

EDMUND BURKE: HIS SERVICES AS AGENT OF THE
PROVINCE OF NEW YORK.

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TO SPEAK of Burke in his relation to America would be to write the history of a long parliamentary struggle and involve a discussion of the place that expediency and compromise ought to occupy in the field of practical politics. Yet a few words on the general subject may not be out of place as a background for the special theme.

At the passage of the Stamp Act (1765) Burke was in full strength of manhood. About the time of his election as agent of New York, he wrote: "My principles are all settled and arranged, and, indeed, at my time of life, and after so much reading and reflection, I should be ashamed to be caught at hesitation and doubt, when I ought to be in the midst of action, not as I have seen some to be, as Milton says, 'unpractised, unprepared, and still to seek.'"¹ He had already felt more deeply and thought more profoundly on the condition and welfare of the colonies and the empire than any other man of those times, with perhaps the exception of Adam Smith. His knowledge of the colonies, their history, institutions, industries and the character of the people, was wide and exact; indeed, it was commensurate with vast power of acquisition, a never-flagging industry, extraordinary insight and an intense love of the subject. This country seems early to have attracted his attention and fascinated his imagination. In 1754 he was thinking of making a home here, and in 1757, before he was admitted to the bar, in a letter to a friend he says:

¹ Burke's Correspondence, I., 306.

“And shortly, please God, to be in America.”¹ The same year appeared “An Account of the European Settlements in America”; and two years later he became the chronicler of contemporary events—told the story of Wolfe and the conquest of Canada—and left a remarkable record of the American struggle both in Parliament and on this side the sea on the pages of the *Annual Register*.

From the gallery of the House of Commons he heard as he watched the progress of events, such debate as there was on George Grenville's proposition to tax America. His first speech in Parliament, Monday night, January 27, 1766—a brilliant and telling one that received the warm approbation of William Pitt—was in favor of admitting the papers of the first Congress of the Colonies held in New York the October before, over which Timothy Ruggles of Massachusetts presided; and from that time to the close of the struggle he made speeches on American questions literally by the hundred. On the pages of the *Journals of the House of Lords* are several protests of the minority—Rockingham Whigs—known to be by him, and many others that bear the unmistakable stamp of the same master hand and mind. Of the five great parliamentary speeches prepared for the press by himself, two were on America; and if we add to these the letter to the Sheriffs of Bristol (1777), we have in small space not only the ablest statement of the cause of the Colonies but a body of political wisdom and philosophy unequalled in our language.

“I think I know America,” said Burke; “if I do not, my ignorance is incurable, for I have spared no pains to understand it,—and I do most solemnly assure those of my constituents who put any sort of confidence in my industry and integrity, that everything that has been done there has arisen from a total misconception of the object.”² It was a generally recognized fact, both in the House of Commons

¹ Burke's Correspondence, I., 32.

² Burke's Works, II., 209.

and out, that Burke's interest in America was supreme. Lord North informs him in advance of measures he intends to bring in "as I apprehend you would not choose to be absent from the House of Commons when any material question is proposed respecting America."¹ Burke, referring to this opinion of himself, says: "I am charged with being an American. If warm affection toward those over whom I claim any share of authority be a crime, I am guilty of this charge."²

The principles upon which he acted are stated in the clearest language. From the first he had given a prophetic warning. "A revenue from America transmitted hither, do not delude yourselves, you never can receive it, no, not a shilling." Of metaphysical distinctions and abstract rights he declares, "I hate the very sound of them. The question with me is not whether you have a right to render your people miserable, but whether it is not your interest to make them happy."³ "Magnanimity in politics is not seldom the truest wisdom: And a great empire and little minds go ill together."⁴ "I do not know," he says in the presence of a hostile and angry house, "the method of drawing up an indictment against an whole people."⁵

Burke's name seems to have been for a number of years before the New York Assembly as a candidate for the Agency of that Province. President Colden of the Council, afterwards the Lieutenant Governor, wrote under date of November 11, 1760, to John Pownall, Secretary of the Lords of Trade, that "the Assembly is not well satisfied with their agent Mr. Charles," and tells him that his name has been mentioned in that connection and "would be glad to know his inclinations as to accepting the trouble."⁶ About four months afterwards—April 5, 1761—Colden writes again in answer to a letter from Pownall. He has

¹ Burke's Correspondence, II., 23.

