THE NETWORKS OF JOHN JAY, 1745-1801: A HISTORICAL NETWORK ANALYSIS EXPERIMENT

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ABSTRACT OF DISSERTATION

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ABSTRACT

Studies of American revolutionaries often focus on their ideologies and politics, and while this approach is quite useful, the actions of this cohort can also be understood in terms of social networks. Recent works on the founding fathers, while employing the literature of social history, are still biographies that make men the center of the narrative and often ignore larger social trends. An important figure among revolutions, John Jay, provides an opportunity to look beyond biography and instead focus on the networks in which he was engaged. This approach allows for a more expansive view of how individuals and events together shape history. This project also examines the transatlantic realities of the American Revolution, and the founding of the United States.

I argue that Jay understood the value of these networks, and used them to his advantage. This dissertation reconstructs the social networks of John Jay from his graduation from King’s College in 1764 to his retirement from politics in 1801. I use formal network analysis and visualization tools to create network models, specifically egocentric networks, in order to understand the web of relationships that defined Jay’s world and influenced history. The formal investigation of Jay’s networks offers an opportunity to examine his manipulation of those networks.

Many of the benefits of applying social network analysis were not unexpected. People and groups that had previously been marginalized or trivialized were highlighted as integral to Jay. This work sheds light on the significance of these individuals who influenced Jay throughout his career. Another important result of this approach revealed that no singular individual was responsible for writings, ideas, and events. Using network theory, it became clear
that the instructions that Alexander Hamilton gave to Jay for this peace mission were, in fact, created by a number of Federalists in private discussions before the meeting. Network theory also helped to clarify Jay’s agency in the negotiations themselves.

Several limitations of applying network analysis to historical study were revealed in this research. The datasets are large and require an extensive amount of investigation. Applying network data analysis to historical research challenges the writer to integrate both into a coherent understanding of the impact of relationships and events. This approach is fairly non-traditional among academics, but the practice of integrating social network analysis into historical study is a worthy pursuit.
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INTRODUCTION

In the twilight of his life, John Jay addressed a letter to his son, William, who was writing a biography of his father. Jay recounted the family’s history from his Huguenot ancestors’ escape from Catholic France to his father’s success as a New York merchant.¹ Before beginning the dramatic and glorifying tale, he took a moment to reflect:

It becomes us to be mindful that the great Creator has been pleased to make men social beings; that he established between them various relations, and among others, those which arise from consanguinity; and that to all of these relations he has attached particular corresponding duties. These relations and duties promote the happiness of individuals and families; they pervade and harmonize society, and are subservient both to the public and personal welfare.²

In his reflection, Jay described the eighteenth century ideal of community: a utopian vision of the world where “every person has his proper sphere and is of importance to the whole.”³ It was a potent concept that for centuries had justified the hierarchical structures of monarchical government that the American Revolution ultimately challenged.⁴ While historians and sociologists have attempted to describe this complex community, or social network,⁵ few have attempted to understand the way historical actors understood, perceived, and utilized their social


² William Jay, The Life of John Jay with Selections from his Correspondence and Miscellaneous Papers (New York: J&J Harper, 1833), 1: 2. (henceforth cited as LJJ)


networks.\textsuperscript{6} Today, with the current emphasis on social connectivity and globalization, we see ourselves as having a unique awareness of our social networks and understanding of the interconnectivity of society. But as Jay’s reflections remind us, the people of the eighteenth century also thought in terms of community and felt angst over belonging to a “Social Set.”\textsuperscript{7} Often lost in discussions probing the motivations and ideologies of the revolutionaries is the influence of family, friends, and acquaintances, the self-awareness of these influences, and the significance of these interactions. It is not enough to understand the actions of the American revolutionaries in terms of ideology and politics; their actions must also be understood in terms of their relationships. To recognize the full impact of the revolution on John Jay and his influence on the revolution, we must ask: What did John Jay’s social network look like? How did John Jay understand and interpret his networks? And, how did these networks influence John Jay?

To truly understand the extent to which relationships shaped Jay, it is necessary to go beyond the simple networks that historians have traditionally examined. To many historians, these networks are constructed artifacts of historical research created by researchers as they attempt to make sense of their sources. Therefore, in this metaphoric representation, networks are not concrete; they are part of a superstructure that unknowingly influences the historical actor and structure in which the historian alone is privileged to see. But, if these networks are


\textsuperscript{7} Bradford J. Wood, “For Want of a Social Set,” 47.
considered real, then not only is it necessary to seek out and consider the entire network, but it is also important to understand the way in which the historical actor understood the network. In this dissertation, I have attempted to reconstruct the networks in which Jay existed and to examine how they influenced him and the events of the revolution and founding of the United States. I also argue that Jay understood the value of these networks, and how to use them to his advantage.

The founding of America deserves to be examined within the network paradigm. This approach allows one to track the way social forces in general, and relationships in particular, shaped the thoughts and actions of the American revolutionaries. My dissertation reconstructs the social networks of John Jay beginning with his graduation from King’s College in 1764 until his retirement from politics in 1801. To do this, I used formal network analysis and visualization tools to create network models, specifically egocentric networks,\(^8\) in order to understand the web of relationships that defined Jay’s social world. Using a network perspective can help to unravel the manner by which these networks shaped Jay’s understanding of the world in which he lived.

The formal investigation of Jay’s networks also offers an opportunity to examine Jay’s manipulation of those networks. As Jay began to see himself as a revolutionary, he forged new relationships that solidified his revolutionary image. His networks expanded into Europe when he served as minister to Spain and as a negotiator in Paris. The networks he forged in Europe shaped his understanding of America’s position in the world, which in turn helped to shape the Federalist worldview as he engaged in political exchanges with other friends and compatriots.

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such as George Washington and Alexander Hamilton. Examining these foreign networks highlights how Jay attempted to establish himself as a “philosopher statesman,” in the manner of Benjamin Franklin, Edmund Burke, and Anne-Robert-Jacques Turgot, as well as how Jay actively established new relationships with European intellectuals.

Jay provides a particularly apt opportunity to apply network methods and to answer these inquiries – how did Jay’s networks shape him into a revolutionary? To what extent did the Revolution alter Jay’s networks? And, how did Jay use his networks to reflect his societal aspirations? Jay is an ideal candidate for several reasons. First, his papers are well-suited for a network study. The John Jay database, hosted by Columbia University, has been in the process of digitizing and cataloging all papers related to John Jay. Network studies are predicated on the availability of a large, significant amount of data, and the Columbia project offers a starting point to construct such a network. Beyond this practical concern, Jay provides a particularly interesting case. Jay is a member of the “young men of the Revolution” whose lives were shaped by the Revolution. His political career spans the period from the Stamp Act and the beginnings of the American resistance to 1801, and the election of Thomas Jefferson. It follows that if the Revolution had a profound social effect, it would be articulated in the social networks of the members of this generation. Finally, although Jay, an elite, is not representative of American society, he existed within and was molded by the general culture. Gordon Wood argued that “elite thinkers are only refined extensions of other more popular thinkers in the culture, and, like ordinary thinkers, they have to be understood in relation to the context – the cultural and social

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circumstances – of their time.”

The network perspective supports the notion that an individual is unknowingly shaped by the multitude of relationships encountered.

While historical network studies have proliferated in the field of medieval and modern European history, the use of network research in early American history has lagged behind. There has, however, been excellent work done using network analysis in what has come to be called “community” studies. The first, and a fine example, of the use of these methods is Darrett and Anita Rutman’s *A Place in Time*, following the growth of a Virginia village from 1652 to 1750. In *A Place in Time*, the Rutmans reconstructed an early American settlement by showing both day-to-day practices alongside a representation of the town’s networks. They found that the observational research of the town and the network analysis reinforced conclusions about each. For example, they found that geographic realities (e.g., a river) explained certain structures within the network. They also found that the network exposed connections that did not exist in the historical record. *A Place in Time* is a prime example of how network analysis and traditional historical research methods are compatible and reinforce one another. While the Rutmans’ study was well received, it attracted few followers.


The Rutmans’ work, and the few network analysis studies that followed it, focused on the use of whole networks to analyze a defined geographical place (i.e., Middlesex, Virginia). These community studies employed network methods as a way to overcome the lack of primary sources in order to gain a fuller understanding of how a small community functioned in Early America. Early American historians have yet to ask how individuals understood their own networks. Peter Bearman introduced this question in the study of an Early Modern English community in Norfolk, where he showed that subjective claims of kinship were more important than the researcher’s objectively constructed ties based on bloodlines.\(^{14}\) This focus on an historical actor’s perspective can be taken a step further by introducing the use of egocentric networks to recreate and analyze how that actor, in this case John Jay, viewed his network.

While this project is not a biography of John Jay, a better description for the study is a network biography, it will provide a much-needed interpretation of the life of this important founding father who has been virtually excluded from the recent increase in interpretive work done on his contemporaries. Jay continues to elude the spotlight of popular history because he did not fit the preferred founding father mold. He was not an outspoken revolutionary, he did not sign the Declaration of Independence, he did not help frame the Constitution, he was not involved in a scandal, nor did he have glaring character flaws. In the past century, only four biographies have been written on Jay, and interpretations of his historical legacy have changed.

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\(^{14}\) Bearman, *Relations into Rhetorics*. 
very little.\textsuperscript{15} In general, Jay is portrayed as a strong aristocrat who looked to maintain the American aristocracy, and his career is often praised and criticized in the same breath. Jay is celebrated as a visionary and skilled negotiator while at the same time he is criticized for the Jay Treaty, which historians have seen as an attempt to force the United States into an equal and inferior relationship with Great Britain. And while Jay’s roles in the revolutionary government as a negotiator in the Treaty of Paris and as the first Chief Justice of the Supreme Court have received some attention, his role as Secretary for Foreign Affairs has been almost completely neglected.\textsuperscript{16}

The beginning of the twenty-first century brought a flourish of work on the founding fathers – a phenomenon labeled “founder chic.”\textsuperscript{17} Along with this growing interest in the “founding period,” and the founders, arose a debate over the status of early American historical scholarship. Many historians of political culture, David Waldstreicher being the most vocal among them, critiqued what they saw as a harmful step backward for social and cultural history in the growing adulating writings about the founding elite. Joseph Ellis led the charge against these critics, suggesting that the scholarly community had either willfully downplayed the role of the founders for political reasons, or ignored them in an attempt to sidestep sticky political


\textsuperscript{16} One exception is Michael McShane Burnes, “John Jay as Secretary of Foreign Affairs, 1784-1789” PhD diss. (Chapel Hill: University of North Carolina Press, 1974).

issues. Closer examination reveals little reality to these characterizations. Instead, the so called “founder chic period” echoed the same gradients of arguments about the founding as had scholarly work since the 1950s. While some attempted to disparage, and some attempted to glorify, most have attempted to properly recalibrate the position of the political elite in historical context. Scholars writing political biographies presented a collective argument that these figures did not act in isolation, but operated in a political space that was in dialog with and constrained by the will of the people. The success of this work is uneven. The term ‘founding father’ has been reconsidered and redeployed as simply ‘founder,’ in order to divorce it from notions of the dead white male and triumphant narratives of Whig history. The label has been broadened beyond the small group of elites – George Washington, Thomas Jefferson, John Adams, Alexander Hamilton, Benjamin Franklin, and James Madison – to include as forgotten founders many elite men and women not included on the list, as well as the fringe of the revolutionary movement – men such as Timothy Bigelow, a blacksmith, and Samuel Thompson,


a tavern owner, who both led patriot militias. What these recent investigations into the founding share is a desire not to simply recount the great deeds of great people, but to engage with recent social and cultural history to understand what influenced the people of the founding generation.

These recent works on the founders, while employing the literature of social history, are still biographies that make men the center of the narrative and never engage with larger social trends. Therefore, the broader context is obscured. Focusing on Jay’s network, instead of Jay himself, will allow me to engage in these larger contexts. And, in the spirit of the new founder studies, a network analysis will show not only how Jay shaped events, but how events, and others, shaped the life of Jay. My project also engages with the transatlantic realities of the American Revolution. The recent work on the founders largely ignored interactions between Europeans and Americans, and frames founders only within an American context.

Each chapter describes and engages with an important network that Jay participated in and contextualizes that network within the larger social framework. The chapters proceed chronologically in order to emphasize the evolution of Jay, his networks, and his perceptions of those networks. This is not an exhaustive study; instead the networks included in this dissertation are selected because they are representative of issues that transcended Jay’s personal life. However, his personal life is thoroughly represented as it is essential to these networks. While the networks I selected focus mainly on Jay, they extend beyond his own egocentric network. I also focused on networks that could be thoroughly investigated. The study of historical networks

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often leads to spotty networks and dead-ends. It is often impossible to find enough information about people within a network to be able to draw any conclusions about that network. For example, I attempted to examine litigation records to connect the various clients that Jay represented in New York courts; however, it became difficult to learn much about any of the clients beyond those better known. Finally, I chose to focus on the various networks that were categorically different from each another. Although almost all of them are a political network to some extent, the result of the subject being a politician, each chapter represents a network of a different nature in order to highlight the breadth of variety and variability of an individual’s social networks.
Social network analysis is better described as a perspective rather than a theory; it offers a way to examine and understand a problem, but does not predict the outcome. Because of this, most social network analysts refer to it as a perspective or paradigm. Instead of predictive power, social network analysis offers a premise “that social life is created primarily and most importantly by relations and the patterns formed by these relations.” Along with this premise are a set of assumptions: individuals are not affected by events independently, but congruent with their relationships; there are no “uniformly, cohesive, and discretely bounded groups”; and that network context is primary, and that relations must be considered in the context of other relations. Accepting this network paradigm has significant repercussions for both the way we understand social structure and the way we understand history.

The traditional view in social research assumes that individuals contain attributes such as race, gender, or education, “which are inherently contained within and not between actors.” Research focuses on these attributes and suggests that they are the primary influencers on the way individuals act. Consequently, causation is understood “as something that comes from


within individuals, with common attributes acting independently on individuals to produce similar outcomes.”27 Therefore, it is common practice to conclude that within a group defined by similar attributes, members will act in predictable ways. For example, eighteenth century Scots immigrants to America tended to be merchants. Individuals who act differently are seen as deviant or outliers.28 Social network analysis argues that the causation is not located within the individual, but in the social structure, and that relationships, not attributes, should be the focus of research. While people with similar attributes may act similarly, this is explained by the fact that “individuals with common attributes often occupy similar positions in the social structure.”29 It is not because one is Scottish that makes one more likely to be a merchant, but the relations one has make it easier to enter into this practice. People do not act independently and randomly, but “form attachments to certain persons, they group together in cliques, they establish institutions.”30 To put this in the context of revolutionary America, historians have sought to explain who became a patriot based upon attributes (religion, location, political affiliation, etc.), but the social network view is that it was relationships with others that influenced how one understood the events and ideas of the revolution. The revolutionaries did not think and act in a vacuum; they existed in families, social groups, and assemblies.

The network perspective requires the network to be more than a collection of discretely bounded groups, and relationships to be understood only in the context of other relationships.

Network studies do not consider belonging to a group as a binary: either belonging or not belonging. In fact, network social theory began as a way to describe how a single individual can exist as a member of multiple groups and that these multiple memberships create a complex web where individuals often cross perceived group boundaries. This way of thinking provides three advantages: one can see individuals as embedded in groups to various degrees (i.e., someone who attends a meeting regularly versus someone who occasionally attends); groups can be understood as being more or less cohesive and more or less permeable (i.e., an exclusive country club versus a library book group); and, finally, groups are not considered to be bounded entities, but as people in a social relationship (see Fig. 1&2). Social network analysis also requires that we examine “patterns of relationship, not just relations between pairs.” It is therefore not enough to understand the meaning of a tie between two people; this tie must be understood in the context of the other ties that these individuals possess. For example, when interacting with a friend, a person does not act solely based on the knowledge about the relationship with that friend, but also takes into account who their other friends are, who their enemies are, and what the other’s social status is. The network perspective allows us to take this into account.

These network perspectives have a tradition in world history. The language of networks – nodes, edges, etc. – entered into the historians’ vernacular primarily through Immanuel Wallerstein. Historians have since utilized that language to describe connections, especially across national borders that have previously gone unnoticed. The idea that groups are not bounded entities is attractive to world historians who see the complex interaction between

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national groups. Wallerstein eloquently describes the effect of a network perspective on world history: “a shift in perspective markedly affects analysis: once we assume that a unit of analysis is...a “world system” and not the “state” or the “nation” or the “people”... we shift from a concern with relational characteristics of states. We shift from seeing classes (and status groups) as groups within a state to seeing them as groups within a world economy.”

The methodological engine of this project is “historical network research,” the application of network analysis to historical research. Network analysis, a well-established method, has developed primarily in sociology. Applying this method to historical research requires special consideration. Below, I address the general process of constructing a network as well as two concerns specific to historical network research: historical sources and temporality.

Developing a social network requires defining both the nodes (people) and ties (relationships) in a systematic manner. The first step is to select the nodes to include in the network. There are three methods to do this. First, there is a position-based approach – using actors that are members of an organization or have a defined position in society. For example, using this method, the network would include all members of the Continental Congress. Second, there is an event-based approach – using actors that were involved in key events that are seen as defining the population. For example, to create the New York loyalist network, one would include the names on petitions of loyalty and individuals interrogated by the Committee of Safety. Finally, the relation-based approach uses a single or small set of nodes that are of interest and expands to others that share particular types of relationships. It is this third method that I will

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use to construct Jay’s network. The network will therefore include most of the people with whom Jay shared a relationship.34

Once the method of selecting the nodes is established, the relations between these nodes must be defined. Sociologists have established four broad categories of relations: similarities, social relations, interactions, and flows. Similarities connect to nodes based upon attributes, such as demographic characteristics, location, or group membership. Social relations refers to kinship or another commonly defined relation (friend, student, etc.) or affiliation (liking, disliking, or cognitive awareness, “knowing”). Interactions are behavior-based ties such as speaking with, helping, or fighting. Flows are based on exchanges or transactions between nodes. Included are exchanges of resources, information, or influence. Once the network is created, all of these relationships can be assigned between nodes.35 As an additional layer, in order to understand these relationships in their eighteenth century context, I label them as belonging to either the intimate, social, or civic spheres. The spheres are based on a body of literature on the “public sphere.”36 In a general sense, the intimate sphere falls into the private sphere, the civic would fall into the state sphere, and the social would fall into the public sphere. However, I do not view these as inflexible categories; instead they are permeable and changing, and this study will help to show how these spheres have overlapped.

I created an egocentric network focused on John Jay. Egocentric networks, or personal networks, are “defined from the standpoint of focal individuals.”\(^{37}\) The main reason for studying egocentric networks is that rather than seeing the network from the perspective of an outside observer, “they provide Ptolemaic views of the network as may be perceived by individuals at their center.”\(^{38}\) The main focus of this project is to understand how Jay perceived and used his network; the egocentric model is best suited for these questions. Egocentric networks are traditionally created using sociometric survey techniques that gather data from a respondent (ego) about the relations to specific others (alter). These questionnaires are used to gather information about a respondent’s network composition, relational patterns, and view of their network.\(^{39}\) To create Jay’s historical egocentric network, I used papers of John Jay as questionnaires, eliciting information about whom Jay considered within his network and what kinds of relationships he understood as having with these individuals. It was also possible to examine the papers of the individuals Jay mentioned and cross-reference relationships in order to examine how these individuals defined their relationship with Jay.

To create Jay’s egocentric network, I used the network visualization program NodeXL, which is an extension to Microsoft Excel that provides a powerful visualization tool and graph metrics.\(^{40}\) While I read sources, I databased each letter (sender, recipient, date, and location) as well as references in these letters regarding relationships (mentions of other letters and meetings

\(^{38}\) Wellman, “Structural Analysis,” 27.  
\(^{40}\) NodeXL: http://nodexl.codeplex.com/. NodeXL is network visualization add-on to Microsoft Excel. It allows the user to database information and can create simple network visualizations as well as simple graph statistics.
with individuals, etc.). Using this information, I created a network graph. However, not all relationships are equal and they have to be understood in context. Sociological studies traditionally use questionnaires to define the relationship between two individuals. Using correspondences, as I did here, is an equally valid method, as it allows the individual to define his own relationships by mentioning shared friends, acquaintances, and other clues about the relationship within the correspondence itself. The information is then fit into three broad relationship categories: the intimate, the social, and the civic. By establishing these categories, I created a more textured network graph that provides a better idea of how these networks work and interact (Fig. 3). The method is my own, created specifically for this project – one I had to invent for this project and one that I am continuously refining.

Two important concerns arise using these methods in a historical study. The first is the fragmentary nature of the historical record. Knowing that a large number of letters are missing in a correspondence network, can recreating this “partial” network tell us anything about its structure? In a sense, this is an illusionary concern. Dealing with a fragmentary record is the reality of all historical study. To suggest that the concern is magnified by a systematic method like network analysis is a misunderstanding. Network analysis does not suppose or require a complete dataset. The studies function on two presumptions. One, that a large enough dataset provides a statistically significant structure to enable the researcher to make valid statements about the network. In fact, a complete network dataset would, in most cases, result in an incomprehensible amount of data. Second, the network model does not represent an actual network but an abstraction of the network.41

Combining network and historical methods requires considering temporality. Network analysis has generally ignored the questions of understanding how networks change over time and interpreting networks within time. Network models are necessarily static. They represent a snapshot of what a given network looks like at a given moment, or over a set time span. Since the study of networks has mostly been focused on structure, the question of change over time has not been given much attention. The historical perspective, however, makes this aspect primary. The easiest way to consider change over time is to observe a series of network “snapshots” taken over a period of time - for example, to look at Jay’s network in 1763, 1774, and then again in 1784. However, creating these networks in isolation from each other loses important elements of continuity. To highlight this, consider that Jay does not write a letter to his close friend Robert R. Livingston for a year while he is in Europe. A network graph of that year would conclude that the relationship had ended, although Jay writes a letter the following year. Reading the two letters illustrates that, although there was no active communication, the relationship between Jay and Livingston still existed. They were still “friends.” Overcoming this misrepresentation requires interpretation from the historian. The resonance of relationships without evidence (i.e., letters, meetings, etc.) must be given a reasonable length (one year), but considered on an individual basis (a later letter would support the resilience of the relationship). These considerations therefore make it possible to see an evolving network over the span of Jay’s life.
CHAPTER 1

FAMILY NETWORKS:

THE JAYS, A NEW YORK HUGUENOT-MERCHANT FAMILY

Much of what we know about the Jay family genealogy is from information recorded in the family’s Calvinist Bible. Augustus Jay, the Bible’s original owner, was a French Protestant, or Huguenot, immigrant who married Anne Maria Bayard, a member of a prominent Dutch family in New York. The book, adorned with gilded edges and with covers finished in black and red mottling, is a symbolic amalgamation of the new Jay family – written in Old French and published in Amsterdam in 1707. On the back cover, Augustus recorded the family’s births, marriages, and deaths, until 1739. The records continue on a separate piece of paper through 1767 where they appear in the handwriting of Peter Jay, Augustus’s son. These entries documenting family events communicate the story of how the Jay family integrated themselves into colonial New York society through exogamy. This chapter examines how the Jay family maintained their Huguenot identity despite assimilating into English colonial society; the chapter also explores the use of kinship networks that allowed the family to gain entry into the New York elite, and the way that their trade networks facilitated awareness of the larger Protestant International, a transatlantic community of Huguenots.¹

The majority of historical work done on networks in the eighteenth-century has focused on familial, community, and economic networks—and for good reason. In the eighteenth-century Anglo-American world, the family remained the dominant social organizing structure. But as Britain’s commercial empire rapidly expanded, the status and role of the family drastically changed. In some ways, these networks were weakened as families became separated by vast distances when members left to resettle in the colonies or to pursue new wealth in port cities around the world. Mark Granovetter’s famous theory “The strength of Weak Ties,” applies here. Although family ties were weakened, they also provided important new benefits. Families that found themselves spread across the empire were better positioned to succeed within the imperial state; family members could provide important information about market trends and political news, and gather new knowledge and goods. These familial and economic networks also tended to be the easiest to uncover. They are often well-documented in family bibles, deeds, deeds, and other records. 

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contracts, and tax records. And, the relationships established in these networks are relatively easy to define.⁶

Beyond family networks, economic networks were another significant dimension of an individual’s social network. Everyone, from the opulent merchant down to the small farmer, had to maintain an economic network. In the eighteenth-century, the economic network was motivated by trust. The farmer wanted a merchant he could trust to provide him with currency when needed, the merchant needed ship captains to haggle the best prices and agents who could provide the latest news on markets. Customers needed trustworthy shopkeepers to offer fair and quality goods and craftsmen to provide adequate and quick work. Almost everyone maintained these economic relationships of trust.⁷ But, economic networks also emphasized the most vulgar characteristics of social networks: the cynical cost-benefit relationships, the power of brokers, and the leverage of closed off cliques.⁸

At the center of John Jay’s view of social networks is the family, “consanguinity.”⁹ For Jay, family does not refer simply to immediate relatives, but rather to a broad notion of heritage. The Jays perpetuated a belief in aristocratic notions of heritage. These notions of familial blood, mixed with Huguenot ancestry, promoted the Calvinist world view of a logical and strict order to

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⁸ The terms broker and clique have specific definitions in network analysis. Brokers serve as an access point between two networks and a clique is a group of people who all have connections with one another (see Fig. 13): Stephen P. Borgatti, Martin G. Everett, and Jeffery C. Johnson, *Analyzing Social Networks* (Los Angeles: Sage, 2013), 93-95; Stanley and Katherine Faust Wasserman, *Social Network Analysis: Methods and Applications* (Cambridge: Cambridge University Press, 1994), 253-4.

the social world, as well as a sense of belonging to a worldwide Protestant community. Jay attributes the power of these relationships for allowing his grandfather, Augustus, to leave behind his immediate family network and find not only comfort in the New World, but also success.

HUGUENOTS

The Huguenots were French Protestants who followed the doctrines of John Calvin’s theology. During the French Religious Wars, the state, dominated by Catholics, targeted the Huguenots. In 1572, state officials incited mobs to beat, maim, and kill thousands of French Protestants. The infamous event, known as the St. Bartholomew Day Massacre, was a turning point in the Religious Wars in France and precipitated the first migration of Huguenots. Other European Protestant countries used the event to demonize the Catholics’ use of violence and welcomed the Huguenots as refugees and symbols of Catholic oppression. However, following the wars, the French attempted to entice wealthy Huguenots to stay in France through the Edict of Nantes (1598), a declaration protecting the religious rights of Protestants in select regions of the country. Religious hostilities returned in the seventeenth-century with the assassination of King Henri IV, who was himself a former Protestant. In the 1680s, King Louis XIV began to crackdown on the practice of Protestantism in France, at first restricting its practice and, eventually, outright banning the religion by revoking the Edict of Nantes in 1685. Following

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10 Louis XIV’s intention in revoking the Edict of Nantes was not to force Protestants out of France; instead it was an attempt to solidify the French state through conversion. The Huguenot population included wealthy merchants, financiers, manufactures, artisans, and aristocrats that the King hoped to bring into the Catholic fold. Advisors supportive of the plan reassured the King that only those who held no land or bad credit would flee, and the desirable citizens were
the revocation, royal dragoons began to sweep the country demanding Protestants convert to Catholicism or face confiscation of property, imprisonment, torture, or even death.\(^\text{11}\) Approximately 800,000 Protestants converted, while some 200,000 escaped from France, resulting in one of the largest religious migrations in the early modern period.\(^\text{12}\) In fact, the French historian Charles Weiss coined the term “Refuge” sometime in the 1850s to describe the migration of Huguenots out of France during this period.\(^\text{13}\) While most Huguenot families settled tied to France through their wealth. Their threats to leave were seen only as an attempt to soften the government’s positions on religious tolerance. Unfortunately for King Louis XIV, many of the wealthy and skilled Huguenots were not bluffing and made up a large portion of the migrants fleeing France. France’s enemies jumped at the opportunity to welcome these wealthy and skilled refugees into their countries and potentially cripple the French economy.\(^\text{10}\) Even before the flood of migrants began, England’s Charles II attempted to take advantage of the growing religious crisis in France by issuing a decree supporting the “Persecuted Protestants” and established a “French Committee” to aid the refugees. The French Protestant ministers, who imagined a transnational Huguenot state, worked with the French Committee to establish Huguenot “colonies” throughout the empire. The English officials hoped to exploit the French immigrants’ knowledge of wine and silk production and the Huguenot ministers wanted to create communities where they could preserve the French language and church. Pamphlets spread around Huguenot communities throughout Europe highlighting the colonies in America and offering to cover passage across the Atlantic: Warren C. Scoville, \textit{The Persecution of Huguenots and French Development 1680-1720} (Whitefish: Kessinger Publishing, 2006); Owen Stanwood, "Between Eden and Empire: Huguenot Refugees and the Promise of New Worlds," \textit{American Historical Review} 118, no. 5 (Dec. 2013): 1319-44.


\(^{12}\) The estimate numbers vary but these numbers are the most commonly used: Philip Benedict, \textit{The Huguenot Population of France, 1600-1685: The Demographic Fate and Customs of a Religious Minority} (Philadelphia: The American Philosophical Society, 1991).

in the Protestant states of England, the Netherlands, Germany, and Switzerland, a smaller group, an estimated 2,000 people, settled in the colonies in North America.\(^\text{14}\)

One of the main ways the Jay family maintained their Huguenot identity was through a family history written as an escape narrative, “the characteristic form of autobiography chosen by more than fifty Huguenot refugees from France in the decades following the Edict of Nantes (1598).”\(^\text{15}\) The story, which John Jay wrote down for the edification of his children, encompasses all three themes of these Huguenot narratives – persecution, fleeing the country, and finding a new home through the help of the Huguenot community. The story is a celebration of the ties that bind family and the Huguenots. Jay, in his telling, memorializes the origins of the family in France, dramatizing the escape of his grandfather, Augustus,\(^\text{16}\) from the persecution of the French Catholic authorities, and celebrates the exiled Huguenot community in helping the family succeed in the New World. Beyond these themes, Jay highlights the charity of the Huguenot relatives in the face of a Catholic relative’s selfishness in a side story about how his Great Uncle, Peter Valette, saved a nephew from capture during the Queen Anne’s War and even provided him a pension. The final escape in the Jay family story is John’s own escape from the world of politics in his retirement to his home in Bedford.\(^\text{17}\)

\(^{14}\) Stanwood, "Between Eden and Empire: Huguenot Refugees and the Promise of New Worlds," 1319.


\(^{16}\) The name was alternately spelled: “Auguste.”

The Jays came from “humble” stock. The earliest documented relative, Jean Jay, was a tallow chandler in La Rochelle, France. He left his business to his two sons, Jean and Pierre. Pierre made a modest fortune as a merchant and increased the family’s status by marrying Judith François, the daughter of a wealthy merchant with family ties to a director of the East India Company. With the sudden rise in social status, Pierre manufactured a coat-of-arms, albeit without authority. Despite this, the coat-of-arms continued to serve as a symbol of the Jays’ aristocratic aspirations. Pierre’s youngest son, Augustus, was born in 1665. Pierre was determined to have one of his sons educated in England, and when Augustus’s older brother died on the trip to England, Pierre sent Augustus to England to attend school.\(^1^8\) When Augustus turned eighteen, Pierre recalled his son and dispatched him to Africa for “what purpose is now unknown.”\(^1^9\) Although John Jay is intentionally vague, a trip to Africa most certainly meant engaging in the slave trade.

The escape narrative begins with the revocation of the Edict of Nantes in 1685, the decree that previously had protected the French Protestants and allowed La Rochelle to become a Protestant haven within the staunchly Catholic country. Following the revocation, the Protestant church at La Rochelle was demolished and troops were sent into the city and quartered in the homes of the Protestant inhabitants. The troops’ presence was intended to intimidate the Protestants into converting and to prevent them from leaving the city. The Huguenots were prisoners within their homes. Pierre immediately secured passage for his family aboard one of the vessels he owned, but remained behind in order to secure what he could of his remaining

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\(^1^9\) LJJ, 3.
property. The absence of his family quickly aroused suspicion, resulting in Pierre’s arrest and imprisonment in the tower of La Lanterne. However, Pierre was able to secure his release through his connections with prominent Catholics in La Rochelle.  

