themselves in rebellion of Britain. By taking an oath to the state, the individual entered into a contract to be a part of the new governing entity. The state would then have legal authority to legislate an individual's behavior and persons were bound to obey its edicts. In addition, as a stipulation of Patriot community membership the oath-taker promised to inform on his or her neighbors, in accordance with the language of the oath. If voluntary oath taking (or forced volunteerism, as the case may have been) failed to instill allegiance to the Patriot government, the Commission could put an Albany county resident on recognizance.

If a person was brought before the board to be examined, ostensibly because of suspicious behavior, and if nothing particular was found to incriminate him or her as a Loyalist, the individual was released on recognizance. The legal definition of recognizance is "a bond or obligation, entered into and recorded before a court or magistrate, by which a person engages himself to perform some act or observe some condition...also, a sum of money pledged as a surety for such performance and rendered forfeit by neglect of it and

bail.”<sup>115</sup> Recognizance was a promise that a person would return to the court as instructed, which was reinforced by money put up by another person. In effect, by bailing a person out, the bailer was vouching for the defendant’s level of trustworthiness; he was also putting his own reputation in jeopardy. Both the accused and the recognizant were allowed to roam at liberty until called before the board. If the accused did not meet the terms of his recognizance, the bail was forfeit and the recognizant was held responsible.

In most cases, the recognizance was insurance that the accused person would report to his monthly, or otherwise determined, appearances at the board. Here it seems he was re-interviewed as to his behavior and then released back into the community as long as he was not behaving in opposition to the American cause. Sometimes the individual under suspicion had to pay an additional surety. There seems to be no particular reason why another surety had to be paid, or for that matter, why most people were put on recognizance even when the evidence against them was insubstantial.

In one 1778 case, Alexander Anderson was confined in the “Westward” and then “brought before the Board and we having examined into the Cause of his Commitment and finding no material Charges against him do order that he be discharged from his Confinement on procuring a sufficient Person to become Bail for his future good Behaviour and Appearance before any of the Commissioners when called upon.”<sup>116</sup> The adjective “sufficient” was not explained; it could be a person with enough funds to provide bail or a person that was of the correct character. Peter McKotshen put up a surety of £100. If Anderson were in fact an active Loyalist, the fear of Commissioners calling upon him at any time to appear would have curtailed his activities (or so the Commission hoped). If he did not respect the Commission then the guilt of his friend being held responsible for his activities should keep him in line.

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<sup>115</sup> Oxford English Dictionary, “recognizance.”

<sup>116</sup> October 16, 1778. Paltsits, ed. *Minutes*, 265.

The psychological bounds of community were stretched thin; the Commission relied on the population to watch each other and report suspicions back to them. When that was shown to be effective they made the townspeople responsible for each other's actions. If a patriot community could not be maintained by mutually decided affiliation then it would be constructed on fear and social control. Although the goal may have been to create a Patriot state, the negative side of this construction was the forced normalization of social values (allegiance to the new state). The repetitive normalization of publicly declaring an oath reinforced the power of the committee system and replicated an idealized community body both in reality and in the imaginary.

On April 16, 1778 "Moses Dorman, Robert Ferguson, Martin Galer Junr. Mattice Galer, Stoffel<sup>117</sup> Galer, James Esman[,] David Michel[,] Silvan Galer and Henry Salsbury being committed by the Committee of the District of Kinderhook and it appearing that they are disaffected Persons whose going at large may be dangerous to the Liberties of America..." were jailed.<sup>118</sup> On May 6, Christopher [Stoffel] was brought to the fort due to illness.<sup>119</sup> Soon David Michael, Martin Galer, Martinus [Mattice] Galer were removed to the fort due to overcrowding at the jail.<sup>120</sup> Silvan Galer does not reappear in the records. Martin Galer was re-examined on July 6, the charges of disaffection were now accusations of "conveying Intelligence to the Enemy" but these were found to be "rather Ill grounded." He was proclaimed innocent but forced to bail himself out for £100 in addition to the other £100 that John Manger put up. He was released "into Recognizance for good Behaviour and

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<sup>117</sup> Stoffel is a Dutch nickname for Christopher. Mattice [Martinus] and Martin, Jr. were probably father and son. Throughout these records spellings change. First, different secretaries recording the minutes may personally know the defendant and use a more familiar name. Also due to the Dutch naming practices Stoffel may have been given to delineate a younger Christopher from his namesake. It was not uncommon for Dutch people to use multiple names, including nicknames and Anglicized names, on legal documents because the community was so small everyone was on a familiar basis.

