

of Otter Creek" and the Council advised His Excellency "to request the Commander-in-Chief of His Majesty's forces to order a sufficient number of troops to occupy the posts of Ticonderoga and Crown Point and the officers commanding there to give such aid to the Civil Magistrate as he shall from time to time require for the preservation of the publick peace and the due execution of the laws." (Minute of the Council of New York, at a council held at Fort George, in the city of New York on the 31st day of August, 1773, from Canadian Archives, series B, vol. 13, p. 157) Along with the application Governor Tryon sent a private note, requesting the General to keep the purport of his official letter as secret as possible, "the Governor being informed there are spies in this city from the New Hampshire rioters watching the motions of Government."

This being the first notice in the correspondence of the formation of the State of Vermont, with the leading men of which Haldimand held such long negotiations after he took command in Canada, the answer to the application for troops is of interest, in that aspect as well as in view of the constitutional principle enunciated. The answer to the Governor's application was returned on the day it was made. It sets forth :

"That in the present circumstances of affairs in America, it appears to me of a dangerous tendency to employ regular troops where there are militia laws, and where the civil magistrates can at any time call upon its trained inhabitants to aid and assist them in the performance of their offices and the execution of the laws in force against rioters, and for the protection of the lives and property of His Majesty's subjects. That the idea that a few lawless vagabonds can prevail so far in such a government as that of New York, as to oblige its Governor to have recourse to the regular troops to suppress them, appears to me to carry with it such reflection of weakness as I am afraid would be attended with bad consequences and render the authority of the civil magistrate, when not supported by the troops, contemptible to its inhabitants."

The Council accordingly withdrew the application on the ground that no provision had been made for the transport and maintenance of the troops, which the General had offered to send if the Governor and Council still held it to be necessary.

It was towards the end of 1773 that the disturbances consequent on the imposition of a duty on tea began. In anticipation of an outbreak, Governor Tryon offered the services of the Provincial troops to repress it, so that the King's troops would not be committed. Haldimand, in a letter to Gage of the 4th of October, 1773, says that in event of any tumult, he would do nothing without a requisition of the Governor in Council, nor would he allow the troops to go out without a civil magistrate at their head, in case they should be called upon to act. At first, the people of New York acted with moderation, but the example of Boston filled them with fury, news of the proceedings there having been brought by express. In December, when the people were in a ferment over the tea importation, he wrote to Amherst :