After his release from prison, Pierre planned his escape from the turbulent city. He knew that two of his vessels were due to arrive soon. Pierre paid a trusted pilot to keep watch for these vessels and to immediately anchor the first one he saw in a secret location. The pilot intercepted the vessel coming from Spain, boarded it to guide it to the agreed location, and sent word to its owner. Pierre was able to reach the boat unnoticed by hiding among the cargo. He reached Plymouth, England, where he sold the ship’s cargo. The proceeds from the sale was enough to sustain his family. Meanwhile in La Rochelle, when his absence became known, his property was confiscated.  

Unfortunately, Augustus was in transit back from Africa during these dramatic days, with no way of knowing what had happened to his family. As soon as he arrived in La Rochelle and learned of his family’s fate, he used his connections to board a vessel leaving France. Once safely out of the country, he was able to travel to the West Indies and from there went to Charleston, South Carolina. Determined to make a living for himself, and with “the knowledge he had acquired of English language, trade, and manners,” Augustus focused on establishing himself in the American colonies. He found the climate of South Carolina unwelcoming, so he

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22 LJJ, 6.
moved on to Philadelphia, which he found too small, and ultimately settled in New York. His preference for New York was largely because he “found there several refugee families from Rochelle.” Through the connections made in New Rochelle, Augustus received his first employment as a supercargo for the wealthy New York merchant Frederick Philipse. It was the Huguenot community in New Rochelle that made it possible for Augustus to root the Jay family in America.

Augustus provided a second chapter to the Jay family’s escape narrative. In 1692, his ship, while on a voyage to Hamburg, was captured by a French privateer. He was taken to a fortress fifteen miles from Saint-Malo and held prisoner. While he was in detention, news came to the fortress of the defeat of the French fleet in the battle of La Hogue, and the order was made to put prisoners in close custody. Somehow, the prisoners learned of the news in advance, and Augustus, along with another prisoner, planned a daring escape. On a windy and rainy evening, before the prisoners were called to close confinement, Augustus and his accomplice found a way to conceal themselves outside. Under cover of darkness, they met at an agreed upon location by the wall. Augustus successfully made it over the wall without injury; however for reasons unknown, his companion remained behind. Augustus traveled to La Rochelle and proceeded to the residence of his aunt, Madame Mouchard, who hid him and made arrangements for him to be transported to the Île de Ré, off the coast of La Rochelle, where he boarded a vessel bound for Denmark. He then traveled to Holland and finally to England to visit his father and sister before

23 LJJ, 6.

returning to America. Thus, in light of his misfortune, Augustus was able to reinforce his disparate family network.25

Evidence of the importance of Jay’s Huguenot ancestry is found throughout the family’s historic estate in Katonah, New York.26 (Fig. 4)27 In the master bedroom hangs a print of La Rochelle, the last Huguenot stronghold in France and the ancestral home of the Jay family. The presence of this picture offered a daily reminder of the origin of the family and their status as exiles from their true home. Downstairs, the portraits of John Jay’s grandparents, Anna Marie Bayard and Augustus Jay, are hung. These portraits were of particular importance to John, as he commissioned many copies of them for the next generation.28 After sending copies to Peter Jay Munro, a nephew whom he raised, he wrote, “These portraits will tend to remind us of our consanguinity, and to cherish an habitual disposition to mutual and cordial attentions and good offices.”29

Many other portraits were displayed throughout the home. Of special note are a series of portraits of the Peloquin family of Bristol. Peter, John’s father, hung pictures of his aunt, Françoise, and his cousins in a room he referred to as “our Bristol room.”30 Peter maintained a close correspondence with his distant family in Bristol, and his cousin David remained one of his

25 LJJ, 7; Monaghan, John Jay, 17; Pencak, "Faithful Portraits of Our Hearts," 90.
27 Figures are located in Appendix A.
28 Pencak, "Faithful Portraits of Our Hearts," 84.
30 John Jay to Francois Peloquin, 28 June 1726, JJPO.
closest trading partners. The exchange of portraits was a common practice among Huguenot families separated by their expulsion from France. They hung these portraits in their homes to maintain a sense of community with distant family members, and as a reminder of the melancholy nature of their exile.\textsuperscript{31} Peter wrote to David to comment that the portraits were dear to him but “it is unfortunate that our sad destiny does not allow us to enjoy talking to each other during the short time we have in this world…”\textsuperscript{32} These pictures helped maintain the Huguenot identity, which formed through kinship networks, through a mythos built upon a shared history of religious persecution, and through a belief in a future return to France from exile.\textsuperscript{33}

Huguenots found surprising success in New York, which the British had recently acquired in 1664. The mass exodus of Huguenots from France corresponded with the rise of Jacob Leisler in New York. In 1690, during the Leisler Rebellion,\textsuperscript{34} Leisler saw the Huguenots as potential political allies and gave two immigrants, Alexander Allaire and Louis Gulon, land in Westchester County north of Manhattan that he had purchased a year earlier to “afford asylum to

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\textsuperscript{32} Jay to David Peloquin, 8 January 1725, Peter Jay Letterbook, John Jay Papers, Columbia University, New York. (henceforth cited as JJP)


\textsuperscript{34} In 1689, a militia uprising led to the New York governor fleeing the colony and Leisler attempted to establish a government to control the colony. In 1691, Royal control was restored, Leisler was arrested and executed: Jermoe R. Reich, \textit{Leisler's Rebellion: A Study of Democracy in New York, 1664-1720} (Chicago: University of Chicago Press, 1953).
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the survivors of the St. Bartholomew massacre. Soon, the French settlers erected a wooden building for a church and christened the town New Rochelle. New Rochelle, along with another Huguenot settlement in New York, New Paltz, hindered the new settlers from scattering across the countryside and instead concentrated them on adjacent farms forming distinct Huguenot communities. The Huguenots largely abstained from the political conflict of the Leisler Rebellion, but were “very early brought... into the colony’s political process” and granted the right to vote, naturalization, and freemanships. In fact, Huguenots found themselves being elected into positions within the colonial governments, sometimes even against their own objections.

The success that Huguenots found in their new communities in the Americas has led to debates over how much, and how quickly, they assimilated into the dominant culture. Jon Butler argues that the Huguenots largely assimilated into the broader New York community by the mid-eighteenth-century because they lost one of their most significant traits – their religious identity. He notes that many prominent Huguenot families left the French church for the Dutch and Anglican churches when they married into the Dutch and English families in the colony. “By 1750,” he suggests, “Huguenot assimilation and internal disintegration were virtually complete and awaited only the collapse of New York City’s French church in 1776.” Other historians

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have suggested that the Huguenots in America went through “gradual acculturation.”\textsuperscript{39} While Huguenots were integrated into their new communities they “maintained a significant degree of ethnic homogeneity until at least the time of the revolution.”\textsuperscript{40} The divergence of public and private spheres in the eighteenth-century allowed Huguenots to present themselves as members of the dominant culture while maintaining their Huguenot identity in private through language, the reading of Calvinist texts, and family tradition.\textsuperscript{41} Scholars of the Huguenot migration have argued that Huguenots maintained their identity by sustaining their trade and intellectual networks. They also established a narrative of their exile focusing on their suffering, their status as “God’s elect,” and their eventual return to France. While Huguenots largely embraced their new host nations, they preserved an identity that connected them to an imagined community across the globe. As time passed, the identity was less defined by traditional traits of language and religion, and instead rested on heritage and mythology.\textsuperscript{42}

In many ways, the Jay family presents the case for the “rapid assimilation” argument of Huguenots in America. The family’s dominant language was English – Jay by his own admission had limited French skills. The family left the French church and joined the conformist Anglican Church, and John was baptized in the Dutch church, the religion of his mother. Finally, the Jay family moved away from the Huguenot community of New Rochelle, not only by relocating out


\textsuperscript{40} Paula Wheeler Carlo, \textit{Huguenot Refugees in Colonial New York}, 2.


of the community but through exogamy, as each successive generation married outside the Huguenot community. However, John Jay’s father, Peter, was insistent on maintaining the Huguenot identity in his children. At the age of eight John was sent to a school run by Pierre Stoupe in New Rochelle. Here, he was exposed to a community of Huguenots, studied the French language, and learned about his heritage. In the Jay home, John was exposed to the Calvinist teachings through readings of the Bible multiple times a day, and readings from a prayer book for families, *The Devout Christian*. But most important was the narrative told to him about his grandfather escaping from France.\(^{43}\)

Every network is based upon relationships; however, the nature of these relationships can vary greatly from network to network. Networks can be based on face-to-face interaction or anonymous communication, and relationships can be formed by a common cause or shared hostilities. Huguenots relied on informal networks, or what has been called *sociabilité à distance*.\(^{44}\) Their networks consisted of disparate and loosely formed groups. Huguenot communities were formed by people from different regions of France and from various social groups. The community ties were actually strengthened by the migration. Relationships were enhanced by the necessity of maintaining a cultural heritage and the invention of a shared experience or “genealogical memory.”\(^{45}\) These shared histories were important in forging

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relationships with strangers or distant relatives. And stories that forged the Huguenot identity were passed down through tales of Huguenot ancestors and through “private memories and correspondence intended for the guidance of family and acquaintances.”

KINSHIP

During the eighteenth-century, the Jay family rose in status in New York through marriage, and prospered using their kinship network. Using the social connections he made in the Huguenot settlement of New Rochelle, Augustus gained social status through marriage, and established himself as a prosperous merchant by exploiting the growing network of Huguenot merchants across the Atlantic. The subsequent two generations continued to improve the family’s social status through marriage, expanding their kinship networks until the Jay family could consider themselves as part of the colony’s “aristocracy.”

New York was notorious for intermarriages among the prominent families of the colony. As one of Jay’s biographers put it: “Intermarriages among the prominent families of New York were so numerous that when you married a member of one you became related, closely or remotely, to all.”

Creating and maintaining kinship networks was necessary, and the Jay family emphasized this by stressing the

47 The dense kinship network, and a burgeoning elitist culture, gave rise to the notion of a New York aristocracy. Carl Becker famously first recognized that these prominent families created unwavering political factions, which he likened to a medieval feudal system of landowners and merchants. I discuss the nature of this “aristocratic” network in Chapter 2. Carl Lotus Becker, The History of Political Parties in the Province of New York, 1760-1776 (Madison: The University of Wisconsin Press, 1909), 10.
48 Monaghan, John Jay, 18.
importance of preferential marriages and encouraging their children to establish personal relationships with their extended family.

Augustus entered into the merchant networks of New York through the help of established Huguenot networks. With the help of the Huguenot community in New Rochelle, in 1686, Augustus was able to secure a certificate declaring him a “free Denizen… free to trade and traffique in this plantation.” He also found employment as a supercargo for Frederick Philipse, the lord of Philipsburg Manor. Through his relationship with the well-connected, but unsavory Philipse, Augustus was able to secure a marriage with Anna Maria Bayard in 1697. Anna Maria’s father was related to the last Dutch governor of New York, Peter Stuyvesant, and was descended from French Protestants who left France in the sixteenth-century and settled in the Netherlands. Her mother was the daughter of Govert Lookermans, who had claim to the title of the wealthiest man in New York. She was also related to the Van Cortlandts, Van Rensselaers, and Schuylers. Suddenly, Augustus was related to some of the most important families in the colony. In only eleven years after becoming a “free denizen” of New York, Augustus, with the help of a network of French and Dutch Protestants, became part of a wealthy merchant faction within New York.50

Entering into the elite kinship networks of New York also meant supporting the political interests of its members. In 1689, Philipse was ousted from the New York council for trading with pirates. Although Philipse was surely guilty, the expulsion was primarily motivated by personal animosity between Governor Bellomont and Philipse. In retaliation, Augustus joined

49 Monaghan, John Jay, 17.
50 Monaghan, John Jay, 16-19; Stahr, John Jay, 2-3.
the Philipses, Bayards, Schuylers, and Van Cortlandts in signing a “Testimonial of the most prominent merchants of New York concerning Domine Dellius, Minister at New Albany.” The testimonial was an insult to Bellomont by attempting to force the Governor to drop the confiscation of a million acres of land granted to Domine Dellius. Dellius had a royal claim to the land for which he paid one raccoon skin per annum. The outrageous and corrupt deal prevented Governor Bellomont from opening up and selling this land. The group of merchant families, however, was determined to frustrate the Governor. Exemplifying the political action taken by the elite family networks, a long and impressive list of prominent names was collected on an angry letter addressed to the Governor. The grievances were less important than what the list of names represented; it was a demonstration of the density and influence of the faction’s network achieved through marriage and patronage. Augustus’s name appeared on many of these lists: a loyalty petition to William III, an address of welcome to the new Governor, Lord Cornbury, and a protest against Boston traders’ use of clipped coin. In New York, Augustus finished what his father began in France; he became part of an “aristocracy,” a network of elite families.

The importance of family connections and strategic marriage was not lost on John Jay. “By his marriage,” John says of his grandfather, “Augustus became encircled with friends who, from their situations, were able, and from the attachment to consanguinity… were disposed to promote his interest as a merchant, and his social happiness as a man… How kindly and amply


52 Monaghan, John Jay, 18.
Providence was please to provide for the welfare of out ancestor Augustus.” Two of Augustus’ daughters married into the Van Horne and Vallette families. His son Peter married Mary Van Cortlandt, whose brother Frederick had already married Peter’s other sister. This marriage solidified the French Huguenot-Dutch blood ties. John Jay, following the family history of successful marriage, secured a prestigious marriage to Sarah Van Burgh Livingston, daughter of William Livingston, a member of the powerful New York family. John’s marriage to Sarah is noteworthy because the Jay family network was largely integrated into the De Lancey faction, who were politically opposed to the Livingstons. Jay had twice tried and failed to marry daughters of Peter De Lancey, but through a friendship with Robert R. Livingston, and social and professional connections with William Livingston, Jay won the hand of Sarah. The marriage is very significant to the Jay family network, as it proved beneficial to develop new and valuable connections.

**MERCHANT FAMILY**

The dense familial networks that monopolized trade in eighteenth-century New York stemmed from the colony’s unique economic development. The Articles of Capitulation (1664), signed by the Dutch governor of New Amsterdam, Peter Stuyvesant, surrendered the colony to the English and granted extraordinary rights to the Dutch settlers under English rule. Under the Articles, the Dutch merchant families were able to maintain their economic investment in the colony and ultimately gained sizable control in the colony’s trade by leveraging credit from the

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53 LJJ, 8.

Low Countries. At the turn of the eighteenth-century, and the beginning of Queen Anne’s War (1702), Dutch merchants in New York were being pushed out of the market and found it hard to secure credit. They were left with three options: move to London to work as agents for British merchants, move to the “free ports” of New Jersey or Rhode Island, or marry into the English merchant families and consolidate capital and status. Most opted to marry into English families, creating dense family ties among the merchants in New York. The decades following the war saw rapid economic development in New York and an increase in immigration of English, Scottish, and Huguenot merchants, broadening the reach of trade throughout the Atlantic. The Huguenots especially introduced investment and goods from new sources and were recognized as valuable additions to the New York merchant families.\(^55\)

As Huguenot merchants, “trade, family life, and religion were interdependent” for the Jays.\(^56\) To become a successful merchant in eighteenth-century New York, connections through kinship networks were necessary – trade was a family business. The Jays found success through relationships with three of the wealthiest merchant families in New York – the Van Cortlandts, De Lanceys, and the Philipses – as well with their own family members overseas, their Bristol based cousins, the Peloquins. The trade practices of the Jay family highlight how much the family relied on Huguenot networks. Augustus married the daughter of a Huguenot merchant, and many of the people the family dealt with were of Huguenot descent. Augustus’ first venture into purchasing a ship was with members of wealthy Huguenot merchant families, Faneuil and Fresneau. David Minvielle, the trade contact in Virginia, was the nephew of Gabriel Minvielle, a

\(^{55}\) Matson, *Merchants and Empire*, 36-72.

\(^{56}\) Bosher, "Huguenot Merchants and the Protestant International in the Seventeenth Century," 80.
prosperous Huguenot merchant and mayor of New York. Gabriel was also the neighbor of Balthazar Bayard, Augustus’s father-in-law. The Peloquins were family through Augustus’s sister. And, their contact in Suriname was also a Huguenot. These Huguenot merchant networks that the Jays relied on in their business endeavors were the lifeblood of the larger transatlantic community of Huguenots termed the “Protestant International.”

Many of the interconnected Huguenot merchant families were scattered across the various Protestant countries and into the colonies in the Americas. The positive side of their expulsion from France was that suddenly these merchants had trustworthy contacts all across the Atlantic. Having these contacts was invaluable in the eighteenth-century, as trade depended on trust. Beyond trade, these networks also fostered the spread of information – religious and intellectual texts of various languages were sent on Huguenot ships along with provisions, skins, and slaves. These Huguenot communities therefore were connected in a way that expanded their sense of belonging in an Atlantic world. They created a belief that they lived beyond the boundaries of nations in a larger Protestant State.

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57 Monaghan, John Jay, 20-21; Baird, Huguenot Emigration, 2: 140.

58 The phrase Protestant International was coined to describe how and why French Protestant communities quickly popped up in the Dutch Republic, England, and Switzerland during the Counter-Reformation and then in larger numbers following the revocation of the Edict of Nantes. Merchants made up a significant element of this Protestant International, and at the heart of their success were family connections. Many of the Huguenots that fled France during King Louis XIV’s crackdown on Protestantism were from port cities: see Bosher, "Huguenot Merchants and the Protestant International in the Seventeenth Century," WMQ 52, no. 1 (January 1995): 77-102.

In 1722, Augustus Jay sent eighteen-year-old Peter to England to “learn the merchant trade,” or more accurately, to establish and reaffirm personal connections to the merchants the Jays had commercial dealings with in Europe. Peter first went to stay with Samuel and William Baker, merchants in London. From London, he continued on to Bristol where he visited with cousins John and David Peloquin. The Peloquins were the main commercial contacts for the Jays in England, and they conducted a large trade with the colonies. After this trip, Peter sustained a long and prolific correspondence with David, and numerous letters were sent discussing family news, health, current events, and business. Not only could the Jays trust the Peloquins with their business matters in England, but they were often called upon to broker introductions and information in England. When Peter attempted to secure a clerkship in a lawyer’s office for John, he consulted David. From Bristol, Peter traveled to Amsterdam where he stayed several months with Bernard Van Der Grift. To finish his European trip, Peter toured France, first to visit the Mouchards, the Catholic branch of the family who had helped Augustus escape from France. The trip culminated in a pilgrimage to the family’s abandoned home in La Rochelle. Peter’s whirlwind tour of Europe illustrates the dimensions of the Jay’s trans-Atlantic family network and how it was maintained. The goal of Peter’s trip was to establish his own personal ties to the family connections in England, the Netherlands, and France. Strengthening and reassuring these relational ties was critical to the success of the family commercial business. Through their commercial business and with relationships through the Protestant International, the Jays, unlike

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60 LJJ, 3.
61 See: Peter Jay’s Letterbook, JJPO.
many colonial American families, were Atlantic facing and were thus more cognizant of the interconnectivity of the eighteenth-century Atlantic world.

Of all of John Jay’s networks – correspondence networks that spanned the globe, secret networks during the Revolutionary War, and political networks that built a nation – the first and most significant was his family network. Identity, future prospects, and social status were largely determined by one’s social network. While this is still true today, in the eighteenth-century it was almost deterministic. For Jay, his family network determined what schools he attended, who he could associate with, and who his marriage prospects were. It defined him as a Protestant, as Franco-Dutch, and as part of the merchant elite. The importance of the family network was not lost on a young John Jay. The family’s history highlights the importance of marriage status. The family also reinforced the significance of its trans-Atlantic ties by sending each consecutive generation to visit relatives in England and France. As much as John Jay’s family network influenced his destiny in life, it also created in him a family-focused view of the world, placing the concept of consanguinity as the foundation of his social world.

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63 Wall, Fierce Communion, 2-12; Wood, Remote Part of the World, 110-44.
CHAPTER 2
ELITE NETWORKS:
KING’S COLLEGE, SOCIAL CLUBS, AND THE NEW YORK LAWYERS

By the time John Jay was born, the Jays were recognized as part of the network of elite families in New York. While John Jay was born into an elite family, he still had to learn how to exist within the New York elite networks. A tenant of network theory is that attributes are not inherent within individuals but defined by one’s social network. Jay’s early schooling was designed with the intent of teaching him the ways of a gentleman and establishing him with the connections needed to maintain his position within society.

To explain the deep prejudices Federalists held against the principles of egalitarianism, Gordon Wood suggested that they shared an “elitist social consciousness.” Being an elite, “was much more subtle than the mere possession of wealth: it was a deeper social feeling, a sense of being socially established, of possessing attributes – family, education, and refinement – that others lacked, above all, of being accepted by and being able to move easily among those who considered themselves to be respectable and cultivated.”¹ John Jay had this elitist social consciousness and it was something that he developed beginning with attending King’s College, in New York City, and refined in the world of social clubs and legal circles. This elite consciousness was nurtured in the closed off social networks formed by the New York aristocracy. The elite networks of New York were so exclusionary and nepotic that they have

often been described as being a New York aristocracy. John Adams even referred to the New
York Continental Congress members as, “the little aristocracy of talents and letters.”

There has been considerable discussion among historians about the existence of a New
York aristocracy. The “aristocracy” was first identified by Carl Becker in The History of
Political Parties in the Province of New York, 1760-1776. Becker identified New York as a three
tiered society with the wealthy aristocracy at the top, the freeholders and freemen comprising a
middle class, and the mechanics and tenant farmers as a lower class. In Becker’s view, the large
aristocratic families controlled and jostled the politics of the colony while the middle class
marched in lock-step with their patrons. Many historians after Becker continued to identify the
uniqueness of New York’s aristocracy. Alfred Young wrote that “New York had a unique
landlord aristocracy which no amount of revisionism is likely to erase from the Hudson Valley.”

However, other historians have challenged the notion of the aristocracy; most notably Patricia
Bonomi suggested that New York society was less rigidly structured than previously thought.
Freeholders and freemen were involved in government, and the so-called aristocracy was more
porous and made up of self-made men. “Without a legally sanctioned sphere of influence, the
colonial ‘aristocracy’ – though it certainly existed in some form – never developed a definite
function or identity. Nor was it ever certain who its members were, or precisely what the

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2 Charles Francis Adams, ed. The Works of John Adams, Second President of the United States

3 Carl Lotus Becker, The History of Political Parties in the Province of New York, 1760-1776
(Madison: The University of Wisconsin Press, 1909), 5-22.

4 Alfred F. Young, The Democratic Republicans of New York: The Origins, 1763-1797 (Chapel
Hill: The Institute of Early American History and Culture, 1967), viii.
standards of admission should be.” Today the issue continues unsettled with works either accepting the notion of a New York aristocracy as established fact or discounting it wholesale as a construct created by historians.

While there are some semantic issues in referring to the network of wealthy New York landowners, merchants, and professionals as an “aristocracy,” these elite networks did exist and they did develop a largely coherent philosophy. It is more accurate to define them as a number of overlapping networks and not a singular network. Examining Jay’s involvement in three of these elite networks exposes how they overlapped, how they developed and spread an elitist philosophy, and how they established and maintained themselves. The three most important networks a young Jay engaged with were his network of students at King’s College, the network of wealthy social club members, and the politically powerful network of New York City lawyers. King’s College propagated an elitist philosophy that promoted the upper class and established a closed off network to maintain social order. Following his studies in college he became entrenched in the New York social clubs, which were created to parallel aristocratic social life in Great Britain. And, finally, the most important and meaningful network Jay joined was the small and politically powerful group of New York City lawyers. This group established a close societal bond through a debating society called “The Moot.” It is these connections forged in the lawyer network that raised Jay from a largely unknown colonial lawyer to a representative of New York in the Continental Congress.

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KING’S COLLEGE

In 1772, John Vardill, a graduate of King’s College, published a pamphlet entitled, “Candid remarks on Dr. Witherspoon’s Address to the inhabitants of Jamaica, and the other West-India Islands.” Vardill was responding to the President of the College of New Jersey, John Witherspoon, who had published his address to the gentlemen of the British Caribbean promoting the advantages of his institution over other colleges of the colonies. In his response, Vardill described the New Jersey College as plebeian and instead promoted the distinguished and affluent nature of the Episcopal colleges of Philadelphia and New York.

Experience evinces that our Virtues and Vices receive a considerable Degree of their distinguishing Complexion, from our Birth, Station, and Companions. Persons born and nurtured in Families of Eminence, commonly acquire a Pride and Dignity, which will not permit them to stoop to the gross and ignoble Vices, which distinguish those who are accustomed from Childhood to Servility and Meanness. There is a certain Elevation of Mind, arising from the Company and Converse of the Great and Affluent, which renders out Wishes, Pursuits and Pleasures, more refined. In this View also I conceive the Colleges in the City may be preferred.

From the Cheapness of Education, and the Situation of the College at Princeton, most of the neighbouring Farmers will be induced to send their Sons to it, and of Course the Majority of its Students, probably ever will, as it now does, consist of these.

The Force of Imitation, and the Strictness of their Intercourse with Persons of this Character (the Balance also of those who reside around preponderating on this Side) will therefore have a Tendency to influence those, whose Manners may at first be different, and reduce them to the same Standard. On the other Hand, it may be expected, at the Colleges in the City, than an Intercourse with the Sons of the principle Gentlemen of the Place, who compose the Majority of their Students, and an Opportunity of associating with polite Company, will tend to elevate the Minds even of the ignoble, and preserve them from the grosser and baser Kinds of Vices.7

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6 Now Columbia University.

7 [John Vardill], *Candid remarks on Dr. Witherspoon’s Address To the Inhabitants of Jamaica, And the other West-India Islands &c. In a Letter to those Gentlemen.* (Philadelphia: William Goddard, 1772), 41-42.
The elitist sentiment throughout Vardill’s pamphlet was not simply a byproduct of the aristocratic aspirations of a young and wealthy New Yorker, but a recitation of the central philosophy of King’s College. The twenty-two year old Vardill wrote his response with the assistance of the President of King’s College, Myles Cooper. Together, they proselytized their vision for the young New York institution. It was a College for the elite, run by the elite, and designed to edify and refine the elite. It is at King’s College that John Jay was groomed for the elite society of colonial New York, and it is here that we can follow Jay’s induction into the elitist networks.

Before the establishment of King’s College, the gentlemen of New York had few options for educating their sons. They could send their sons to Harvard, Yale, or the College of New Jersey, but sending their boys to these institutions was troublesome for Anglican and Dutch Reformed families, since Harvard and Yale were controlled by Congregationalists and the College of New Jersey by Presbyterians. They bristled at the thought of their children being indoctrinated by the dissenters’ socially destabilizing “free thought.” Another option was to send their sons across the Atlantic to one of the colleges or universities in Great Britain. However, the costs to attend these institutions were daunting and required the proper social connections in Britain to secure admittance and adequate room and board. Thus, among the

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9 Humphrey, *From King's College to Columbia*, 27.
Anglican families that dominated the upper class of New York, there was a strong desire for an Anglican affiliated college.\textsuperscript{10}

The birth of King’s College was steeped in controversy arising from competing visions for the school. The wealthy, mostly Anglican, supporters envisioned an exclusive, elite institution, while supporters in the countryside promoted an inclusive college. In 1746, the New York assembly authorized a bill to create a lottery to fund a provincial college, however two details about the college became contentious; where the college should be located and what the religious nature of the college should be.\textsuperscript{11}

Should the college be in the country, likely Rye, or in the city. There were good reasons to have the institution in the countryside – the cost of constructing and attending the college would be greatly reduced. Furthermore, the advocates of a college in the country argued that a location like Rye would protect the students from the “vice and neglect of their studies” that would distract them in the city.\textsuperscript{12} However, to the elite families living in the city or near it, building the college in New York was an important and obvious choice. As William Livingston wrote in \textit{The Independent Reflector}: “That the College ought to be plac’d in or near this City, appears evident from numberless Arguments, that naturally occur to the most superficial Thinker.”\textsuperscript{13} To them the prohibitive costs to attend a college in the city was a positive feature,

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\textsuperscript{10} Humphrey, \textit{From King’s College to Columbia}, 140-41.

\textsuperscript{11} Humphrey, \textit{From King’s College to Columbia}, 5-17.

\textsuperscript{12} Humphrey, \textit{From King’s College to Columbia}, 10.

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not a deterrent. Having an affordable college in the countryside would, without doubt, attract the unrefined sons of middling farmers and backcountry traders who would be a bad influence on the elite boys. But more important than the costs, only the city could offer the sons of gentlemen the kind of cosmopolitan experience that would refine their social abilities. As William Smith, an advocate of the college put it, why should we “send our Youth into the Depth of Woods, to perform their Collegiate exercises, in the unambitious Presence of inanimate Trees?” They should study in the city “where the polished and learned Part of the Province are their Judges” and “at one and the same Time, they can learn the Belles Lettres, Breeding, and some Knowledge of Men and Things…” The advocates for a city college won the debate. It was practical to have the college in the city since the likely members of the board of governors, who would oversee the college, lived in or near the city. Ultimately, King’s College was built in the city because the largest financial backers demanded it.

With the issue settled, in August 1756, the governor laid the ceremonial cornerstone for the construction of a three-story stone building located near the Hudson River, near the current World Trade Center. The building was a self-contained school with a library, lecture rooms, laboratory, dining rooms, and twenty-four apartments. It took years for the building to be completed; therefore, in the early years many students, including John Jay, had to secure lodging elsewhere in the city. Those who worried about the corrupting nature of the city certainly had plenty to worry about with their sons living outside the sheltered walls of the college. A visitor in

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14 William Smith, *Some Thoughts on Education: With Reasons for Erecting a College in This Province, and Fixing the Same at the City of New-York* (New York: 1752), 8-11.

15 Humphrey, *From King’s College to Columbia*, 12.

16 Humphrey, *From King’s College to Columbia*, 112.
1774 commented that “the entrance to this college is thro’ one of the streets where the most noted prostitutes live. This is certainly a temptation to the youth that have occasion to pass so often that way… above 500 ladies of pleasure keep lodgings contiguous within the consecrated libraries of St. Paul’s.”\footnote{Frank Monaghan, \textit{John Jay: Defender of Liberty} (New York: The Bobbs-Merrill Company, 1935), 6.} But students with elite family in the city benefitted greatly by their proximity. For example, John Jay’s uncle and namesake, John Chambers, lived in the city and Jay frequented his home during his time at King’s College. Chambers was an esteemed judge, and Jay not only was able to utilize his uncle’s extensive law library, but gained introductions to many of the city’s reputable men.\footnote{Monaghan, \textit{John Jay}, 40; Herbert A. Johnson, \textit{John Jay: Colonial Lawyer} (Washington: Beard Books, 1989), 112-4.} For well-connected students, attending King’s College was about receiving an education, as well as an introduction into elite society.

The other significant debate over the establishment of King’s College regarded its religious affiliation. A majority of the supporters of King’s College were members of the Anglican or Dutch Reformed church, and a number of them were affiliated with Trinity Church, the city’s most prestigious church. Samuel Johnson, a former tutor and Congregationalist minister at Yale who left the school to become ordained as an Anglican minister, was selected by the college’s board of governors. Johnson was very vocal about his desire for a strong affiliation with the Anglican Church. He spent years fighting the predominance of dissenters in Harvard and the College of New Jersey, and envisioned King’s College as a sanctuary for the education of the future Anglican ministry in America. It was imagined that the college would structure itself after the Anglican colleges in England, such as Oxford, where the clerics of the affiliated
churches comprised a ruling body. The Anglican supporters assumed that the head priests of the six established parishes in New York would sit as the school’s board of governors and refer all appointments to the approval of the bishop of London. For many, the creation of an Anglican college in the colonies was a crucial step towards securing an American bishop. However, for the lay supporters of the college, the concerns of the clergy were less important than the reputation of the institution. The University of Oxford was the ideal in the minds of the Anglican elite, and a New York institution in its image would immediately be placed at a higher status than the other colonial schools. The Anglican affiliation would also convince the royally appointed colonial officials to send their children to the school and increase its reputation. Also, having official ties between King’s College and the Anglican Church could help secure royal support and funding. For many proponents of the college, the Anglican nature of the institution was necessary to secure status and facilitate the connections that might lead to prestigious royal appointments.19

However, the elites of New York failed to create a true Anglican institution. The royal governors faced a fierce public backlash against the proposed relationship between the college and the church, leading to a polemic war in the newspapers and a political war in the assembly, known as the “King’s College Controversy.”20 An outspoken group of young lawyers called the Triumvirate, which included John Jay’s future father-in-law William Livingston, wrote scathing newspaper articles exposing the threat that Anglican control over the college represented. They argued that if Anglicans came to dominate control of the college, they would discourage free thought and force their religious sectarian beliefs on the students. Since the college was designed

19 Humphrey, From King’s College to Columbia, 18-35, 73

20 Humphrey, From King’s College to Columbia, 18-35.
to create the future leaders of the colony it would “unavoidably affect our civil and religious Principles” as they would bring these prejudices “on the Bench, at the Bar, in the Pulpit, and in the Senate.” The Triumvirate offered a solution: the charter should not come from the royally appointed Governor but from the assembly that represented various religions; the legislature should make all appointments for the college including the President; the charter should bar any preference of any religion and allow faculty and students to worship at any Protestant church; and, finally, the students should be able to sue in the courts if their rights were violated. Whether the fears of the Triumvirate were real or imagined, the fierce debate led to the New York assembly considering the propositions and withholding funds for the college. Ultimately the board of governors of the college continued on without the support of the assembly; however, they tempered the college’s association with the church – only the rector of Trinity Church would be represented on the board, and the board would have representation from the various denominations. Anglican services would remain, and students were free to worship at any church on Sunday. In the end, neither side won. The Anglican partisans did not get their true Anglican institution, and the dissenters only gained token representation on the predominately Anglican board of governors.

