

Transcript of Lecture Delivered by  
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East Hampton vs. New York: A Very Old Story

My topic today is the long struggle East Hampton waged to retain its autonomy from New York and while the title is not specific to the city of New York my intention is to discuss New York and New York City in part because during the colonial period they were hard to distinguish from one another as New York City was the seat of government. Let me also add that I mean the subtitle "a very old story" because I am an Early Americanist and there are other far more competent scholars who can chart the continuing need for the community to defend its interest in and against the state and the city after 1800, although as you will see I will verge into the 19th century at the end of my talk. The communities of eastern Long Island and especially East Hampton fought long and hard to retain their independence--they were the community equivalent of the famous Greta Garbo line--"I want to be alone." or at least alone with Connecticut. Yet there was always a degree of ambivalence in the plea for while asserting their independence the community knew that it also needed a relationship with a larger entity, nor were they intent on abandoning a relationship with their home country in England. These needs would keep them from truly trying to become independent,--the goal was really the maximum leeway for the community and the ability to participate in making the laws that related to them. They also wanted a relationship with a larger entity of their choosing. As a small town at the edge of the wilderness they had a limited ability to maneuver, but that would not keep them from the struggle. In fact, if they had the knowledge of contemporary geographers who use central place theory they would not even have tried to fight against the inevitable as this theory makes it clear that any city that grew on Manhattan Island would dominate the area around it both economically and politically. We know of course that New York City has an extraordinary hinterland and if its greatest boosters are to be believed the whole of the country is in New York City's orbit. Well, what was the nature of the struggle between David and Goliath? Let me review the long contest. East Hampton came to life as a result of the constant hiving out of New England. As colonist poured into Massachusetts Bay and decided that better opportunities lay further afield it meant that the islands south of New England would sooner or later attract their attention. Long Island beckoned and out of that movement would come the cluster of small, struggling communities that would include East Hampton by 1648. From the beginning they were not quite alone, as they had Native American neighbors, and more importantly a strong Dutch presence at the other end of the island. Of course they did not see themselves as being quite alone for it was not their intention to reject their compatriots in New England, their problem was that they had moved into a zone of contention between England and the Netherlands and between New Netherlands and Massachusetts Bay and Connecticut. Without going into detail the towns could do little to effect this struggle as diplomatic and military wrangling between the European powers and their local representatives swirled around them. They could and did make their private arrangements with New Netherlands leaving them more or less alone, but beyond this they were pawns and they had the additional problem of adventurers such

as John Scot and John Underhill playing on the international stage to their detriment. In the end in 1664 England would settle the matter by conquering New Netherlands and introducing a new era for the towns. By the this time East Hampton and was happy to be in Connecticut's orbit. Connected by a strong geographic, religious and economic relationship East Hampton and the other towns sought and obtained a relationship with their near neighbor. This happy relationship would come to an end with the arrival of an English invasion force which conquered the Dutch and set out to put New England in its place. Richards Nicolls, the new governor of what was now New York, was commissioned with others to investigate many practices in New England and to assert the rights of the Duke of York who now claimed a colony that started in Maine, dodged around parts of New England and then claimed everything between the Connecticut and the Delaware rivers. Long Island was in the dominion of the new proprietor and no matter how the towns pleaded their case and how Connecticut might bluster the elemental fact was that East Hampton was part of New York. The towns would fight against this and lay claim to rights, liberties and privileges in the new province. The struggle they fought was continuous and rather than set it out in great detail let me summarize the issues that came up with nearly every governor with whom they fought up to Governor Robert Hunter. With Richard Nicolls the first governor of the new colony the issues were immediate and visceral. He came representing a proprietor who cared little for participatory government and who ordered his new governor to create a highly centralized administration. For towns used to a New England pattern of town autonomy inside a system of representative government this would hardly do. The towns would immediately appeal to Governor John Winthrop Jr. of Connecticut for help and while Winthrop was willing he could not defy Nicolls and the English government so the boundaries between the colonies were drawn up and Long Island fell to New York just as the Duke desired. The Long Island representatives involved in discussions with Nicolls, John Young and John Howell, refused to agree to this division and so they went home. Nicolls agreed to meet the colonists, especially those from Long Island at a meeting in Hempstead. This would be an unhappy occasion. He planned to attend with a frame of government and a set of laws, the townsmen expected to have a full consultation and for them the if best of all possible worlds transpired they would be returned to Connecticut. If this did not occur they had a set of proposals--their lands to be held in free and common soccage, elections for town officials, election of the militia officers, no militia training outside the town, three court sessions each year on their own grounds to try small cases, no rate, tax or levy without the approval of the "General Court" and so it went. Little of this figured in Nicolls plans and as he reported "he mett with great tryalls and exercises of Patience and some very disobliging persons whom I sought to satisfy both with reason and Civility." Civility would not do it and there was no satisfying the men of Long Island. While Nicolls might try to placate them in small ways there was no hope of agreement on the basic nature of the government. In Nicolls plan there would be no representative government, taxes would be set at the center by the governor and the council, they could elect their own town officers but they were subject to the oversight of the governor's appointees in a new body the Court of Sessions, they could only nominate men as officers in the militia, nor were they given guarantees as to their land. They were free, however, to return home and grumble--not too loudly--as much as they liked.

