

## James Duane

*New York City and County*

**Born:** February 6, 1733

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You are James Duane of New York City, with houses in lower and upper Manhattan, a farm on the East River called Gramercy Seat, landholdings in the Hudson River Valley near Schenectady and in Vermont near Rutland. The Schenectady property is in a township named after you—Duanesburg. Needless to say, you are a successful and prominent person.

As was your father, Anthony Duane, an Irishman who came to New York in 1698 as an officer in the British Royal Navy. He married well and married thrice. You were the product of the second union, to Althea Ketaltas Duane, and were born February 6, 1733. When your father died in 1747, you became the ward of Robert Livingston (not the Chancellor), third lord of Livingston Manor. You finished your early education there, treated as an adopted member of the family.

Your later education was in the law, with admission to the New York bar coming in 1754. You maintained a private practice until 1762, when you became clerk of the chancery court, then acting attorney general, and then boundary commissioner, before returning to your practice in 1774.

New York politics was patronage based and divided between the De Lancey faction and the Livingston faction. The former opposed resistance to British rule and became loyalist; the latter supported resistance, including the street violence of the Sons of Liberty, and became patriot. You first were of the De Lancey faction because of friendship with James De Lancey; you switched to the Livingston faction because of marriage to Mary Livingston and because of past obligations. Allegiances were fluid in the years before the war.

Being a Livingston and a patriot made you eligible for service in the Continental Congress. You were elected to the First and Second Congresses (1774, 1775–) and stayed in office until after the peace treaty in 1783. You were on hand to sign the Articles of Confederation for New York (1778) but not on hand to sign the Declaration of Independence (1776) because of duties back home. These included service on extra-legal committees (the Sixty, the One Hundred), concerned with enforcement of boycotts, and service in their successor government, the Provincial Congress. You also were Indian commissioner, both for New York and for the Continental Congress.

After the war the governor appointed you mayor of New York City (a gubernatorial power), and the wealthy property owners elected you senator of New York State (positions that you still hold today). As mayor you presided over the mayor's court when it heard the landmark case *Rutgers v. Waddington* (1784). Alexander Hamilton was lead counsel for the defense, arguing that a state law (the Trespass Act) was illegal for violating a treaty signed by Congress. You split the difference, giving Hamilton his win but on narrow grounds that failed to validate his then novel theory of judicial review. No one was satisfied, and the state assembly censured you.

Later you joined Hamilton, John Jay, and twenty-nine other prominent citizens in founding the New York Manumission Society (1785), whose purpose was the abolition of slavery in the state. Actual abolition would be some decades in coming, however.

You were elected a delegate to the Annapolis Convention (1786), but like many others you failed to attend. The Annapolis Convention proved to be the precursor to the Constitutional Convention (1787). You were not though a delegate to that more consequential convention. Your twenty-three votes in the legislature fell three short of the twenty-six for John Lansing, the third and last member of the delegation. Efforts to expand the number to five, as originally proposed, failed. Governor George Clinton, staunch Antifederalist, would not allow a second Federalist (Hamilton the first and only) to represent the state.

Which means that you are, and have long defined yourself as, a Federalist, favoring increased national power and decreased state power. At the New York State Ratifying Convention, you will give hearty support to Chancellor Robert Livingston (party leader) and Alexander Hamilton (party lieutenant) and all others of your party, as they work to secure the state's ratification of the Constitution.