While the debates over location and religious affiliation hint at the elitist underpinnings of King’s College, the debate over the educational philosophy encapsulated it. During its founding, two advocates of the college, Edward Antill and Reverend William Smith, both

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22 Humphrey, *From King’s College to Columbia*, 41.

23 Humphrey, *From King’s College to Columbia*, 65-78.
prominent New York attorneys and education reform advocates, proposed plans for the institution to find and cultivate the talented poor of New York. Antill believed that for the colony to succeed, it needed to find the most talented children, regardless of station, educate them and train them to fill the “Seats & Offices” of the state. To achieve this, Antill proposed training a group of poor children to become a teacher corps, send them throughout the colony, and have them discover and prepare for college the most intelligent and able boys. He argued that the college would fail in its mission to create a new generation of highly educated leaders if they only relied on students who could afford to attend.  

Smith’s plan, similarly, relied on educating the lower ranks, but was more grandiose in vision. He proposed creating a colony-wide two-track educational system. To start, the city should set up a three year English school where children of “all Ranks and Conditions” would study together. During this time, the students would be judged on their merits to determine if they should attend a Latin school to prepare them for college, or a more practical mechanic’s school. The college would also take the best of the mechanic school’s students “gratis” and train them to teach in three-year English schools established throughout the colony, essentially creating a state sponsored education system.

The board of governors, however, saw the college not for what it could do for society, but for how it could support the children of the elite. David Humphrey, in his in-depth study of the creation of King’s College, demonstrated how the leaders of the college dismissed these charitable educational philosophies, favoring instead a staunch elitist philosophy of higher

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24 Humphrey, From King’s College to Columbia, 87-88.

According to him, the elite believed that King’s College should offer “advantages to those boys who could afford them, advantages that popular access would dilute.” The language the supporters of the college used highlighted this philosophy, suggesting that the college should foster an elite identity by reminding students that they had “greater advantages” and there were “higher expectations” of them. Education, along with their natural “Vertue & great Ability” would separate them from others and prove that they should lead the colony in the professions and as political leaders. As for those “design’d for Mechanic Professions and all the remaining People of the Country,” they should receive education suited for their “proper Spheres.” This elitist philosophy permeated the families that sent their sons to King’s College and is why Vardill proudly boasted that the students of King’s College were “in general, the Sons of Gentlemen of independent Fortunes.”

The elite education philosophy was not simply about the elites attending the institution; it was about improving the already “inherent qualities” of the upper classes. The curriculum of King’s College focused on reinforcing the values treasured by the elites “like patriotism, public spirit, and service to society” and prepared them for public leadership. Alongside the study of classical texts in Latin and Greek, as well as the study of rhetoric, students at King’s College read and discussed Johnson’s own *Elementa Philosophica*, arguing that a good man had a duty to

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26 Humphrey, *From King’s College to Columbia*, 90.

27 14 January 1750, *NY Gazette Revived in the Weekly Post-Buy*; Humphrey, *From King’s College to Columbia*, 79-100.


29 Humphrey, *From King’s College to Columbia*, 85.
himself, to God, and to his neighbor – human virtue, divine virtue, and social virtue.\(^{30}\) The whole experience at King’s College reinforced the elite structure. The concept of deference was codified in the school rules by requiring students to respect and listen to their senior classmates. Even the social structure of the college copied the elite New York networks as friendships mirrored the familial and social ties outside of school.\(^{31}\) Finally, in the classroom, students were taught that “Virtues and Vices” were established by the “Birth, Station, and Companions” of the person.\(^{32}\) The mentality produced at King’s College “hailed the merits of talent and virtue over birth and wealth but never let the latter attributes lose their role as keys to success in the next generation.”\(^{33}\)

King’s College was created by a group of elite men with the intent of educating the children of elite men. Of the advocates for the college, only four of the twenty-five lay supporters did not hold political or judicial positions in New York or New Jersey. And almost all of them held positions of power in the principle churches, the New York Council, or civic institutions like the New York Society Library.\(^{34}\) The founders of King’s College were not simply wealthy, they were wealthy and powerful. The desire to restrict King’s College to people outside the network of the wealthy and powerful was made clear by the prohibitive cost of attending the college. Humphrey estimated that it cost £200 to £320 to send a son to King’s

\(^{30}\) Humphrey, *From King’s College to Columbia*, 159.

\(^{31}\) Humphrey, *From King’s College to Columbia*, 209.


\(^{33}\) Humphrey, *From King’s College to Columbia*, 96.

\(^{34}\) Humphrey, *From King’s College to Columbia*, 85.
College for four years. That was nearly twice the cost of sending a child to Princeton.\textsuperscript{35} Considering that most artisans made less than £120 a year, shopkeepers around £350, and merchants up to £900, the cost of college was out of the reach of most New Yorkers. Humphrey concluded that approximately fourteen percent of adult males could afford to send a son to King’s College.\textsuperscript{36} Adults who could afford to send a child to the college found comfort in knowing that their sons were sure to associate only with “the Sons of Gentlemen of independent Fortunes.”\textsuperscript{37}

The Jay family was one of the wealthy elite families who could afford to send a son to King’s College, and the family had numerous social ties to the institution. Peter Jay, John’s father, was a close friend of Samuel Johnson, the president of the college, and maintained a friendly correspondence with him.\textsuperscript{38} Johnson even attempted to tutor John’s brother, Augustus, but quit out of frustration, complaining about the boy’s “bird witted humor.”\textsuperscript{39} Peter was also a vestryman at Trinity Church. But these were not the only connections the Jay family had to the college. John Chambers was a trustee of the college, and John’s brother, James, was knighted for his fundraising efforts on behalf of the college. Johnson warmly welcomed John to the college and grew fond of him. After Johnson left the college, he wrote letters to Peter asking how the

\textsuperscript{35} Humphrey, \textit{From King’s College to Columbia}, 95.

\textsuperscript{36} Jackson Turner Main, \textit{The Social Structure of Revolutionary America} (Princeton: Princeton University Press, 1965); Humphrey, \textit{From King’s College to Columbia}, 93-95.

\textsuperscript{37} Vardill, \textit{Candid Remarks}, 41.

\textsuperscript{38} Peter Jay Letterbooks, JJPO; Samuel Johnson to Peter Jay, 24 September 1762, JJPO; "Education," in \textit{SPJJ}, 1: 4-5.

\textsuperscript{39} Samuel Johnson to Peter Jay, 12 December 1739, JJPO.
young man was doing. As one biographer put it: “When John was ready to be entered in a college, the choice was not difficult.” The family had the wealth to send him to the expensive institution, and they had the social connections that helped to ensure that he would find success.

John Jay began his studies at King’s College on August 29, 1760, at the age of fourteen, and adjusted nicely within the social circles of the elite student. Although Jay had a slight speech impediment, which opened him up to “ridicule,” he was not ostracized but came to call many of his fellow students friends. It is common to refer flippantly to one’s college years as their “formative years,” but looking at the extent to which Jay’s network expands, this notion is pertinent. (Fig. 6 & 7) One of the problems in studying the early years of colonial figures like Jay is that there is very little documentation to examine. Fourteen-year-old Jay did not have an extensive communication network or a need to record his mostly uneventful life. Until his move to New York City to attend college, his social network consisted of his family and the few people living in the countryside retreat in Rye. The most important things to record for a young Jay were his Latin grammar lessons and notes on classic literature in a book that he left next to his bed.

As soon as Jay moved into the apartment at the corner of Broadway and Verletten and started his studies, a massive social change took place: a new social world opened up. (Fig. 6 & 7) The importance of this social shift cannot be understated. No longer was Peter Jay the sole center and guiding force of John’s life, now the young man encountered new social forces that pulled him

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40 SPJJ, 1: 5.
42 Monaghan, John Jay, 27.
into unfamiliar spaces. The consequences of this shift are exemplified by the unlikely and important friendship between Jay and Robert R. Livingston.

The friendships that Jay forged during his college years proved to be strong, lifelong bonds. In 1776, Jay recommended “An Early Aquaintance with him at College,” Edward Nicoll to Alexander McDougall for a military post even though he admitted his behavior “had been reprehensible.” However, many of these friendships were strained to their limits in the political turmoil of the 1770s, as many of his friends sided with the loyalists. The closest and first intimate relationship Jay had was with Livingston. The two met at King’s College, and although Livingston was in the class below, he and Jay became close. Their early letters show all the affection and care of love letters and these early intimate friendships were, in fact, part of the emotional learning process of young men in the eighteenth-century. To modern sensibilities these “romantic friendships” appear odd, but the association between romance and sexuality was not established until the latter half of the nineteenth-century. Jay wrote to Livingston:

Convinced that Friendship was one of the greatest Blessings as well as advantages, this Life can boast, I have long since thought seriously of engaging in a connection of this kind with one, whom I might have Reason to think qualified for such an Intimacy, by being not only of similar Profession & Circumstances with myself, but one whose Disposition would concur with his Fidelity and good Sense, in rendering that Tye firm & indissoluble, which when once entered into, ought ever to be preserved inviolable.

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44 John Jay to Alexander McDougall, 17 February 1776, in SPJJ, 1: 201.

45 “The Jay-Livingston Friendship,” in SPJJ, 1: 34.

46 Richard Godbeer, The Overflowing of Friendship: Love Between Men and the Creation of the American Republic (Baltimore: Johns Hopkins University Press, 2009), 4-10.

47 John Jay to Robert R. Livingston, 2 April 1765, in SPJJ, 1: 35-36.
In the letter, Jay proceeded to explain his shyness in approaching Livingston with his feelings and was overjoyed to have Livingston approach him and profess his desire for friendship. These letters are also interesting in the way the two strove to help each other improve as elite gentlemen. Jay’s requirements for a friend expose his elitist sentiments: Livingston, he affirmed, “possessed in a high Degree every social Qualification, every mental Endowment requisite” of a desirable friend. Over their correspondence, Jay chastised Livingston for risking his reputation by engaging in questionable relationships with women and staying out late and getting drunk, and Livingston attempted to get Jay to open up and become more sociable.

After graduating from college, both men pursued the law and even formed a joint practice. Jay married one of Robert’s distant cousins, Sarah Livingston, and the two men became dignitaries of the revolution. However, their friendship could not survive the fierce partisan politics at the end of the eighteenth-century. The fact that petty personal politics ended their friendship is less surprising than the fact that the relationship was forged in the first place. John’s and Robert’s families were in largely different social networks. Robert was the son of Robert Livingston, a New York Supreme Court judge and member of the Provincial Assembly, and one of the leading political representatives of the Livingston faction. The Livingstons, one of the great landed families, found themselves often in political opposition to the De Lanceys, who were even more powerful and well-connected. The Jays had family connections to the De

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48 John Jay to Robert R. Livingston, 2 April 1765, in SPJJ, 1: 35-36.
49 John Jay to Robert R. Livingston, 1 May 1765, 31 October 1765, 4 March 1766, SPJJ, 1: 37-42.
Lanceys and together, the families engaged in a number of trade ventures. The two young men, entering King’s College, were not destined to be rivals, but considering the largely separate social spheres their families inhabited, their friendship can be viewed as unlikely. The friendship was advantageous for Jay; it offered him connections to one of the most politically important families in New York. Although, how much these new connections influenced Jay’s political destiny is unclear.

**SOCIAL CLUBS**

After college, Jay became well entrenched in the New York social club scene. These clubs were modeled after the various social clubs of London and were created to form a visible social life for elites. The three clubs that Jay joined highlight the various social experiences of these groups. The Debating Society, was a small private group of friends from King’s College looking to extend their educational experience. After establishing himself among the New York social elite, Jay joined “The Social Club,” the quintessential eighteenth-century club designed to create a space for coalescing and affirming the network ties of elite society. Finally, the Dancing Association organized dance assemblies, semi-public showcases for wealthy New Yorkers. Jay’s experience managing the Dancing Association puts a fine point on how serious these groups were to social status, as Jay nearly engaged in a duel when he rejected an application for membership. John Jay’s affiliation with these various social clubs illustrates the way these clubs reinforced the elite social networks of New York.

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David Shields examined the importance of social clubs to eighteenth-century society and the discursive spaces they represented in Civil Tongues & Polite Letters in British America. While Shields’s primary concern was the way language was fostered in these semi-private spaces, he also described the way in which these clubs helped shape the British American elite class. Social clubs and events were particularly important to the colonial elites because there “were no longstanding aristocracies” to clearly dictate the social order in America; instead these social experiences were necessary “to assert status.” At dances, the elite could perform and display their status and wealth through fine clothes and jewelry. They communicated their good fortune by showing off new material possessions, or dispelled rumors of pauperism or sickness by attending. The “private society” also developed a language to signify the in-status of members of the elite. In clubs, members shared the triviality of private jokes and gossip, important global news, and inside information. At dances, participants showed membership to the social group by knowing the dances and lyrics to songs. These clubs and dances were the lifeblood of the colonial elite because “lacking titles, scant of blood, and possessed of few offices, [they] established their social place by material markers and by taking part in social rites of complaisance to display the degree of one’s good breeding.”

John Jay and a group of mostly other alumni began meeting on Thursday evenings in what they called the “Debating Society.” The rules of the Debating Society have been preserved and give a glimpse into the early social world of Jay. During meetings, three of the members presented written topics for debate. The president, which rotated each meeting, would select one of the topics, and sides were taken with each member getting a chance to argue, alternating

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52 David S. Shields, Civil Tongues & Polite Letters in British America (Chapel Hill: Institute of Early American History and Culture, 1997), 141-44.
between the affirmative and dissenting sides. Subjects for debate might include political philosophy: “Whether in an absolute Monarchy it is better that the Crown should be elective than hereditary?” or ethics “Was Virginius Morally Justified in Putting His Daughter Virginia to Death?” The debates were boisterous, and very serious. The society epitomized the virtues that were indoctrinated into the young men at King’s College. The group was designed to continue to groom the members’ intellectual tools. Every Thursday, they practiced their oratory, and continued to engage with the literature and philosophies that they were exposed to at King’s College. The social group’s ideals of proper governance were codified in their rules – fair and democratic procedures and shared power among the members of the society. But, the only way into this society was through the selection by the members – mimicking the ideal social structure of the closed off elite system that these men had grown up in. The debating society was not long lasting, only meeting until 1768, but shows how anxious these young men were to become members of New York’s social elite and how much they internalized the virtuous and elitist sentiments instilled in them at King’s College.

In the next few years, Jay worked as a clerk in the law offices of Benjamin Kissam and then worked to establish a law practice with his friend Robert R. Livingston. The busy work schedule of a law clerk left little time for social engagements. But, by 1772, John Jay had established himself as a competent lawyer and was recognized among the ranks of the elite gentlemen of New York. His social status was recognized by his membership into the group


known as the Social Club, or the “old Club.”55 The Social Club met in the wintertime on Saturday evenings at the Queen’s Head Tavern, or sometimes at a local establishment owned by Walter Heyer.56 In the summers, the group occasionally met at the clubhouse they had built at Kip’s Bay.57 The meetings were jovial and provided a chance to firmly establish oneself among the elites. They were semi-private with written invitations sent to the group members, but their existence and meeting place was publicized by the taverns they frequented in their newspaper ads.58 It was not only a privilege to be a part of this group, but merely hosting the group was something to brag about. The social clubs attempted to bridge political gaps. While members came from different parts of the political divide in New York, the clubs provided an opportunity for them to come together socially. At these meetings, political disagreements were put aside and social standing was celebrated. The coming together of political opponents was not just novelty but an integral part of the elitist concept of the virtuous statesman. A virtuous man was above the political squabbles and had the integrity to raise a glass with a political rival. While New York politics were often rough and tumble, the thing that united political rivals was their shared membership in the New York social elite. (Fig. 8) Following the start of open conflict with Great Britain after the Battles of Lexington and Concord on April 19, 1775, the seriousness of events made it hard to maintain the group, and it was ultimately disbanded in December 1775.59

56 Sharon V. Salinger, Taverns and Drinking in Early America (Baltimore: The Johns Hopkins University Press, 2002), 248.
The other significant group that Jay associated with was The Dancing Assembly. Every few weeks lavish dances were held where the city’s elite could show off their fashionable dress and status. The dances were run through a subscription system wherein applicants provided letters of recommendation and, if accepted, would pay for that season’s dances. Jay’s position in the social scene had risen to such an extent that he was named one of the three managers, along with John Reade and his good friend Robert R. Livingston, in 1772. In managing the Dance Assembly, Jay showed his strictness for adhering to the social standards he attributed to a proper society. Jay’s years cultivating his reputation in New York’s elite social circles reinforced the notion that formality and deference were just as important as social status and heritage. These standards led him to reject the application of Robert Richard Randall, the son of the merchant and privateer, Thomas Randall. In a letter dated February 2, 1773, Jay explained to Randall his rejection. It was, he said, not a personal affront, but simply “that in point of Family you [were] unexceptionable, and that I knew Nothing to be censured in your Character or Behaveour but that notwithstanding you did not appear to me to be connected with the People who frequent the Assembly and as such Connection was in my Opinion necessary to entitle one to Admission.” Randall, who apparently did know some members of the Assembly, rejected Jay’s explanation and demanded a duel to restore his honor. Duels were illegal, although fairly common among the aristocratic youth, were about status, honor, and masculinity, and were extensive affairs that followed the elaborate rules of the Code Duello. The next day, Jay wrote a second letter to

60 “The Dancing Assembly: An Invitation to a Duel,” in SPJJ, 1: 74-75.


Randall denying that he was “desirous of hushing up the Matter between us” and although he was busy during the day, he could duel “any Time after five oClock.” The duel was eventually avoided when the friends of both men were able to calm them down and find some acceptable resolution, what it was remains unknown.

THE NEW YORK BAR ASSOCIATION

The most important network Jay joined before the American Revolution was the small and politically powerful group of New York City lawyers. This group forged a tight social bond through the close association in their profession and through the formation of social clubs like the Moot, which was a legal debating society. These lawyers presented themselves as the political elite, and they famously wielded their power during the Stamp Act Crisis and during the Revolutionary Crisis. They played a dominant role in leading political dissent. Examining Jay’s inclusion and involvement in the New York legal network highlights how the group functioned as an exclusive social network, and how their desire to create a highly qualified profession resulted in a concentrated social clique. Jay’s role in this elite social group also thrust him into the political scene during the Revolutionary crisis.  

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Being a lawyer in New York was, as Crèvecoeur wrote in *Letter from an American Farmer*, one of the “fairest titles” in the colonies.\(^65\) Lieutenant Governor Cadwallader Colden warned that this well-respected group was a political threat and represented a “faction... formidable and dangerous to good Government... and the Powers of the Crown.”\(^66\) The esteem and political power granted to the legal class, however, was a relatively new phenomenon. Early in the eighteenth-century, lawyers were generally looked down upon as pariahs. They were poorly trained, expensive, and were notoriously known for committing fraud and cheating clients. They were hated by the commoner, who saw them as “agents of the hated landlord class” who used tricks to void land deeds in favor of the manor lords. And, they were also dismissed by the upper class who protested professionalizing the law as a “System of confounding other People and picking their Pockets.” William Livingston, while training to become a lawyer, decried his associates saying: “There is perhaps no Set of Men that bear so ill a Character in the Estimation of the Vulgar, as the Gentlemen of the Long Robe.”\(^67\)

Nonetheless, the status of lawyers in New York steadily rose throughout the eighteenth-century due largely to the boom in commerce and the organization of the New York bar. As trade increased throughout the eighteenth-century, the merchants and wealthy families of New York found more need for lawyers. What was once a rare occurrence easily handled by oneself or a well-educated friend, litigation was now an almost daily event and legal matters had become


more sophisticated and specialized. The organization of a bar association also helped to regulate the profession and weed out undesirables. The first mention of a bar association was in 1710, when a group of lawyers petitioned the New York Governor as an association. The bar appears to have started as a largely informal group that met to socialize and discuss the profession, and as one scholar says, “the fellowship and social life connected with their meetings affected the profession from an early date.”68 As the profession became more lucrative, men of greater talents began to join and the bar became more organized and exclusive, and looked to model themselves after the Inns of Court, the professional associations for barristers in England.69

By the middle of the eighteenth-century a new group of young, well-educated, and connected lawyers began to take over the profession. The new students of the law, including William Livingston, William Smith, Jr., and James Duane, all found the standard of the profession and the tutelage of their clerkships lacking. Both Livingston and Duane studied in the office of “one of the most eminent lawyers in the province,” James Alexander. Livingston was so unhappy with his training that he wrote a scathing article as “an invective against the mode of studying law as then practiced; against the drudgery to which the clerks were subjected, as the inattention of their nominal instructors.”70 Livingston ultimately left Alexander’s office and found a clerkship in the office of William Smith, Sr., where he met lifelong friends William Smith, Jr., and John Morin Scott. Livingston, Scott, and Smith, Jr. were accepted in the bar

68 Hamlin, Legal Education in Colonial New York, 96.


following their clerkship and began to forego the drunken social gatherings, choosing instead to meet separately to talk about law and political philosophy. The group, calling themselves the “Triumvirate” produced scathing critiques of everything from education and religion, to the legal profession as currently practiced in New York.\(^\text{71}\)

The men promoted the idea of the “compleat Lawyer” a concept that William Smith, Sr., had instilled in them while they studied in his office.\(^\text{72}\) The idea was that a lawyer needed a complete liberal education in order to be a good lawyer, and that the legal profession needed good and virtuous men to lead it.


These “compleat Lawyers” would also become the best men to lead the colony and protect the legal rights of the people. To promote the development of “compleat Lawyers” Livingston, Smith, Jr., Scott, and another Yale graduate, Benjamin Nicoll, pushed for a number of reforms to the New York bar. The New York attorneys worried that too many lawyers were flooding the colony, and threatened not only their livelihoods but the improved reputation of the profession they had cultivated. They proposed putting a ban on the training of any new law clerks. Lawyers relied heavily on their clerks to do the grueling and menial tasks of preparing forms and copying. As the bar debated how to proceed, the young Yale attorneys offered a number of ideas – they


favored a requirement that all law apprentices have a Bachelor of Arts Degree, requiring four years of college education, and restricted the number of clerks a lawyer could have by allowing only one every two years. They hoped that these rules would help raise the standards of legal education and training within the profession – college education meant more talented applicants and the restrictions on clerks would hopefully improve the attention the young men would receive from their mentors. The bar association largely accepted the plan.\textsuperscript{74}

While the intent of the reforms was to improve the quality of the legal profession, they also helped to create a closed elite social group that wielded significant political power. By requiring a college education, the bar created a monetary hurdle for most New York citizens. If we consider the local King’s College, only fourteen percent of the population could even consider completing the requirement for a B.A.\textsuperscript{75} Also, restricting the number of clerks that attorneys could employ meant that only the well-connected could secure a clerkship. These new requirements created a strict patron-client system. The cohort of lawyers that followed the implementation of the new rules consisted mainly of children of wealthy merchants and landowners, the protégées of men already established in the political world of New York. Herbert Johnson, examining at the legal education of John Jay, noted that by 1764 the bar was a small group of lawyers:

\begin{quote}
closely interrelated by blood or marriage, and united by a community of interest with the large landowners and prosperous merchants of the Province. Furthermore, the shared experience of long clerkships and interminable hours at a scrivener’s desk strengthened the bonds of professional cohesion, and gave to the practitioners of the law a comradely \textit{spirit de corps} that made an impress not only
\end{quote}


\textsuperscript{75} Humphrey, \textit{From King’s College to Columbia}, 94.
upon the litigation of the colony, but also substantially influenced the political life of New York.\textsuperscript{76}

The reforms to the bar’s rules were designed to improve the profession, but they did not substantially improve the experience for young clerks. One of the next generation of lawyers, Peter Van Schaack, recollected his time clerking in 1764: “For my part, how many hours have I hunted, how many books turned up for what three minutes of explanation from any tolerable lawyer would have made evident to me! It is vain to put a law book into the hands of a lad without explaining difficulties to him as he goes along.”\textsuperscript{77} The problem was that the clerking system did not allow for the kind of instruction that the young lawyers needed. Lawyers often had to spend their days in court or make long trip to various parts of the colony and leave the clerks to fend for themselves. John Jay’s frustration with the situation was apparent in his response to a letter from Benjamin Kissam asking “to give some account of the business of the office.”\textsuperscript{78}

I really do not know well understand what you would have me do. You surely do not mean that I should send you a list of new causes on your docket… If by wanting to know how matters go on in the office, you intend I shall tell you how often your clerks go into it; give me leave to remind you of the old law maxim, that a man’s own evidence is not to be admitted in his own cause.\textsuperscript{79}

\textsuperscript{76} Johnson, \textit{John Jay: Colonial Lawyer}, 60.

\textsuperscript{77} In \textit{The Life of Peter Van Schaack: Embracing the Selections from His Correspondence and Other Writing During the American Revolution and His Exile in England.}, ed. Henry C. Van Schaack (New York: D. Appleton & Co, 1842), 9 (henceforth cited as PVS); Johnson, \textit{John Jay: Colonial Lawyer}, 14.

\textsuperscript{78} Benjamin Kissam to John Jay, 12 August 1766, in SPJJ, 1: 44.

\textsuperscript{79} John Jay to Benjamin Kissam, 12 August 1766, in SPJJ, 1: 44-46.
Jay went on for three paragraphs. It is clear that even under the tutelage of what Jay referred to as “a virtuous and agreeable man” of whom he “owed… many obligations,” there was great frustration at the lack of attention paid to him while clerking. Partly in an attempt to make up for this deficit in legal education, the lawyers of New York City formed a legal debate society called “the Moot.”

While the Moot began as a professional club, dedicated to “Conversation, and … mutual Improvement,” it ultimately morphed into a private bar association making agreed-upon rules of practice for its members and offering legal opinions to the courts. The first meeting of the Moot took place on November 23, 1770. A group of lawyers convened at the King’s Arms tavern to debate legal matters. Milton Klein suggested that the Moot functioned as a sort of “seminar in legal education,” and “veteran lawyers,” like Smith, Jr., Scott, Livingston, and Kissam, could discuss the complexities of the law and teach “junior” members like Jay, Robert Livingston, Benson, Duane, and Van Schaack. The group not only included some of the ablest minds of the colony, it also included members of significant political power – Whitehead Hicks was elected Mayor of New York City, and John Tabor Kempe served as the Attorney General of the Province of New York. The political loyalty of the members of the Moot was split – talking politics was against the rules – although six of its members served as delegates to the Continental Congress. Contemporaries remarked at the prestige of the group; Henry Van Schaack wrote: “When… in the history of the bar of this city, has there been, at any one time, such an array of

80 John Jay to Livingston, 19 July 1783, in LJJ, 1: 179.

81 Minutes of the Moot, New York Historical Society, New York. (henceforth cited as “Moot Minutes”).

able lawyers as is established in these 20 members of the Moot, constituting as they then did almost the entire bar not only of the city but the province of New York.”

While most of the meetings were dedicated to “a Question of Law to be debated,” the group also took up matter of legal procedure. The group was modeled after the moot clubs in the English Inns of Court and like these groups focused on the debates of the fine points of law. For example, the first questions related to an executor and creditor who sue each other and “can [the executor] pay [the book debt] and plead *plene administravit* to the Suit [the bond creditor later files], or is he obliged to plead the Specialty [the bond debt] to avoid the Payment of the Book Debt.” However, at later meetings, questions of professional activities were discussed. In February, 1773, the group decided to attempt to collect reports of every case tried in the New York Supreme Court. The idea was that they should appoint three members “to take Notes of All Questions of Law that may be agitated in the Supreme Court during the succeeding Term.” Jay was one of these appointees. This initiative was an attempt to provide the lawyers of the Moot a resource that would improve their legal knowledge and the profession as a whole.

The Moot also took up issues of professional standards. In a resolution, the members of the group decided that they would not “hold themselves accountable to the Sheriffs for their Caption, Milage and Poundage Fees.” In the meeting they agreed that no member would cover the costs of the legal fees for Sheriffs and drafted a letter to inform the “Sheriffs of different Counties” of their decision. These decisions show the desire of the members of the Moot to attempt to elevate their positions above the commercial aspects of the profession. But the

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83 PVS, 6-7.

prestige and importance of the Moot is best exemplified by the meeting in December, 1773, where the group was asked to advise the Chief Justice of the New York Supreme Court, Daniel Horsmanden, on current cases. The question was whether two cases that involved different plaintiffs, but the same land and witnesses, should be considered as distinct cases. The group concluded that the “two Causes should be considered as entirely distinct and that the Costs be taxed accordingly.” The decision was significant since “it has been said that they materially influenced the judgment of the Supreme Court. I find a question connected with the taxation of costs, sent down to the Moot by the chief justice expressly for their opinion.”