Taxes soon brought them back into conflict with Nicolls as he sought to assert the rights of the Duke of York in order to gain the funds needed for his government. In 1666 the protests from the pulpits and by magistrates led him to complain to an officer that : "(you report that they say) they are inslav'd under an Arbitrary Power, and that I do exercise more than the King himself can do, which is so high an imputation, that I can not suffer myself to be reputed or Blasted in the hearts, or by the Tongues of such false and malicious men therefore instead of writing to mee under the notion of some people say thus and thus, be think yourself of some particular Persons who do thus slander mee with a charge of no less weight than High Treason."

Nicolls was pained mightily but there was a limit to how far he could go. What in the end could he do to East Hampton--quarter troops there and in every other town on eastern Long Island? Hardly likely, as they were needed to watch the Dutch still a large majority of the population, so he had to swallow his bile and push as far as he could go and learn to live with the feisty, independence minded Islanders just as much as they had to accept the reality of their situation. No matter how much they protested, petitioned and complained New York was the proprietary colony of the Duke of York. Thus an unhappy truce prevailed. Nicolls wanted order and they wanted democracy. As Nicolls wrote to Lord Clarendon, "Democracy hath taken so deepe a Roote in these parts, that the very name of a Justice of the Peace in an Abomination," but he at least had laid the foundations of "Kingly Government in these parts." Nicolls did have some power to assert. When he arrived he had not guaranteed the land grants of any of the towns and so they had to apply for new patents. East Hampton complained but submitted its patent for approval only because security of their lands was too important and they would deal with the devil to make certain of their claims. But when Nicolls granted salaries to the hated Justices of the Peace, East Hampton immediately led the protest. In the end the Justices lost their new salaries and the privilege of not paying taxes in their towns keeping only a nice schedule of fees for their activities. Each side won something. And so it went. Nicolls would leave in 1668 licking his wounds and having accomplished much, the towns could jeer him off but with no hope of immediate change.

For four years Governor Nicolls struggled, rather successfully, to create a government for New York. His successor Francis Lovelace did not have to bear the burdens of imposing a new regime on the English towns yet his administration was not free of conflict. His disputes with the towns were mostly over economic affairs rather than systems of government, although East Hampton and the other English towns never gave up the positions they had adopted—they merely bided their time. Lovelace had to deal with many problems, perhaps the most bothersome was that of finance. He needed money to support the English garrison in New York City besides meet all the other costs of running the government. Slowly but surely he fell under the sway of the city merchants who could provide the wherewithal and the credit to keep affairs running. For their generosity the merchants demanded that they get something in return--nothing less than control over the colony's economy. Their little mercantile system centered on New York City which would be the main entrepot for all goods leaving and entering New York. Whether it was wheat or pork or horses they had to pass through Manhattan. To make things worse prices