³ Burke's Works, II., 140.

⁵ Burke's Works, II., 136.

² Burke's Works, II., 222.

⁴ Burke's Works, II., 181.

⁶ Colden Papers, I., 38.

changed his point of view entirely, and now writes: "I cannot do a greater favor to the Province than by inducing them to appoint a gentleman of Mr. Burke's great merit to be their agent, and some others think as I do." But he adds: "There is a difficulty, he is not so much as known by name to any person in this place or in what station he stands. But I hope the character you have given him and his being your friend will be sufficient to remove all difficulties."¹ On the 12th of August, 1761, he writes again, stating various reasons why he has not made greater progress in his negotiations with the members, and restates the difficulty about "the unknown man," but feels that the secretary's recommendation will have great weight.²

Here the matter seems to have rested for some years. It was found that Mr. Charles had some friends in the Assembly and was also popular at Court. Soon also it came out in the official correspondence that the King was very much opposed to their method of electing an agent, that he wished and urged that the Province should be represented by an Agent elected by the Governor, the Council and the Assembly, instead of as now by the popular branch alone. This change would virtually give the appointing power to the King himself.

On the 20th of December, 1769, Col. Philip Schuyler moved that "Edmund Burke may be appointed Agent for this Colony."³ The consideration of the motion was postponed three times and no record was made of the result.⁴ A year afterwards, on the 20th of December, 1770, the Speaker notified the Assembly of the death of Mr. Robert Charles, late Agent of the Colony, whereupon Edmund Burke, Esq., of London, was elected Agent.⁵ The compensation was fixed, as in the case of Mr. Charles, at £500

¹ Colden Papers, I., 80, 81.

² Colden Papers, I., 107.

³ Journals of New York Assembly, 10 Geo. III., 44.

⁴ Journals of New York Assembly, 10 Geo. III., 51-57.

⁵ Journals of New York Assembly, 11 Geo. III., 17.

a year.¹ It was voted annually, and in 1774 £140 was added for contingent expenses.² It was paid by the Speaker's order on the Treasurer. In fixing this sum, Burke could not have been consulted.

Of Burke's letters to the committees appointed to correspond with him, only three have been printed, and these are all that are known to exist in America. These pertain to events in the year 1774. It is very evident that he wrote to the committee often, not only in reply to their letters to him and on matters pertaining especially to the Province, but also in regard to all American interests.

The week after the hearing at the Cockpit, Saturday, January 9, 1774, upon the petition of Massachusetts Bay for the removal of Governor Hutchinson and Lieutenant Governor Oliver, where Mr. Bancroft rather vigorously says: "The King insults the great American Plebeian," Burke wrote to the committee giving a concise account of the arguments in the case—tells them that the ground of the petitioners was taken with skill, that it was attacked with no small ability, and then characterizes the spirit of the whole affair, but without, however, making any direct allusion to Wedderburne's personal attack upon Dr. Franklin, as he did in his account of the scene in letters to Lord Rockingham and Charles Lee.³

The Boston Port Bill received the sanction of the King, March 30. On the 6th of April, Burke writes to the committee and begins as though the destiny of an empire weighed upon his mind. "The subject is ample and serious," he says; and he gives an account of the tone and temper of the minister—rising gradually from languor and uncertainty to authority and decision—of the arguments on both sides, and adds: "The popular current both within

¹ Journals of New York Assembly, 11 Geo. III., 36.

² Journals of New York Assembly, 14 Geo. III., 91.