Extensive examination of John Jay’s legal career shows how much social connections were essential for his success as a lawyer. Shortly after beginning his studies at King’s College, Jay decided that he wanted to join the legal profession. In 1763, his father, Peter, wrote to family friends in Bristol that he “intended to practice as a lawyer,” and that he “now necessitated to be troublesome,” asking to find John a clerkship so that he would “be within your Notice.” The problem was that at the time, the New York bar had in place a ban on any new clerks. Peter was able to secure an arrangement for John through his cousin, with a lawyer in England, but he bristled at the costs: “the Sum required to be paid down with him, and his engagement, for 5 years, is a consideration alone.” However, Peter’s worries were alleviated by the New York lawyers who revised the rules to allow each lawyer to take one clerk. Through social

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87 Peter Jay to David Peloquin, 14 April 1763, in SPJJ, 1: 23-24.
connections, John Jay secured a clerkship in the office of Benjamin Kissam. Kissam, while he is not well known, was a reputable lawyer in New York. The Kissam family was a highly regarded family from Long Island, but Benjamin looked to make a name for himself in the city. He did this by marrying Catherine Rutgers, gaining ownership of the Rutgers estate, and establishing a successful legal practice.\(^9^0\) Jay connected with Benjamin Kissam through his son, Samuel Kissam, a friend of Jay’s from King’s College. The young men were members of shared social groups, including the Debating Society and the Social Club. Samuel, while spending time on the coast of South America trying to establish a merchant business, wrote to his friend John, fondly remembering their social engagements.\(^9^1\)

Becoming a lawyer in colonial New York took significant resources and social connections, and this was doubly true to be successful in the profession. Through Kissan’s mentorship, his friendship with Robert R. Livingston, and his familial relations, Jay was able to create a successful legal practice by the early 1770s. Young lawyers found it hard to secure clients. Most merchants and landowners in need of legal representation already had connections to the well-established men of law.\(^9^2\)

Jay’s first foray into the “sink or swim” business of law was a partnership with his college friend Robert R. Livingston. While the practice was not successful, and was ultimately dissolved, they subsisted by sharing clients secured through family connections. There were benefits to forming a partnership – they could share the workload, especially the sometimes


grueling travel schedule, and they could rely on each other’s particular knowledge of the law, something important as new lawyers. But, the real reasons for Jay and Livingston’s partnership was their friendship and desire to help one another succeed. Jay’s early cases were almost exclusively related to family. He received six cases from his Aunt Anne Chambers, and a case from his cousin Peter De Lancey. Most of his other cases were from Westchester County, where his father lived, strongly suggesting that these cases came to him through his family network. Livingston received cases from his large landowning family; he also spent a lot of time in the courts in Columbia County, where the Livingston manor was located. By joining together, Jay and Livingston greatly expanded each other’s network of clients. While in theory the arrangement was ideal, in practice the partnership was doomed to fail. The partnership simply languished and was finally dissolved sometime in 1770.93

Jay received a significant amount of help and support from his mentor Benjamin Kissam. During the early years of Jay’s legal practice, Kissam referred cases to the young lawyer. But, the significant break for Jay came through an appointment to clerk for the boundary commission between New York and New Jersey on July 21, 1769.94 Kissam was one of the lawyers for the commission and is likely the reason that Jay was selected. The commission was a procedural disaster. It routinely had problems producing a quorum of commissioners so that the New York assembly had to agree to proceed without a quorum. The proceedings were put in such disarray that Jay became uncertain whether he could legally submit the commission to the royal court. The matter put Jay in an uneasy spot and potentially risked his reputation. Luckily, Jay’s


reputation remained intact, with the Secretary of the State for the Colonies the Earl of Hillsborough, telling Governor Tyron: “I do not well see upon what ground it was, that Mr. Jay had his doubts as to the delivery of the Commission and the proceedings thereupon for running the boundary line between New York and New Jersey; I am to presume, however, from the step taken by the Legislature, that there was some foundation in the law for those Doubts;”95 While the appointment was far from lucrative – Jay might not even have been compensated for some of his work – the prestige of the appointment, the invaluable experience it provided, and the status it gave him beyond the small circle of New York lawyers was invaluable as he sought to establish himself as a distinguished lawyer.96

Following his time on the New York-New Jersey boundary commission, in the fall of 1769, Kissam fell ill and Jay took over Kissam’s workload. The historian Herbert Johnson remarked that Kissam “took considerable risk in entrusting the affairs of his clients to his former clerk… He could easily have lost the case or decreased the judgment, and the return of the postea or endorsed writ of inquiry to New York might have brought with it a rude shock for both Kissam and his clients.”97 Kissam’s faith in his student signaled to his fellow lawyers that Jay was trustworthy and capable. The recommendation of cases, appointment to the boundary commission, and trusting him with his workload “opened to him opportunities not otherwise obtainable.”98 By the end of 1770, Jay’s legal career began to take off. His case load expanded

95 Johnson, John Jay: Colonial Lawyer, 74.
to include sources outside his immediate family connections, and he was brought into the inner circle of lawyers with his admission into the Moot.

The final aspect of Jay’s success in the early years of his law career is the support that he received from his uncle John Chambers. Chambers was a well-respected judge who lived in New York City. The young John Jay was in fact named after the esteemed judge, and Chambers served as witness to the baptism of John. It seems appropriate that Jay would also follow his uncle into the legal profession. Chambers, for his part, helped the young man in his pursuit of the law. During his time at King’s College, Jay frequented the Chambers home. While there, he was introduced to many of the gentlemen of New York, but the true resource was the legal mind of his uncle. He sat and discussed the law with his uncle or read in Chambers’ extensive law library. Chambers had the largest legal library in all of New York. It was an invaluable resource for Jay; books were not cheap or easy to acquire and much of the legal education in the eighteenth-century came from independent research. Chambers’ esteem for his nephew was apparent in his bequeathing to Jay half of his law library in his will.

While his social networks helped to make Jay a successful lawyer, Jay’s professional networks shifted his political connections and led him into the protest movement. The Jay family had connections with the De Lanceys, who were closely tied with the royal governor. However, by the 1770s, Jay’s professional network pulled him into the dissenting faction. Choosing to form a practice with a Livingston put into question Jay’s suitability for a royal appointment. The ideal for a lawyer in colonial New York was to receive a royal political appointment. It meant a

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100 Monaghan, John Jay, 40.
guaranteed salary and social prestige. However, Jay and his closest professional companions were blocked from appointments. At the time that Jay was entering into a partnership with Livingston, the De Lancey faction had a hold on the government. By his association with Livingston, Jay was blocked from a route to a comfortable royal post. Jay also did not help his situation by joining Livingston in a petition to the assembly for a professionalized judiciary. Livingston and Jay suggested that new rules should be put in place for judges to be required to have a legal degree. They, of course, suggested themselves as candidates to serve as traveling judges for New York. Although many of the lawyers of New York supported the concept, the petition was received as a factional plan to weaken the De Lancey control over the courts since this would take away their ability to appoint local political allies to judgeships. The idea was denied by the New York assembly, and more consequentially, Jay was deemed as a Livingston partisan. Within the legal social circle, the major determinate of whether you joined the protesting cause was whether or not you had a connection with the governor and the possibility of an appointment.101

Jay became even more connected to the Livingston faction after his marriage to Sarah Livingston in 1774. The marriage drew him more intimately into the family network than his friendship with Robert R. Livingston. Following his marriage, William Livingston, Sarah’s father and another prominent lawyer, and Jay formed a lifelong friendship. William had a history of being adversarial to royal power being one third of the outspoken Triumvirate, a group that protested many of the Governor’s policies and promoted a Republican ideology. The impact of Jay’s growing network ties to the Livingston’s was not lost on his contemporaries. A loyalist

acquaintance had this to say about Jay following the revolution: “Mr. Jay… took a wife in… the Livingston a family opposed in politics to the DeLanceys, turned Republican, espoused Livingston interest, and ever after opposed all legal government.”

The success of Jay’s legal practice began to falter as tensions with Britain began to rise again in the early 1770s. During the Stamp Act Crisis in 1765, the New York lawyers were leading figures of the protest movement, and as a new protest movement grew in response to the Tea Act, in 1773, the attorneys again positioned themselves to lead the movement. After learning about the closure of Boston’s harbor and the suspension of the civil government of Massachusetts, in May 1774, New York called for a committee of fifty-one “to take onto consideration the measures of Parliament relative to Boston.” Within this committee the lawyers were well represented and pushed for the measured response to Britain that New York came to advocate.

When the political crisis happened, it was not surprising the Jay was pulled into the conflict, although how quickly he rose to prominence might not have been expected. Jay was a well-respected lawyer when the troubles began, and he was well known for his handwriting. The first position he secured was as a secretary in the Committee of Fifty-one – Jay had been selected as a secretary in the Moot club, as a clerk in the boundary commission, and now for his penmanship in the Committee of Fifty-one. But he would not have been included in the protest


105 "Early Political Activism," in SPJJ, 1: 84-85.
movement if he could just write “nicely.” Jay also represented the majority opinion of the legal class. Although there was ultimately a split between the legal profession, some became loyalists and other patriots, early on in the process they were almost unanimously for resistance. In the early days of the protest movement, New York represented the most conservative position in the movement. While there was a current of populist support, the opinion in the political class was to support the merchant interests while also decrying the overreach of royal authority. Jay fell squarely within the group that were outside the inner circle of royal politics, but still represented the political conservatism of the merchant class. The social position of Jay helps to explain how that young lawyer was thrust into the revolutionary political scene.  

CHAPTER 3
LOYALTY NETWORKS:
THE CASE OF JOHN JAY AND PETER VAN SCHAAK, 1774-1777

The question of what made some colonists choose loyalty to the king over rebellion has fascinated many generations of historians. The question offers a chance to understand the fundamental character of being American. But the examination of loyalists also fascinates because it highlights fundamental contradictions in the ideals of the American Revolution. The study of loyalists exposes their persecution as they were rooted out by extralegal bodies like Committees of Safety: the violence and suffering brought upon them by patriot mobs as loyalists were targeted justly or unjustly; and the disregard of personal rights as provincial state governments confiscated their property and exiled them. The study of loyalists brings into sharp relief contradictions of the principles of law and liberty espoused by the revolutionaries.

The many attempts to answer the loyalty question have succeeded to varying degrees. The most popular approach has been to examine the ideologies of the loyalists through the prolific written record they left behind. In these writings, historians have found serious divergences in the understanding of the English constitution. Others have attempted to create character profiles of loyalists and patriots to discover whether there were certain characteristics

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that explain an individuals’ loyalty. Was religion or even royal patronage a factor in the formation of these positions? Still other studies have examined how local power struggles and land disputes shaped whether one became a loyalist or patriot. All of these approaches have added to the body of literature but leave many questions unanswered, such as why some ideologies changed suddenly or why local politics and feuds were significant factors in small towns but not in larger population centers. Finally, identifying common characteristics of these groups often falls short, especially with religious affiliation. For example, loyalists were often Anglican, but not always. The use of network theory combines aspects of each of these approaches and offers a more robust explanation of the various dynamics that influenced loyalty and patriotism.

THE CASE OF JOHN JAY & PETER VAN SCHAACK

In the first issue of the New York State Historical Association’s Quarterly Journal, in 1919, Carl Becker explored the diverging lives of John Jay and Peter Van Schaack. Although they had similar backgrounds and similar political views, Jay became one of the most accomplished leaders of the American Revolution, while Van Schaack was branded a loyalist and banished from America. Becker noted that Jay and Van Schaack’s lives began to take different trajectories the moment news about the Boston Port Bill reached New York on May 12, 1774. He argued that Jay’s patriotism and Van Schaack’s loyalism could not “be explained on

grounds of political or religious principles, because their principles were essentially the same, or on grounds of honesty, because both were men of the highest integrity.” Instead, an answer might be found in “those more subtle and impalpable influences, for the most part unconscious and emotional, which so largely determine motive and conduct.” To probe the “unconscious and emotional,” Becker turned to political psychology, suggesting that Van Schaack’s rigidity made it hard for him to associate, while Jay had “the associating mind” that “easily shapes its thinking to the exigencies of action.” Put simply, these mental characteristics made Jay feel more obliged to follow the dictates of the Continental Congress, while Van Schaack was more prone to question them.

Since Becker first proposed the historical quandary of John Jay and Peter Van Schaack, many historians have relied on his conclusions to varying degrees. A decade after the article, Paul Hamlin did an extensive study on Peter Van Schaack in which he concluded that the reasons for Van Schaack’s loyalism could be “found in the mental characteristics of the man himself rather than in the influence of friends and family.” Since then, many studies on loyalists have quoted Van Schaack’s eloquent writings explaining his loyalty. From these writings, historians

concluded that it was the isolation in Kinderhook, New York, and intense study of John Locke that convinced Van Schaack that “the colonies were not justified in declaring the independence of the United States.” And, in the end, Van Schaack’s loyalism was due to his individualistic nature, which allowed him to “think for himself.”

These conclusions are unsatisfying. A closer look at Peter Van Schaack’s time in Kinderhook reveals that he was not isolated, and his points of view were echoed by many of his loyalist friends and family. Two of his brothers, and two of his fellow Kinderhook committee members, were exiled as loyalists. Nor is it correct to say that Van Schaack had less of “the associating mind” than John Jay, considering that both men shared membership in a number of New York social clubs, and served actively on the same New York political committees. Instead, social network theory offers a better means to explain Jay’s turn to radicalism and Van Schaack’s loyalism. The changing network of relationships for both men during the political crisis suggests that their social networks influenced the way they viewed the crisis.


10 Peter Van Schaack to Theodore Sedgwick, Aug. 13, 1778, in PVS, 118; Benton, “Peter Van Schaack,” 49.
But, before looking at John Jay and Peter Van Schaack’s networks, it is necessary to examine their biographies. Jay grew up in a Huguenot merchant family that maintained strong ties to their European relatives. The other branch of Jay’s family were long established Dutch. Likewise, Peter Van Schaack was from a non-English family. Peter Van Schaack was born into an old Albany Dutch family and married into the ruling aristocracy of New York. Peter was the son of Cornelius Van Schaack, a wealthy fur trader with significant connections in Western Massachusetts. The Van Schaaacks married other notable Dutch families of Albany County, amassing significant influence to help establish a freehold in Kinderhook, which stood in opposition to the Van Rensselaer family, the dominant land holding family in the region. The Van Schaaacks were also close with the famous Sir William Johnson, the successful ambassador to the Iroquois. Henry Van Schaack, Peter’s brother, even served under Johnson in the French and Indian War. Like John Jay, Peter Van Schaack’s father pushed him onto a track towards the learned professions, much in opposition to Peter’s own dream of following his brother’s footsteps into military glory. Van Schaack enrolled at King’s College in 1763.\footnote{Hamlin, "Peter Van Schaack," 66; Edward A. Collier, \textit{A History of Old Kinderhook: From Aboriginal Days to the Present Time; Including the Study of the Early Settlers, Their Homesteads, Their Traditions, and Their Descendants; with an Account of Their Civic, Social, Political, Educational, and Religious Life} (New York: G. P. Putnam's Sons, 1914), 367-69; PVS, 2-3; Ranlet, \textit{The New York Loyalists}, 83.}

At King’s College, John Jay and Peter Van Schaack found themselves in a clique of friends including Egbert Benson, Richard Harrison, Gouverneur Morris, and Robert R. Livingston.\footnote{PVS, 5.} While there, Jay and Van Schaack both decided to pursue a career in law. Van Schaack left King’s College in 1763 to study in the Albany office of his brother-in-law, Peter
Silvester, while John Jay’s father attempted to secure him an internship in a London law office. Fortuitously for the aspiring lawyers, the New York bar decided to relax the rules of clerkship in January, 1764. The change allowed Jay and Van Schaack to study law in the office of a lawyer of the New York bar. Both men formed close relationships with their mentors – Jay with Benjamin Kissam and Van Schaack with William Smith, Jr. The mentors saw great potential in their protégés – William Smith even went so far as to call Peter Van Schaack, “the first genius of all the young fellows in New York” – and Kissam and Smith went to great lengths to introduce the young lawyers into the social and political circles of New York. Perhaps the most advantageous introduction was their inclusion in the Association called the Moot. The Moot formed in November, 1770, by the prominent lawyers of New York, debated disputed points of law for mutual improvement. Other members of the group included Samuel Jones, John Moran Scott, Richard Morris, and William Livingston. Important relationships developed in these social meetings that led to advantageous marriages – Jay to Sarah Livingston, the daughter of William Livingston, and Van Schaack to Elizabeth Cruger, the daughter of the influential Henry Cruger – and to the inclusion of these young men in the New York opposition movement during the political crisis of 1774.

Until John Jay’s departure to Philadelphia as a delegate to the Continental Congress in late August, 1774, there was a striking symmetry between Jay’s and Van Schaack’s networks and political opinions. (Fig. 9) Both men shared a circle of friends and associates; as lawyers

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15 PVS, 13.
they shared the same civic sphere, and they were geographically separated from their families. Jay and Van Schaack were involved in the same activities during the political crisis in 1774. Both were elected into the committee of fifty-one, created by New York moderates and conservatives to wrest the protest movement away from the radical group of mechanics, and tasked with maintaining a correspondence with the other colonies. In this political body, Jay and Van Schaack sat on many of the same special committees, including writing a set of rule and regulations, along with James Duane.\textsuperscript{16} Having similar responsibilities and interacting with the same members on these committees meant that they were exposed to the same discussions and political ideas. Because of the similarities of their networks, it is not surprising that during this period Jay and Van Schaack vocalize similar beliefs – that Parliament had violated the colonies’ fundamental rights and if Parliament did not retract its position on their superiority, it was in the best interest of the colonies to use non-importation as a political weapon.\textsuperscript{17} Although Jay and Van Schaack voiced support for more extreme measures than many of their friends, they were dedicated to maintaining a moderate political atmosphere in New York.\textsuperscript{18} The committee of fifty-one, along with organizations in other colonies, requested that they meet in a general Congress; the request was accepted by the Massachusetts House of Representatives and it was suggested that a Continental Congress meet in Philadelphia in September. John Jay, who had established

\textsuperscript{16} SPJJ, 1: 84-85.

\textsuperscript{17} “Address to the People of Great Britain,” SPJJ, 1: 100-07; Van Schaack to Vardill, 19 Feburary 1774, PVS, 23-25.

\textsuperscript{18} See, Jay to Vardill, 23 May 1774, SPJJ, 1: 87-88; Van Schaack to Vardill, 13 May 1774, PVS, 27-29; LJJ, 1: 29; Pauline Maier, \textit{The Old Revolutionaries: Political Lives in the Age of Samuel Adams} (New York: W. W. Norton & Company, 1980), 81-2.
himself as a strict moderate, was elected as one of the New York delegates, while Peter Van Schaack remained in New York and continued to battle against the rising tide of radicalism.

It is at this point that we begin to see divergence in Jay’s and Van Schaack’s networks. In Philadelphia, Jay’s network expanded as he interacted with delegations. (Fig. 10) The journals of the Continental Congress and Jay’s letters suggest that he joined a clique in Congress with the “conservative” members, or those who shared the belief that a measured protest could bring a speedy reconciliation.  

Congress agreed on a non-importation and non-exportation agreement and Jay returned to New York to help enforce the resolve. Peter Van Schaack tepidly approved of the resolve. He responded to his brother’s complaints about the measure by saying that, “a nonimportation and nonconsumption are what we expected they would agree to. It is a peaceable mode of obtaining redress.” Both Jay and Van Schaack were elected to serve on the committee of associations, or committee of sixty, on November, 22, 1774, which was in charge of enforcing the non-importation act in New York. However, the membership of this committee was significantly different than that of the previous committee of fifty-one, and was more radical. The Association to support the non-importation agreement fractured the once unified moderate group in New York. Thus, when Jay returned from Philadelphia, although he and Van Schaack

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21 SPJJ, 1: 112.
found themselves once again within a similar social and political network, the makeup of that network had fundamentally changed and its strength was significantly weakened.

In May, 1775, John Jay and Peter Van Schaack reached the tipping point: Jay started down the road of revolution, and Van Schaack down the road of loyalism. In this fateful month, Jay was sent back to the Continental Congress while Van Schaack removed himself to Kinderhook. The result was that Jay and Van Schaack severed their New York circles and thrust themselves into two drastically different social settings. Jay found himself debating the issues of colonial unity and international relations in Philadelphia, while Van Schaack fought a local political battle in Kinderhook between the freeholders and the Manor Lords. In Philadelphia Jay was bombarded with information about British machinations and violence, while in the backcountry of New York, Van Schaack was fighting against what his family considered as the Van Rensselaers’ abuse of the imperial crisis to undermine their royally protected right to their land.

Jay’s time in the second Continental Congress was different from his first trip – in both the length of his stay in Philadelphia and the political isolation demanded by the Congress. During the second trip, Jay spent nearly a year in Philadelphia, compared to the two months spent in the first Continental Congress. For the second meeting, the Congress agreed to take an oath of secrecy, which forced members to refrain from any lengthy political discussion with friends or family, effectively restricting their networks. Also, Jay’s activities in the Second Continental Congress were more consequential. In the first Congress, Jay was present to debate the best way to proceed with a unified protest movement. The second meeting had him taking
over more serious roles, such as organizing military defenses and secretly negotiating military aid from foreign countries.\textsuperscript{22}

In Albany County, Van Schaack was also isolated from his social and political circles in New York. In the same month that Jay left for Philadelphia, Van Schaack decided to move to his family estate in Kinderhook. The immediate explanation was for health concerns. A rapidly worsening cataract was causing blindness in his right eye, and the health of his wife was declining. It is also suggested that the recent violence in Lexington alarmed Van Schaack and convinced him to retreat from New York.\textsuperscript{23} But, there were also significant pull factors from his family network in Kinderhook, pleading for him to return.\textsuperscript{24} In the months before his retirement to Kinderhook, Peter’s brother, Henry, had been petitioning him to return to help fight against what he considered the abuse of power by the Albany County Committee.\textsuperscript{25} Until September, 1775, Kinderhook had been a staunchly conservative district, even refusing to send delegates to the general committee at Albany. But, by the time Peter arrived, a “patriot cadre” had emerged, led by Harmon Van Buren and his brothers.\textsuperscript{26} By December, Van Schaack was fully entrenched into the local politics in Kinderhook. A disputed election resulted in the selection of two different slates of delegates to the general committee in Albany – a conservative slate, including Peter Van Schaack, and a competing slate of patriots led by Isaac Goes. After a second election of all

\textsuperscript{22} SPJJ, 1: 115-16, 18-22, 38-40; LJJ, 1: 32-43.
\textsuperscript{23} PVS, 51.
\textsuperscript{24} Hamlin, "Peter Van Schaack," 77; PVS, 51.
\textsuperscript{25} Ranlet, \textit{The New York Loyalists}, 112.
\textsuperscript{26} John L. Brooke, \textit{Columbia Rising: Civil Life on the Upper Hudson from the Revolution to the Age of Jackson} (Chapel Hill: Omohundro Institute of Early American History and Culture, 2010), 37.
freemen of Kinderhook, the conservative slate was recognized. In the first meeting of the new general committee, the members were required to take an oath of Association. Van Schaack and the other delegates refused to take the oath and presented their grievances to the committee. The Kinderhook delegates were voted off the committee and labeled loyalists. Although Peter would claim neutrality, he could not escape the suspicions raised by his more vocal family members, especially after the British captured New York City in September, 1776, and the purge of potential loyalists intensified.

On December 21, 1776, the county moved to arrest Van Schaack and fifteen others, including his brother, David. Van Schaack was brought before the committee, asked again to take an oath, and he again refused. He was sentenced to imprisonment in Massachusetts. With the help of the Massachusetts residents, he received a pardon to return to Kinderhook. However, his return began a spiral of tragedy and suffering. Van Schaack’s wife, Elizabeth, suffered from tuberculosis and her health began to decline rapidly. Van Schaack’s petitions to seek relief for her on Long Island were refused by Governor George Clinton, even a request to allow treatment by a captured British physician was denied by the Albany County Committee. Elizabeth Cruger Van Schaack died on April 18, 1778. That summer, the New York Provincial Congress passed the Banishing Act. On July 29, Peter Van Schaack stood before the Committee of Safety, on which some of his friends sat, and was exiled behind enemy lines. Van Schaack sailed to England on October 16, 1778 in the hopes of receiving medical treatment on his eye.

27 PVS, 58-59.
28 Brooke, Columbia Rising, 38.
29 PVS, 132, 164-184.
It can be determined from this brief sketch of Jay’s and Van Schaack’s networks during this period that it was Jay’s move to Philadelphia and Van Schaack’s relocation to Kinderhook in 1775 that drastically changed their immediate networks and set them on different paths. Their networks dictated how information was diffused to them. This information then fermented within these networks, hatching the ideas that influenced Jay and Van Schaack, and the smaller and limited networks in Philadelphia and Kinderhook created stronger social pressure on them. (Fig. 11)

Diffusion of information within a network is a concept that has garnered much attention.\(^30\) Simply put, people’s networks determine what information they receive, and individuals within the network use information to strengthen their positions within it. It was alluded to earlier that Jay’s oath of secrecy in the second Continental Congress had significant effect on the information that he received. The impact of this can be highlighted through the communications that John Jay and Peter Van Schaack had with their mutual friend John Vardill. Vardill, Jay, and Van Schaack became friends at King’s College. Vardill left for England in January, 1774, for the purpose of taking orders into the ministry. While in England he was appointed assistant Minister at Trinity Church in New York but never returned to America to serve in this role. Instead, he was employed by the crown to write pamphlets and collect intelligence among Americans and American sympathizers in London. In a petition to the Loyalist commissioners, he claimed that he furnished the government much invaluable information from extensive correspondence with Congress’ leaders, including John Jay.\(^31\)

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31 SPJJ, 1: 89n.
On May 23, 1774, Jay wrote a long letter to Vardill about the events in New York politics. Jay also discussed the possibility of a modest judicial post under the crown for himself. However, after joining the Continental Congress, Jay was forced to cease discussing events in America with Vardill, telling him, “I am obliged to be very reserved on this Subject by the Injunction of Secrecy laid on all Members of Congress. And tho I am aware of the Confidence I might repose in your Prudence, I must nevertheless submit to the Controul of Honour perhaps on this occasion too delicate. By the next opportunity I hope I shall be able to be more explicit, you may then expect my Sentiments at large.” All evidence suggests that Jay never offered these more explicit thoughts to Vardill.

Vardill also petitioned Peter Van Schaack for “a state of the affairs of America, the temper of its inhabitants, what alterations and improvements in the civil policy of the Providence you may judge useful, and what plans of measures you conceive would please the Americans to remove future contentions.” Vardill also offered Van Schaack the possibility of a royal appointment when he returned to New York. Apparently by chance, Vardill met Peter Van Schaack’s brother-in-law, Henry Cruger, Jr., on the streets of Bristol. In 1774, Cruger was elected as a representative of Bristol to the House of Commons, where he found common ground with Charles James Fox and the American sympathizers. Cruger employed Vardill to help work

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32 Jay to Vardill, 23 May 1774, SPJJ, 1: 87-89.
33 SPJJ, 1: 8.
34 Jay to Vardill, 24 September 1774, SPJJ, 1: 95.
35 Vardill to Van Schaack, 15 April 1774, PVS, 27.
36 Vardill to Van Schaack, 15 April 1774, PVS, 30.
towards forging reconciliation between England and the colonies. Until his removal to England, Van Schaack maintained this correspondence with Vardill and Cruger. Cruger used Van Schaack’s arguments in a speech to the House of Commons in December, 1774. The letters show Van Schaack’s support of the protest movement waning, and expose the influence that Vardill and Cruger had on Van Schaack’s understanding of parliament’s motives.

The most demonstrative example of Vardill’s influence was the idea that Parliament never wished to enslave the colonists. This idea of enslavement was a popular and important concept throughout the revolution. Van Schaack had made this claim in the past, but it was one to which Vardill, Cruger, and their friends in England strongly objected. In June 1775, Vardill wrote to Van Schaack “I cannot find a man who wishes to see you enslaved, to contribute more money, or have less liberties than Englishmen.” Six months later, Van Schaack echoed this position in an essay defending his neutrality, stating that “my difficulty arises from this, that taking the whole of the acts compiled together, they do not, I think, manifest a system of slavery, but may fairly be imputed to human frailty [...] In short, I think these acts may have been passed without a preconceived plan of enslaving us.” The communication Van Schaack maintained with these relations in England provided him with different information regarding the motivations of Parliament and the political debate in England. To Van Schaack, there were people, like his brother-in-law, sincerely working for the interests of the Americans and a fair reconciliation. Thus, Van Schaack held out hope that “some middle way should be found out, by

37 PVS, 22-23.
38 PVS, 30-31.
39 PVS, 46.
40 PVS, 56.
which the benefits to the Empire should be secured arising from the doctrine of a supreme power, while the abuses of that power to the prejudice of the colonists, should be guarded against; and this, I hope, will be the happy effect of the present struggle.”

The information that Jay received in Philadelphia was of a very different nature. Having stopped political communications with his relations in England, the interpretation of the present struggle was colored by the reports of British harassment from various colonies and the intentions of the British government were filtered through pronouncements denouncing the Congress and rejecting their offers of reconciliation. Jay’s role on the Committee of Secret Correspondence played an especially important role in convincing him of the machinations of the British government. The committee received letters from Arthur Lee, their American agent in London, that included dire warning about Scots—the British military leaders, and gloomy reports on British affairs. In March 19, 1776, Lee warned, “In a word, unconditional submission is the language and intention of the court, as they are induced to believe that the force going out will certainly produce it.” Importantly, Jay was responsible for maintaining communications regarding the defense of New York. In these letters, Jay was consistently informed of the threats and violence committed by loyalist brigades in New York. His friend Robert R. Livingston also wrote to him describing the threat of the loyalist uprisings on the Livingston Manor. This information led Jay, when he returned to New York in April 27, 1776, to push for a law defining loyalist acts as high treason, as well as serving on the Committee of Safety, which exiled loyalists from the state of New York.

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41 PVS, 55.

Some see the network approach often simply stating the obvious or picking at detail, but it goes far deeper than superficial changes in interpretation. Network theory alters the way we ascribe ownership of intellectual ideas. Too often, historians search for a singular source for an idea, when in reality, ideas are diffuse and are defined not by individuals but by relationships between individuals. The network approach helps historians expand beyond one or two individuals to alter the way we understand motivation. Looking at networks, it becomes apparent that subjects do not exist in vacuums: individuals an historical actor interacts with can help to explain their motivations. The network can move attention away from singularity relationships, and instead remind us that individuals maintain multiple relationships. Finally, the network approach does not discount the power of ideas: instead, it provides the social context needed to fully understand them. Van Schaack’s quotes are often used by historians to illuminate the thinking of an American loyalist, but the quotes are so often detached from their social context – whether he was speaking to his brother, provincial Congress, or radical political friend. The social network approach helps to understand this context. The methods of social network analysis were unavailable to Carl Becker in 1919; however, if they had been, he may have concluded that it was Jay and Van Schaack’s networks that were the “subtle and impalpable influences.”

**EPILOGUE**

In the summer of 1782, Van Schaack heard the news that his old friend, John Jay, was headed to Paris as a Commissioner to negotiate a peace treaty with Great Britain. Van Shaack was residing in London and took the opportunity to write his old friend: “Though I have taken up
my pen to write to you, I own I hardly know what to say: embarrassed as I am by a consideration of the strange predicament we stand in to each other, compared with our connection in earlier life.”

To Van Schaack’s surprise, Jay warmly responded to the letter, explaining that he had to sacrifice relationships in duty to his country but “be assured that John Jay did not cease to be a friend to Peter Van Schaack.” From there, a pleasant correspondence continued with Van Schaack confessing that he felt like a stranger in England, writing to Jay, “I freely declare to you what I profess in all companies, that I consider myself a citizen of the United States, de jure at least, whether I become so de facto or not.” He hoped that when Jay made it to London, as he planned to do after concluding the peace negotiations, that the two of them could once again meet in person.

Jay finally made it to England in October, 1783, after the settlement of the Treaty of Paris. His trip was to take him to Bristol to settle an inheritance left by his relatives the Peloquins and to take in the healing waters at Bath. The trip was sidetracked when he fell ill during his journey and decided to stay in London until he felt he could continue his trip. In London, he met with Van Schaack; Jay wrote in his diary: “We met with all the cordiality of old friends who had long been absent without the least retrospect to the cause of that absence.” Jay did not renew severed friendships with everyone he knew in England; many old friends called on him, but he only met those he felt were still friends to America:

43 Peter Van Schaack to John Jay, 11 August 1782, in PVS, 301.
44 John Jay to Peter Van Schaack, 17 September 1782, in PVS, 301.
45 Peter Van Schaack to John Jay, 5 August 1783, in PVS, 301.
46 Collier, A History of Old Kinderhook, 402-03.
Having been very well assured that the Conduct of Judge Ludlow, Mr. Watts, H. White & Peter V. Schaack had been perfectly unexceptionable, and that they had not associated with the abominable Tory Club in London (which filled the public papers with the most infamous Lies against us) I received and returned their Visits – Vardil also made me a visit, but I never returned it – Reports of Cruelties exercised by my old friend [James DeLancey] of W. Chester have also kept us asunder. I wish those Reports may prove as groundless, as he says they are – he paid me a visit but I did not return it – He was an honest Friend to me, and I sincerely lament the Circumstances which prevent my taking him by the Hand as cordially as ever – I have not seen any of General DeLancey’s Family. I once met Billy Bayard in the Street, but we passed each other as perfect Strangers.47

Peter Van Schaack continued to write to Jay and his other New York friends, Gouverneur Morris and Egbert Benson, about his desire to return to America, where his children and many in his family continued to live. In November 1784, Jay sent Van Schaack a letter he received from Governor George Clinton. Jay had petitioned Clinton to allow Van Schaack to return to New York. The governor responded that since Van Schaack was allowed via parole to go to England to receive his surgery before he was officially exiled, that he was free to return to New York to amend the matter.48 This letter, along with assurances from other friends that he would receive fair treatment and safety from them, convinced Van Schaack to secure passage home in June 1785.