<sup>118</sup> Paltsits, ed. *Minutes*, 87. Kinderhook was a hotbed of loyalist activities. In the early years they raised a militia to join Burgoyne. Kinderhook and Schenectady consistently subverted the Patriot government in Albany, both were about 18 miles from Albany, and Albany was in the middle.

<sup>119</sup> Paltsits, ed. *Minutes*, 107.

<sup>120</sup> May 27. Paltsits, ed. *Minutes*, 128-129.

Monthly Appearances.”<sup>121</sup> Martin Galer continued his punishment into 1780 when he was again forced to pay bail to maintain his recognizance “during the continuance of the present war with Great Britain.”<sup>122</sup>

James Esman, Robert Ferguson, Mattice [Martinus] Galer, and Christopher [Stoffel] Galer do not reappear in the *Minutes*. Henry Salsbury only re-enters the picture in 1780 when he is a witness for a man accused of disaffection.<sup>123</sup> Moses Dorman [Mose Dormen] apparently was released after his initial confinement in April 1778. He is mentioned by Isaac Lamb as having persuaded him to join Burgoyne’s army in 1777 and then encouraged him to stay in New York City during the conflict. But the Commissioners did not re-call Dorman to testify about this behavior. Lamb on the other hand, had to have two bailers and was released on a £2000 bail, one of the heaviest fines in the *Minutes*. In Dorman’s case the suspicions against him were true but the *Minutes* do not reveal if the Commissioners had discovered this for themselves in 1778. By the lack of an entry, I assume not. All financial transactions seem to be recorded, so if Dorman was released on recognizance it should have been entered into the *Minutes*. For most of the Galer men and Salsbury, they were fortunate to be brought in to the Commission so early in the war because as the conflict progressed the Commission regularly required recognizance.

David Michael [Davis Michel] is an anomalous case. When he was brought in with the Galer men on April 16, 1778 he was probably confined for disaffection or suspicion of Toryism. On June 17 the Commissioners state that he “confined on Suspicion of being concerned in the Murder and Robbery of John Van Ness.”<sup>124</sup> Usually an explicit description of such a large accusation was recorded but for some unknown reason the charge of murder was not entered until Michael’s release. He apparently was tried by a jury and acquitted. Jurie

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<sup>121</sup> Paltsits, ed. *Minutes*, 165.

<sup>122</sup> Paltsits, ed. *Minutes*, 463.

<sup>123</sup> September 17, 1780. Paltsits, ed. *Minutes*, 534-535.

<sup>124</sup> Paltsits, ed. *Minutes*, 147.

Michael, a relative, posted a £200 surety for David's release. David and Martin Galer were both required to post a new surety in 1780.<sup>125</sup>

The example above is one case where a group of people who appeared together took divergent roads. It was a consistent practice of the commission to list men brought in under the same charge for the same crime. Yet each man took a divergent path and received different punishments. In some cases the wide net cast by the Commission actually caught real Loyalists, but arguably most were not actively pursuing a subversive agenda.

Another method of controlling the Albany population was spatial control of the social sphere. In some situations, a recognizance was coupled with physical restrictions on the person in addition to mandated appearances before the Commission. Intuitively, one would look for evidence that physical restrictions meant a higher degree of disaffection or a more substantial threat to the community but the actions of the individual and the board cannot be directly related to the style of punishment. For example, "Simeon Griggs of Half Moon having attempted to go to Canada and join the Enemy and having been apprehended" and was released to his father on recognizance. His father asked that Simeon be allowed to enter into the local militia as insurance on his "future good Conduct." The Commissioners acceded to the request and required him to appear before the board when they called for him. In addition, he was to remain "within the Limits of the District of Half Moon unless when called upon to do Militia duty which [sic] recognizance to be in full force during the Continuance of the present war with Great Britain."<sup>126</sup>

In a similar case, David Van Shaack reappears in October 1778, after he had already been charged with removal from Albany to New York City, due to his disaffection. Governor Clinton intervened and the Commission decided to "draw up a parole" where Van Shaack could "forthwith repair to Schodack and there remain and abide by such restrictions" as the

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<sup>125</sup> Paltsits, ed. *Minutes*, 463.