³ Von Schaack's Life, 464; Burke's Correspondence, I., 453; Lee Papers, I., 120.

doors and without at present sets strongly against America. There were not wanting some few persons in the House of Commons who expressed their disapprobation of the bill in the strongest and most explicit terms. They spoke more for the acquittal of their own honor and the discharge of their consciences than from any sort of hope of being of service to their cause." As an enemy of arbitrary power he did not forget to tell them that the petition of Mr. Bollan, Agent of the Council of Massachusetts Bay, to be heard on the bill, was denied on the ground that no agent could be authorized but by an act of the whole Provincial Legislature and adds the suggestive warning: "To what consequences this will lead, you gentlemen are to consider."¹

We have one more letter to the Committee of Correspondence. It is a long one, written on the 2d of August, 1774, from the quiet shades of Beaconsfield. The times were gloomy, but it is cheerful in its tone. The King had given his sanction on June 22, 1774, to what is known as the celebrated Quebec Bill. The bill was, with exception of the Catholic Emancipation clause, a retrograde movement, in open hostility to the spirit of English liberty. Burke, who opposed it in all its stages, contrived to introduce an amendment securing to his constituents in New York their territorial rights, and guarding them against the encroachments of arbitrary power in the future. The bill, Burke writes, had its origin in jealousy of the rapid growth of English Colonies and fear of what might be the result, and was an attempt to arrest their development by hedging them in by a system of government, altogether foreign to their ideas and "hostile to their English prejudices in favor of liberty." The bill also made it possible at any time to arrest their progress by leaving the boundary lines "constructive," so that a portion larger or smaller of their territory might be annexed to Canada, or from both the English and French Provinces a new one might be carved, according

¹ Von Schaack, 19-21.

to royal caprice; for he found that in the settlement of disputed boundaries, according to the English practice, the King's will was the last tribunal.¹

While the bill was in committee and after the report, Burke worried the Minister and the House by his persistency. Indeed, he carried his opposition beyond his own powers of endurance and was obliged to say: "I declare myself incapable of arguing the question. I have neither strength of body nor energy of mind to proceed at this late hour."² Rather than allow him to call John Pownall, Esq.,—under Secretary of the Colonies, of whom Burke said "no man is more able and no man more willing to give you the information you need"—Lord North allowed an amendment to be brought in.³ The committee of which Burke was chairman withdrew, leaving the House to amuse themselves as best they might, and after a time they reported an amendment on the boundary clause, the work of the chairman, which passed.

The contest had been so obstinate and persistent that the King, whose personal influence urged the bill through, wrote to Lord North at 50 minutes past 10 A. M., June 11: "I had thought that the opposers to it would not have been so absurd as to have debated it on the report, but I cannot think on the third reading that they can possibly give further trouble."⁴ But the chief opposer, Edmund Burke, has gained what he calls "a tolerable bargain," and tells his constituents, "Those who were present congratulated me as on a great advantage." Before closing, Burke acknowledges an apparently complimentary letter from the committee and answers a question: "You undoubtedly may dispose of my letters as you judge proper. I must in this respect confide entirely in your prudence, being fully satisfied that the matter will always direct you sufficiently

¹ N. Y. Hist. Soc. Collections, 2d Series, II., 217, 218.

² Cavendish, Debates on the Canada Bill, 290.

³ Cavendish, 188.

⁴ George III.'s Letters to Lord North, I., 190.

in what you ought to conceal, and what to divulge.”

Of these letters we know nothing except in a few cases the dates. On the journals of the New York Assembly, between January 8, 1772, and March 11, 1775, are quite a number of entries stating that the Committee of Correspondence laid before the House a letter or several letters from Edmund Burke, the Agent of the Province. It is recorded that these letters were read and, together with copies of those written to him, were ordered to be laid on the table for the perusal of members.¹ It is evident that this correspondence was quite voluminous and would be a valuable contribution to both American and English history as well as to the biography of that distinguished man.