were also set for goods of all sorts in a way that clearly favored the merchants, who were left to charge what they wanted for imported goods. But for East Hampton the most egregious sin of all was the attempt to control the whale oil trade. By this time the towns at the east end of the island had developed a successful whale fishery. Adapting Native American technique, hiring the natives and adapting their own skills had allowed them to increase the industry significantly since the days when they could only claim the Right Whales that washed up on beaches. Now the numbers caught every year was increasing the amount of whale product going off to Boston climbed year by year. The governors and the merchants were very much aware of this and wanted their share of the revenue. The result was a more aggressive policy. New customs agents were posted to the east end of the island with the intent to redirect the trade away from Boston and Connecticut toward New York City. Nothing could have created a more direct challenge to the town and its sister towns of Southold and Southampton. Their protests boiled over in 1669. Prior to the Court of Assize that year the towns complained through a petition about the set prices, controls on the prices of imports, while advocating free trade in all ports, standardized English weights and measurements for the whole colony and other matters including the fact that there was no assembly. Lovelace more or less ignored them only conceding the standardized English weights. At the same time he posted an order that all wills had to be proved in New York City--the better for merchants to collect their debts. Tension remained high until the Assize of 1670 when the Court imposed even more controls on trade--hogs, for instance, could only be butchered at New York City--and a new tax was to be levied to repair the fort in the city. The new tax became the symbolic issue for most of the towns who sent representatives to a protest meeting that produced a petition representing the opinions of most of the towns on Long Island. Lovelace had the document condemned and burnt in front of city hall. East Hampton and its sister towns went much further than the other towns and had good cause to do so for Lovelace, enraged by the vehemence of their protests, had burned their petition and went on to invalidate their patents imperiling their control over town lands. Lovelace did agree to send a commission to treat with them although their instructions gave them little leeway to negotiate and they were empowered, if the towns were too recalcitrant, to call out the militia. No records survive this meeting but shortly thereafter the towns sent delegates to a meeting of their own where they were to discuss obtaining a new charter for the three towns. Rather audacious one would think but the towns were serious and followed through with a petition to King Charles that was referred to the Council for Foreign Plantations. The petition asserted that the three towns had: "spent much time and pains and the greatest part of their Estates in settling the trade of whale fishing in the adjacent seas, having endeavoured it above these twenty yeares, but could not bring it to any perfection til within 2 or 3 years, last past, and it now being a hopeful trade at New York in America the Governor and the Dutch there do require ye petitioners to come under their patent, and lay very heavy taxes upon them beyond any of his (majesty's) subjects in New England, and will not permit the petitioners to have any deputys in Court, but being chiefe, do impose what Laws they please upon them, and insulting very much over the Petitioners threaten to cut down their timber, which is but little they have for casks for oyle." The petition concluded by requesting that the towns be returned to Connecticut as it was closer or be given their own charter. The petition is a shrewd indictment of the government particularly the sharp dig at the Dutch which they