<sup>126</sup> July 3, 1780. Paltsits, ed. *Minutes*, 446-447.

parole defined.<sup>127</sup> If Van Schaack were to leave the bounds of his parole his neighbors would surely inform on him. In May of the following year, he petitioned the board for “Permission on Account of his Ill State of Health to ride on Horseback a Mile or two beyond the bounds prescribed him by his parole.”<sup>128</sup> The board resolved to consider his request at “some future day.”<sup>129</sup> Three weeks later, the lawyer for David Van Schaack’s deceased father petitioned that David be allowed to come to Kinderhook to settle the estate. Again, the Commission resolved to postpone a decision.<sup>130</sup> In June, the Commission allowed him to go to Kinderhook.<sup>131</sup> Just because Van Shaack had curried favor with Governor Clinton did not mean that the Commission was willing to cede its right to punish people on the local level. While clearly respecting Clinton’s request the Commission did not go out of its way to accommodate Van Shaack. Throughout the remainder of the war the board often refused to cede their local power in any real sense, especially in the case of the Van Shaacks’ who were notorious Loyalists with many Whig connections.

The function of the recognizance was twofold—on the one hand, it meant the accused person was vouched for and now another person was responsible for his behavior. It also meant the bailer had declared his loyalty to the state. Recognizance was based on trust and trust could only thrive in personal relationships. At this juncture the Commission had shored up its ability to force people to take oaths and then regulate other people’s behaviors. The state had gained a measure of power and legitimacy by creating a situation where the populace enforced normative behavior. And at the same time the state was now collecting money from the population to fund its growing power in the area. The recourses obtained funded the Commissioners, Rangers, and larger patriot movement in New York.<sup>132</sup>

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<sup>127</sup> October 30, 1778. Paltsits, ed. *Minutes*, 269.

<sup>128</sup> May 8, 1779. Paltsits, ed. *Minutes*, 339.

<sup>129</sup> May 8, 1779. Paltsits, ed. *Minutes*, 339.

<sup>130</sup> Paltsits, ed. *Minutes*, 350.

<sup>131</sup> Paltsits, ed. *Minutes*, 352.

<sup>132</sup> Paltsits, ed. *Minutes*, financial appendix, 802-837.

## Exile and Enemy Lines

Removal to the enemy's lines was a practice in effect from the beginning of the war until the end. In the early stages of the war, as allegiances formed out of the nebulous politics, some people chose to join the local militia and some to join the British troops. The ability to define one's own allegiance was more fluid in the earlier years especially before the Commission and the state solidified its rights and powers. The following passage demonstrates where the abilities of the Commission lay on May 15, 1778.

Respecting the Situation of the Families in Argyle<sup>133</sup> who have returned to the respective Habitations and are under a Tie of Nutrality [sic] to the British King[.] it is the Opinion of this Board that their Numbers are too large to be removed or dealt with in a rigorous Manner[.] therefore as Humanity has always been a particular Character of the Americans and Freedom incompatible with using Severity to Woomen [sic] and Children who otherwise might be culpable for the Crimes of their Parents & Husbands[.] it may be justifiable in the Opinion of this Board to cause the said Delinquents (who have been regardless of their Country's Freedom & destitute of Feeling for their Posterity) to come before them and represent to them their Crimes and the Difficulties that will attend their being reinstated in the Benefits and Priveledges that every faithful Subject will enjoy under a free Constitution[.] also to enquire if any have engaged to take up Arms against the united states & finally to take an Oath of Nutrality from them in Behalf of the States whereby they must engage if possible to give every Aid and Assistance in their Power to the states excepting bearing Arms[.] and by no Means give or cause to be given any Aid or Comfort to the Enemies of the States but from Time to Time give such Intelligence to the Authority of the State as may come to their Knowledge respecting all and every Transaction as may come to their Knowledge of the Enemy[,] their Emissaries[,] Aiders[,] Abettors or Spies[.]<sup>134</sup>

This passage provides several insights to the Albany commission's perception of itself, the larger struggle the Commission felt a part of, and its ability to legislate and govern the people in the county. First, the Commission's discussion of the "American Character" highlights the psychological core of a body that was trying to create unity and positive identification across ethnic and religious diversities. The Commission argues that Great Britain would never welcome people who previously were loyal to the other side back into the fold, but New York

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<sup>133</sup> Argyle, New York, is about 60 miles north of Albany. It was part of a larger Scotch Patent, most immigrants had only settled there in the 1760s. Most of the Scottish settlers were Loyalists and/or Vermont separatists.