The last important act of the New York Assembly was to make an effort in the line of conciliation. This was done as an individual Colony, wholly independent of the other Colonies and without regard to the Continental Congress. For weeks the members were engaged in preparing a series of papers that were to embody the conservative sentiments of the Assembly and the people of the Province. At last, on the 30th of March, 1775, it was ordered that the petition to the King's most Excellent Majesty, the memorial to the Lords spiritual and temporal and the representation and remonstrance to the Commons of Great Britain be transmitted to Edmund Burke with a letter approved by this House with directions that he present the same as soon after the receipt thereof as possible. Burke committed the petition to Lord Dartmouth, who presented it to the King. It was a piece of such unblushing flunkeyism that it warmed the royal heart toward the Assembly. Col. Schuyler had moved an amendment to almost every paragraph, but could in no way persuade the members to petition with the dignity of freemen.² The memorial to the

¹ Journals of N. Y. Assembly, 12 Geo. III., 5; 64. 13 Geo. III., 6. 14 Geo. III., 7; 87. 15 Geo. III., 5; 69.

² Lossing's Schuyler, I., 294.

Lords was presented by the Duke of Richmond. It had a different tone, and after considerable ingenious and some ludicrous quibbling was rejected.

On the 15th of May, 1775, Burke presented the Representation and Remonstrance to the Commons. Although he was very ill that night, he spoke at some length. He said he had a paper of great importance from the Province of New York, a province which yielded to none in his Majesty's dominions in zeal for the prosperity and unity of the Empire, and which had ever contributed as much as any in its proportion to the defence and wealth of the whole; that it was a complaint in the form of a remonstrance of several acts of Parliament, some of which made regulations subversive of the right of English subjects; that he did not know whether the House would approve of every opinion contained in that paper; but as nothing could be more decent and respectful than the whole tenor and language of the remonstrance, a mere mistake in opinion, upon any one point, ought not to prevent their receiving it and granting redress on such other matters as might be really grievous, and which were not necessarily connected with the erroneous opinion. He strongly urged that they never had before them so fair an opportunity of putting an end to the unhappy disputes with the Colonies as at present; and he conjured them, in the most earnest manner, not to let it escape, as possibly the like might never again return. He then moved that the remonstrance be brought in. The minister, Lord North, with that consummate tact which never deserted him—and this time he must have struck in a vulnerable place—moved an amendment, which was an effectual negative upon the motion, that said Assembly claimed to themselves rights derogatory and inconsistent with the legislative authority of Parliament as declared by an act of the 6th of his present Majesty entitled, etc. It was the Declaratory Act turned against its author. The amendment was carried by a majority of 186 to 67.

That night, at thirty minutes past ten o'clock, George III. wrote to Lord North: "The great majority in favour of the amendment this day shows how firm the House of Commons are in the support of the just rights of their country."¹

Burke undoubtedly wrote to his constituents an account of this interesting affair, in which he was ably supported by his colleague from Bristol, Mr. Henry Cruger, an American by birth, and by Charles James Fox. But few if any beyond the committee ever saw it. New York had no further use for the Assembly, as the majority did not represent the opinion of the Province. Yet about five months after its last adjournment we find Burke still regarding himself as its Agent. Richard Penn arrived in London on the 14th of August with the petition to the King from the second Continental Congress. Burke was named among others relied upon to present it. But in a letter to Arthur Lee (Aug. 22, 1775) in reply to one notifying him of the fact and also of the time and place of meeting, he writes the next day declining to be present or take any part. While he expressed the most cordial sympathy with the movement, he says: "I have been chosen Agent by the General Assembly of New York. That Assembly has actually refused to send deputies to the Congress; so that, if I were to present a petition, in the character of their Agent, I should act, not only without but contrary to the authority of my constituents; and while I act for them, it is impossible for me, in any transaction with the boards or ministers, to divest myself occasionally of that character. This, and this only, is my reason for not waiting upon you."² Mr. William Baker, M. P., urged him, in a long letter that warmed into a remonstrance, to be present, but all to no effect.

Among the things that required the constant attention of the Agent for New York was the long standing and angry

¹ Parliamentary Hist., XVIII., 643-650; Annual Register, 1775, 115; George III.'s Letters to Lord North, I., 247.