When the vessel arrived in New York, Jay, his friend, was the first person to great him. “Mr. Jay has behaved like a true friend.” Van Schaack wrote his sister, “He came on board the ship immediately, brought me on shore, took me to the governor’s, chief Justice’s &c., and

47 John Jay to Egbert Benson, 15-18 December 1783, in SPJJ, 3: 534.
seems determined to do everything for me that he can. All descriptions of people show me every attention and kindness.\textsuperscript{49}

\textsuperscript{49} Peter Van Schaack to Jane Silvester, in PVS, 390.
CHAPTER 4
INTELLIGENCE NETWORKS:

JOHN JAY THE FIRST COUNTER-INTELLIGENCE OFFICER, 1775-1784

At the headquarters of the Central Intelligence Agency (CIA) in Langley, Virginia, is a conference room dedicated to John Jay, recognized as “America’s first counter-intelligence chief.”¹ The CIA distinguishes Jay with this title for his role in uncovering the Hickey Plot and his position on the “New York State Committee and Commission for Detecting and Defeating Conspiracies.” The Hickey Plot was an infamous example of the dangers of Tory insurgents during the American Revolution. Newspapers sensationalized the spoiled plot to have one of Washington’s bodyguards, Thomas Hickey, “murder all the staff officers.”² The publicity that the plot received led to the creation of a number of extralegal bodies to oust potential loyalist spies.³

Jay became involved in uncovering the Hickey Plot by chance. Isaac Ketchum,⁴ a counterfeiter arrested in Cold Harbor in May 1776, claimed to have information about a Tory plot. Ketchum offered up the information in a letter addressed to Jay, writing that he was “not

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⁴ Or Ketcham.
willing to explain it to any person but your Honour.” Why Ketchum was so insistent to talk with Jay alone is unknown, but might be because Jay had served in the Continental Congress and therefore appeared trustworthy. In response to this letter, on June 17 the New York provincial congress created a secret committee “to confer with General Washington relative to certain secret intelligence communicated to this Congress, and take such examinations relative as they shall think proper.” The committee, consisting of Jay, Philip Livingston, and Gouverneur Morris, immediately met to hear Ketchum’s testimony. In exchange for clemency, Ketchum detailed that two other inmates in the New York City jail, Thomas Hickey and Michael Lynch, who were Continental soldiers also arrested for using counterfeit money, told Ketchum that they were part of a group paid by the British and involved in a plot.

Acting on the information provided by Ketchum, on June 18 the committee began to interrogate suspects. The information they uncovered was that Royal Governor William Tryon was recruiting men to help the British fleet secure the city when it arrived. Although there was no official mention, rumors spread that the conspirators identified by Ketchum were involved in a plot to assassinate Washington, blow up the powder magazine, and destroy Kings Bridge. By June 20, the committee had a list of people to arrest and the provincial congress gave them authority to “apprehend and secure in such a manner as they may think most prudent.” The committee signed warrants for the conspirators and enlisted Continental troops to arrest the

5 Issac Ketchum to John Jay June 8, 1776, SPJJ, 1: 258.
6 JPC, 1:495-97; SPJJ, 1: 252.
8 JPC, 1: 477.
suspects. The list included David Matthews, the mayor of New York City, who was arrested in an early morning raid. The provincial congress decided that the soldiers arrested should be turned over to the military courts. Hickey, the supposed assassin, was tried, convicted and hanged on June 26 in front of soldiers and townspeople.\(^9\) Washington explained the events to the president of the Continental Congress, John Hancock:

> no regular plan seems to have been digested but several persons have been enlisted and sworn to join them… The plot had been communicated to some of the Army, and part of my Guard engaged in It – Thomas Hicky one of them… by the unanimous opinions of a Court Martial is sentenced to die, having enlisted himself and engaged others… I am hopeful this example will produce many salutary consequences and deter others from entering into the like traitorous practices.\(^10\)

While Jay’s involvement in uncovering Hickey’s plot and the prominent role he took in New York committees to uncover loyalists secured him the title as “first counter-intelligence chief,” he was involved in other intelligence networks before and after his claim to fame in 1776. During his time in the Second Continental Congress in 1775, Jay sat on what has been claimed to be the first national intelligence body, the Committee of Secret Correspondence.\(^11\) After returning to New York, he led a successful group of counter-intelligence agents. After the Hickey incident, Jay managed a group of about ten secret agents to uncover plots by loyalists.

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\(^9\) SPJJ, 1: 252-3; Bakeless, *Turncoats, Traitors, and Heroes*, 101-09.

\(^10\) Washington to Hancock 24 June 1776, Washington Papers Online, University of Virginia.

\(^11\) The CIA dubiously claims this as their founding body. Although the claim is ahistoric, the Committee of Secret Correspondence does appear to have a valid claim as being the first nationally sanctioned intelligence gathering body: “A Look Back ... Intelligence and the Committee of Secret Correspondence,” (https://www.cia.gov/news-information/featured-story-archive/2011-featured-story-archive/intelligence-and-the-committee-of-secret-correspondence.html).
For a young man from New York trained in law, Jay’s espionage training was a crash course. But, growing up in the elite social circles of New York, Jay had a strong sense of how to utilize social networks, and while the stakes were lower in the game of intrigue than at dance recitals, it was not that far off from the high stakes games of spies and courts.

THE COMMITTEE OF SECRET CORRESPONDENCE

On November 9, 1775 Congress received the news that King George III ignored the “Olive Branch Petition,” a final attempt at reconciliation. In refusing to accept the petition, the King challenged what the colonists saw as an implied right of the British Constitution.12 While the colonists did not have official representation within the Parliament or the ministry, for decades some colonies had employed “colonial agents” to petition members of Parliament and the King’s ministry on behalf of colonial interests.13 The right to petition the King was a long established right of subjects and it was assumed that it applied to colonial subjects as well. The news was met with outrage in Congress and renewed calls for independence.

While the Continental Congress debated their next move, the situation of the Continental Army deteriorated, as the New England winter accentuated the army’s shortages of food, clothing, shelter, and ammunition. In desperate need for supplies, and with a prolonged war looking inevitable, the possibility of seeking foreign assistance was taken with more seriousness. Two approaches were debated: the Congress could implement a complete boycott on all trade

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with the hope of disrupting the Atlantic trade to the point that other European nations would pressure Great Britain to treat with the Americans; or, they could open up trade to all countries, hoping that they would risk starting a war with Britain to reap the benefits of trading with the Americans.\textsuperscript{14} The most important questions, John Adams mused, were regarding foreign diplomacy:

> Suppose then We assume an intrepid Countenance, and Send Ambassadors at once to foreign Courts. What Nation shall We court? Shall We go to the Court of France, or the Court of Spain, to the States General of the United Province? to the Court of Lisbon, to the Court of Prussia, or Russia, or Turkey, or Denmark, or where, to any, one, more, or all of these? If We should is there a Probability, that Our Ambassadors would be received, or so much as heard or seen by any Man or Woman in Power at any of these Courts. He might possibly, if well skill'd in intrigue, his Pocketts will filled with Money and his Person Robust and elegant enough, get introduced to some of the Misses, and Courtezans in keeping of the Statesmen in France, but wd not that be all.\textsuperscript{15}

Of note in this letter is Adams' sardonic concern about the "militia" diplomacy, sending ambassadors without invitation to courts. Even if these diplomats were received, what if anything could these inexperienced diplomats achieve in foreign courts as representatives of a rival nation’s colonies. Congress was aware that they needed to receive answers to these questions. However, the main sources of this information were the colonial agents in London, and almost all communication to them was blocked. The problem was not a lack of willing informants, but the difficulty of receiving information. David Hartley highlighted the problem in a letter to Franklin: "I fear the administration has but too effectually stopped the Channel of


\textsuperscript{15} John Adams to James Warren, 7 October 1775, in LDC, 135-136.
Communication between this Country and its colonies."\(^{16}\) The disruption of the Congress’ communication network was preventing any information from trusted sources from reaching them, making it harder to properly assess the political situation in Europe. Recognizing the need for a new effort to circumvent this censure, Congress chose to delegate money and power to a committee charged with securing agents and modes of transportation to communicate with agents overseas.

On November 29, 1775, Samuel Chase introduced a proposal to send ambassadors to France – it was seconded by John Adams. Chase’s motion sent shock waves through Congress and produced "grimaces, agitations and convulsions" in Congress.\(^{17}\) The motion brought forth a debate that Adams described in a letter to Samuel Chase, in which he claims that Congress refused to petition foreign powers because of their fear of independence.\(^{18}\) At that time, Congress was vehemently against any consideration of treating with a foreign power – they still considered themselves British subjects and Chase’s motion was seen as borderline treasonous.\(^{19}\) After much debate, the resolution was soundly defeated.\(^{20}\)

Instead Franklin introduced a plan to appease both the members of Congress looking to seek foreign aid, and those still clinging onto the hope of reconciliation with Britain. Congress

\(^{16}\) David Hartley to Franklin, 24 February 1776, in *The Papers of Benjamin Franklin*, William Willcox, ed. (New Haven: Yale University Press, 1982), 22: 175. (henceforth cited as BF)


had approved a letter as a response to the failure of the Olive Branch Petition to be sent to the American agents in Britain that highlighted the "wanton barbarity and inhumanity" of the burning of Falmouth (Maine), and the hope for "a lasting union with Great Britain on terms just and equal liberty." Franklin argued that there was no way to ensure the delivery of the letter. If Congress sent it via conventional means, it would surely be opened and censored; however, if Congress found agents in other European countries they could use them to secretly relay correspondences to the American agents in England. Franklin went a step further and suggested that this safe method of correspondence would also allow Congress to receive information regarding the attitudes of foreign courts without compromising the possibility of reconciliation with Britain.

Franklin’s plan was accepted and Congress passed two resolves:

Resolved, that a committee of five be appointed for the sole purpose of corresponding with our friends in Great Britain, Ireland, and other parts of the world, and that they lay their correspondence before Congress when directed."

"Resolved, that this Congress will make provision to defray all such expenses as may arise by carrying on such a correspondence, and for the payment of such agents as they may send on this service."

Benjamin Franklin, John Jay, John Dickinson, Benjamin Harrison, and Thomas Johnson were appointed to the Committee. It was one of several that were created by Congress within a span of a couple of days. The day after Congress created the Committee of Secret Correspondence, the committee members gathered. Franklin took the lead on the Committee, which was natural since

23 JCC, 3: 391.
he had been taking initiative in private to reach out to friends in Europe.\textsuperscript{24} From his communications, Franklin was able to identify the best correspondents – Arthur Lee, his former colleague in London, and the spirited translator at The Hague, Charles Dumas.

As the de facto leader of the commercial interest wing of Congress, John Jay was likely selected for the committee to support the idea of opening ports to foreign trade.\textsuperscript{25} John Dickinson represented a staunch moderate voice in Congress and was considered among the best writers in Congress, and handwriting analysis of the letters from the Committee suggests that it was Dickinson who drafted the majority of the Committee’s letters.\textsuperscript{26} The degree of involvement of the final two members of the Committee is more elusive. Neither Thomas Johnson nor Benjamin Harrison appear to have been deeply involved in the activities of the Committee, and both were frequently absent because of other obligations.\textsuperscript{27} It seems likely that Benjamin Harrison was included to serve as a representative of the Virginia delegation.\textsuperscript{28} Thomas Johnson may well have been on the committee to serve the interest of General George Washington. Johnson was a close friend of Washington and kept him apprised of the events in Congress.

The most pressing issue was to send the Congress’ response to the failure of the Olive Branch Petition to the colonial agent Arthur Lee in London. Lee was so far a reliable and trusted

\begin{itemize}
\item \textsuperscript{24} Samuel Flagg Bemis, \textit{The Diplomacy of the American Revolution} (Bloomington: Indiana University Press, 1935), 31.
\item \textsuperscript{25} Although Richard Morris suggested that it was because of Arthur Lee’s letter claiming that Jay was a loyalist which infuriated the moderates.
\item \textsuperscript{26} Jennifer Wilcox, \textit{Revolutionary Secrets: Cryptology in the American Revolution} (Fort George G. Meade: Center for Cryptologic History, NSA, 2012), 3-4.
\item \textsuperscript{27} Bemis, \textit{The Diplomacy of the American Revolution}, 31.
\item \textsuperscript{28} Francis Wharton, ed. \textit{The Revolutionary Diplomatic Correspondence of the United States} (Washington: Government Printing Office, 1888), 2: 134.
\end{itemize}
correspondent with the Continental Congress. He served as a colonial agent for Massachusetts since 1770 and therefore had established connections within the British government. The Congress used Lee to relay communications to members of Parliament and the ministry, in fact, Lee was the one who attempted to deliver the Olive Branch Petition to the King. Because of the immediacy of the letter, they did not have time to send the letter discreetly though an agent in Europe and decided to send it through conventional channels. For this reason, the committee did not risk mentioning foreign countries:

Our institution is with design to preserve secrecy, and thereby secure our friends, who we suppose may be endangered and alarmed by the late proclamation. It is considered as of the utmost consequence to the cause of Liberty, that an intercourse should be kept up, and we shall be obliged by your sentiments of the most probable and secure method of effecting it. 29

The committee met again to identify other possible correspondents. Franklin's first suggestion was a man who translated his writings Charles William Frederick Dumas. He was born on February 15, 1721 in the German principality of Ansbach to French parents. At some point, he moved to Switzerland and then relocated to the Netherlands around 1750. While living in The Hague, Dumas committed himself to the life of a scholar, making a living from translations for wealthy aristocrats. 30 Dumas had a romantic vision of America. His enthusiasm spurred him to make an acquaintance with Franklin when he visited the Dutch Republic in 1766, and after meeting the diplomat wrote him a number of letters discussing the possibility of

29 The Committee clarified that the concern of Congress was that sympathizers would be afraid to keep up correspondences after the King proclaimed officially that all people involved with the rebels will be considered a traitor. Committee to Arthur Lee, 30 November 1775, in Letters of Members of the Congressional Congress, ed. Edmund C. Burnett (Washington: Carnegie Institution of Washington, 1921), 1: 265.

emigrating to Florida. Dumas’s devotion to the American cause was made apparent early in 1774 when he sent a number of books to Franklin and espoused in the letter how he believed that America would make a “system of nations… as brilliant as ancient Greece or modern Europe.” It was clear that the young scholar was perfect for the objectives of the committee. Dumas was in The Hague, a place where carriers of correspondence would not receive the same level of scrutiny because it was in a neutral country. Dumas was a prolific translator and fully incorporated within the Republic of Letters, and therefore the letters written to him could be masked as the basic correspondence of learned men. Also, he was fluent in French, English, and Dutch, making him able to coordinate between England, the Netherlands, and France.

The letter began with Franklin quoting an earlier letter of Dumas: "toute l'Europe nous souhaite le plus heureux succès pour le maintien de nos libertés." Franklin responded:

But we wish to know whether any one of them, from the principles of humanity, is disposed magnanimously to step in for the relief of an oppressed people, or whether if, as it seems likely to happen, we should be obliged to break off all connection with Britain, and declare ourselves an independent people, there is any state or power in Europe, who would be willing to enter into an alliance with us for the benefit of our commerce, which amounted, before the war, to near seven millions sterling per annum, and must continually increase, as our people increase most rapidly.

This correspondence offers further explanation of what Congress wanted to know: whether a country would be willing to offer assistance without American independence, and if not, whether they would be willing to offer assistance to an independent state based on no other terms than

33 Dumas to Franklin, 9 December 1775, in BF, 22: 176. Translated as: “All of Europe wishes us the happiest success for the maintenance of our liberties.”
34 Dumas to Franklin, 9 December 1775, in BF, 22: 176.
commerce. In essence, the same questions Adams asked a month earlier. The committee also composed a similar letter to be given to Lee, this time clarifying “It would be agreeable to Congress to know the Dispositions of Foreign Powers towards us, and we hope this Object will engage your attention.”  

Considering that the contents of these letters could ruin any possibility of peace with Great Britain, the committee decided that the surest way to maintain secrecy was to have them hand delivered by a trusted agent. The choice was Thomas Story, an Irishman in Philadelphia about whom little is known. What is known is that in mid-December, Benjamin Franklin gave Story £50 to hand deliver the letters to Dumas and Lee. He was to sail from Delaware to Le Havre, and then proceed to The Hague to deliver the letter to Dumas. From there, he would board a ship to London to meet with Lee. This circuitous route was undoubtedly to ensure safety and the probability of success. By the end of December, Story began his journey, but did not reach The Hague until April 1776. According to Story, he stopped in Paris for a couple of weeks to fulfill his desire to see the opera. When Story finally met with Dumas, he gave him a number of pamphlets to translate and the letter from the Committee of Secret Correspondence. He stated that he could not stay in the Netherlands because he was anxious to get to London, no doubt realizing that he had wasted too much time in Paris.

Dumas enthusiastically accepted the role as an American agent. It fulfilled his desire to help the American cause, and Dumas played his role admirably. Through friends, he reached out

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37 Dumas to Committee, 30 April 1776, BF, 22: 403-12.
to the French ambassador to the Dutch Republic, and received affirmation of France’s willingness to engage the colonies in commerce.\textsuperscript{38} Dumas proved to be effective at diffusing information within his network. Having extensive connections with printers due to his profession as a translator, Dumas was prolific at printing and distributing pamphlets sent from the Committee of Secret Correspondence and from Arthur Lee in London. He also ensured that future agents sent by the Americans had a contact in Europe. The risks of making these contacts and being exposed as an American agent did not phase Dumas, "for then I shall be known everywhere for the most zealous American in all the republic, and it will be my pride. All that can come of it will be the loss of my present post but in this case I am sure that Congress will indemnify me by a subsistence suitable for me and mine."\textsuperscript{39} He was right. When it became known that he was a secret agent, he was fired from his position as a tutor to the children of a wealthy aristocrat. Unfortunately, he was incorrect about the sufficient compensation from Congress, of which he saw little.

Dumas was the Committee of Secret Correspondence’s most important contact. A contemporary of Dumas described him as: “the wrench so well known at The Hague by the appellation of Don Quixote and so remarkable for his noisy contests in coffeehouses with those whom he thought were attached to the British interest.”\textsuperscript{40} Dumas was effective. The hope was that Dumas would become a vocal proponent of the American cause in the Netherlands, and although he was a little too boisterous for the French, he made himself noticed by both the

\textsuperscript{38} Dumas to Committee, 30 April 1776, BF, 22: 403-12.

\textsuperscript{39} Deane to Committee, 1 September 1776, BF, 22: 185.

\textsuperscript{40} Nordholt, \textit{The Dutch Republic and American Independence}. 
French ministry in The Hague and the French agents. An analysis of the Committee of Secret Correspondence’s network identifies Charles Dumas as a central figure. Visualizing the many correspondences of this network using simple graph metrics shows that Dumas was second only to Franklin in importance (Fig. 12). Additionally, a close reading of the correspondences reveals that Dumas was much more than an intermediary – he became a critical commenter on American foreign policy.  

Arthur Lee was the only colonial agent in London willing to recognize the Continental Congress. At the beginning of 1775, there were six colonial agents in London; Lee, Franklin, and Paul Wentworth were American-born; Edmund Burke and Charles Garth were members of Parliament who dedicated themselves to the American cause; and finally, there was William

41 One of the most direct influences Dumas's correspondence had was in the presentation of three copies of Emerich de Vattel's *Law of Nations*. The impact of Vattel's work on the founders has been well noted. On receiving the copies, Franklin sent one in the Library Company of Philadelphia, sent one to the college of Massachusetts Bay, and finally one was kept in Congress. Franklin told Dumas that the copy was "continually in the hands of the members of our congress, now sitting, who are much pleased with your notes and preface, and have entertained a high and just esteem for their author."

The *Law of Nations* was an attempt by Vattel to take the principles of "law of nature" and apply them to statehood and sovereignty. The result is a list of laws for nations, more a list of definitions and prescription for how states should act. The work gives clear annunciation to many of the Whig principles of Revolution that have been shown to have influenced the founding fathers. However, Vattel provided language that the founders adopted and ideas, specifically of commerce, that influenced Congress' approach to foreign policy. It is around this time that the term “nation” started to be used by Franklin, and it was a term useful to the Americans. Vattel also gave philosophical and legal backing to Congress' desire to engage in commerce with France and Spain without formal entanglement. In *Law of Nations*, Vattel makes a simple argument that trade is a natural right, and moralistically each nation should treat with the other in a fair and balanced way out of a desire to further the good of people as a whole.  

It therefore follows that nations can and should engage in trade without obligation to any other state. While the influences on the creation of the Model Treaty, written by Adams, can be traced to a number of sources, Vattel's influence is apparent. Dumas to Franklin, 9 December 1776, BF, 22: 176.
Of these six, only Franklin and Lee were willing to recognize the Continental Congress, and when Franklin left, Lee was the only American agent for the Continental Congress remaining. Lee was one of the most prolific and influential pamphleteers in London. Between 1768-1776, Lee produced 170 essays, 17 petitions, about 50 letters printed anonymously in newspapers, and 9 pamphlets. These writings helped Lee establish himself in the center of the radical Whig network in London. He had direct access to the press, and fostered friendships with Henry Sampson Woodfall, the publisher of *Public Advertiser*, and Charles Shy, publisher of the *Gazetteer*, who both reserved space on the first page for Lee’s writings. Lee was also a founding member of the Society for the Supporters of the Bill of Rights, a political machine that was originally created to pay the debts of the populist radical John Wilkes.

Of the agents of the Committee of Secret Correspondence, Lee was the most experienced. However, he was also the most bullheaded and reckless. He was aware of his role in the committee’s network before Story arrived. At the beginning of February 1776, Lee received the letter from 30 November with a note from his brother Richard Henry Lee that he was expected to agree to correspond with the committee.

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46 The author is unknown, but a number have pointed to Richard Henry Lee which makes sense. Wharton, *The Revolutionary Diplomatic Correspondence of the United States*, 2: 72, 76.

As mentioned above, on the same day the Committee of Secret Correspondence was formed, a letter was produced to be sent to the colonial agents to relieve their concerns that might be produced by the proclamation declaring the friends of America as rebels. This proclamation
In response to the note received from his brother, Lee wrote a series of letters addressed to Lieutenant-Governor Cadwallader Colden, the loyalist Governor of New York. George Washington eventually intercepted the letters, in the possession of an escaped American prisoner who was captured. Washington, in turn, forwarded the letters to Benjamin Franklin and Richard Henry Lee. The story raises a number of questions. Why did Lee address the letters to Colden? Was it to hide their intention or was it because Colden may have been letting letters go through uncensored? Why did he send sensitive communications in the underwear of a released prisoner?

Arthur Lee's actions can be best understood in the context of his role in the Wilkes circle. John Wilkes was a political radical who promoted a populist vision railing against Parliamentary and Royal corruption and the evils of Scottish influence. Wilkes used tactics of sensationalism, printing essays that were considered "blasphemous and obscene," and hired questionable subordinates to undermine the credibility of his political enemies. Wilkes and his followers were drawn to the American cause, seeing the American’s complaints as more proof of the corruption of the British crown and Parliament.47

would have been sent to A. Lee and with it the note from the Committee of Secret Correspondence of 30 November 1775. The note does not mention any request for information regarding foreign entanglements, instead the note refers to "preserving secrecy, and thereby secure our friends," asking for his opinion on doing this, and that he should inform the committee of any information regarding America that the committee would "pay the expense of an Express Boat." In the later instructions delivered by the known secure method of Story, Lee is informed of the want of information regarding foreign powers. The letter of the 30th then was a letter of little secrecy and one that could be sent by conventional means. It is likely that this letter was included in a packet with the petition and a letter from A. Lee's brother, the letter from the committee was probably given to R.H. Lee who made a copy for his own records.

Lee’s affiliation with Wilkes explains his refusal to correspond directly with the committee.48 Lee objected to the presence of two members on the committee – Jay and Franklin. Lee believed he had information proving that Jay was a loyalist, probably received from Jay’s brother, James, in London. This rumor was proven false. Lee opposed Franklin because of Franklin’s staunch opposition to Wilkes. While Franklin and Lee were friendly before Franklin left London in March 1775, on returning to America he later wrote a letter condemning Wilkes, and outraging Lee. Bred in the political sensationalism of Wilkes populism, it is not surprising that Lee looked to incite a scandal in Congress.49

Lee had made a connection with some British generals whom he mentions in one of his "Colden" correspondences, as providing the means of safe delivery.50 This connection also explains how Lee gathered military intelligence (although inaccurate), as well as the odd choice of messenger. The American prisoner, under the guise of being released, was sent as a messenger to Lieutenant-Governor Colden. These covert letters were actually to be delivered to either Samuel Adams or James Lovell in Boston, and then forwarded to Richard H. Lee in Congress. In the letters, Lee calls for the dismissal of Jay and Franklin from the committee, and questions the abilities of Washington. Lee hoped that his brother Richard H. Lee could use these letters for political leverage. As soon as Thomas Story arrived in June, Lee relayed to him information he had learned from a French agent in England, Pierre August Caron de Beaumarchais.51

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48 In 1775, Lee was working for the Wilkites to elect Stephen Sayre as sheriff of London.


The correspondences from Arthur Lee highlight the problems the Continental Congress faced from having their communication networks disrupted by the British and their self-imposed gag on discussing the activities of the Congress with others. The information Lee provided to the Congress was at best misinformed and at worst deceitful. Lee’s letters fostered many of the conspiracy theories of the Wilkite circles that Scots and papists secretly guided British policy, and his attacks on Jay and Franklin appear to have the same paranoia. However, this problematic source was one of the few options the Congress had to obtain intelligence about politics in England. To be sure, members of Congress were still obtaining information about the activities of Parliament in Britain from newspapers and unofficial correspondence, but it was Lee’s letters that were being read in front of Congress and given credence.

The network of European agents created by the Committee of Secret Correspondence showed its usefulness in helping to secure French supplies. Soon after Story left Delaware carrying the packet of letters for Lee and Dumas, two Frenchmen, Pierre Penet and Julien-Alexandre Achard de Bonvouloir, arrived in America, adding a new dimension to the Committee’s mission. These strangers’ stories became intertwined and led to a series of events ultimately resulting in an alliance with France.

The first of these men, Pierre Penet, was, along with his partner Emmanuel de Plierne, a merchant in search of opportunity to make money by supplying the Americans with arms. Little is actually known of Penet’s background, but he was met by a captain of an American ship in Saint-Domingue looking for gunpowder. The American ship took the men to Rhode Island, where on December 10 they met with Governor Cooke and claimed to be agents of the French government. The Governor sent the men to meet with Washington, who referred them to the
The Committee of Secret Correspondence arranged a series of meetings which happened to occur over the same period of time that the committee was meeting with a man who also claimed to be a French agent.

Chevalier de Bonvouloir was in fact a French agent. A petty French nobleman who toured America during the winter of 1774, met with several delegates in Philadelphia, and left believing that France could persuade the Americans to break away from England. On his return journey to France, Bonvouloir stopped in London to meet with de Guines, the French Ambassador. The meeting was fortuitous, because it was at this time that de Guines and Beaumarchais, after meeting with Arthur Lee, had convinced Vergennes to send an agent to America. In August, 1775, Bonvouloir was sent back to America to observe Congress and bring the message that France did not have an interest in reacquiring their old Canadian provinces, wished for America’s success in the conflict, and was open to the possibility of Americans using French ports.

In a scene reminiscent of a spy novel, Bonvouloir snuck into Carpenters' Hall on a snowy late December night under the cover of darkness. This was where the members of the Committee of Secret Correspondence met. Each man had arrived alone and at different times. There, Bonvouloir was questioned by the members and managed to convince them that he was a true agent. It is likely that the coincidence of two Frenchmen claiming to be agents and suggesting that France was open to a secret trade reinforced the committee’s belief in Bonvouloir. In

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52 Achard de Bonvouloir to Comte de Guines, 28 December 1775, BF, 22: 185.

53 Paul, Unlikely Allies, 120-5.

54 LJJ, 1, 39-41.
response to the information from the “agents,” the committee took action. They informed the Committee of Trade, which also included Franklin and Morris, of the news. The Secret Committee, established by Congress to secure supplies for the army, devised plans to send ships to France with the approval of Congress. They provided Penet with a list of American requirements to accept a covert trade with France. Penet was also asked to serve as an agent and report any intelligence he learned in Paris.

Penet was told to meet with the translator of Franklin’s scientific work, Jacques Dubourg, in Paris. From a narrative of Dubourg’s we learn more about Penet’s mission. Penet left for Rotterdam and made his way to The Hague to meet with Dumas, who then arranged Penet’s trip to Paris. According to Dubourg, Penet arrived without any papers, claiming to have left them in Holland because of fear of being searched. Dubourg decided that Penet knew enough specifics and was enthusiastic enough that he could not be lying. Dubourg lamented his unusual decision:

These reflections back torture me, but my commitment to you and your respectable friends, my gratitude for the sentiments of benevolence inspired by you to all your compatriots for me, my zeal for the cause of justice, of freedom and humanity, and finally even the necessity of circumstances in which Providence seemed to me specially inscribed in the absence of any other, for a service so honored and critical prevailed over all special consideration, and made me look as sacred duty to devote myself without reserve to what I demanded on your behalf.

Dubourg, because of his previous dealing with the French ministry, was able to get Penet, and later Deane, a meeting with Vergennes. After the meeting, Penet requested Dubourg to act as the


American agent in Paris while he went on to Nantes to attempt to secure supplies. Dubourg agreed, becoming the main American agent in Paris.  

**COMMITTEE FOR DETECTING CONSPIRACIES**

In the summer of 1776, New York wrestled with establishing a new state government following the Declaration of Independence. New York City was occupied by British forces, and New York was still crafting its state constitution. Without any official governing body, the members of the New York Constitutional Convention took the extraordinary step to counteract the rising loyalist threat. The Convention recognized the need for an official body to deal with the loyalist threat. Claiming need through self-preservation, they created a committee with the purpose of “inquiring into, detecting and defeating all conspiracies” plotted against America. The powers held by the Committee for Detecting Conspiracies were considerable. They could subpoena people and papers, call for the militia to suppress insurrections, had the privilege of secrecy to protect their members and any agents employed, and could arrest, imprison, or exile anyone deemed a threat. Jay was appointed to the committee along with William Duer, Charles De Witt, Leonard Gansevoort, Zephaniah Platt, and Nathaniel Sackett. In Conner’s Tavern in the town of Fishkill, about sixty miles up the Hudson River from Manhattan, the committee met daily to interrogate possible Tories, demand an oath of loyalty, and if they refused, then decide to either parole, imprison, or banish.

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By early 1777, Jay was the chairman of the Committee for Detecting Conspiracies and had established a network of informants, employing at least ten counterintelligence agents. The committee began to expand their investigations beyond declared or suspected loyalists by questioning those who declared neutrality. Jay argued that because so many who espoused a stance of neutrality later joined the loyalist cause, anyone who professed neutral sentiments only awaited “an opportunity of pursuing a similar conduct with those who have at last thrown off the mask, and taken an active part with our enemies.” Partly based on these arguments, the New York Convention, which the provincial congress convened as in White Plains on July 9, 1776 to draft and vote on a state constitution, declared that an oath of allegiance must be taken, or, if refused, interrogates were to be sent behind British lines.

Unlike the Committee of Secret Correspondence, which was designed to collect intelligence and spread propaganda, the Committee for Detecting Conspiracies’ intent was counterintelligence. In Philadelphia, Jay was engaged in a mission to create a network of correspondents across the Atlantic. But, in New York, the mission was about deliberately disrupting loyalist networks. The practice of banishing individuals who might pose a risk to other states highlights the committee’s main focus of disrupting loyalist networks. The men sent to other states were not threats by themselves, but could become influenced by the network of British sympathizers that inundated New York. The other mission of the committee was breaking up those loyalist networks. To do this, Jay commanded his cadre of counterintelligence agents to infiltrate loyalist networks and attempt to disrupt them. The committee’s plan followed good

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60 JPC, 1: 638-39.

network logic – remove loose nodes that were closer to the other group and break the ties that bounded the other group. Examples of both of these missions highlight the intelligence practices of the Committee of Detecting Conspiracies.

The issue of neutrals became a serious concern by 1777. It was a tricky challenge for Jay and the committee. Surely some of the self-declared neutrals were honest, but others used the position of neutrality to mask their true allegiance. Jay highlighted the volatility of the situation, pointing out that it was dangerous to risk an “ill-timed act of lenity to individuals, who have either artful and wicked designs, or from interested motives shrink from the duties they owe their country.”

Therefore, to Jay, the most prudent action was to remove anyone who professed neutrality. The New York Convention began to take action on neutrals first by instituting an oath of allegiance in 1777, then with the Banishing Act in June 1778, which ordered the removal of all neutrals and partisans in Patriot territory. The variables dealing with these neutrals are highlighted by considering the case of Peter Van Schaack.