<sup>134</sup> Paltsits, ed. *Minutes*, 117-118.

would, and the state would even exempt them from military service because the new state is so understanding of their previous loyalties. Not only was the American character different from the English character, posits the Commission, but the foundation of freedom was a protective Constitution. Here, one sees the language of political persuasion in action. The board, in other words, was portraying itself as driven by ideal that would not be abandoned under the stress of war.

The wording of this passage also exemplifies the early notion of what the inhabitants of New York were going to be—subjects; the Argyle residents were to be incorporated as “subjects.” Citizenship as a concept had not been fleshed out in 1778, but by the end of the war, the Commission had formed a citizenry out of former British subjects. Most importantly, this passage reveals the limitations of the New York state government in 1778 and the Commission’s ability to enforce the Patriot government’s legislation on the ground. The Commission decided that the resident’s “numbers were too large” to move or to punish effectively. The Commission did not have enough manpower to confiscate the land and remove the inhabitants to the enemy lines. Nor did it have enough influence in the county in the spring of 1778, to allow the other residents to socially ostracize the Argyle residents. The other tactics, such as recognizance, bail, and oaths were just beginning to be implemented in a regular fashion. Exile at the start of the war was more difficult to enforce while the Patriot government was just beginning and the citizenry was not fully allied with the American mission. At this point in 1778, a lax oath, one that just required neutrality, inaction, and no demonstrative loyalty to New York was the best the Commission could order, but as noted above, the oath would be a powerful force in the new society.

Removing the most blatant offenders of the American Cause to the enemy lines was not the only type of exile the Commission undertook. They also banished people from their home communities. The community was the core of the person’s life—his or her family, reputation, and livelihood was in this geographic space. If an individual was removed from this society his or her’s sphere of influence collapsed. In one case, the Albany commission

was a recipient of a banished person. “Received a Letter from the Commissioners of Charlotte County informing that they sent to us under Guard William Moffat who was last Summer with the Enemy and whose remaining there may prove dangerous to the Safety of the State.” He was ordered into recognizance in Albany, confined to the city, and “to behave himself in a becoming Manner.”<sup>135</sup> In most cases the Commission did the banishing.

The Commission banishments revolved around legislation such as the *Act to enable the Persons administering the Government of this State for the Time being, to remove certain disaffected and dangerous Persons and Families*. This act was passed in April 1778 and allowed any government committee to remove people to another location in the state, and sell or rent their lands with the proceeds going to Patriot coffers. The act also states that wherever the disaffected were moved they would not be allowed to become residents of their new counties, effectively disenfranchising them.<sup>136</sup>

In addition to banishments, people applied for permission to leave the Patriot territory. In early October 1778 three women, for example, approached the Commissioners and asked permission to leave the county for British territory.

Mrs. McDonald and Miss McDonald of Johnstown appeared before the Board and requested from us Permission to go the Former to New York to the Latter to Canada... The Board having taken the above Request into Consideration and judging that it would be more beneficial to the State to permit the said Mrs. McDonald & Miss McDonald (whose Husband and Father are gone over to the Enemy) to go there also than to keep them here do order it that it be recommended to General Stark to grant them Passes for the above Purpose.<sup>137</sup>

Mrs. Sarah McMichael appeared before the Board and prayed that a Pass might be granter her to go with her Family to New York and as a Reason to induce us to grant her such Permission she alledged that one of her Sons is in New York and that she looks upon him as her greatest Support... a certificate granted her signifying this Board having no Objections to her going to New York with her Family.<sup>138</sup>

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<sup>135</sup> July 29, 1778. Paltsits, ed. *Minutes*, 183.

<sup>136</sup> Paltsits, ed. *Minutes*, 781.

<sup>137</sup> October 1, 1778. Paltsits, ed. *Minutes*, 249.

<sup>138</sup> October 3, 1778. Paltsits, ed. *Minutes*, 252.

These women, and others, were able to leave Albany because they would be a burden to the British army, and their husbands, and would further strain the limited resources of the occupied territory. In addition, New York State confiscated their property and assets. The effects of banishment in the locality were even greater. The Commission kept a list of all people who had gone to the enemy, were suspected of having any interaction with the enemy, or behaved in a suspicious manner. The threat of banishment bifurcated society by involuntarily firming the Albanian's allegiances. The Commission was exercising its growing power, delineating the bounds of community by exorcising the unwanted elements. The apex of the Commission's power lay not just in their ability to re-shape the community from within but in its authority to decide who could be in and outside of the community.