probable hoped would arouse sympathy for their cause. It was not very good politics. James the Duke of York and brother to King Charles sat as a member of the Council for Foreign Plantations and so nothing was ever heard of the petition again. The petition does reveal how tenuous was the relationship between New York and East Hampton and the other towns. They detested the new economic controls that were added to the other issues they already had such as no assembly and did not accept that the government of New York was a valid one. Nearly ten years of English administration had not reconciled them to rule from New York City so they would suffer on while beneath the surface tensions lingered ready to erupt. Suddenly, in July, 1673 a great opportunity befell East Hampton when out of nowhere a Dutch fleet appeared and reconquered New York for the Netherlands. What calamities might befall New York were just opportunities in eastern Long Island. The Dutch could have New York and threaten them, but this was just an opportunity to once again reach out to Connecticut and return to the New England fold. Their presumption was noted in New Amsterdam. The Dutch administrator Anthony Colve was not about to allow the towns to leave his control. Connecticut warned the Dutch to leave the towns alone but Colve insisted that they take an oath of allegiance which the towns refused to do. By the time a second set of envoys was sent out to insist the towns take the oath they were confronted by Sergeant Major Fitz-John Winthrop and the Connecticut militia who repelled them in a haze of gun smoke that produced no injuries. The Dutch party retreated while the English celebrated their victory in the battle of Long Island. Connecticut became more brazen by warning off the Dutch from interfering with the towns while the Dutch could do more than turn up the heat of the rhetoric. Unfortunately for East Hampton reestablished New Netherlands was a mere pawn in a much larger international chessboard and one that was easy for the Dutch government to surrender, so in 1674 by treaty they gave up all rights to the colony and it would never again be an issue between them and the English. The Duke of York reestablished his position as proprietor and sent over Sir Edmund Andros to carry on his government. Long Island came back into the orbit of New York. Not that this deterred the doughty townspeople. Having returned to their beloved Connecticut they were not about to accept the "tyranny" of New York. Some Long Island towns banded together with Jamaica and sent Andros a petition in December, 1674 informing him that as he did not know what they were thinking he should call an assembly that Nicolls had promised them--long and incorrect memories--where they could give him a piece of their mind. East Hampton, Southampton and Southold wanted a tougher response. They had returned to their true home where they desired to remain and they told Andros that they had fought off the enemy with Connecticut's aid when the New York had left them naked to their enemies so they were happy where they were. Governor John Winthrop Jr. of Connecticut gave his blessings to their entreaty and this claim was also sent to England. Andros was not about to suffer this insult so he ordered the town leaders including John Mulford to submit or be declared rebels. After warning Winthrop not to interfere, which Winthrop acquiesced to, Andros personally descended on East Hampton and the other towns and brought them into his jurisdiction. Abandoned by their beloved Connecticut the towns faced west to fight the next round.

Under Andros the same tensions between the government and the eastern towns remained in place. The governors asserted a right to 1/16 of the product of the whales that washed

up on the beach. Beached whales were the right of the monarch, who had many odd rights to the foreshore of the kingdom. The whaling towns, who by now had developed a whaling fishery, caught more and more whales at sea where the King had no rights. If the government wanted to collect its share of the whale oil and bone it would have to have officials on the beach or on the docks of the towns if they had any hope whatsoever in getting a part of the whale. On occasion customs agents were provided for on the out of the way ports but this rarely worked to benefit the government as the men rarely stayed in place long. The other issue for the government was the fact that the whale oil was shipped through Boston to England and not New York City. That meant lost trade and, of course, lost opportunity to sell goods to the eastern townships who were increasingly prosperous. The loss of both transactions also meant lost revenues for the government. Altogether an unhappy situation for the central government and for the merchants on Manhattan. The first change in the institutions of government that would bring some pleasure to the townspeople came in 1683 with the arrival of Thomas Dongan as governor. Dongan was deeply suspect by the ardent Protestants of the towns as he was a Catholic and a creature of the Duke of York, but he was to create a change in government that the Duke felt he had to concede mostly due to his weakened political position in England rather than by the press of events in New York. Dongan was told to create a more democratic frame of government in the colony by creating an assembly to participate in government. When this was announced, and after the writs were issued by the High Sheriff, East Hampton decided to go along but in doing so they tested Dongan's "patience and moderation" for while electing representatives to the conference that would create the new frame of government they announced they did so not because the sheriff had issued writs but because they did not want to miss an opportunity to assert their rights. In an address carried by the town representatives they informed Dongan that they regarded him as an instrument of God who was there to restore their freedom and privileges and that their representative would stand up for "our privileges and English liberties." And so they did. The representatives of the colony wrote 15 laws and created a "Charter of Liberties and Privileges." The charter was a very important document as it asserted the liberties close to the hearts of the people and those acceptable in some degree by the authorities. As citizens of a republic that guarantees our rights in the constitution we have an automatic reaction whenever we see words such as liberties, privileges and equate them with our current rights. What was being asserted in this 17th century context is different from what exists for us today. Let me discuss two documents that were dear to the hearts of the people of East Hampton in the 17th century. One is the New York Charter of 1673 and the other the Massachusetts Body of Liberties of 1641. This latter document is divided into 95 chapters that illuminate rights while creating a body of laws for Massachusetts Bay. The first seventeen laws draw out rights of persons—no punishment without legal process; economic rights--no monopolies, right to make a will; rules of service--no military service out of the plantation, no punishment for nonattendance at court. Most of these laws are specific to men and a number of them could be overruled by the General Court or legislature if there is an emergency. Chapters 18- 57 relate to judicial matters--allows for bail, no property seizures, no more than 40 stripes of the lash regardless of the crime and none at all for "true gentlemen", death sentences carried out after only four days had passed from the conviction, eye witnesses were needed for a crime where the death