² Burke's Correspondence, II., 43.

feud about the "New Hampshire Grants." The New York settlers in the territory now called Vermont were very much opposed to being "Chastised with the twigs of the Wilderness." Burke, in a letter already quoted, written April 6, 1774, proposed a method of amicable settlement. "I had some conversation a few days ago with Mr. Pownall, on the subject of the New Hampshire settlers: he is of opinion that nothing can tend to the speedy and happy adjustment of the troublesome matter so much as to settle it by a commission composed of impartial persons nominated by Act of Assembly, among which he thinks it would be proper to have some of the most eminent of the judges and crown lawyers; and that if an act for that purpose were framed agreeably to the general instructions, it would receive countenance here."¹

Burke, owing primarily to his moral enthusiasm, was always a shining mark for the ridicule and hatred of men less nobly endowed. Small place-men, unctuous priests to whose hands gold would stick, self-seekers of every description, an aristocracy whose ignorance could only be measured by their love of pleasure and moral worthlessness, pursued him with a scornful malignity which has hardly been paralleled in English history from Cromwell to Gladstone. Yet, with all his power to strike hard blows and heap ridicule upon measures he opposed, he always did ample justice to men. No friend ever attempted or ever will attempt to draw a picture of George Grenville or Charles Townshend after him. In "Thoughts on the Present Discontents" he speaks without bitterness of Lord Bute and the Duke of Grafton. So just was his mind that the reports of debates in Parliament in the Annual Register seemed written by the very best of reporters, a man who had no opinion of his own.

Like all that he ever did, his acceptance of the agency of an American province was the occasion of attacks from

¹ Van Schaack, 20.

all sides. He was contemptuously addressed as "The Agent of New York"; was called "the American pensioner," "the hireling," and represented as one rolling in the ill-gotten gains of a dishonorable but lucrative office. In our own time, historians of great eminence have spoken with suspicion of the position he occupied. Lord Mahon says: "Burke had greatly impaired his influence at least on American questions by accepting, two years before, the post of Agent to the State of New York with a salary little short of £1,000 a year."¹ The fact is, the salary was about half what the noble historian states it to have been; but it is altogether too much to believe that those who voted with Lord North on American questions would have been influenced by any very high moral sentiments in politics. If they were, why did they not also vent their vengeance upon Richard Jackson, a member of Parliament for two and twenty years (1762-1784), and at one time agent for three colonies; or upon John Garth, himself an M.P., and the ever-faithful Agent of South Carolina? Both were men of great ability and influence, and both were men of personal integrity and unsullied honor. But in none of these respects were they superior to Burke.

Mr. Lecky says, "Burke had accepted with doubtful propriety the position of paid Agent of New York."² This is stating the subject mildly. But it is something more than a matter of taste; and whatever the moral rule may be in such cases, the best of men are always willing to allow a great deal to one man that they would not trust in the hands of another. It is the height of immorality to apply the rogue's rule to all mankind because some men are dishonest.

Burke, whose moral instincts were clear, years after the American war (Feb. 24, 1784), in reply to Major Scott, a minion of Warren Hastings, explains the duties and character of an agent in the House of Commons. But all that

¹ Hist. England, V., 331.

² Hist. England, III., 425.

remains of it in the Parliamentary History—and that is the only record that has come to light—is a personal avowal. “He entered,” says the reporter, “into a discussion of the nature of agency and declared his surprise that any man should be ashamed to act in that character. He said, not that it is any disgrace to a gentleman to confess himself an Agent and to stand as an Agent within these walls. He had formerly stood in that character when he was Agent for the Province of New York. As such he had negotiated the concerns of the Province with the King’s ministers in this House and in the other, and had but the language of the Province through him been heard and attended to, perhaps he might still have been Agent of the Province and the Province been a part of the British Empire.”¹

But whatever may be our opinion of the morality, the good or bad taste of his position, it can well be said of him as Bancroft has said of Richard Jackson, who was Chancellor of the Exchequer under Grenville, a member of Parliament and Agent for Massachusetts, Connecticut and Pennsylvania: “He was always able to combine affection for England with uprightness and fidelity to his American employers.”²

Perhaps scant justice has been done to the Assembly of New York by historians. However this may be, it will ever be a bright and shining incident in their history that they had the wisdom, or the good fortune, to employ in those troubled times as their Agent in England, Edmund Burke.

¹ Parliamentary Hist., XXV., 162.

² Bancroft’s Hist., V., 106.

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