When Peter Van Schaack moved to his family estate in Kinderhook in 1775, he fell under suspicion by the Albany Committee of Safety largely because of his family’s activities. Van Schaack, concerned with the legality of the provincial government and believing that the Albany Committee of Safety was being unjustly used by the landlords in the region, remained recalcitrant to their actions. His attitude led to his temporary banishment to Massachusetts. He petitioned friends like Jay to allow him to be paroled to his home in Kinderhook. Once back in Kinderhook, Van Schaack found himself scrutinized due to the actions and statements made by

his family. Van Schaack’s family network continued to pull him into long held disputes among
the freeholders and landlords, which by this time were overlapping with debates over loyalty. He
was banished behind enemy lines following the passing of the Banishing Act, but Van Schaack
had already received leave from Governor Clinton, partly thanks to Jay, to travel to England to
seek treatment for his worsening cataract. During his exile in England, Van Schaack held firm to
his neutral position, arguing that he never abandoned his country. Jay reluctantly investigated
Van Schaack as a neutral, knowing that his position was based on the law and was well reasoned.
Jay felt that if anyone was able to maintain a dispassionate position, it was the genius legal mind
of his dear friend. However, the broader concern was not necessarily with Van Schaack, but with
the people with whom he associated.

As the experience with Beverly Robinson proved, there was a serious threat lingering
under many of the declared neutrals, and many were holding these positions as a thin veil over
their true sentiments. Robinson was part of a prominent Virginian family. He moved to New
York City sometime in the 1740s, became a partner with the wealthy Oliver De Lancey, and
married Susanna Philipse, one of the inheritors of the expansive Manor of Philipsborough.
Robinson built an impressive mansion near the Hudson River in Dutchess County, where he
severed as a colonel in the militia and a judge. His wealth, titles, and family status made him the
most influential man in Dutchess County. In early 1777, Robinson fell under suspicion of being a
Tory, because of his opposition to sending Dutchess County delegates to the provincial congress
and his connection to prominent Tories including his brothers-in-law Frederick Philipse and

Roger Morris, his oldest son who joined the British, and his business partner, Oliver De Lancey. Robinson, for his part, remained adamant about his position of neutrality.65

On February 22, 1777, Robinson testified in front of the Committee for Detecting Conspiracies. Jay questioned him about his neutrality and pushed him to take the oath of allegiance. During the interrogation by Jay, Robinson complained that the severity of the committee had “made a Great many Tories.”66 Jay famously replied: “Sir we have passed the Rubicon and it is now necessary every man Take his part, Cast off all allegiance to the King of Great Britain and take an oath of Allegiance to the States of America or Go over to the Enemy for we have Declared out Selves Independent.”67 Jay asked Robinson to go home and think about his position and return an answer to the committee within a month.

A little over a week later, Robinson gave his response in a letter to Jay. He decided to remove himself behind enemy lines, but maintained his stance of neutrality declaring “for you may be assured, that nothing shall ever tempt or force me to do any thing, that I think or have the least reason to believe will be prejudicial to my Country, I may Err for want of better judgmt but never will knowingly or designedly.”68 Despite his assurance, Robinson began to raise the Loyal American Regiment almost immediately upon arriving in New York City. His regiment’s raids became notorious, and he infamously mediated the negotiation between Major André and Benedict Arnold, to convince Arnold to turn traitor. While it is possible that Robinson was already acting as a British agent before being banished, it is likely that his move to New York

66 “Minutes of the Committee for Detecting Conspiracies,” in SPJJ, 1: 363-64.
67 “Minutes of the Committee for Detecting Conspiracies,” in SPJJ, 1: 363-64.
68 Beverly Robinson to John Jay, 4 March 1777, in SPJJ, 1: 367-68.
City and reconnection with his Tory friends, along with newfound spite for the New York government for confiscating his fortune, drove Robinson to not only join but also fight for the British.\textsuperscript{69}

While Jay’s role investigating the claims of loyalty among the gentlemen of New York was notable, his role in the organization and operation of a network of counterintelligence agents gives him claim to the title, “America’s first counterintelligence chief.” It was fairly easy to identify loyalists who openly stated their sentiments in the makeshift courts of the committees, but weeding out the network of British agents was another matter altogether. In the backcountry, the guerrilla war between bands of patriots and Tories created fear and chaos. The loyalist bands were comprised of men recruited by British agents, these networks of Tories also formed plots to sabotage the American military effort and gather intelligence from the American politicians. Jay therefore spearheaded an effort to send agents under cover as British sympathizers to infiltrate these networks, gather information, and then expose them to the Committee for Detecting Conspiracies.

While it is impossible to know all the people involved in this network of counterintelligence agents, at least ten names are included in the committee’s minutes. Of these, one became famous: Enoch Crosby.\textsuperscript{70} Crosby was a shoemaker by trade and was living in

\textsuperscript{69} "The Case of Beverly Robinson," in SPJJ, 1: 361-62.

\textsuperscript{70} Crosby gained fame as the inspiration for a spy character, Harvey Birch, in James Fenimore Cooper’s popular 1821 novel \textit{The Spy: A Tale of the Neutral Ground}. In later years, Jay’s son and Cooper’s daughter both admitted that Jay provided Cooper with tales that inspired the novel, but denied that Crosby was the inspiration for the character. Considering the number of agents Jay oversaw, it is likely that the character was an amalgamation of the various men. Whether Birch was based on Crosby or not, the ex-spy continued to promote his theory and describe his service, which were then recorded in H.L. Barnum’s \textit{The Spy Unmasked} and by Crosby himself in his request for a federal pension. These documents provide a glimpse into the functioning of
Connecticut when war broke out. He enlisted in a Connecticut regiment and joined the invasion of Canada under the command of Benedict Arnold. When the military campaign failed, he returned home but was insistent on supporting the American cause. He joined Jay’s network of spies by accident. On his way to enlist in the Continental Army at Kingsbridge, Crosby was approached by a man who mistook him for a Tory. The man confided in him about a militia group being formed to join up with the British in New York. Crosby pushed the man for information, collecting the names of the officers of the company. After leaving, he quickly headed to the home of Squire Young, who he knew was a member of the Committee of Safety. Young listened to Crosby’s story and immediately took him to meet with Jay and the Committee for Detecting Conspiracies. During this meeting, recognizing the usefulness of the young man, the committee asked Crosby to work as a counterintelligence agent.  

The counterintelligence agents assumed false names, presented themselves as British sympathizers, and embedded themselves into Tory groups. After gaining the group’s confidence, the agents attempted to set up a “secure” meeting place. They informed the committee of the meeting, resulting in the arrest of group members. Often times the agent would also be arrested to avoid compromising themselves. The plan was the basic “identify, penetrate, and neutralize” procedure of counterintelligence. The minutes of the committee give the sense that the


counterintelligence ring was successful in identifying and disrupting a number of plots against the state.\textsuperscript{73}

The committee sent Crosby on a mission to attempt to infiltrate a family suspected of organizing Tory activities. He posed as a traveling shoemaker looking for work. In conversation he was able to learn about the formation of a militia and feigned interest in joining. The person offered to sign him up, but Crosby said he did not want to join unless he could know the names of some of the other recruits; these were dangerous times, after all, and he wanted to make sure he could trust the man. The man supplied a list of names, but Crosby demurred, saying he did not recognize any names on the list. Finally, Crosby was brought out into a field where the man pulled out a book from under a stone that contained the names of important persons involved in the plot. This was exactly the information for which Crosby was looking. He agreed to join and took his leave. That night Crosby met with an agent in White Plains and reported what he learned and it was agreed that the next day Crosby would return to the house, join the militia, and wait for a ranger unit to arrest the conspirators. Plans were made to “escape” Crosby from imprisonment. Crosby did just that and was arrested during the raid along with the other men. While imprisoned, Crosby was secretly escorted into a room in the prison to meet with some members of the committee; it was agreed that he should use the name “John Smith” in secret correspondences and that he should escape the prison on his own by breaking out of a window. Breaking out through the window proved easy enough, but a sentry witnessed the escape and

began shooting at him. Crosby luckily escaped with his life and was able to conduct several more missions until he became too well known among the loyalist circles.74

These missions to break up plots were useful in not only arresting loyalist belligerents, but also by breaking up the secret networks of loyalists that existed. Loyalist families like the one in Crosby’s story acted as contact points for the British to recruit and gather intelligence. Jay’s Committee for Detecting Conspiracies used missions like Crosby’s to weaken the connections among these networks by removing these recruiting nodes and potentially collecting information about other contacts.

THE BENJAMIN VAUGHAN MISSION

Jay’s experience in the creation of communication networks in the Committee of Secret Correspondence and his role in creating a counterintelligence network while chair of the Committee for Detecting Conspiracies, bore fruit while in Paris in 1782 when he arrived as a plenipotentiary to negotiate a peace to end the American Revolution. During the negotiations, Jay, with his experience in counterintelligence, recognized a possible plot by the French to undercut America’s position in the negotiations with Great Britain. Jay sent Benjamin Vaughan, a pro-American English radical sent by Shelburne as a private agent in July 1782 to begin preliminary peace discussions with the Americans and a friend Jay trusted despite being employed by the British, to convince Lord Shelburne, the Prime Minister, to negotiate directly with the Americans as “independent states.”

74 Daigler, Spies, Patriots, and Traitors, 120; Bakeless, Turncoats, Traitors, and Heroes, 136-40; Barch, Minutes of the Committee and First Commission for Detecting Conspiracies.
The negotiations for peace in Paris were a complicated affair riddled with intrigue. Separate peace treaties needed to be negotiated between Britain and France, Spain, and America, and each of the allies had conflicting interests. In order to prevent the British from pitting one country against the other, France and America agreed to work together in forging a peace and the American negotiators tentatively agreed not to negotiate with Britain without France. However, early on, the French appeared to undercut the Americans by sending a secret mission to England to perform preliminary discussions with Lord Shelburne. France intended to uphold its agreement with the United States to ensure it received independence, but it also wanted to check the power of a new American nation by limiting its territory and naval rights. Jay, who became the main negotiator while Benjamin Franklin was indisposed with illness, was suspicious of the intentions of Charles Gravier, the Comte de Vergennes, from the start of the negotiations. The actual intent of the French minister is uncertain, but the secret mission created a divide between the French and American negotiators that led to the Americans negotiating with the British in secret.\(^75\)

The events started when Lord Shelburne called the French prisoner the Comte de Grasse to a meeting where he released him back to France with a message that Great Britain was prepared to secure peace. Vergennes decided to send Joseph Matthias Gérard de Rayneval on an undercover mission to London to consult Lord Shelburne and see if he could secure preliminary terms of peace. Rayneval arrived in England on September 13, 1782, and conducted a week long discussion with Shelburne. Although instructed to discuss only those terms connected with France and Spain, Rayneval raised the issue of American independence. Jay had originally made

an issue of the fact that the British negotiator Robert Oswald’s commission had only given him powers to negotiate with “various American colonies” and not independent American states, which the American commissions represented.\textsuperscript{76} Rayneval wanted clarification from Shelburne of the issue and insisted that American independence was a prerequisite for peace negotiations. The issue was settled in Rayneval’s mind writing back to Vergennes, “The article is settled… [independence] will be without any restrictions.”\textsuperscript{77} Rayneval requested assurances that the King would uphold an American independence, but assured Shelborne that France also wanted to restrict the American nation. Following the concession on American independence, Rayneval discussed the possibility of the shared rights of Britain, France, and Spain to the fisheries of Newfoundland, but wished to deny the Americans rights. Regarding borders, the French agreed “to assist” Britain in restricting American territory.\textsuperscript{78} The notes of the Rayneval mission suggest that France, while upholding its agreement to help America secure independence, viewed the United States as simply a useful foil in their negotiations with Britain – much like the two nations had used the native alliances in past New World wars.\textsuperscript{79}

Jay’s suspicions began when Rayneval gave him information about the boundaries between Spain and the United States. During this discussion, Rayneval told Jay that


\textsuperscript{77} Lord Shelburne to Richard Oswald, 27 July 1782, Joseph Matthias Gerard de Rayneval to Comte de Vergennes, 12 December 1782, in \textit{The Emerging Nation}, 1: 479-80, 714-16.

\textsuperscript{78} Lord Shelburne to Richard Oswald, 27 July 1782, Joseph Matthias Gerard de Rayneval to Comte de Vergennes, 12 December 1782, in \textit{The Emerging Nation}, 1: 479-80, 714-16.

Unfortunately he would be away from Paris for a while; this seemed odd considering that they were currently preparing for peace negotiations. On September 9, Jay’s suspicions were confirmed when Matthew Ridley told Jay that Rayneval was headed for England. The next day, the British gave Jay an intercepted letter between Barbé-Marbois and Vergennes critiquing the Americans as too close to the British and denying their claims to the fisheries. Even before Jay received this evidence that the French might be secretly negotiating with England, he was already complaining to his fellow negotiators that he thought Vergennes did not have America’s interests at heart and would negotiate away American independence unless the British acknowledged it before the negotiations.  

Although according to Rayneval’s preliminary discussions with Shelburne, this was not a concern. Jay’s primary concern was with the commission given to Oswald to only negotiate with the British colonies. Jay argued that the commission, as worded, was unsatisfactory. Vergennes suggested that Oswald’s agreement to talk to the Americans implied “tacit admittance” of independence and the British commissioner even showed Jay the article in his instructions, stating that if the Americans “are not at liberty to treat on any terms short of Independence” he could concede it. Spain’s refusal to recognize America’s independence, and Jay’s deep suspicions of France’s intentions, convinced him that nothing short of a new commission would suffice. Franklin suggested that Jay was being overly pedantic, but acquiesced to Jay if he insisted on it.

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80 John Jay to the Secretary for Foreign Affairs, 12 September 1782, in SPJJ, 3: 146-50.

81 John Jay to the Secretary of Foreign Affairs, 17 November 1782, in SPJJ, 3: 225-51.

Jay was convinced that the French and Spanish were covertly undermining the Americans and, on his own, decided to send Vaughan on a secret mission to England. Vaughan was tasked with convincing Shelborne that there would be no peace negotiations unless there was prior recognition of American independence. Jay had also confided in Vaughan that the issue of independence was the thing that continued to tie the Americans to the French court; if the issue was settled then Americans could work with the British apart from the French.  

At the same time that Jay planned Vaughan’s mission, he also approached Oswald about solving the problem of his commission. The biggest hurdle in obtaining a new commission was that the Enabling Act, a bill passed by Parliament to enable the King to make peace with America, did not give the King the right to offer American independence “unconnected with a Truce or Treaty of Peace.” They would have to wait until Parliament returned to session, and then it would be difficult to pass the issue in Parliament without knowing what advantage the British gained by such a concession. Jay’s solution was an agreement to change the preamble of the treaty to state “the Thirteen United States of America” and for Oswald to receive a new commission that authorized him to negotiate with commissioners from the United States and not the colonies. Oswald pushed Jay and Franklin for assurance that these were the only requirements and that they did not need “a pervious & absolute Acknowledgement of their Independence.” The Americans reluctantly agreed if this meant that the British would move forward with the new commission. Oswald requested that Jay provide him with his written


84 Richard Oswald’s Notes on Conversations with Benjamin Franklin and John Jay, 15&17 August 1782, in SPJJ, 3: 71-76.
arguments for the changes in order to convince the British officials; Franklin strongly insisted that such a thing would be inappropriate. Jay, however, later gave Oswald the letter with the condition that he not use it publicly and that it remained unsigned. Oswald consented. On September 11, 1782, both Oswald’s letters and Vaughan left France separately bound for London.

Jay’s request via Oswald was a difficult one for Shelburne. He recognized that the issue of American independence “was the hardest pill to digest, but that… it was necessary to swallow it.” He recognized that many would never concede the point, and it was a dangerous issue; Shelborne had already received threats of assassination if he accepted the American’s demand for independence. Vaughan met Shelbourne around the same time that Oswald’s letter arrived, and insisted that it was necessary to rewrite Oswald’s commission and gave his confidence that Jay would negotiate with Britain in good faith. Shelburne sent a letter along with the new commission with the requested wording, saying: “We have put the greatest confidence, I believe, was ever placed on men in the American commissioners. It is now to be seen, how far they or America are to be depended upon… I hope the public will be the gainer, else our heads must answer for it deservedly.”

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85 Richard Oswald’s Notes on Conversations with Benjamin Franklin and John Jay, 15&17 August 1782, in SPJJ, 3: 71-76.


Jay’s role in the Paris negotiations has been largely discounted. Typically Franklin’s larger-than-life character overshadows Jay and Adams, especially the smooth manner in which Franklin navigated the courts of Europe. However, starting with Morris’s The Peacemakers, an exhaustingly thorough look into the backroom dealings during the peace treaty, much more has come to light about Jay’s importance in the negotiations. The single most significant thing Jay can be credited with is the success of convincing the British to agree to independence before the start of the negotiations. Even if France was sincere in what appears to be their firm condition that America receive independence, if Jay had not received the change to Oswald’s commission, then the Americans probably would not have negotiated directly with the British without the French. After Oswald’s commission was received, Jay and Adams convinced Franklin to treat with the British in secret; this successfully undercut the French machinations to relinquish American demands in exchange for their own gains. In the end Jay’s secretive maneuvering positioned the Americans to achieve a peace with Great Britain that was largely favorable to the United States.89

During the American Revolution John Jay developed a proficiency in understanding and using intelligence networks. From learning the ways of espionage from Benjamin Franklin in the Committee for Secret Correspondence, to developing counter-intelligence networks during the war, Jay deployed these spy skills in Paris and later in London while negotiating the Jay Treaty.

After spending five years within the diplomatic networks in Europe, Jay returned to America and became an integral figure in the construction of the new American nation. In fact, when Jay landed in New York in July of 1784 he found out that he was elected as the Secretary

for Foreign Affairs under the Articles of Confederation. While serving in this position, Jay became part of a growing faction of statesmen looking to strengthen the federal government. Jay’s experience negotiating with foreign government as Secretary for Foreign Affairs convinced him that America needed more centralized power in order to be recognized as a “treaty worthy nation.”

Jay’s negotiations with Spain over access to the Mississippi River and with Great Britain over debts and territory were frustrated by these European nations also negotiating with some states individually. Experiencing the frustrating limitation of the Articles of Confederation, along with his tendency towards traditional governmental structures, Jay became a vocal supporter of adopting a Constitution, a Federalist.

The Federalists created a correspondence network among supporters across the nation, a network similar to the networks utilized by the protest movement against Great Britain in the 1770s. Jay and the Federalists developed arguments that were repeated in newspapers across the network. The most famous of these polemics were collected together as the Federalist Papers written by Hamilton, Madison, and Jay. Over the years, there was a concerted effort to ascribe authorship to each of the papers and through uncovered drafts and textual analysis their authorship has been established. However, the obsession with authorship distorts the fact that these written works were not produced in a vacuum, but within a thriving intellectual network. The ideas presented in the Federalist papers are not owned by Hamilton, Madison, or Jay, but were developed within this network of Federalists.

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91 Stahr, John Jay, 197-222.

92 Stahr, John Jay, 241-70.
Following the adoption of the Constitution in 1788 and the election of George Washington as president, Jay was selected as the First Chief Justice of the Supreme Court. The position required Jay to travel along a circuit court, which meant traveling to state courts to hear appeals. Because of the travel schedule and the desire to appear as an independent branch of the government, Jay kept a superficial distance from the politics in Philadelphia. In reality, Jay was a regular confidant of President Washington and he remained in continuous communication with his Federalist friends to discuss politics. Jay’s role in the Federalist circle of politicians became apparent during the crisis with Great Britain and his selection as a special envoy to negotiate a treaty with Great Britain.\textsuperscript{93}

\textsuperscript{93} Stahr, \textit{John Jay}, 271-312.
CHAPTER 5
DIPLOMATIC NETWORKS:
THE JAY-GRENVILLE TREATY NEGOTIATIONS, 1794-1795

For all that Jay did in the early years of the Republic, he is best known for his role in negotiating a treaty with Great Britain to avoid war – often referred to as the Jay Treaty. While the treaty is studied for the way it expanded early political divisions in America and highlighted the changing relationship between Great Britain and the United States, the actual negotiations are largely overlooked. Jay and Grenville decided early on to conduct negotiations in private meetings, and historians are left without any written records of these conversations. However, the use of network analysis exposes that there was much more going on during these negotiations, showing that much of Jay’s diplomacy was conducted on the periphery of the negotiations as he embedded himself into the social networks of London high society.

Scholars have written extensively about The Treaty of Amity, Commerce, and Navigation (Jay Treaty, 1795) after Samuel Flagg Bemis conducted the first thorough study in 1923. Since then, the Jay Treaty and debate surrounding it have been used to examine the nature of American politics during the Federalist era. Jerald Combs’ study, *The Jay Treaty: Political Battleground of the Founding Fathers*, used the Jay Treaty as a vehicle to examine how the diverging political philosophies of Hamilton, Adams, Washington, and Jay from those of Jefferson, Madison, and Monroe led to the establishment of America’s first party system. Combs found that the positions and actions taken by these statesmen during the crisis with Great Britain were largely influenced by the rise of popular politics in America. Todd Estes also studied the impact the Jay Treaty debates had on American politics, specifically identifying the treaty as the
catalyst for the creation of the American party system. A significant portion of work regarding the Jay Treaty focused on the debate in America and emphasized the interactions between Alexander Hamilton, George Hammond, Thomas Jefferson, and James Madison instead of the actual negotiations between Jay and Lord William Wyndham Grenville. Charles Richardson’s book, *Aftermath of the Revolution*, took serious consideration of the British perspective to the crisis. He showed that much of what caused the rift between Great Britain and America was largely defined by events in Europe. He argued that the structure of the Jay Treaty was influenced less by debates in America, and more so by British policy, which was driven by the events of the Anglo-French War¹ (1793-1802).²

Opinions of Jay as a negotiator tend to fall into two distinct categories – those that pillory him as an ineffectual negotiator who capitulated and relinquished America’s upper hand in the negotiations, and those that vindicate him by noting that the Americans never had a position of

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¹ This war is also referred to as part of the French Revolutionary War or The War of the First Coalition (1792-97). I use the term Anglo-French War because it is closest to the various terms used by contemporaries to describe the war.

power in the negotiations and that his mission was consistently undercut by his own countrymen. Both of these conclusions are unsatisfactory. The anti-Jay faction often takes the opponents of the Jay Treaty at face value and tends to overestimate Americans’ ability to maintain an economic or military resistance to Great Britain writing Jay off as an Anglophile. They often cite a report from one of Jay’s college classmates, who had not seen him since college, as proof of the failure of Jay’s character: “almost every man has a weak and assailable quarter, and Mr. Jay’s weak side is Mr. Jay.”3 The pro-Jay camp, on the other hand, argues that Jay never had a strong position to negotiate. They focus on factors that were out of his control: Hamilton leaking to Hammond that the Americans would not join the armed neutrality; James Monroe, then a diplomat in France, openly criticizing Jay’s mission and the British; and that the mission occurred while Britain’s position in the war was improving. But none of these studies focus on Jay’s trip to England and his attempt to negotiate through sociability. Jay recognized, largely from his difficult negotiations in the past, that successful negotiations relied on trust. The best way to build trust within the British aristocracy was to ingratiate oneself within its social networks. Other works note that Jay spent most of his time in England attending dinner parties and making social calls to intellectuals, but only refer to these engagements as a fascinating aside and not as an integral part of his mission. While Jay’s sociability approach helped result in a

successful negotiation, it also explains the disconnect between Jay’s opinion of a fair and successful treaty and how the treaty was received in America.  

CRISIS WITH GREAT BRITAIN

The growing crisis between the United States and Great Britain arose from the two nations’ mutual disregard of the terms agreed upon in the Treaty of Paris. Both accused the other of breaking the treaty first and used this to explain why they refused to uphold their own agreements. There remained disputes over the borders between the United States and Great Britain’s colonies in Canada, as well as the British refuseal to abandon forts along the unsettled areas between the United States and the Canadian territories. The Americans, for their part, refused to pay their debts to British creditors, claiming that the British refused to compensate Americans for the slaves who were liberated while under the protection of the British Army. Along with these breaches of the treaty of peace, the United States and Great Britain continued to contest the rights of American vessels to trade under a banner of neutrality. Although the disputes over the violations of the Treaty of Paris set the stage for the crisis between the two countries, it was the conflicts on the seas that precipitated it.

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The boundary between the United States and British Canada was problematic. The negotiators worked mostly from a single map, the Mitchell Map. While impressive, the Mitchell Map contained numerous inaccuracies, such as misidentifying the St. Croix River. Surveys of the western lands were spotty, at best, and were often disrupted by the chaos of frequent hostilities between the various European powers and native peoples, so it was nearly impossible to establish clear geographical boundaries. In the Paris negotiations, the British believed they had gained access to the “origin” of the Mississippi River. Their recent alliance with Spain against the French Republic made this access much more valuable. However, using the geographic description of the border as literally written in the treaty meant that British traders were technically forced to pass across American soil in order to access the river. The British used this discrepancy to explain why they were maintaining possession of forts they had agreed to abandon in the treaty, another source of growing hostility between the two nations. 5

The biggest affront to the new United States was the British occupations of forts in the Northwest, which they refused to abandon until the Americans made good on their promise to pay their pre-war debts. However, events that followed the War of Independence made the British realize that these forts were more critical than they had assumed. The commercial lifeblood of British Canada was the Indian trade, and the British were startled by the swiftness with which the Americans moved to settle the newly opened lands. The breakdown of relations

between the new American government and Britain’s Indian allies was not surprising, but the speed that America entered into conflicts with these native groups was alarming. The spread of the Indian Wars led the British to conclude that their presence was necessary, both for the region’s relative stability and to protect their own financial interests. The British dropped the pretense of leaving the forts and declared that they planned to hold them indefinitely after the United States paid off their debt to France (now at war with Great Britain), while continuing to refuse to pay British creditors.\(^6\)

The actual security of the British forts was something else altogether. They were poorly garrisoned and British officials in Canada sent frequent dispatches to Home Secretary Henry Dundas asking to strengthen the British military presence. Following the large migration of Loyalists into the large Province of Québec, covering most of south-east Canada, the British Government restructured the governance of the province breaking it into two – Upper Canada, today southern Ontario, and Lower Canada, today southern Québec. Each territory was run by a lieutenant governor and they were overseen by the Governor General of British America, Lord Dorchester, Sir Guy Carlton. The Lieutenant Governor of Upper Canada, John Graves Simcoe, noted, “any Post on the Continent if attacked, must be considered as necessarily sacrificed.”\(^7\) Partly due to the continued disregard by British officials to his complaints and partly because of lingering hostilities of British Canadians towards the United States, Simcoe sent an expedition to build a fort on the Miamis River in the American territory. Carlton made a series of


inflammatory speeches promising that if the Americans attacked, that force would be met with force. These speeches, combined with Simcoe’s aggressive actions, created a sense that limited military conflict, if not outright war, was inevitable in the borderlands. To the British, the prospect of a war with America was rather grim in regards to positions held in the northern part of the continent, but they were not completely dismayed and felt confident that their major defenses of Québec and Montréal would hold. Either way, a war with America was not going to be won on the continent, it would be won on the seas.  

While issues on the frontier raised tensions, events in the Caribbean Sea brought on a crisis. Since the beginning of Britain’s war with the French Republic in 1792, American ships were constantly seized, despite their status as neutral vessels. The Americans protested that the seizures should stop based on the notion of “free ships, free goods,” that is, goods carried in the cargo of a neutral ship were, by extension, neutral goods. However, the British ignored this argument and maintained the position that the goods of belligerent nations in neutral ships were contraband. Secretary for State of Foreign Affairs, Grenville wrote: “It is indeed necessary to state on this occasion, that the Principal of Free Ships making Free Goods is one which has never been recognized by this Country, and that undoubtedly will not be allowed in the present case.”

The issue of what was considered contraband created a rift between the two nations. The British defined contraband in a sweepingly broad way, as anything “of such a Nature as to enable the

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9 Ritcheson, Aftermath of Revolution, 376-77; Combs, The Jay Treaty, 139.

Enemies of this Country to carry on War against Us.”\textsuperscript{11} Under this vague definition, Britain could confiscate any goods bound for France. The British also encouraged the confiscation of goods by offering excellent terms for privateers, and by covering the cost of any goods illegally seized. Usually letters of marque made privateers responsible for these costs. As American vessels were frequently captured, the new approach seemed designed to target the United States.\textsuperscript{12}

Jefferson, Madison, and supporters of the French thought that armed neutrality was the solution. The Scandinavian countries argued for an agreement among the neutral countries to defend the rights of neutrals by force, if needed. This was an idea that was clearly advantageous to the French, who desperately needed supplies from the neutral countries. In reality, it would have been nearly impossible to uphold this agreement, as Russia, the only other neutral country with a significant navy, had bowed out of such arrangements by signing a treaty with Britain. Even without armed neutrality, the American merchant marine continued to risk dangerous waters to exploit the profits of a wartime market and supply the French. Americans also profited through more disreputable means by continuing to covertly fit French privateers within their ports. While this was lucrative business for the Americans, it infuriated the British and was seen as a clear betrayal of America’s stance of neutrality.\textsuperscript{13}

An international crisis ensued when the Order in Council of November 6, 1793, required British vessels to capture “all ships laden with goods andproduce of any colony belonging to

\textsuperscript{11} Grenville to Hammond, 12 March 1793, No. 6, FO 115/2.

\textsuperscript{12} Combs, \textit{The Jay Treaty}, 139.

\textsuperscript{13} Combs, \textit{The Jay Treaty}, 146-48.
France, or carrying provisions or other supplies for the use of any such colony.” This action almost brought the two countries to war.\textsuperscript{14} The order seems to be the response to events in the military campaign against the French West Indies. The British had suspected the French were using American ships to transport goods from the West Indies to France using forged documents showing purchase by American merchants. However, in late 1793, the British cabinet was informed about the slave revolt on Saint Domingue and how landowners had rushed goods off the island. American ships were arriving in great numbers to deliver these goods to France. The November 6 order was a hurried attempt to prevent these desperately needed supplies from reaching France. While the order achieved its intended purpose, the wider implications of the order were not fully understood by the British Council. The Admiralty courts of the British West Indies were notorious for their “loose interpretation of the rules favoring condemnation,” and maintained their harsh reputation by condemning over half of the 250 American ships.\textsuperscript{15} British ministers either did not know or did not consider the situation with the courts, since Jay mentioned that Grenville appeared legitimately surprised by the suggested number of ships condemned.\textsuperscript{16}

Combs convincingly argued that the November 6 measure was only meant to be a temporary policy. Grenville had suggested as much in a letter to Hammond, and the measure was revoked soon after a committee of British merchants in the America trade petitioned, arguing


\textsuperscript{15} Combs, \textit{The Jay Treaty}, 140-41.

that the order was a threat to American relations and a French representative informed the council that the Americans had access to some of the French Islands before the war. On January 8, the Council decided to revert back to a policy of only seizing ships that were bound for France. It is unlikely that the cabinet, especially the President of the Board of Trade, Lord Hawkesbury, who was in charge of implementing British trade policy, was unaware of the status of the American trade in the West Indies before the war, and news of the actual reaction from America to the order still hadn’t reached Britain. In fact, Grenville packaged the order of January 8 with the November 6 order when he sent it to Hammond, “it is possible that, with respect to the former of these orders, a considerable degree of dissatisfaction may have arisen in America… If anything is stated to you on the subject, you will confine yourself to observing, this order no longer subsists…” The wording suggests there was not great concern about American backlash.

American reaction was almost unanimous in condemning the British order, with protests erupting throughout the country. There was now growing support for America to break neutrality and openly support the French. Thomas Jefferson, James Madison, and James Monroe arose as the mouthpieces for what was labeled the “French party” in America. Their main argument was that America was duty-bound through the Treaty of Alliance (1778) with France to come to France’s aid. The treaty was signed in the midst of the American Revolution and guaranteed that if the British declared war with France, the United States would combine forces with France. However, Grenville countered that France started the war, and therefore, the United States did not have to act on their “defensive” treaty with France. This argument, through Hammond, was

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picked up by the French party’s opponents. Britain was well aware of the thriving Francophile sentiments in America and worried about the influence of Jefferson, who had stepped down as Secretary for State. Hammond warned British officials that “Mr Jefferson is so blinded by his attachment to France and his hatred of Great Britain, as to leave no doubt upon my mind, that he would without hesitation commit the immediate interests of his country in a measure which might equally gratify his predilections and his resentments.”