sentences could be imposed, no torture, free access to all records, and men found offensive to a town meeting can be fined by the other freemen (thus limiting free speech). The rules for free men (58-78) relate mostly to keeping the peace in church affairs, permitting freemen of town to make laws but allows no punishment over 20 shillings, the right to choose their own delegates to General Court, and all votes should be by conscience only. The liberties for women are exactly two-- if not left enough in a will to support a wife the General Court must give relief in the form of a competence and a husband cannot beat his wife unless he hits her in defense against her assaults. Children had four liberties the most important dealing with inheritance for if there was no appropriate will the oldest child was to get a double share and daughters to get equal share of the rest. Servants also have four liberties including the right to sue to free themselves from a cruel master, if maimed or defaced they get freedom and after seven years must get their freedom. Foreigners and strangers had specified rights; they were allowed to participate in most town affairs and could not be enslaved unless they were lawful captives taken in war, or if they willingly sold themselves while in colony or are sold to "us." Laws punishable by the death penalty were limited to murder whether by guile or anger, treason, witchcraft, bestiality, blasphemy, homosexuality, and in adultery for both offenders. Finally for churches the rules of order and rights were promulgated giving them great latitude to choose and discipline members but churches could only be founded by those "orthodox" in judgement and if error was suspected local churches could assemble at the suspect church and examine its people. So it is hardly a testament of rights so much as it is a law code. It has to be noted that at critical points it gives either the General Court or the majority of a town the ability to take away rights in the name of the whole. The New York charter is similar. Much of the first third of its chapters is taken up with organizing an assembly and asserting its rights as against the government most importantly giving the right to pass laws while recognizing the Duke could veto them. It also gave the individual rights to control their person and be treated by the law only through proper means such as trial by jury and that they could hold property without illegal interference. Women had only one specified right and that was as widows they could continue to live in their home for at least 40 days on the death of their spouse. The last third of the Charter speaks to the issue of freedom of religion. It asserts that right only for Christians and no doubt the many Dutch and English Calvinists would have happily excluded Catholics but Dongan a Catholic had to approve this document and it was unlikely he would do so unless there was a broad definition. The charter did give the towns the right to control religious belief within their borders by allowing the community to choose the minister and taxing everyone to support the majority church--the better to protect themselves from the dreaded Quakers. So these "Liberties and Privileges" are much more concerned with the assertion of practical rights of assembly and taxation, wills and trials and less with abstract rights of speech and the press. In other words they supported the political and legal aspirations of the struggling colonists who needed practical ideas rather than the abstract thinking of the enlightenment that would come with the Revolution. The heady feeling that the townspeople had in finally asserting their rights to assembly and make laws for themselves did not last long. While the Duke's advisors were ready after some amendments to accept the new laws and the Charter of Liberties they were never allowed to go into operation as King Charles died and James came to the throne committed to the idea of creating a super colony in the north, the

