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## **Defying Empire. Trading with the Enemy in Colonial New York**

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Simon Middleton

General Edward Braddock's failure to capture the French Fort Duquesne and his defeat at the Battle of Monongahela on 9 July 1755 is often cited as a turning point in the European contest for North America leading to what the English called the Seven Years' War (1756-63). Braddock's routing by a French force of some 30 soldiers backed by several hundred Algonquian and Iroquoian warriors demonstrated the importance of not only Native American allies but also the backwoods for any power intent upon controlling the continent. Located at the mouth of the Hudson-Champlain corridor, a little over 300 miles south of Montreal, New York City was on an almost constant war footing in the 1740s and 50s: fears of imminent French or Spanish attack fed city residents' fears of slave rebellion in 1741<sup>2</sup>; defense costs featured regularly in provincial debate, and opposition to the governor's plans for a military expedition to Canada provoked four fiercely contested mid-century assembly elections. And yet, for all this, the land war scarcely menaced the city: French raiding parties never made it further south than Saratoga and Albany during King George's War (1740-8), and fighting around Lakes George and Champlain, though fierce, never directly threatened the city. The militia drilled, incessantly. But even at the height of hostilities New York contributed only 300 men per annum to the provincial muster, out of a population of some 18,000. Indeed, city residents experienced the land war more often through oral and printed reports of military engagements, accounts of the raids conducted by Rogers' Rangers, and other tales of derring-do on the inhospitable but mercifully distant frontier.

However, as Thomas Truxes reminds us in his gripping account of mid-century colonial trade, seaborne threats of invasion and limits on trade were a constant threat in what was one of the leading port towns in the 18th-century Atlantic World. New York's prosperity and its future depended on access to the imported goods and colonial and European markets provided by the maritime trade. Such had been the case since the Dutch West India Company officers and earliest independent traders first established New Amsterdam, with its fort and defenses facing outwards towards enemies arriving via the Atlantic rather than inwards at foes from the interior. These Dutch origins remained influential a century or so later. Although New York's export trade remained smaller than Boston or Philadelphia, its long-established contacts in major European commercial centers and the busy Caribbean entrepôts of Curaçao and St Eustatius bolstered the value of city trade. In the year that Braddock was defeated on the Monongahela River, New York merchants established a Royal Exchange from where they managed their cargoes and brokered deals relying diverse ethnic, religious, and familial networks boasting a global reach. Wars were good for business: in 1750 the city's merchant fleet comprised 157 vessels, a combined tonnage of 6,400 tons; 12 years later, on the eve of England's victory over France, New York boasted 477 vessels or 19,500 tons. How much of this increased trade was conducted between colonial merchants and Britain's French and, later, Spanish enemies is difficult to say. We have a clearer idea of who was involved. One significant group were the Irish merchants, the subject of Truxes's earlier work. They were disproportionately represented in the core group of the 125 or so merchants he identifies as predominant in the trade with the enemy and who provide the focus for *Defying Empire*: men who considered themselves loyal and devoted subjects, who outfitted British expeditions against the French, and who celebrated imperial victories and lamented defeats even as they made handsome profits by trading with the enemy. Loyalty was all very well but, as Truxes has it, "business was business" (p. 8).

The 10 chapters, excluding introductory and concluding sections, are stitched together around the narrative of the ambitious but hapless informer, George Spencer. His attempts to profit from fines levied against the smugglers lead to lengthy legal wrangles and eventually his ruin. We first meet Spencer, a failed wine merchant, in the prologue: it is October 1759 and he has exposed the illegal trade in provisions and specie with the French sugar islands, hoping thereby to earn a hefty reward. The response of the city's merchant elite who, of course, are all deeply implicated in the trade was immediate. In a coordinated campaign they secured control of Spencer's outstanding credit notes, totaling the then astronomical sum of 4,000 pounds. But before having him jailed for debt, they stirred up the mob who bound the informer to a cart and paraded him around the town while delivering liberal beatings. Later, languishing in the city jail, Spencer plotted the downfall of his powerful opponents initiating no fewer than 17 different legal proceedings against them in the first three months of 1760 (p. 110). His creditors (and now persecutors) refuse to accept his offers of

collateral in return for release. Anticipating rewards totaling 20,000 pounds, Spencer chances his remaining capital and pursues the case. By the autumn of 1761 he can no longer afford a room in the genteel section of the jail and fears for his life at the hands of two of its more salubrious inmates. In January 1762, after 813 days, he is finally freed and flees to London where he continues with his case. In 1764 he offers to return to New York and prosecute the smugglers in return for a pension. Two year later, and with eerie prescience, he proposes that the English ministry introduce a tax on foreign tea while cheapening the East India variety which would, he believed, "greatly appease the clamors of the people?". He returns to the colonies, but Philadelphia not New York, and sues his lawyer who has sold the luckless litigant's remaining property in New York to cover his legal fees; the lawyer, it transpires, was also an investor in the illegal trade. Losing his case and any hope of imperial favor, Spencer returns to the colonies in 1767, as a clergyman, before finally establishing himself in the wine trade in England and dying a man of moderate means in 1784.