Even when observing European war etiquette, the Commission managed to burden the enemy. For example a prisoner exchange on October 15, 1778, also included disaffected exiles.

Alen McDonald Appeared before the Board and requested Permission to go to Canada and it appearing to us from his own Information that his Relations who are with the Enemy are Men of Influence and as such have it in their Power to procure some Person to be exchanged for him...<sup>139</sup>

Prisoner exchange may seem equal but with every flag of truce the Commission sent more women and children with the British officers. So for every one enemy officer sent back to aid his army, a few newly impoverished families, were sent along to burden the British.

Earlier in the war the Commissioners equivocated about sending women to be with their enemy-combatant husbands. In 1778, for example, "Mrs. Debby Wall [who] appeared before the Board and applied for a Pass to go to Unadilla to her Husband" was rejected. The Commission responded "that she be informed that no permit or Indulgence can be given by the Board to any part of a Family whereof the Husband or Master has so far deviated from humane principles or to associate with Barbarians & assisting in Imbruing his Hands of the

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<sup>139</sup> October 15, 1778. Paltsits, ed. *Minutes*, 258.

Blood of Women and Children and peaceable Inhabitants.”<sup>140</sup> But soon it became apparent that the punishment was really on the state of New York for keeping these families. Within a month of Mrs. Wall’s application, “Mrs Wrag of Fort Miller, Catharina Rederpach and Mary England whose husbands are at this Time with the Enemy at Canada made Application to the Board for Permission to go to Canada with their Families.” What influenced the Commission’s change of policy was that “those Women are become chargeable to the Districts in which they severally reside and that they together with their Families are subsisted at the Public Expense.”<sup>141</sup> In this case, the Commission faced the reality of the war before state legislation could address it. In this way the committee system was a dialogic enterprise, where local and state governments mutually reinforced their legitimacies, by relying on each other to alternately enforce and create new legislation to reflect local, or regional, realities.

1780 was arguably one of the worst years in the American war for independence. The British were particularly successful in the Southern theater, destroying an American army at Camden, South Carolina at the same time they continued to occupy New York City and a rise in Loyalism and disaffection occurred in New York’s countryside. Even symbols of American power and success, such as Robert Morris, a fundraiser and banker, and Benedict Arnold, although his most heinous crimes were yet to be uncovered, were being scrutinized in early 1780.

As New York became war weary, some people switched sides and others withdrew from the conflict. Out of this atmosphere of stress and turmoil came the passage of the *Act for the Removal of Families of a person who has joined the Enemy*, passed on July 1, 1780. The legislature noted “great mischiefs do arise” when disaffected persons were allowed to be “concealed and comforted by their respective families.”<sup>142</sup> The Justices of the Peace for each ward in the district were told to give the wives of disloyal men twenty days to go to the enemy lines. The women were not to take any children above the age of twelve with them. If the

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<sup>140</sup> August, 31, 1778. Paltsits, ed. *Minutes*, 220.

<sup>141</sup> Paltsits, ed. *Minutes*, 237-239.

<sup>142</sup> Paltsits, ed. *Minutes*, Appendix, 794.

women did not depart within twenty days they were no longer to be considered “out of the Protection of the laws of this state; and shall be liable to be proceeded against as Enemies of the Unites States.”<sup>143</sup> Threatening these women and their families with charges of treason appears on the surface to have been harmful to the American cause. Women were not considered independent members of the society, and were viewed as part of their husband’s property. Yet the state held them and their families responsible for their husband’s political affiliations. Although for the protection of women, the state legislature did allow those who “procured permits to remain at their respective habitations” from any three of the Commissioners, the commissioners were only instructed to give permits to women who “they may esteem of good character and not dangerous to the Liberties and Independence of this, and the United States.”<sup>144</sup>

By 1780, the Patriot government was strapped for cash and the Continental and local militias lacked adequate manpower. The state government wanted to prove both that it could claim the land and the allegiance of the people who supported it and could remove those who opposed it. 1780 was not the first time removals were ordered for disaffected people but it was the first time a cohesive effort was made to consolidate the Loyal population and clamp down on the Patriot community. In the minds of the New York state legislators, the military exigencies of the situation required that all people who were American submit to the American cause and all others who did not respect this government had to be excommunicated to keep the Independence movement afloat.