Dominion of New England. It is unfortunate that this happened. The two sessions of the assembly created a body of laws that responded to popular needs and showed a degree of sophistication in what was needed in the colony. But instead of this building a new political body the successes of the assembly were swept away and the old system of a governor and a council made up of a few favorites, mostly from Manhattan, were left to govern while the remainder of the colony went on feeling abused. Dongan also gave them reasons to feel abused as he set out to enrich himself. Like his predecessors who looked at whaling and its revenues and lusted after the royal share. Unlike his predecessors he was more forward in collecting his due by sending commissioners to scour the beaches and watch the ports and as a result a nice little revenue ensued. His need for money and his venality led him on to more serious efforts to squeeze the people. Quit rents were a common taxing device at the time in that they were taxes on land. In New York they had been attached to large grants of land, especially the grants to the townships, so they were assessed on the community and not directly on the individual. In fact they were small and yielded very little. Dongan seized on this and created a new group of collectors and a court of exchequer where land tax disputes would be held as he rightfully suspected the local courts would ever see the government's case. Then he challenged all prior land grants. In March, 1684 the council issued an order to the townships on Long Island to produce their patents. Some towns complied but most dragged their feet refusing to submit their patents as they feared what they might get back. Dongan kept up the pressure through threats and to make sure of his legal ground sent representative patents to England for review. No doubt he was unsettled by the result for the legal officers of the Duke said they could find no problem except in those where large tracts of unused lands were still being held--true for most Long Island towns. Dongan used the latter to go after the towns and one by one they gave in and in some cases even paid back quit rents. East Hampton refused to surrender--so did Dongan. When all else failed to convince the righteous he decided to grant the application by a group of ten individuals who said they were being denied land in the town even though they were made to pay taxes. So in July, 1686 each of them received 30 acres by order of the council. Samuel Mulford and other town leaders marched through town with the beat of a drum and nailed a protest to the meeting house door followed by an intemperate sermon by the Reverend Thomas James. Dongan was not amused. An information was filed against the town's leaders leading to a warrant for their arrest. As the door to jail yawned open before them Mulford, James and the others decided things had gone far enough and while they protested that the ten land claimants had never paid taxes they sued for a pardon. It was granted and East Hampton's patent was renewed with a higher quit rent and a special L200 tax was levied on them. Dongan was venal and often collected land or money under the table for his deeds and East Hampton hated him, but the fact remains that this episode tells us much about the one sided nature of the struggle between the town and the central government. East Hampton could protest, shake its fist, beat its drum and write wonderful petitions, yet in the end the real power lay in the hands of the governor. They was always a legal means at hand that could be used to demand obedience and the governors such as Andros and Dongan could bring them to heel. East Hampton was left to grumble and look longingly toward Connecticut dreaming of what might have been while living with the reality of their nightmare 120 miles away.



The name of Samuel Mulford has already emerged and until he died in 1725 the next period could be called the age of Mulford. Samuel, or old fishhook was an extraordinary man, a human sore thumb, the splinter in your finger, the stubbed toe--he simply could not be ignored and he certainly refused to be ignored by anyone, governor or king. The owner of a whaling company, landowner, cattleman, and merchant he came to be the embodiment of East Hampton's desires to keep at arm's length from New York. He came into his own in the 18<sup>th</sup> century. From Dongan on the town carried on its trade in whale products. When Jacob Leisler and his friends seized control of New York in 1689 East Hampton was the only town not to recognize his government. Leisler left the whale trade alone and one would have thought he could have won the grudging support on the townspeople when he called for an assembly. Not so, the town refused to participate in elections because to do so meant complying with a regime similar to that which had imposed the "old bondage." Instead they sought once again to be returned to Connecticut. When the government in England reimposed its authority the old whaling and trading rules were reimposed if not vigorously asserted. Governor Benjamin Fletcher, an old friend of the pirates who flourished in the 1690's, worked with William (Tangier) Smith to grab as many beached whales as possible and with Fletcher you could be sure of one thing, anything seized would end up in his pockets. By this time New York did have an assembly in which East Hampton participated to better watch over its interests. When Governor Bellomont tried to get it to pass a statute against fraudulent trade in whale products nothing was heard of the statute in the assembly and we can guess why. Samuel Mulford with his rasping personality and in your face style was came into its own as he struggled against Edward Hyde, Lord Cornbury governor from 1702 to 1708. Like most governors Cornbury looked upon his stint in America as an opportunity for personal enrichment while defending the royal interest and the whale trade beckoned him. As Cornbury put it "There has been for some time no Trade between the City of New York and the East-end of Long Island, from whence the greatest quantity of whale oil comes. And indeed, the people of the East End of Long Island are not very willing to be persuaded to believe that they belong to this province. They are full of New England principles." To correct this situation Cornbury went beyond the normal claims of the crown in regard to beached whales, an old right, to stating that the whale was a royal fish and therefore could not be so easily fished as before. He decreed that whaling adventurers would have to obtain a license to do so, and then yield 1/14 of value of oil and bone. To make sure all of this worked the licenses had to be obtained in New York City and the taxes also yielded there. He obviously hoped that this would tie the whale fishery to New York City and make collection very much easier for now if you did not have a license there would be trouble and when you came to get your license there would be opportunities to ensure you were taxed before you received a new license. And when you traveled to New York City there were ample opportunities for speculation, fraud and delay as the whalers had to sail there and await there licenses at considerable expense. When the assembly would provided no relief--it was more and more under the control of landowners who preferred taxes on trade than taxes on land and Mulford was not about to let this go so he did something quite remarkable he went to London. A rather audacious thing to do. He was after all the representative of a prosperous but little-known town in New York. His opponent was a royal governor, the cousin of the Queen and whose father and uncle sat in the privy council. Undeterred he