Washington was convinced that a war with Great Britain was not something the new nation was prepared for and was determined to facilitate peace. Even before the latest crisis with Great Britain, Washington had charged the current minister to Britain, Thomas Pinckney, to smooth relations with the Britain government. However, Pinckney was unable to make the British government budge on any points, partly due to his inability to make any significant changes to American policy without specific instructions, but also because of Britain’s ignorance of the volatile situation in America. Many British officials functioned under the belief that Americans benefited greatly from their trade policies and that Americans understood this and would be unwilling to sacrifice their privileged position. For these officials, it was unlikely that America would declare war, and even if they did, they would immediately regret it. Thus, before the crisis in early 1794, Hamilton and Washington were already attempting to negotiate with Great Britain.

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19 Hammond to Grenville, 7 March 1793, No. 6, FO 5/1

The idea of sending a special envoy to Great Britain with broad powers to negotiate a peace treaty began with a small group of Federalist politicians – Massachusetts Senators George Cabot and Caleb Strong and Oliver Ellsworth, a Senator from Connecticut. In the early days of the constitutional government, uncertainty existed regarding the powers held by each branch of government. The President sending a special envoy had no precedent, and persuading Washington that it was necessary to establish such a precedent would require an effort. Beyond convincing Washington of the propriety of such an appointment, the mission to Britain to negotiate a treaty would not be an easy or popular assignment in the political climate in the spring of 1794. A review of the events leading to the creation of the special envoy to Britain, selection of John Jay, and ratification of the mission by the Senate highlights the way that Federalists used a small network of influencers, as well as formal and informal channels, to bring their policies to fruition.21

On March 10, 1794, Ellsworth, Cabot, and Caleb met at the apartment of Rufus King in Philadelphia. They discussed recent events, concluded that a special peace mission was needed to prevent war, and immediately sought to convince Washington to agree. Ellsworth went to Washington to propose sending a special envoy to London to “require satisfaction for the loss of our property and to adjust those points which menaced the war,” and suggested Hamilton as the best candidate. King successfully persuaded Robert Morris to support the plan.22

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22 “King's Manuscript,” in Correspondence of Rufus King, 1: 517-23.
Federalists had a tendency to work in a small but influential circle of political figures. In a general sense, where as Republicans gained political strength though the public demonstrations of Republican clubs throughout the country, Federalists found strength in their ability to influence those within the political networks of Philadelphia. One of the surest ways of securing their polices was to convince Washington, and their network included three of Washington’s most trusted confidants – Hamilton, Jay, and Adams. 23

In March 1794, John Jay was still in New York on break from Circuit Court and largely disconnected from the Federalist circle. From Jay’s perspective, war was almost inevitable, as evidenced in his writing to King on March 22:

> The aspects of the times begins to alarm. The means and manner contemplated by Congress for fortifying the city are unsatisfactory here. They appear to me inadequate and improper. The Narrows & Hell Gate are the only places which in my opinion merit any attention. Among the measure which strikes me as adapted to the actual state of things, I am much inclined to a perfect stop to Exportation of Provisions of any kind for at least six or eight months. 24

Jay, largely unaware of the current debates in Philadelphia, advocated for the actions James Madison was introducing in the House of Representatives – a 30 day embargo, which eventually did pass at the end of March. Jay returned to the political fold when he arrived in Philadelphia on to hold Circuit Court.

On April 12, 1794, John Jay, the Chief Justice of the Supreme Court, entered Philadelphia for a Circuit Court session. He had returned to his duties after a vacation at his New York country estate and was almost immediately thrust into the politics of a nation on the brink

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24 Jay to King, 21 March 1794, JJPO.
of war. Following news of a November 6, 1794, order by the British Council authorizing the seizure of all American vessels in the West Indies – more than 200 vessels were captured and almost half of them were condemned – French supporters in America started calling for war against Britain. The mood of the country turned violent as mobs began harassing British merchants and officials. The British consul in Baltimore was so concerned for his safety that he traveled to Philadelphia and asked for protection from sympathetic Congressmen. Republicans, the faction of politicians who supported the French Republic in their war against Great Britain, took the crisis as an opportunity to introduce punitive legislation against Great Britain and threatened war. The Federalists, opposed war and hurriedly worked to stop the crisis and restore peace.  

A small cabal of this faction devised a plan to persuade Washington to send a special envoy to London to negotiate peace. Although he was unaware at the time he arrived in Philadelphia, Jay had already been included in these plans, and by the end of the month he accepted the mission of keeping the United States of America out of a potentially devastating war with Great Britain.  

Upon his arrival in Philadelphia, Jay was quickly brought up to date regarding the Federalist agenda. He spent his first night in Philadelphia with his friend, Colonel Jeremiah Wadsworth, a Representative from Connecticut, to discuss the town gossip over a favorite glass

25 Although the party distinctions were still informal at this time, two distinct factions had emerged: one that at the time was often referred to as the “French Party” who advocated closer ties with France during the war and another faction that promoted strict neutrality and called for peace with Great Britain. The members of these two factions would largely remain intact as the Federalist and Democratic-Republican Parties formed. For the sake of clarity I use the later party distinction interchangeably with the factions during the crisis with Great Britain.

26 Monaghan, John Jay, 363; "Rufus King Manuscript" in Correspondence of Rufus King, 1: 517-23.
of Madeira. The next day, Jay had a meeting with Washington. After that meeting, he wrote to his wife:

Peace or war appears to me a question which cannot now be solved. Unless things should take a turn in the meantime, I think it will be best on my return to push our affairs at Bedford briskly. There is much irritation and agitation in this town, and in Congress. Great Britain has acted unwisely and unjustly; and there is some danger of our acting intemperately.\(^{27}\)

The rest of the week, Jay was busy with court business. On Friday, he attended the theater with Robert Morris, a friend who was integral in the Federalist circle’s plans for a peace envoy. The next day, Jay visited King in his apartment. Here, Jay had his first private meeting about becoming the envoy. Apparently, King heard from Morris that Washington was going to select Adams, Jay, Hamilton, or Jefferson as the special envoy. Surely Jay heard the gossip as well from Morris, with whom he had attended the theater the night before, and was probably why he visited King the next day. King, however, told Jay that he supported either him or Hamilton as negotiator, but that he thought Hamilton might create more problems. Before leaving King’s apartment, Jay agreed to tell Washington that Madison’s proposal to sequester British debt and enact a complete embargo would lead to a failed peace mission.\(^{28}\) Two days later, Hamilton provided an analysis of the crisis and asked that his name be removed from consideration and “that of the persons whom you would deem free from any constitutional objections – Mr. Jay is the only man in whose qualifications for success there would be a thorough confidence and him who alone it would be advisable to send. I think the business would have the best chance

\(^{27}\) Jay to Sarah Jay, 9 April 1794, in CPPJ, 4:2-3; Monaghan, John Jay, 365.

\(^{28}\) “King's Manuscript,” in Correspondence of Rufus King, 1: 517-23.
possible in his hands.”

Washington immediately sent an invitation to Jay to meet; the two talked for several hours about the mission and when Washington offered him the post, Jay asked for time think about it.

The manner in which Jay was selected as envoy implies that he was the most desired candidate by all involved. It had been suggested that Hamilton was the top candidate, and he surely would have been an appealing option to the Federalists. However, it was clear, even at the onset of discussions about a peace envoy, that Hamilton was too unpopular for the job. It was also clear that Jay would need convincing to take the position. John Adams, in a letter to his wife, suggested, “If Jay should succeed, it will recommend him to the choice of the people for president, as soon as a vacancy shall happen.”

From the moment Jay stepped foot into Philadelphia, he was bombarded with the issue of peace with Britain. His Federalist allies and friends were correct that he needed to be persuaded. He was immediately inundated with arguments about the importance of the mission and the Federalist circle used typical tactics of peer pressure to convince him.

The afternoon following Jay’s meeting with Washington, he met the Federalist circle – Hamilton, King, Cabot, Strong, and Ellsworth. They implored Jay to accept the position and

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30 Jay to Sarah Jay, 15 April 1794, in CPPJ, 4: 3-5; "King's Manuscript," in *Correspondence of Rufus King*, 1: 517-23.


argued that the situation was “deemed… too interesting and critical to permit him to hesitate.”33 He reluctantly agreed to accept the position, regarding the assignment “not to be desired, but to be submitted to.”34 After he agreed to take the mission, the group wanted Jay to use his new position to insist that Madison’s proposals in the House would doom the peace process before it even began.35 The insistence of this point is interesting considering Jay’s letter from New York, in which he seems to support the embargo. His fellow Federalists wanted to ensure that Jay had agreed to their positions opposing an embargo. When Jay returned home that evening, he penned a letter to his wife, Sarah:

There is here a serious determination to send me to England, if possible, to avert a war. The object is so interesting to our country, and the combination of circumstances such, that I find myself in a dilemma between personal considerations and public ones. Nothing can be much more distant from every wish on my own account. I feel the impulse of duty strongly.36

On April 16, 1794, Jay’s nomination was presented to the Senate for ratification. Jay was clearly qualified for such a mission: during the Revolution he had been selected as the plenipotentiary to Spain, and consequently selected to negotiate peace in Paris. As Secretary for Foreign Affairs under the Articles of Confederation, he had already negotiated with British ambassadors on a number of the issues plaguing the relations between the countries. Those opposed to Jay, however, took umbrage to what they saw as his Francophobia – they complained that Jay had obstructed a treaty with France while Foreign Secretary and openly denounced the French ambassador, Edmond-Charles Genêt. Jay had, in fact, worked systematically along with

33 “King’s Manuscript,” in Correspondence of Rufus King, 1: 517-23.
34 Jay to Sarah Jay, 15 April 1794, in CPPJ, 4: 3-5.
35 “King’s Manuscript,” in Correspondence of Rufus King, 1: 517-23.
36 Jay to Sarah Jay, 15 April 1794, in CPPJ, 4: 3-5.
Hamilton and King to undermine Genêt, whom they decried as an instigator attempting to create a popular uprising, and together they organized meetings to show support against the French ambassador. The other major objection was that it seemed against the spirit of the Constitution for a sitting Supreme Court Justice to also serve as a minister. Washington himself seemed to have similar reservations, strongly advising Jay to step down as Chief Justice, which Jay refused to do. Although his opponents gained some support, Jay was approved as “Envoy Extraordinary from the United States” on April 19.  

Two days after Jay’s nomination, the Federalist circle met with Jay to discuss instructions for his mission. Here, we see how this group took command of the British mission. The ideas discussed in the meeting were included in the letter Hamilton sent to Secretary for State, Edmund Randolph, who mostly copied Hamilton’s letter to serve as Jay’s official instructions. Hamilton also included a second letter with additional detailed instructions that were probably more authoritative than Randolph’s official instructions. The instructions Randolph provided were intentionally vague and gave Jay considerable freedom. This was deliberate, as the Federalist circle trusted Jay to adhere to their positions. There is a tendency to attribute Hamilton as the guiding hand of the foreign policy presented in the instructions to negotiate peace with Great Britain. While he was the most vocal, it is clear that the instructions were developed through a number of personal interactions between the members of this Federalist circle. The positions argued for during the Jay treaty negotiations, therefore, cannot simply be ascribed to Hamilton or

Jay or to any single individual, but are rather the amalgamation of ideas from like-minded Federalist politicians in Philadelphia.\textsuperscript{38}

**THE JAY MISSION**

After his senate confirmation, Jay immediately began to prepare. One of the first critical decisions he had to make was who to bring with him as an official secretary. The position was important. Not only would the secretary be involved in recording the negotiations and scribing documents, but he would also need to be able to offer support and counsel to Jay during negotiations. Samuel Bayard was suggested as the ideal choice for the position. He was a lawyer who had served as a clerk for the Supreme Court for the past three years.\textsuperscript{39} Jay had a good relationship with Bayard – they were even distant relatives – but nonetheless he skipped over him to select his friend, painter John Trumbull, arguing, “his long residence and Connections in London will enable him to be more useful.”\textsuperscript{40}

The selection of Trumbull is interesting for several reasons. First, when Jay originally met with Lord Grenville, the two agreed to negotiate in private without secretaries. It seems likely that this approach was premeditated; knowing this makes Trumbull a more desirable pick.

\textsuperscript{38} Instructions to Jay as Envoy Extraordinary, 6 May 1794, in CPPJ, 4: 10-22; Hamilton to Jay, 6 May 1794, in *Papers of Alexander Hamilton*, 16:381-85.


The secretary was not going to be needed during the negotiations, making Bayard’s experience and skills as a court clerk less necessary. Jay was aware that he would be scrutinized for his mission, and his friendship with Trumbull made it less likely that his secretary would question his negotiation tactics. But most importantly, Jay looked to use Trumbull’s popularity and “Connections in London.” In 1784, Trumbull studied under Benjamin West in London, where he enjoyed the patronage of John Baker Church, the wealthy London socialite and brother-in-law of Alexander Hamilton. Jay understood socializing in London to be an integral part of the mission. Trumbull would be able to leverage his connections as a way to secure information and interactions with many important Londoners.

On May 12, 1794, Jay and his party, including son Peter, boarded the Ohio. As the vessel left the harbor, well-wishers gave up three cheers, and cannons at the Battery saluted Jay. Any enthusiasm Jay might have felt from the spectacle was quickly dashed as his tendency towards motion sickness surfaced as soon as they entered open water. Jay suffered for the entire twenty-six day journey across the Atlantic. Fortunately, he was able to suffer alongside Thomas Scattergood, a Quaker who was so enthusiastic about Jay’s “Message of Peace” that he requested permission to sail to England on the same vessel. The two spent long hours in their beds discussing religion and the blessings of peace. On June 8, 1794, the Ohio docked in Falmouth where they were received by Mr. Fox. In his diary, Peter Jay recorded the sightseeing that the group did throughout their journey. They visited the Exeter Cathedral, the Gothic Cathedral in Wells, and they stopped at Taunton where they drank the famous ale. Finally, on June 15, they

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41 Trumbull, Autobiography, 176.
42 Monaghan, John Jay, 370-73.
reached London and went to their lodgings at the Bath Hotel. There, they meet Thomas Pinckney and John Baker Church – their main social contacts throughout the negotiations. Unfortunately, the hotel did not have room, and the party had to take up lodgings in the Royal Hotel, in Pall Mall.43

The British were largely caught off guard by the arrival of Jay, being unaware of the seriousness of a threat of war. The dispatches from contacts in North America dating from February only arrived in June, 1794, meaning official news of Jay’s arrival was delivered two days after he landed in Falmouth. This is not to say that they were completely ignorant of the gloomy situation. London newspapers printed contradicting rumors of the news out of America, first claiming that the embargo had been defeated, and then that it had been enacted. Claims were made that Congress was preparing to launch a war, followed by rumors that Thomas Jefferson was already in London to negotiate a treaty.44

Jay arrived in a much more tenuous situation than many suggest. Although Britain had secured a number of naval victories for rule of the Caribbean, the war on the continent was not going well. The coalition with Spain was starting to fray; in America, the Indian Confederacy, which the British saw as a buffer from the American military, had been broken; Nordic countries were threatening armed neutrality backed by France; and, finally, the British began to receive

43 Peter A. Jay Diary from British Negotiations, John Jay Papers, II: Box 59, Columbia University Butler Rare Book Library, New York (henceforth cited as Peter A. Diary); Monaghan, John Jay, 373.

word that the American embargo had stifled much-needed provisions to the West Indies. The committee of American merchants called on Prime Minister William Pitt the Younger, on June 14 to know “whether they might with confidence prepare the goods for the American market, as usual, or whether, under the existing circumstances, the alarm of a rupture with sufficiently grounded to make them hesitate executing the order they had received.” Pitt replied, “Jacobin principles have made their way into America to such an extent as to make it doubtful what would be the issue of difference now to be settled.” Pitt was clearly worried that the French sympathizers in America would succeed over Washington’s declaration of neutrality.

Although peace was the most desirable outcome to the British, the threat of war with America still appeared to be more of a nuisance than a reason to change their policies. The British still had dominance of the sea, and if anything, war with America would simply increase their ability to control the Atlantic trade. The dominant opinion, promoted by Hawkesbury and agreed to by Grenville, was that any American attempt to embargo the British West Indies would, in the long run, hurt America more than Great Britain. The repeal of the American embargo only strengthened this perception. In response to the embargo, Grenville wrote to Hammond,

a short trial was sufficient to prove that its immediate effect was to injure themselves that a continuance would have been productive of very fatal consequences to their own interests. It was therefore withdrawn before the


unfriendly purposes for which it had been calculated were infected, and was withdrawn by the very party by whom it had originally been brought forward.\textsuperscript{48}

The British government attempted to diffuse the situation in America. Lord Henry Dundas, the Home Secretary, wrote to Simcoe, to advise him to avoid “if possible, proceeding to extremes, at a moment when is to be hoped, that the presence of Mr. Jay… May lead to a final termination of all disputes in a perfect good understanding between this country and United States of America.”\textsuperscript{49}

On June 18, 1794, Jay and Grenville met for their first official negotiation. In his autobiography, John Trumbull describes the meeting and how Jay proposed to proceed:

that they should meet, and discuss in conversation the several involved and intricate subjects of mutual complaint, (avoiding in the outset all written communications,) that they should continue so to meet and converse, until there should appear a probability of coming to some amicable mutual understanding; that then only, each should commit to paper informally, the conclusions at which he might have arrived – that these informal papers should be exchanged; that neither party should be considered as bound by any expression contained in these preliminary papers; that both should be at perfect liberty to change, or to retract entirely, whatever upon more deliberate consideration, might appear to be unadvisable; that in all this, they should avoid employing secretaries, or copyists, in order to escape the possibility of public opinion, or national feeling, coming in to influence that perfect calmness of discussion, which alone could lead to an amicable settlement; both parties always bearing in mind, that this was not a trial of skill in the science of diplomatic fencing, but a solemn question of peace or war between two people, in whose veins flowed the blood of a common ancestry, and on whose continued good understanding might perhaps depend the future freedom and happiness of the human race.\textsuperscript{50}

\textsuperscript{48} Grenville to Hammond, 8 August 1794, FO 115/3, I.

\textsuperscript{49} Dundas to Simcoe, 4 July 1794, in \textit{Correspondence of John Simcoe}, 2: 300.

\textsuperscript{50} Trumbull, \textit{Autobiography of John Trumbull}, 176.
Trumbull found the arrangement agreeable since he and Grenville’s secretary “had a real holiday for a month.”

Jay referred to these meetings as “desultory discussions,” and they were part of a larger negotiating tactic to garner trust with Grenville. Through his previous experience, Jay had found that successful negotiation came only through trust and friendly conversation. While negotiating in Spain during the Revolution, neglect and an openly tense relationship with the Spanish minister, along with British tampering, led to an almost immediate breakdown in negotiations. When he was sent to Paris to join Franklin, Adams, and Laurens to negotiate terms of peace, Jay saw a similar distrust and lack of relationship between the French ministers and Adams and himself. Instead, due to Jay’s insistence, the negotiators decided to negotiate peace with the British without the French. Negotiations were smooth and mostly successful for the Americans, thanks in large part to the rapport formed between the American and British negotiators. As Secretary for Foreign Affairs, Jay once again butted heads with the Spanish and French ambassadors. Jay, therefore, looked to form a comparable relationship with Grenville and was assured by his friend Benjamin Vaughan that Grenville was indeed a gentleman.

Jay was better able to understand the aristocratic social language of the British than the Continental Europeans. Jay knew how to function among the British aristocratic circles, something he learned at a young age growing up in New York’s elite society, which mimicked British aristocratic society. Much of Jay’s efforts in London were meant to embed himself within aristocratic and intellectual circles. Jay informed Hamilton of his plan to ingrati ate himself with

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the British through social calls and dinner parties, but also feared that his actions would be misinterpreted and used against him: “I think it best that [his social calls] should remained unmentioned for the present, and they make no part of my communications to Mr. Randolph or others. This is not the season for such communications; they may be misinterpreted, though not by you.”

Jay spent a lot of time corresponding with friends in England and making social visits in order to collect a sense of the mood of the country. Many of the people he met with were known associates. Benjamin Vaughan, who was an agent for the British during the Paris peace negotiations, maintained a friendly correspondence with Jay after Jay returned to America. Vaughan was friends with Lord Shelburne, who still maintained sway within the political circles of London, and kept his ear on the political rumblings. Vaughan was a valuable resource for Jay and since the two shared many similar opinions, he could be trusted as a confidant.

Jay’s primary contact in London was John Baker Church, a largely forgotten but fascinating character. He was born in Lowestoft, England into a wealthy and respected merchant family, but found himself in New York during the Revolution serving as Commissary to the French army under the pseudonym “John Carter.” “Carter” at one point confessed that he left England because of an unsavory situation that was most likely in reference to his

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55 John Baker Church tends to be best known for owning the pistols used in the duel that took the life of Alexander Hamilton. Also, Church’s wife, Angelica, and Hamilton have drawn a lot of interest due to a possible affair. Ron Chernow, *Alexander Hamilton* (New York: Penguin Books, 2004), 701-2.
involvement in a duel with a Tory politician in London. However, his belief in the American cause was genuine, being described by associates as “an old fashioned Whig.” Church, as Carter, married Angelica Schuyler without the permission of her father, Philip Schuyler, although he warmed to the relationship when he found out that “Carter” was actually Church and a member of a respectable family.\(^{56}\) With his marriage, Church became a brother-in-law to Alexander Hamilton. The two men formed a warm relationship and Hamilton often confided in him. Church developed a business partnership with Jeremiah Wadsworth of Connecticut. When Washington charged Wadsworth with supplying the French army, he turned to Church (still under the name Carter) to form the firm Wadsworth and Carter. The two made more than £30,000 supplying the French army. Following the Revolution, Church became the leading private insurance underwriter in America, and his brother-in-law Hamilton represented his interests as his attorney.\(^{57}\) Church left America in 1783, and lived in Paris before returning to his native England. Hamilton was left in charge of Church’s business in America and through his brother-in-law, Church was able to secure a seat on the board of the New York bank.\(^{58}\)

In England, Church became a central figure in the social circles of London and an invaluable resource to Hamilton in securing information about political opinion in England. Church purchased a home in Berkley Square in London, near the homes of influential British politicians, including Prime Minister Pitt.\(^{59}\) C.J. Palmer describes Church as “living in a very

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\(^{59}\) Phelan, *The Man Who Owned the Pistols*, 26; Chernow, *Alexander Hamilton*, 204
profuse manner, and entertaining persons of the highest rank and fashion, including the Prince of Wales, afterward George IV.”

He was part of “The Carlton House Set” a group of wealthy and influential people who indulged in wine, women, and gambling with the Prince of Wales.

Church was himself enamored with politics and purchased a seat in Parliament from the “rotten” borough of Wendover in 1788. He joined the Whig cause of the “Society Of Friends Of the People” that promoted parliamentary reform, ironically enough, and was charged with “the purposes of diffusing political knowledge throughout the country.”

Both in Sackville Street and afterwards in Berkeley Square, Mr. Church’s house was the resort of the most distinguished French emigres of ’93 many of whom he had served with in America, or had met in Paris. He had been intimate with Tallyrand, and when that eminent person was ordered to quit London in twenty-four hours, Church procured for him the means of reaching the United States, a service for which he was long remembered. In 1791, when Lafayette was prisoner at Olmutz; Church, in connection with Fox, planned the attempt at his escape and contributed largely to the expense of it. Mr. and Mrs. Church had been very intimate with the Lafayette family while in Paris, and their names will be found in the memoirs of that general.

Through his socializing and political career, Church had relationships with some influential people. Most notably Charles James Fox, the Whig leader, became close friends, and indebted to, Church. Fox and Church shared a common interest in Parliament and were both members of the Carlton House Set. Fox apparently liked the gaming tables too much and ended up borrowing money from Church – a loan that would not be repaid after Fox became Secretary for State for Foreign Affairs in 1806. Another notable friend was George Beckwith, who was in

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charge of British Intelligence during the Revolution, and who was known as a “gossipy confidant” of Church’s wife, Angelica. Finally, John Trumbull enjoyed the patronage of Church during his first trip to England to study art. Through the debt, Church acquired a number of Trumbull’s historical paintings, which he thought would fetch a high price among his wealthy friends. This connection between Trumbull and Church was surely one of the “Connections in London” that Jay referred to.64

The American envoy’s reliance on Church’s connections is apparent in the first days after Jay’s arrival. In Falmouth, Fox is the first to greet the Americans and escort them to London. Once there, the Churches are there to greet them at the Bath Hotel. Jay dined frequently with the Churches and attended a number of their evening parties. Through these dinners and parties, Jay met a number of politicians and intellectuals. Jay visited with Sir John Sinclair, the head of the British Agricultural Society; William Wilberforce, the famed anti-slavery activist and friend of William Pitt; and, Jeremy Bentham, the philosopher who, with the support of the government, had plans to build his panopticon.65

Church played a vital role during the Jay Treaty negotiations by brokering social connections between the Americans and the British. In a network, a broker sits in a privileged position where they are the access point between two groups (Fig. 13). In this position, there is significant power because they can restrict access and filter information between the two groups. Church, being the brother-in-law of Hamilton, was a trusted contact in London and also had a popular reputation that offered Jay access to the high society of London. Church had a vested

64 Phelan, The Man Who Owned the Pistols, 48-61.

65 Peter A. Jay Diary; Stahr, John Jay, 331.
interest in maintaining peace. He had investments in the bank system that Hamilton was constructing in America, in land speculation, and in trade ventures to America; a war between Great Britain and America had the potential to ruin him financially.\textsuperscript{66} Beyond these interests, Church also believed in the American experiment. He took pride in his involvement during the Revolution and promoted American causes in Britain. While Jay would certainly have been able to meet many of the people he did by himself, Church was able to facilitate relationships that promoted trust and arrange meetings in environments conducive to loose tongues.

The value of these dinners and social gatherings is illuminated by the notes of Peter Jay in his Memorandum. One of Peter’s roles as Jay’s personal secretary was to record all information that might be pertinent. Among trivial notes about painting techniques, mummies, and the number of people in China (Lord Macartney told him 320,000,000), his notebook is full of conversations overheard at parties and gossip mentioned during dinners.

Mr. Wilberforce said that during Lord North’s Administration Mr. Macklin told him that to his knowledge several members of Parliament received from Lord North £500 paid annum for voting for him, and as Mr. Macklin himself always spoke against the American War, yet always voted for it, it does not seem very improbable that he was one of the members.\textsuperscript{67}

Peter also kept detailed notes about the social connections between the many people that they met in London. He kept a list of all the invitations received and on one curious page Peter keeps

\textsuperscript{66} Church and Wadsworth planned to create a New York bank but were beat by another group who organized The Bank of New York. Hamilton, Church’s brother-in-law, was hired as council by the group, and he convinced them to allow Church onto the Board of Directors. Phelan, \textit{The Man Who Owned the Pistols}, 31.

\textsuperscript{67} Peter A. Jay Diary.
a list of “Ladies.” While Church forged the relationships between Jay and London socialites, Peter was recording these relationships for the American mission.  

Jay enjoyed a certain level of celebrity in England and used it, along with his painter-secretary Trumbull’s own popularity, to engage in a social goodwill tour. The intellectuals and socialites that Jay hobnobbed with had connections with the ruling class. He also accepted invitations to many dinner parties given by members of the government. He dined at Lord Grenville’s Dropmore estate, where cabinet ministers were present, and dined at the residences of the Lord Chancellor, Edward Thurlow, and William Pitt. Engaging with government officials in their own social world helped to promote trust and good faith, just as Jay had intended. Jay was also able to develop a deeper understanding of the officials’ positions on different matters. This information was invaluable. Jay wrote Washington, “I often hear gentlemen converse on these subjects, but I think it prudent to be reserved.” Attending these parties was, for Jay, akin to peeking behind the curtain of the relationships and interactions within the ministry.

The approach bore fruit for Jay, as the trust he accrued became critical during a crisis caused by James Monroe in France. In August, word began to spread across Britain that Monroe, the recently appointed Minster to France, received a kiss from the President of the National Convention in Paris, and gave a speech declaring the special friendship of America and France. Monroe also shared a letter from Randolph, the Secretary for State, sharing his support of France. Outrage spread throughout England as papers printed news of the event and Randolph’s

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68 Memoranda, Peter A. Jay Diary.


70 Jay to Hamilton, 11 July 1794, in CPPJ, 4: 29-30; Stahr, John Jay, 331.
letter. Grenville was furious, writing Jay, “it is not consistent with neutrality to make ministerial declarations of favor and preference.”\(^{71}\) Jay assured Grenville that he, and other Americans, did not agree with the sentiments, and wrote letters to Washington and Randolph complaining that Americans officials should maintain neutral language. He fumed in a letter to Washington:

That attempts will be made in America to frustrate this negotiation, I have not the most distant shadow of a doubt. I brought this belief with me; and my dependence then was, and still is, on the wisdom, firmness, and integrity of the government; on the general good sense of our people; and on those enlightened and virtuous characters among them who regard peace, honour, and welfare of their county.\(^{72}\)

The scandal almost ended the peace negotiations. Jay fretted that the negotiations became “uncertain,” but the trust that Jay had built with Grenville and the British ministry prevented the mission’s early demise. Grenville took Jay at his word and the two continued forward.\(^{73}\)

For Grenville, negotiating a treaty with America added to his daily work of managing the foreign affairs of one of the most powerful nations during one of its greatest wars. During this period, Grenville’s main point of contact regarding policy was Hawkesbury. Both men were swayed by the vision for an Anglo-American alliance that the Earl of Shelburne first promoted: a vision based on the shared economic interests of both countries and an economic future for Great Britain, with Canada as a conduit for British manufacturing to enter into America. However, Grenville, an idealist who was greatly influenced by the ideas of Adam Smith, believed that an Anglo-American alliance was a possible and desirable solution. Hawkesbury, on the other hand, saw the benefit in an Anglo-American alliance, but believed that the Americans remained

\(^{71}\) Grenville to Jay, 7 September 1794, FO 95/512.

\(^{72}\) Jay to Washington, 13 September 1794, in CPPJ, 4: 58-60.

\(^{73}\) Jay to Washington, 13 September 1794, in CPPJ, 4: 58-60.
recalcitrant even when British positions were favorable to them. In his view, an alliance was a distant possibility, one that could be achieved in time through the settlement of Canada: “One Inhabitant that cultivates his Farm is of more real Service to Great Britain than twenty Hungers;” settlers will make the “foundation of future happiness and prosperity between the two Countries!”

Grenville’s liberal views towards expanding trade with America were influenced by his connections to the intellectual circles in Britain. In an unfinished autobiography, Grenville lamented his early involvement in the restrictive trade policies of Great Britain and his support of a 1788 law establishing “the Monoply which excluded all but British Shipping from the Commerce of” the West Indies. He promised that he “long since perceived and regretted my Error, and I have more than once but without success endeavored to correct it to palliate its effects.” He went on to lament the moral failing of the British economic system in promoting profit over the suffering of those hurt by the policy, citing the 15,000 deaths of slaves in Jamaica due to food shortages caused by the restricted trade with America. Grenville closed by saying that the problem was that there was too much public approval of the restrictive trade measure spurring Pitt and that not enough ministers who had “cultivated the science or taught the principles of better legislation” had spoken up and “condemned” the policies instead of simply lamenting them.

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74 Hawkesbury to Grenville, 29 August 1794, quoted in Ritcheson, Aftermath of Revolution, 351; Jay to Washington, 13 September 1794, in CPPJ, 4: 58-60.