### **Efficacy of Tactics**

The Patriot government was deeply rooted in the community from which it originated but it possessed a different political framework and agenda from the royal

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<sup>143</sup> Paltsits, ed. *Minutes*, Appendix, 794.

<sup>144</sup> Paltsits, ed. *Minutes*, Appendix, 794.

government. The terms of the commission's power were negotiable. Although the Commission was engaged in molding a new society, it had to obey certain social norms that were historically and morally foundational. Some based on common perceptions of human decency did not change—removal from prison for illness or death or to support a destitute family were routine procedures. These elements were integral to the fabric of society and preventing a person from performing basic functions would have been unacceptable.

Sometimes men were released from prison to care for a sick relative, conduct familial business, or to go back to work so their families would not fall prey to poverty. On August 2, 1780 “Andries Stoll who was some time ago committed to Gaol as a dangerous and disaffected person was brought before the Board and we having certain information that his wife is in a very distressed situation without the benefit of any aid or assistance and expecting shortly to be brought to bed... released [Stoll] from his Confinement.”<sup>145</sup> Of course he was released on a £200 recognizance to his neighbor and had to take an oath of allegiance, but he still was able to attend his wife. A Dr. George Smith had been confined to his house in Albany because of his “disaffected character” but since he was a doctor—an occupation that required travel in order to be an effective service provider—he petitioned the board to consider the “distressed Situation of his Family by means of his being confined to his House.” He was released in recognized, confined to the Albany city limits, and ordered not to have correspondence “upon Political Matters during that Time which may in any manner be prejudicial to the United States.”<sup>146</sup>

On September 19, 1778 the Commissioners recorded, “It having been suggested to the Board by the Gaoler that Mrs. Cole is very Ill and that her Life is greatly endangered by Reason of her Confinement—Ordered that she have Permission to remove to some House in the City until she shall again have recovered her Health.”<sup>147</sup> Four days later, the Commissioner released Peter Wheeler to his brother because he was sick. The same day the

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<sup>145</sup> Paltsits, ed. *Minutes*, 478.

<sup>146</sup> November 6, 1780. Paltsits, ed. *Minutes*, 561.

<sup>147</sup> Paltsits, ed. *Minutes*, 237.

Commission recorded “Daniel Price a prisoner now confined...has lately received a Fall on his Breast which it is supposed will be the Occasion of his Death.”<sup>148</sup> Price was released on £400 bail and ordered back to jail by September 29, if he did not die. Men like Daniel Price was not unique—others such as, “Paul Drew who was some Time since sent to the Hospital is so well recovered from his Illness that he may with Safety be again Confined.”<sup>149</sup>

Occasionally the Minutes reveal cases of a humane nature. Although the political and military situation precipitated enormous suffering some people remained considerate in their treatment of others. John Bratt [Bradt], a farmer from Hellebergh, was confined for allegedly allowing a Tory to visit his home. On September 1, 1780 he petitioned the board for release: “On account of his age & infirmities that he be released on his taking an oath not to comfort or aid or assist any of the enemies of the United States and to make known to us all persons coming from the enemy who secrete themselves in the woods.”<sup>150</sup> He was released to two friends for £300 and required to report to the board until the end of the war. If age and infirmity could get a person out of jail, then insanity could get a man out of jail free. On September 6, 1780

John Johnson of the State of Connecticut appeared before the Board and laid before us a letter from Col. William B. Whiting of Kings District wherein the said Col. Whiting request's that Samuel Johnson who was the other day confined by Mather Adgate Esqr. For dissuading the inhabitants of this State to take up Arms in defence of the Country may be delivered over to the said John Johnson his Brother as he believes of the former character of the said Samuel Johnson that he is at present Insane.

Samuel Johnson was released without bail to his brother but he was “cautioned against coming in this State whilst he persists in inculcating such dangerous and destructive Principles.”<sup>151</sup> The hand of behavioral control was tempered with adherence to normative cultural behaviors.

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<sup>148</sup> Paltsits, ed. *Minutes*, 239.

<sup>149</sup> Paltsits, ed. *Minutes*, 242. He was recommitted.

<sup>150</sup> Paltsits, ed. *Minutes*, 512-513.

<sup>151</sup> Paltsits, ed. *Minutes*, 517-518.