Spencer's misadventures capture the pervasive colonial participation in smuggling and imperial impotence at the level of local enforcement which animate *Defying Empire*. At times Truxes's New York reminds one of the classic Ealing comedy, *Whiskey Galore*, where landing illicit spirits becomes a community project opposed by an isolated and toothless official. The first chapter sets out the importance of merchant trade on the eve of the Seven Years War and the difficulty raised by the arrival and provisioning of the English naval force and thousands of ordinary seamen. By chapter two the city is effectively under occupation with local merchants having to run the gauntlet of Admiral Sir Charles Hardy, provincial governor 1755-7. Hardy tries to clamp down on the illegal trade, before he is dispatched for the war leaving the more amenable Lieutenant Governor James DeLancey in charge. Imperial officials are never able to do more than plug the gaps in enforcement, not least because of the endless nooks and coves in which larger vessels could rendezvous with smaller craft to load and unload cargoes. In the next three chapters Truxes presents the myriad of ways in which determined city merchants pursued their commerce. As the naval conflict drove French shipping from the seas, neutrals and British vessels "loyal but sailing with 'Frenchified bottoms'" (chapter three) "were left to trade with the wealthy sugar islands including entrepots at Curacao and St Eustatius which rapidly became the 'cross roads of the Caribbean'" (p. 66). The empire responded with legislation, Embargo and Flour Acts, which restricted the movement of ships and goods and levied heavy fines for wrongdoers but which, since they were only applied to colonial traders, were considered prejudicial and unjust by the colonists. In response New York's traders raised their game, focusing their energies on markets at Monte Cristi, on the northern coast of Santo Domingo (chapter four), where Americans exchanged colonial products for French goods with Spanish, Dutch and Danish neutrals. There seemed no end to the merchants' schemes to dupe the authorities: traders employed "privateers" to "capture" their vessels and return them to New York as "prizes"; they drew spurious distinctions between treacherous direct supply of enemy forces in the Ohio Valley and the merely profitable "indirect" trade with the French sugar islands; and they sailed under "flags of truce" (chapter five), ostensibly engaged in prisoner exchange but really shipping cargoes to and from the Caribbean. All of which maritime shenanigans Truxes integrates carefully into a narrative describing the unfolding of the Seven Years War.

In June 1760 James DeLancey died and was replaced by the lieutenant governor and staunch defender of the royal prerogative, Cadwallader Colden. Colden's two year term, prior to the arrival of Robert Monckton, coincided with William Pitt's push for victory against the French which prompted firmer measures against colonial smugglers. Even as English victory at Montreal and the ascension of George III inspired patriotic celebrations and promises of allegiance, the New York merchants continued their commerce with the enemy, one even employing a vessel named for the *Earl Of Loudon*. As far as the merchants were concerned trade with the French in the markets held at Monte Cristi Bay for sugar, indigo, and coffee at bargain prices had no military ramifications. Indeed, in their view, it enriched the British nation and indirectly paid for the war. These and other seemingly duplicitous positions the colonists maintained in the teeth of a campaign (chapter eight) to end the trade seen by London as providing succor to French and, by then, Spanish enemies. This campaign, and the book, culminates in the trial of leading city traders and in particular Waddell Cunningham, the "personification of New York's wartime swagger" (p. 157) by the resolute Attorney General, John Tarbor Kempe, and the newly installed governor, Robert Monckton (1762-5). Kempe and Monckton were determined to make an example of Cunningham and his co-defendants for breaches of the

Flour Act and levied a fine of 1500 pounds which, in a roundabout way, led to the case of *Forsey v Cunningham* with which students will be familiar from the debate over the royal prerogative in the build up to New York's revolution. Following the capitulation of France and Spain in January 1763, Kempe returns to court intent on further prosecutions. His failure in the face of obstructive local officials and uncooperative witnesses emphasizes the empire's limited range of tactics for law enforcement, beyond the military option which offended the colonists' keen sense of their rights and liberty. In this way Truxes brings us to the eve of the imperial crisis that developed into the American Revolution, demonstrating that many of the issues relating to imperial regulation, enforcement, colonial commercial ambitions and highly developed sense of rights were all rehearsed in this earlier controversy concerning trade. In the post-war world British war debts and an activist ministry precluded a return to the preceding era of 'salutary neglect'. The writing was on the wall, or so it seems.