pled his case and as one could predict he got nowhere. The government was not in the business of discouraging a governor from making his colony pay for its administration. Mulford learned from this lesson and one hopes used to opportunity of being London to make trading contacts. He, of course, like most of his fellows did the minimum business in New York City and continued to drive a trade to Boston and through Boston to London. Mulford's next opponent was Robert Hunter, one of the savvy governors colonial New York ever had. He wanted to bring an end to the ongoing and by now old clash of the pro and anti-Leislerians in the colony and to redo its politics. By now the political balance was falling in the direction of the great landowners of the Hudson River Valley and it was to them that Hunter turned for support in and out of the Assembly. This meant that the merchants and traders of New York would have a much tougher time for Hunter would turn to them first as a revenue source. However, he also wanted to increase trade in New York which was now emerging from the shadow of Boston and wanted to further expand its trade. Besides reinvigorating the licensing system he imposed a new 10% tax on all goods imported from another colony where the origin of the goods was not that place itself. In other words you could ship tobacco from Virginia but you could not import English goods from Boston without paying the duty. The target could not have been more obvious. He also set out again to collect that old hated tax in the townships the quit rent and transferred jurisdiction over the cases of non-payment to the court of chancery where an ambitious new collector started to sue the towns especially East Hampton.

In 1712, two years after Hunter arrived in the colony, Hunter was after Mulford in court. Mulford maintained that Hunter had no right to do what he did and that it contravened the law--with Mulford there was always a higher law. Needless to say he lost in the court of Chancery and in the Supreme Court on appeal. That left him the floor of the assembly in which to make his case against Hunter as he did in 1714 in a fiery speech attacking Hunter for attempting to make them his "tenants at will" in other words servants with no rights. He outlined the many calamities that had befallen individuals under this governor and expanded his plea into a more universal idiom:

"We have an Undoubted Right and Property by the Law of God and Nature, settled upon the Subject by Act of Parliament; which is not be taken from them by the Supreme Power, without due Course of Law. The End of Law is to secure Persons and Estates; the End of Government to put the same in Execution, to the purpose that Justice by done." As a member of the assembly Mulford could get away with this blazing rhetoric and an attack on the governor if his fellow members were willing to let him and they did until he did an extraordinary thing by publishing his speech compelling the governor and the assembly to take action. Mulford was expelled from the assembly in 1714 and later charged and arrested for seditious behavior. Undeterred by his bail he left for London in 1716 when he was 71--a true patriarch to his people--to make his plea there. Once there he continued his assault on Hunter and had published an "Information and Defense of His Whale Fishery," laying out his case against him. This time with the new Whig government firmly in control Mulford received a more open hearing for as Tim Breen has pointed out he had so carefully crafted his appeal to the language of the Glorious Revolution a language appreciated by the Whigs and not by the former Tory government. Hunter was forced to defend himself when Mulford won a surprisingly--for Hunter--

warm hearing from the Board of Trade who told Hunter to cease all legal matters against him. Hunter and the Assembly mounted a major campaign against Mulford charging that he was trying to stop the legitimate actions of the assembly to raise taxes with which to fight the Indians on the frontier, who was prone to telling great lies about the whaling industry to suit his own purposes, who only wants "to promote his beloved Connecticut," who was a bail jumper in the province for publishing sedition and if such men could run to England and get relief from their crimes then all criminals would soon be fleeing to London. Against these charges the Board of Trade was not about to side with Mulford and he could only afford to remain in London and press his case for a limited amount of time so while he brought some degree of discomfort to Hunter, Mulford did not triumph. He had one last moment of protest. When governor Burnet arrived in 1720 he decided that rather than following a custom of holding an election for the assembly on the arrival of a new governor he would keep the compliant one then in existence that Hunter had so carefully nurtured. Mulford would have none of it and launched another protest and for his troubles he was kicked out of the assembly once again. He would die in 1724 and East Hampton would not see his like again. East Hampton fought to retain its ties to Connecticut or at the very least keep New York out of its affairs for about 100 years. Tied to New England economically and religiously they fought to retain their ties to the Puritan colonies. They also needed a higher power to whom they could take judicial matters that threatened the town such as with the early witchcraft trial of Goody Garlick and for them the best place was nearby Connecticut. The fact that New York had a government that denied them the right to meet with their fellow colonists and make the laws, especially those on taxes, made it an abomination. It was also very far away and seemed to intent on many things that were of no interest to East Hampton such as fighting wars against the French and Indians in the far north. Still one would have thought that would have let matters slip by. They were largely left alone to manage their own affairs and their chief trade was carried on with Boston regardless of what the New York government did. All too often, however, there was enough interference to remind them of New York and even after representative government arrived they still did not like New York. And while Mulford represented there spirit he was to be the last great tribune of the town for dreadful things would happen. As the glory years of the whale trade faded into memory and the town became an isolated agrarian community like so many other towns in New York a gradual transition took place-- one that would have horrified men such as Samuel Mulgrave. Like it or not the people of East Hampton became New Yorkers. If not by the middle of the eighteenth century certainly around the time of the American Revolution, when Long Island was occupied by the British and when the colonists sought new identities that kept them from being anything but British and for the people of Long Island that would be New Yorkers. This would be a slow process but the results were inevitable. Identity was one thing, physical incorporation another that would come later with the railway. The attraction was not just the natural beauty of East Hampton it was especially her beaches. During the 1730s in England a new beach culture was created as physicians touted the therapeutic effect of salt water. The upper classes flocked the Scarborough, Brighton, Ramsgate and Weighmouth and other bathing resorts to enjoy the effects of the sea water. A whole new beach culture emerged as men and women climbed into bathing machines to enter the water for a brief immersion. On leaving the water they would promenade, shop, ride, attend the theater and a myriad of activities that filled in

the time between their dips. While the new culture flourished first in England it traveled at the end of the 18th century to Germany and then to France and by the beginning of the 19th to the United States. Until this time beaches were places where people went to work. No better illustration of this exists than the beaches of East Hampton where the whale industry was carried out first with the beached whales and then with those that were hauled ashore. Recreation or therapeutic purposes did not loom large with these men. There are records for the middle of the 18th century of young people going to the beach in large groups to enjoy a "frolic." This is an intriguing term. In Britain people swam nude in the 18th century and one wonders about the Puritan traditions in eastern Long Island and comes to the conclusion that they were not nude--but if they were clothed did they go in the water? And what was the nature of the frolic? Who knows? By the middle of the 19th century swimming was introduced to the culture of the beach and people started to spend more time in the water and seek out beaches away from the resorts. The coming of the railway after 1844 on Long Island made this possible. As the lines traveled across the island they brought about the colonization of the townships. Nothing would be the same especially after 1918 when the prosperity of the country made it possible for many to find recreation and pleasure at the eastern end of the island. East Hampton was still an independent township but now much involved with a modern lifestyle beloved of city dwellers especially those in New York City. As someone who only views this from afar I understand that this has revived a sense of combat with the invaders but I will leave that topic for others.