A noticeable shift in the boundaries between private behavior and the state-regulated public conduct occurred in 1779. Previously, disaffection and proximity to the enemy were reviewed in terms of the plausibility of the person having assisted the British or Indian allies or having knowledge of their actions. Familial correspondence was sometimes reviewed by the Commission but in general was allowed to continue. This policy was in conflict with removing people for being related to a Loyalist. The reasons why some activities were allowed or some people were permitted to perform them and others were not remain unknown. There was a turning point in late 1779 when familial correspondence became suspicious and new regulations were placed on this type of contact with the enemy.

The new action taken against familial correspondence was precipitated by complaints from local Albanians.

From the frequent complaints which are exhibited to this Board that the wives of such disaffected Persons who are gone over to the Enemy daily harbour Persons who through fear of being punished for their Crimes against the State conceal themselves & their holding Correspondance with their Husbands[.] it is conceived necessary that some mode should be adopted to prevent this evil...<sup>152</sup>

Soon correspondence was a restricted part of the recognizance punishments and ordinary people like the Church family of Brattleborough would come under suspicion. A warrant for Timothy Church, Jonathan Mills Church, and Comfort Joy Church was issued because they “have held a Correspondence and kept up an Intercourse with a certain Oliver Church now an Officer in the British Army.”<sup>153</sup> Timothy was a captain in the local militia, Jonathan Mills seems to have been pro-American, and his other relative who was called to testify—Jonathan Church—was a lieutenant in the Cumberland County militia. Apparently they were keeping in touch with their brother. Hence, the Committee put them on recognizance for the rest of the war on their “good behaviour” which now meant no correspondence with Oliver.<sup>154</sup>

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<sup>152</sup> April 12, 1779. Paltsits, ed. *Minutes*, 327.

<sup>153</sup> October 17, 1780. Paltsits, ed. *Minutes*, 549.

<sup>154</sup> October 30, 1780. Paltsits, ed. *Minutes*, 559.

The Commission's methods of social control were successful because they effectively identified and removed the challengers to its authority. Similarly, the Commission had deepened its hold on the community, encouraging constituents to inform on one another. The Church family, for example, was turned into the board by a neighbor. As the components of recognizance were enforced upon larger segments of the society the Commission reaped the rewards of an acquiescent population. The governing structure was legitimate because it was a constitutionally legislated body and because the constituents were beginning to view it as such.

By October 1778, Albany county residents were sharply divided and they recognized that one disaffected character could bring suspicion upon the whole community. The community was an intertwined network of kinship and personal relationships, and one person could easily bring down many by association.

A Petition was laid before the Board signed by a Number of Persons living at Spencertown wherein they set forth that Thomas Clark who was some Time since discharged from Confinement by us is a Person who from his Conduct last Year in going to the Enemy has rendered himself so odious to the Inhabitants of that District that they are determined not to let him remain among them, that his Behaviour since he has been liberated from Confinement in associating with Persons who are notoriously disaffected has given them further Cause for Disatisfaction and praying us we may order the said Thomas Clark to be again imprisoned.<sup>155</sup>

This example illuminates the nature of the power of the Commission to get others to police the community. It also reveals the limitations of the power of the oaths, and recognizance to re-shape the minds of those who were Loyalist. A steadfast Loyalist would remain so regardless of coercive action and the board could do little to determine the sincerity of the professed beliefs at its examinations other than to rely on the community members to vouch for the examinee or to corroborate the accusations.

Unfortunately for the inhabitants of Spencertown the Commission decided that it was "altogether Inconvenient to confine the said Thomas Clark" due to disease

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<sup>155</sup> October 2, 1778. Paltsits, ed. *Minutes*, 249.

and overcrowding in the Albany jail. But they did order that Clark “make such Concessions to the Inhabitants of that District as they shall think proper to require of him and that it be recommended to the Inhabitants of the said District to consent to his remaining among them on his making the said Concessions.”<sup>156</sup>

This type of petition was frequent as the war progressed. In November 1778 a tavern keeper named Aron Drummond was called “a Person disaffected to the Cause of America.” Apparently, the “worshipful John Barclay esqr.” presented papers to the Commissioners given to him by “George White esqr. and a Number of other Persons setting forth” this accusation. They “praye[ed] that he may not be permitted any longer to keep a Tavern.”<sup>157</sup> This petition was taken under advisement but no decision was recorded in the *Minutes*.

Communal surveillance was taken seriously, both by those watching their neighbors and by the Commissioners. For example, in December 1780 an “anonymous letter directed to the Commissioners for Conspiracies was laid before the Board setting forth that John Cobham is a Dangerous Person and that his going to the Northward gives great Reason to suspect that he Conveys Intelligence to the Enemy.” Based on that letter alone “on no pretence whatever” would Cobham be allowed “to leave this City.”<sup>158</sup> During the war idle gossip was interrogated, as each piece of knowledge about any person’s movements, commercial activities, or religious gatherings could be a time to exchange information related to war activities.

There were Commissions for Detecting and Defeating Conspiracies in all of the states working within the committee system, both locally and across the former British colonies. Within New York the spread of Patriotism due to the Commission’s activities in Albany County meant that as the recognizance networks widened, the need for consistent and evenly applied justice was demanded of the Patriot government. On July 15, 1780 the Albany

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<sup>156</sup> Paltsits, ed. *Minutes*, 248.

<sup>157</sup> Paltsits, ed. *Minutes*, 279.

<sup>158</sup> Paltsits, ed. *Minutes*, 594.

Commission decided to “open a board at Newtown” because some inhabitants had complained about lawlessness. The Albany Commission further observed that it would “bring them [Newtonians] to a sence of their duty and to confine such of them as are most dangerous.”<sup>159</sup> Although the Commission had previously noted the high numbers of Loyalists in that area, it waited until the town residents asked for a governing body. The quest for legitimacy was making a subtle transition from rebel tactics to respected body; the transition from extra-legal to legal had to occur in the minds of the area residents as well as in the structure of the governing community.

As the powers of each commission grew locally they were able to enforce other board’s decisions, making a network of overlapping Patriot strongholds the basis for interstate loyalties. In addition to other commissions operating in New York, the Albany board maintained correspondence with Pennsylvania and Connecticut Patriot governments and conspiracy commissions. As early as November 1778 the Albany Commissioners received a letter “from the honorable Mathew Greswold Esqr. Lieutenant Governor of the State of Connecticut... wherein he informs us that pursuant to an Order of this Board Bethuel Huntley had appeared before him.”<sup>160</sup> Through a complicated system of character certificates, all travelers had to obtain passes to move about the country. Once a person left his home territory, out of the eyesight of his neighbors and local government, he immediately became a suspected Loyalist. Traveling was discouraged, enforcing patriot authority to govern those who stayed. For those who moved about accountability to other Patriot Commissions increased the power and legitimacy of the local board to direct an individual’s behavior.

It is unquestionable that there were conspiracies against the American War for Independence and local Patriot governing bodies. Tories did lurk about in women’s clothes concealed by New York loyalists,<sup>161</sup> Quakerism was a cover for political dissuasion,<sup>162</sup> and

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<sup>159</sup> Paltsits, ed. *Minutes*, 460.

<sup>160</sup> Paltsits, ed. *Minutes*, 281.

<sup>161</sup> Paltsits, ed. *Minutes*, 563. “John Docksteder of Tryon County did last Spring take into his House a wounded Soldier of Sir John Johnson’s Party and that he did after the said Soldier

men were hiding in the woods to avoid conscription.<sup>163</sup> All of these actions reveal challenges to the authority of the authorities in Albany.

The Commission was a crucial mediator between the state congress, the continental congress, and the people of New York. To create the new state, this body had to re-frame the manner in which the inhabitants of New York viewed themselves as they transitioned from subjects of England to members of a new state, and citizens of Albany. The process of subjecthood to citizenship in Albany was coercive; the limits of voluntarily allegiance were clearly demarcated as the Patriot government went from de facto rebel organization to a viable, legitimate government. Importantly for historians of the American Revolution, this process of forced oath-taking, recognizance, and communal surveillance was not limited to Albany, New York. The *Commission for Detecting and Defeating Conspiracies* in Albany County reveals a dialogic model for early nation-state creation in which local committees played a central role in creating and replicating structures of power and legitimacy.

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was recovered for some time keep him in his House in woman's Cloath's until he made his Escape to Canada..." November 8, 1780.

<sup>162</sup> Paltsits, ed. *Minutes*, 564. "A Number of disaffected Persons have of late associated back of Cooksackie under a Pretence of worship but that he is well persuaded from the Political Characters of the said persons and other Circumstances that such meetings are only held to Deliberate upon such Matters as may tend to injure the American Cause." November 9, 1780.

<sup>163</sup> Paltsits, ed. *Minutes*, 587. "Peter Waley of the Hellebergh is a disaffected Person and that he conceals himself in the woods to Escape doing Militia and other Duty." November 27, 1780.