Readers will already have gathered that *Defying Empire* is a rattling-good tale told well. Stan Katz, who supplies one of the quotes for the puff on the back cover, judged the book not only valuable political history but also great material for a TV mini-series. The book is beautifully crafted: Spencer holds the action together and the chapters open with anecdotes and insights which are then contextualized and the implications teased out in a model of historical writing. The findings are supported by solid research in the usual primary and secondary sources for study of the 18th-century city and some less familiar material drawn from the Division of Old Records in the New York County Court Archives on Chamber Street. Truxes's skill is in spinning these sparse legal sources and a well-known and pretty humdrum theme of smugglers carrying on their trade in the face of exasperated authorities into such an engaging yarn. There are some 20 maps, addressing new themes rather than hackneyed reproductions, which situate the reader and emphasize the city's maritime character and connections to the Caribbean trade. Swathes of what we know today as Lower Manhattan have been reclaimed from the sea and contemporary residents of 85th and First Avenue may be alarmed to learn that in 1760 their apartment block bordered the East River. The publisher should also be commended: while some presses seem happy to publish large, underworked, and sometimes unreadable tomes for sale to university libraries, Yale demonstrates that it is possible to market smart, concise, attractive and reasonably priced texts. Truxes deserves a wide readership and, in part because of the publisher, he is likely to have one.

More critically, it would have been good to hear Truxes's thoughts on the meaning and broader implications of his protagonists' attitudes and behavior. As noted at the outset, *Defying Empire* deals with the colonial merchants' seemingly questionable commerce in a rather off hand manner 'business was business' and Truxes leaves it to the reader to decide the merchants' guilt or innocence, reinforcing the sense that there are no issues worth further inquiry. All participants in the narrative text are similarly driven by personal interests and ambitions: Spencer, no less than the smugglers he exposes, and even Governor Hardy who quits in search of better career prospects on the battlefield. The only men guided by principle or ideology are the officials who impose heavy-handed trade regulations that are clearly out of kilter with the patterns and aims of colonial commerce. And yet, as Truxes notes at various points in the book, the smugglers considered themselves loyal subjects and patriots and this begs alternatives to this instrumentalist, and arguably neo-classical liberal, characterization. Part of the problem may be that we learn very little about the central figures beyond their trade interests. Their political and cultural lives and loyalties are largely uninvestigated and Truxes seems similarly unconcerned with connecting his study to other studies of merchant commerce and pre-Revolutionary political culture. I may have missed it, but I don't recall a reference to Cathy Matson's study *Merchants and Empire. Trading in Colonial New York* (1) examining attitudes towards mercantile regulations and, ultimately, the crisis in imperial relations. This is curious in a book so well sourced in recent and classic secondary studies, not least because Matson's difficulties in pinning down a consistent economic ideology might be invoked to sustain Truxes's view of merchants as single-minded men of trade. Missing too, is any comparative perspective between, say, Truxes's merchants and those described by Thomas Doerflinger or David Hancock in Philadelphia (although the latter is thanked in the acknowledgements), or exploration of how these merchant's perception of their interests related to concerns for honor, virtue, and loyalty to the crown 'all subjects of long-established and recent studies.

The author (and his publisher) may counter that they did not set out to write a book for a graduate seminar, preferring to stay close to the action and tell the story. Nevertheless, one of the most striking and unresolved images one is left with at the end of the book is that of the loyal smuggler: the traders who declared their allegiance while trading with the enemy and, in Truxes's terms, defied the empire. Does the merchants' position appear contradictory because we don't fully understand the subtleties of their own view of their political subjectivity? If so, readers may want to turn to recent studies of colonial loyalties such as Brendan McConville's, *The King's Three Faces*.<sup>(2)</sup> Were they, perhaps, articulating a different sense of empire based on prosperity and interdependency rather than more narrowly and hierarchically conceived ambitions that drove Britain's contest with France? In which case specialists might see parallels between city merchants' thinking and the alternative visions of empire uncovered by scholars such as Christine Desan <sup>(3)</sup> or Daniel Hulsebosch.<sup>(4)</sup> In the end Truxes's disinterest in the deeper meaning of merchant commercial strategies and imperial loyalties makes it difficult for him to connect his study in anything but a perfunctory way to the crisis over imperial regulation and colonial interests. With these limitations in mind, specialists and general readers alike will want to read this elegant rendering of mid-century merchant trade and its superb telling of a complex and gripping tale.

## Notes

1. Cathy Matson, *Merchants and Empire. Trading in Colonial New York* (Baltimore, 1998).[Back to \(1\)](#)
2. Brendan McConville, *The King's Three Faces: The Rise and Fall of Royal America, 1688-1776* (Chapel Hill, NC, 2006). [Back to \(2\)](#)
3. Christine Desan, 'Remaking constitutional tradition at the margin of the empire: the creation of legislative adjudication in colonial New York?', *Law and History Review*, 257 (1998).[Back to \(3\)](#)
4. Daniel Hulsebosch, *Constituting Empire: New York and the Transformation of Constitutionalism in the Atlantic world, 1664-1830* (Chapel Hill, NC, 2005).[Back to \(4\)](#)

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