Many historians define the Jay-Grenville negotiations by the events that happened away from them: Hamilton’s leaks to Hammond about America not engaging in armed neutrality; Monroe’s actions in France; and British successes during the Anglo-French war. Historians have assumed that the results of the negotiations were obvious even before they began. But that a treaty was even completed at all was a testament to the prudence of Jay and Grenville, and their ability to find common ground. The candor given to each other’s positions was integral to finding compromise and demonstrates how significant the forging of a social relationship was to the success of the negotiations. A review of three specific terms in the treaty – the status of the condemned American ships, the abandonment of the British forts, and the arbitration of new borders – highlights the balanced approach Jay and Grenville took to the negotiations.\(^76\)

Jay’s main mission was to secure compensation for the condemned American ships in the West Indies. Grenville used the ship issue to offer Great Britain’s overture of good faith. As previously suggested, the original capture of the American ships was likely a temporary measure to prevent the threatened supplies of Saint Domingue from reaching France, so Grenville and Hawkesbury agreed in the wisdom that the Americans should have just recourse. In fact, Jay appeared to be caught off guard by Grenville’s willingness to settle the matter: a final agreement was delayed because Jay did not have a complete list of seizures. He turned to Pinckney for help, and they had to hurriedly search for any and all information they could locate. Returning to the issue days later, Grenville said that he thought judicial process would rectify many of the claims of the Americans, which were an unfortunate result of naval war, but the British were willing to extend the time limits for Americans to make appeals. The council moved swiftly to rectify the

situation by announcing an order to admit all American vessels condemned in the West Indies to appeal, even if time had expired. As a further show of good faith, the council also issued a second order, reversing a previous order to capture all American vessels carrying grain to France. With the most immediate issue out of the way, the negotiators could turn to the more difficult ones.  

The issue of the British forts in the America was a trickier subject for Grenville, whose position was largely influenced by Hawkesbury. In spring, 1794, a “Memorandum on the Canadian trade to the Indian Country” was passed among the council to inform them about the concerns regarding the posts. The Memorandum argued that two to three years was needed to abandon the posts for the safety of the British traders and military populating them. If the natives believed they were being abandoned, this might spark a massacre of all European people in the area. Hawkesbury strongly promoted the Memorandum, arguing to Grenville that “We should preserve a Right to mediate for the Indians, so that we may not appear wholly to have abandoned them [or]… the War which they now wage against the Americans, will be changed into an Indian War against Us.”  

Jay refused to discuss America’s peace negotiations with the natives, as General Anthony Wayne had secured a decisive victory over the Western Indian Confederacy at the Battle of Fallen Timbers on August 20, 1794, but he did agree to a delay in the abandonment of the posts. Jay was surely presented with the arguments of the “Memorandum.” The British, for their part, seemed to have acted upon the concerns of abandoning the forts, showing that

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77 Ritcheson, *Aftermath of Revolution*, 327-238.
78 Quoted in Ritcheson, *Aftermath of Revolution*, 338.
79 Ritcheson, *Aftermath of Revolution*
these concerns were legitimate. Home Secretary Portland sent an order to Sir Carlton, to convince the Indians that the terms of the treaty were “for increasing, without the possibility of interruption our present Commercial Intercourse with them to the utmost extent to which it may be capable of being carried.”

Another difficult subject for Grenville was the issue of opening the West Indies trade. On this matter, Grenville ran into stubborn resistance from Hawkesbury and supporters of the British trade monopoly. Hawkesbury used the typical tactics protectionists had used in the past by reprinting the speech given by William C. Smith in the United States House of Representatives declaring British policies as preferential to America. He wrote to ministers warning them about the potential effects of opening the West Indies ports to Americans, arguing that once ports were opened to Americans, the West Indies would ultimately become dependent on the United States for trade. Ports would become flooded with American ships and sailors, spreading ideas of republicanism and free trade. The islands would demand more trade with the Americans, and Britain would lose her supremacy over the West Indies. Nonetheless, Grenville still pushed the idea of opening trade in the West Indies; Hawkesbury recused himself from any meeting of the council where the issue was to be discussed. The biggest concern for the British minister was that Americans would re-export the goods from the West Indies to Europe. It was a valid concern and Hamilton made it clear in his supplemental instructions to Jay that “the question of indemnification may be managed with less rigor and may be still more laxly dealt with if a truly beneficial treaty of Commerce (embracing privileges in the West India Islands) can be

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80 Portland to Simcoe, 8 January 1795, in Correspondence of John Simcoe, 3: 255-56.
Jay agreed to limited trade with the West Indies, banning “Melasses, Sugar, Coffee, Cocoa or Cotton” for being shipped by the United States “to any part of the World.”

Regarding the issue of the boundaries, Grenville looked for the cession of American territory in order to uphold British access to the Mississippi. Jay held firm refusing the request on two points: that there was not enough information about the geography in the Northwest and that he did not have the authority to relinquish American territory. The two commissioners agreed to mostly table the issue, simply agreeing to a survey of the lands and then for the nations to return to the issue once completed. However, regarding the issues of the Northeast border, Jay could speak with more authority. He remembered distinctly that the St. Croix River referenced in the Treaty of Paris was the one labeled as such on the Mitchell Map. Therefore, the solution was to determine to which river this map referenced. The agreement was to establish an adjudication court with three commissioners, one American, one British, and a third to be agreed upon by the two. They would examine the specifics, make their cases, and have an arbitrator determine the boundaries. While it has been argued that this decision was simply a way to side step the boundary negotiation in order to complete the treaty, the decision is in fact remarkable. The use of a fully empowered arbitration judiciary was largely unprecedented, specifically in modern times. The fact that both countries were willing to relinquish their sovereign rights to this body

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82 Hamilton to Jay, 6 May 1794, in Papers of Alexander Hamilton, 381-85.

83 “Treaty of Amity, Commerce and Navigation, Between His Britannic Majesty and the United States of America, by their President, with the Advice and Consent of their Senate,” in A Century of Lawmaking For a New Nation U.S. Congressional Documents and Debates, Library of Congress. (Online: https://memory.loc.gov/cgi-bin/ampage?collId=llsl&fileName=008/llsl008.db&recNum=129).
was unusual and is an early glimpse of the unique relationship that the United States and the real Britain came to develop.\textsuperscript{84}

On November 19, 1794 the Treaty of Amity, Commerce, and Navigation was concluded and signed. Great Britain agreed to abandon the Northwest forts by June 12, 1796. The United States agreed to “full and complete compensation” of British debts to be decided by a board of five commissioners to meet in Philadelphia. It was also agreed that all lands and debts held by citizens in the other country would be recognized and protected from confiscation. As for the confiscated American vessels, the British agreed to “adequate compensation,” and if compensation cannot be satisfied through usual legal means, Americans could appeal to a board of commissioners in London. The two sides agreed to recommend the border disputes to a future boundary commission. However, American and British citizens as well as natives were allowed to freely pass through each other’s territory in America, except for lands owned by the Hudson’s Bay Company. It was also agreed that the West Indies was opened to American vessels of seventy tons or less. In exchange for West Indies access, the Americans could not export molasses, sugar, coffee, cocoa or cotton. Other than the West Indies, the treaty attempted to largely maintain the status quo, guaranteeing the rights of ships in each other’s ports and guaranteeing that taxes and duties not be raised during the twelve year term of the treaty. The treaty, however, did not rectify the issues of impressments, neutral rights, or compensation for slaves freed by the British during the Revolutionary War.\textsuperscript{85}

\textsuperscript{84} Combs, \textit{The Jay Treaty}, 156; Moore, \textit{International Adjudications Ancient and Modern History and Documents}, vii-xiii.

The negotiations between Jay and Grenville revealed a striking disconnect between the way Jay perceived the terms of the treaty and the response the treaty elicited in the United States. Many have attributed this to Jay’s supposed Anglophile tendencies, his disconnect from popular politics, or his willingness to sacrifice important points for peace. But, looking at the negotiations in the broader sense, and by taking into account Jay’s social interactions, an alternate explanation presents itself. While Jay’s engagement with the British aristocratic and intellectual circles helped him successfully negotiate a treaty, it also distorted his conception of the issues during the negotiations. Being in London and surrounded by people who considered the issues from the British perspective, Jay became overwhelmed by that perspective. Jay did not lose sight of American interests, but his assessment of what each side was sacrificing became disconnected from his fellow American politicians’ view, and became more aligned with the British. This disconnect is evident in the three most controversial aspects of the Jay Treaty – the West Indies trade, the rejection of “free ships, free goods,” and the arbitration of British debt.

The expansion of the West Indies trade was an important issue for Americans, but not worth a prohibition on exportation of molasses, sugar, coffee, cocoa, and cotton. As Jay attended dinner parties and had private conversations with Grenville, it was not lost on him that opening the West Indies was a contentious issue within the council. Between the polemics in the newspaper and the debates in the living room, Jay was surely aware of the political stakes. When Grenville offered to open the trade with the West Indies, it must have appeared as the significant movement in British policy that it was. The private debates between Hawkesbury and the cabinet

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show this was the end of a long defended trade policy and one so deeply guarded that Hawkesbury was unwilling to be a witness to its demise. Nor would Grenville grant America access to the West Indies without getting something in return. Therefore, to Jay, it seemed fair to freeze tonnage duties on British vessels for twelve years, therefore taking away the American Congress’ ability to raise taxes and duties on British trade – Jay was not concerned that would cost the Republicans their favorite economic weapon against Britain – and agree to an exportation restriction. To American politicians, trade with the West Indies was desirable, but was surely not worth a prohibition on the rights of American merchants to export Caribbean goods. The inclusion of cotton on the list would also destroy the ability of Georgia and South Carolina to establish a cotton trade. Jay was not ignorant of American trade interests, after all, he was from a New York merchant family; he was simply swayed to believe the United States was getting as much as they were giving.\(^{87}\)

The rallying cry of many Americans was “free ships, free goods.” The position was an obvious benefit for Americans at the cost of the British war effort – and probably not on solid ground in international law. The treaty deferred the notion of “free ships, free goods” by suggesting that Britain could seize provisions as contraband, but they had to be purchased. While this was better than outright condemnation, to the supporters of the French this was a blatant attack on the Franco-American treaty that recognized “free ships, free goods.” It was argued that if the Jay Treaty was supposed to not counter any treaty already in existence, how could this agreement be accepted? During negotiations, Jay continued to insist on Grenville providing a list of goods that could be confiscated. The issue was a sore spot, and the text on international law by

Vattel was used to provide a list: “In order to regulate what is in future to be esteemed contraband, it is agreed that, under the said denomination shall be all arms and implements serving for the purpose of war, by land or sea...” Grenville, along with the other British officials, insisted that Britain could not, and should not, surrender their internationally protected right to conduct naval warfare within their own interests. The opinion was persuasive to the legally minded Jay, who wrote “Britain at this period, and involved in war should not admit principles which would impeach the propriety of her conduct in seizing provisions bound to France, and enemy’s property on board of neutral vessels, does not appear to me extraordinary.” Considering the staunch position of British officials, Jay recognized that assurances of compensation for confiscated cargo were the best deal the Americans could get.

The issue of pre-revolution British debt still held by Americans was a major concern for the merchant interests in Great Britain and one for which Jay had sympathy, even before his stay in London. After the Treaty of Paris, and as Secretary for Foreign Affairs, Jay had fought for the United States to uphold its agreement to reimburse British creditors and denounced states, notably Virginia, for refusing to uphold these debts. During the negotiations, Grenville was heavily pressured by powerful British merchant groups to force the Americans to pay a lump

88 Grenville to Jay, 7 September 1794, in CPPJ, 4: 102-03. The quote proceeds to list: “such as cannon, muskets, mortars, petards, bombs, grenades, carcasses, saucisses, carriages for cannon, musket rests, bandeliers, gunpowder, match, saltpeter, ball, pikes, swords, headpieces, cuirasses, halberds, lances, javelins, horses, horse furniture, holsters, belts, and generally all other implements of war; as also timber for shipbuilding, tar, or rosin, sheet copper, sails, hemp and cordage, and generally whatever may serve directly to the equipment of vessels; unwrought iron and fir planks only excepted. And all the above articles are hereby declared to be just objects of confiscation, whenever they are attempted to be carried by an enemy. And whereas corn, grain, or provisions, can be considered as contraband in certain cases only, namely, when there is an expectation of reducing the enemy by the want thereof.”

89 Jay to Randolph, 19 November 1794, in CPPJ, 4: 137-44.
sum for the debt. They denounced any compromise for a commission at all, since they felt they had wasted enough time and resources trying to obtain their money in biased American courts. Grenville responded that a lump sum was unreasonable, “what could any reasonable supposition have been recovered from Individuals under the Treaty of 1783 even if that Treaty had been exactly fulfilled by the United States in all its parts and without the smallest delay.”90 Jay insisted that the British merchants must attempt to rectify debts in American courts before requesting arbitration. Grenville was willing to agree to this; however, British merchants, having been frustrated by American courts for years, forced Grenville to insist on providing them the ability to immediately appeal to the commission. As with the other issues, the public debate in Britain was not lost on Jay. He had many personal connections in England through the family’s trade networks, and was very familiar with the arguments and issues of the British merchants.91

Upon completion of the negotiations, Jay attempted to keep the contents of the treaty secret, knowing that opponents in America would attempt to sensationalize it before it reached the Senate. That is what happened when the treaty was leaked to the newspapers. Republican clubs organized public protests burning Jay in effigy. Jay continued to defend his treaty at home in the face of public outcries, largely by repeating the British arguments made to him in London, and Grenville faced similar – although more muted – criticism. Many in the government decried the treaty and when war did come in 1812, Lord Sheffield celebrated: “We have now a complete opportunity of getting rid of that most impolitic treaty of 1794, when Lord Grenville was so

90 Grenville to John Nutt and William Molleson, FO 95/512; Combs, The Jay Treaty, 153.
91 Grenville to John Nutt and William Molleson, FO 95/512; Combs, The Jay Treaty, 153.
perfectly duped by Jay.” Though the treaty remained publicly unpopular in both countries, lawmakers accepted the fact that peace was in the interest of both nations – although the United States Senate voted against Article XII opening up the West Indies trade.

The sociability Jay forged during the negotiation lasted beyond this brief engagement, as Grenville continued to write him after the treaty was completed. He wrote to Jay in 1796:

> It is a great satisfaction to me, when, in the course of so many unpleasant discussions as a public man must necessarily be engaged in, he is able to look back upon any of them with as much pleasure as I derived from that which procured me the advantage of friendship and intercourse with a man valuable on every account…I, on my part, should have thought that I very ill consulted the interest of my country, if I had been desirous of terminating the points in discussion between us on any other footing than that of mutual justice and reciprocal advantage; nor do I conceive that any just objection can be stated to the great work which we jointly accomplished, except on the part of those who believe the interests of Great Britain and the United States to be in contradiction with each other, or who wish to make them so.

Jay continued a lengthy correspondence with Grenville and continued to use the trust and friendship he established with him to fight against the outcries of the French supporters:

> There is reason to believe, that certain individuals in the British service have been irritated, by the improper things said and published in this country, to indiscreet acts of resentment; not considering, and probably not suspecting, that they were said and published for the purpose of provocation. It is to be wished that they had recollected that these things were not said and published by our government, nor by those who desire to promote, and who do promote, peace and harmony with

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92 Lord Sheffield to Abbott, 6 November 1812, quoted in Pellew, *John Jay*, 279.


94 Lord Grenville to Jay, 17 March 1796, in CPPJ, 4: 205-06.
Great Britain, nor by those who are actuated by zeal for the honour and interest of their own country.\(^95\)

Even with the treaty signed Jay and Grenville continued to negotiate together in friendship.

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\(^{95}\) Jay to Lord Grenville, 1 May 1796, in CPPJ, 4: 209-10.
**EPILOGUE**

**RETIREMENT**

In 1801, Jay declared his retirement from politics and took up permanent residence in his retreat in Bedford, New York. The farm estate was a two day ride from the city, allowing him to stay isolated from the political squabbles that threatened to pull him back into the public sphere. Tragically, Jay’s joy at having the constant company of his wife Sarah was dashed when she died the following year. He wrote “Conversation, Books, and Recollections, still enable me, with the Blessings of Providence… to glide on placidly towards that ocean, to which the Stream of Time is bearing us all.”  

One of the hobbies he engrossed himself in to distract from his loss was agriculture. Jay spent the lonely hours experimenting with hybrid plants and trees, new soil fertilizers, and breeding sheep. He also participated in one more network of note, a network of American statesmen who shared this interest in agriculture.

In their later years, many of the great American statesmen – George Washington, Thomas Jefferson, and James Madison, to name a few – engaged in a correspondence about the latest agricultural science and practices. Two of the important nodes in this network were agricultural institutions: The Philadelphia Society for the Promotion of Agriculture, and the British Board of Agriculture. These two groups published *Memoirs, Almanacs*, and studies facilitating the diffusion of agricultural knowledge throughout the network. Jay ordered multiple copies of the Philadelphia Society’s *Memories* to share with other “certain Persons in the neighborhood” and to put copies in the “Town library.” He was a Foreign Honorary Member of the British Board of Agriculture.

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1 John Jay to Richard Peters, 9 Jan. 1815, JJPO.
Agriculture, an honor bestowed on him while he was in London negotiating the Jay Treaty, and corresponded with the president of the Board, John Sinclair. Jay also sent and received letters from Washington and Adams, among others, but his main correspondent was Richard Peters, a charter member of the Philadelphia Society. Their correspondence covered many topics, but their favorite was the use of plaster of Paris to “salt” the Earth. Peter’s provide advice, and Jay replied with the results of his experiments.

In many ways, this agricultural network reflected some of the characteristics of the political and social networks previously discussed in this dissertation. The agricultural network reinforced the elite social structure that Jay was raised in, as men of status and learning promoted themselves as gentlemen farmers like the ancient Roman statesmen they idolized. Information was spread along this network and created bias towards certain theories and practices. And, the network even had a touch of a covert element: it was used to sneak in seeds and sheep that were protected by other nations.

Jay’s networks were critical in securing many of his achievements. While this study centered on Jay, the network focus shows that everything that Jay achieved depended on contributions from a wide variety of other individuals. Jay laments often that the written accounts of the American Revolution misrepresented the history and attributed credit to men who did not deserve it:

My faith in the generality of historical relations of every kind has been gradually declining for these thirty years. On various occasions I have seen accounts of events and affairs which I knew to be incorrect. Not a few of the common and current opinions respecting public men and public transactions are common and current mistakes, designedly countenanced by demagogues to promote party or personal purposes. The time, however, will most certainly come when the world and all that therein in will be purified in a refiner’s fire. It will then be of little importance to us whether our ancestors were splendid or obscure, and whether
events and characters have been truly or partially represented, or not represented at all.²

In the decades that followed, especially as the leaders of the Revolution passed away, there was an obsession with attributing authorship to the many anonymous writings of the time. As many of these men had already died, more recent content analysis was used to suggest authorship. This is how the authorship of many of the Federalist Papers was determined. The problem with this method becomes apparent when understanding the importance of the networks these men were involved in. Regardless of who physically wrote the document, the ideas held within it were often directly influenced by others or indirectly influenced by the network.

Jay dealt directly with this problem late in life. In 1811, controversy arose around the authorship of Washington’s famous “Farewell Address,” warning of the problems American democracy will face in the future. After Hamilton died in 1804, one of the executers of his will found a draft of the “Farewell Address” among his papers and in his handwriting, suggesting that Hamilton was the true author of the speech. The draft was passed on to Rufus King. He believed that Washington was the author of the speech, so he held onto the letter to avoid any public scrutiny. However, word got out about the letter and rumors of Hamilton’s authorship began to swirl. In 1811, Jay hearing about the rumors from Peters, wrote him a letter telling him that he was involved in the process of editing Washington’s speech, that both Jay and Hamilton were tasked with improving the speech, and that Hamilton must have taken the time to copy the entirety of the speech for posterity.⁵ Peters was asked not to publish this letter but Jay wrote that

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he could use it to his discretion. The letter was used to persuade many important people to deny Hamilton’s authorship. In 1825, Mrs. Hamilton sued Rufus King for the letter in his possession. The news became sensational and Jay decided to allow Peters to make his letter and story about the authorship public. The Philadelphia Historical Society concluded that Washington was the author, and that Hamilton and Jay helped to edit the speech. Mrs. Hamilton withdrew her suit, but in her will declared that her husband was the true author.

Washington was the primary author of the “Farewell Address,” however that does not mean that Hamilton’s and Jay’s work on the speech was insignificant. There were words from all three men in the “Farewell Speech,” which ones were whose is lost to history, but is ultimately insignificant as the ideas that exist in that famous speech were not simply Washington’s, Hamilton’s, or Jay’s, but a collection of ideas from the hundreds or thousands of people these men conversed with. Recognition of this is the most important thing network theory teaches the historian.
CONCLUSION

A standard practice in the social sciences is to examine the results of the study and examine if and how it succeeded or failed. As this study was largely an experiment in using social network analysis, it behooves me to include this self-analysis.

Many of the benefits of applying social network analysis were not unexpected. First, people and groups that had previously been marginalized or trivialized were highlighted as integral to Jay. The best example of this was Jay’s mentor, Benjamin Kissam, whose role has previously been downplayed because few of his papers have been preserved, and the ones that do remain are scattered throughout various collections. This is also true for John Baker Church, who has primarily been represented in the historical literature as Alexander Hamilton’s brother-in-law and the owner of the pistol that killed the famous statesman. His significance in facilitating Jay’s peace mission in London has been completely overlooked. Finally, a group like the Moot, the New York legal debate club, was recognized at the time as a consequential institution, but lost its significance over time.

A second result I expected to find was that network theory would deemphasize the idea that singular individuals were responsible for writings, ideas, and events. In my opinion, this is the most important aspect of using network theory. For example, Hamilton’s role in writing instructions for Jay’s peace mission has resulted in significant credit for the result of the Jay Treaty. However, using network theory, it became clear that the ideas presented in Jay’s instructions were, in fact, created by a number of Federalists in private discussions before the meeting. Network theory also helped to clarify Jay’s agency in the negotiations themselves.
Ultimately, network theory exposes the importance of an individual’s associations in order to understand their motivations and choices.

In many ways, the successes are less important than the failures of the study because the successes were largely expected while the failures were unforeseen. I identify four major problems with using social network methods: the historical record does not facilitate the kind of big data analysis that the methods were developed for; combining the networks into an historical narrative tended to confuse rather than inform the audience; the time spent creating the networks did not appear to be merited by the results; and, using network analysis did not help integrate marginalized groups the way I had expected.

The nature of historical documents created problems in using them to create social network graphs. In general, when the data set got too big and covered an extensive chronology, the results tended to obfuscate rather than clarify. Historians usually deal with scarcity rather than abundance, but social network tools were developed primarily to synthesize large datasets. Historical sources also tend to be unbalanced, as the papers of powerful and famous people are more abundant than those of lesser figures. While this already creates a distortion in the record when analyzing a single source, the issue is magnified when analyzing sources in large numbers. When using these analyzation tools to examine large amounts of historical texts, the silences become deafening. Originally there was hope that using network analysis could help integrate marginalized groups into historical analysis. However, as the data took shape from the documentation, the inherent bias in the sources was magnified. The resulting network reflected the prejudices of eighteenth-century society – women, slaves, and the poor were relegated to the fringes or completely absent. Historians have used creative methods to uncover the stories and
importance of these peoples. In reconstructing the massive social network of Jay, it appeared that the only people of consequence were Washington, Hamilton, Livingston, and Jay’s wife.

As well, considering the sources in large amounts meant that the network’s connections to the past ultimately became abstracted. One of the primary interests of the historian is to focus on and understand specific events. When a network covered an extensive period of time, its relationship to a specific moment in the past was lost, so that the network itself felt ahistorical. Using smaller, specific timeframes alleviated this issue, but the frame of the network then became narrow and restricted. For example, in reconstructing Jay’s network in London, many relationships and connections with friends and family in America were missing. These relationships could be assumed, but when added, they created a network that felt unrepresentative of the historical moment.

Another problem I encountered while working with historical networks was a more practical issue – trying to relay the information to my audience. I presented several papers at conferences about Jay’s networks. The most common note I received about my work was that the network information was distracting or confusing. There was generally a positive response to the graphs themselves, but taken out of context from the data they are mostly just images. I eventually decided that these networks were more useful in informing a traditional historical narrative rather than providing informative analysis. While this problem could certainly have been due to my limitations as a writer, I found similar problems in many of the historical network studies I read.

Alongside this issue, the amount of time put into creating these networks and learning the methods overshadows the benefit gained by creating them. This does not undermine the
important information gained from the networks in this work. Instead, their use is not compatible with the writing of a traditional dissertation. A large share of my time was spent constructing the database to conduct these analyses. While the database was the result of a significant amount of historical research, once it was completed, I actually had to start over to complete the dissertation. The information gained from using the database helped identify interesting and important areas to focus on, and the network analysis provided some garnish to the dissertation in its final form, but much of the work put into it is not represented in the final product. There are two solutions to this problem. One, the construction of these databases is better suited for archival projects with the database being the end result. Another solution would be for academic departments to accept alternate types of dissertations, accepting research in forms other than a traditional dissertation.

In 1981, the American historian Bernard Bailyn succinctly articulated the problems faced while working on this study:

The mere glimpse of the great possibilities of quantitative analysis, which enables one to analyze the characteristics of whole populations and of social structures in times past, leads to dizzying visions of rewriting the whole story of man’s past. The vision tends to fade, however, with the discovery that the range of inquiry is ultimately limited by the very quantitative techniques that made it possible in the first place, and that the comfort of the apparent clarity, precision, and definitiveness of numbers stimulates the production of ever greater mountains of information, more and more difficult to scrutinize critically and bring into a coherent whole.¹

While the pursuit of integrating social network analysis into historical study is a worthy pursuit, this warning should be heeded.

APPENDIX: NETWORK GRAPHS

INTRODUCTION:

(Fig. 1) – This graph represents the tradition understanding of groups as bounded and interconnected entities.
(Fig. 2) – With the network perspective we instead see the groups represented by four individuals within each group. Here is shown a more realistic representative of the interaction between groups as being connected through specific relationships.
(Fig. 3) – The graph shows Jay’s social network during his time at King’s College (1760-1764). The **green** indicates his “intimate” relations, and **blue** indicates his “social” relations. What is represented is pretty much what would be expected. Jay sits in-between an intimate group (his family) and a social group (students at King’s College). A person of note is Robert R. Livingston who Jay meets at King’s College and becomes a long-term friend.
(Fig. 4) These are the Jay family and Livingston family decedent graphs. These are the commonly used decedent trees to show relationships. They are helpful in showing familial relations between individuals, but do not represent the strength of these relationships as in Fig. 5.
(Fig. 5) The above network graph offers a better way to examine the relationships between Jay's family members. The lighter, dotted lines show family relations that are known or only mentioned once. The bold, solid lines are relationships that are mentioned more than once. Noteworthy cousins like the Peloquins, who were important trade partners to the Jays appear prominently in this graph.
(Fig. 6) The graph illustrates how John Jay’s network was greatly expanded when entering into King’s College. The small grouping on the left, centered on Peter Jay, represents the Jay family network. The large grouping, centered on Robert R. Livingston represents the King’s College network.
(Fig. 7) The above shows Jay’s network after his marriage to Sarah Livingston. It highlights how little overlap there was between the Jay family network and the Livingston family network. The marriage opened up new avenues of relationships for Jay.
(Fig. 8) The graph shows the overlap of the three social clubs Jay belonged to. The Debating Society (blue); the Moot (purple); and the Social Club (green). The graph also highlights the diversity of political opinion within these groups. Triangles mean the person was a Patriot and circles mean they were a Loyalist.
CHAPTER 3:

(Fig. 9) The network graph shows the networks of John Jay and Peter Van Schaack between the reception of the Boston Port Bill (12 May 1774) through Jay leaving for the Continental Congress (1 September 1774). The graph also shows three groups – Jay’s family group (light blue), Van Schaack’s family group (green), and the shared social and political friends (dark blue).
(Fig. 10) The network graph shows John Jay and Peter Van Schaack’s network following Jay’s attendance in the Continental Congress (1 September 1774) to Peter Van Schaack’s retirement to Kinderhook (May 1775). The graph highlights three separate groups—the Congress (light blue), New York relations (dark blue), and Van Schaack’s Kinderhook network (green).
(Fig. 11) The graph shows Jay and Van Schaack’s social network following Van Schaack’s move to Kinderhook (May 1775). Jay remains connected to the Congress (light blue) and New York relations (dark blue), however Van Schaack is isolated from the groups.

Created with NodeXL (http://nodexl.codeplex.com)
The network was constructed by using the "Preliminary Index" from the collection of printed correspondences *The Revolutionary Diplomatic Correspondence of the United States* by Francis Wharton. These letters represent a physical, real connection between two people. First, the graph provides little insight into the correspondence network beyond the small clique of Lee-Deane-Dumas-Franklin-Committee. While previous historians have seen the strong ties between Lee-Franklin and Deane-Franklin, the critical element that has been overlooked is the significance of Dumas, who sits in a significantly central location of this graph. It appears that Dumas, interestingly, became the center of the correspondence network in Europe, acting as a coordinator between the American agents.
CHAPTER 5:

(Fig. 13): The following graph highlights the network broker. In this case, A and B hold positions as brokers, as the only access into the respective groups is through these nodes. In the present case, A represents John Jay and B represents Church. The only way Jay could access the upper network group is through Church. This, of course, is a simplified example as Jay also would have had access points in a more complex network (especially though his Secretary Trumbull). However, Church offered the most access in the London social network.
(Fig. 14): The above graph represents the visits and dinners Jay entertained while in London based on the Memorandum of the Peter A. Jay Diary. The thickness of edges represents the weights (number of times visited) of each edge. Church is clearly the most prominent here, which shows how much Jay relied on him. The likely explanation is that due to Church’s network of relations, he was able to secure many interesting guests to these dinners. Not surprisingly Lord Grenville, who Jay negotiated with, Thomas Pinckney, the acting United States Minister to Great Britain, and Benjamin Vaughan, Jay’s friend, appear prominently. However, the surprising name was John Paradise, a scholar and close friend of Dr. Samuel Johnson who was a Jay family friend. Paradise is also mentioned frequently in Peter A. Jay’ diary, Peter mentions going sightseeing in London and attending various functions with him.¹

¹ Memoranda, Peter A. Diary
(Fig. 15): The graph shows Jay’s correspondences while in London as envoy to Great Britain. The edge width represents the frequency of correspondence. In general, the closer the person is to Jay the more frequent the correspondence. Lord Grenville, Randolph, and Sarah Jay were Jay’s most frequent correspondents by far. Many of these people were callers who requested help from Jay. Some asked for him to ask of word about a relative in France, others were scams asking Jay to join in shady business arrangements. These correspondence graphs are interesting but must be taken with caution. Correspondence networks capture only relationships that are dependent on letter writing. The stronger networks of in person relationships is lost. ²

² Based on the correspondences of Jay through the online Jay Papers during the time as Special Envoy to England. The Papers of John Jay Online, Columbia University Libraries, JJO.
BIBLIOGRAPHY

ABREVIATIONS:


CPJJ: Johnston, Henry P., ed. *The Correspondence and Public Papers of John Jay*.

FO: *Records of the British Foreign Office*


JJPO: *The John Jay Papers Online*

JPC: *Journals of the Provincial Congress, Provincial Convention, Committee of Safety and Council of Safety of the State of New-York*.

LDC: *Letters of Delegates of Congress, Digital Edition*


PVS: Van Schaack, Henry., ed. *The Life of Peter Van Schaack: Embracing the Selections from His Correspondence and Other Writing During the American Revolution and His Exile in England*.

SPJJ: Nuxoll, Elizabeth M. *The Selected Papers of John Jay*.

WMQ: *The William and Mary Quarterly*

ARCHIVES:

*The John Jay Papers Online*, Columbia University, New York

*The John Jay Papers*, Butler Library, Rare Book and Manuscript Library, Columbia University, New York

*Jay Family Papers*, John Jay Homestead State Historic Site, Katonah, New York
Livingston Papers, New York Historical Society, New York

Records of the British Foreign Office, National Archives, Kew, Surrey, UK

Public Records Office, National Archives, Kew, Surrey, UK

Dropmore Papers, The British Library, London, UK

ONLINE DATABASES:


Chronicling America: Historic American Newspapers, Library of Congress, (chroniclingamerica.loc.gov/)

Founders Online, (https://founders.archives.gov/)

Letters of Delegates of Congress, Digital Edition

The John Jay Papers Online, Columbia University, (www.columba.edu/cu/web/digital/Jay/)

PRIMARY SOURCE COLLECTIONS:


Smith, William. *Some Thoughts on Education: With Reasons for Erecting a College in This Province, and Fixing the Same at the City of New-York.* New York, 1752.


SECONDARY:


