The Curious Affair of the Horsewhipped Senator: A Diplomatic Crisis That Didn't Happen

The evening of November 5, 1796, was especially lively in New York City. Guy Fawkes Night was still observed in New York after independence as a kind of Hallowe'en, and the streets were filled with revelers.

Figure 1: New York in 1796. Charles Balthazar Julien Fevret de Saint-Mémin, *View of the City of New York Taken from Long Island* (1796). From the New York Public Library.

Pushing his way through the crowd was the British consul general to the United States, Sir John Temple, Bt. Having left his horse at a stable, Temple was walking to his Queen Street home carrying his riding whip under his arm. Suddenly, a large man assaulted him with a club. This "ruffian" was nearly thirty years younger than Temple, who was about sixty-five years old. Nevertheless, he had picked on the wrong man. As Temple reported it to Lord

Grenville, the British foreign secretary, he “exceedingly well horsewhip’d” the assailant until his whip broke; then he used the butt end to knock the man “down in the dirt his proper place.”

Figure 2: The assault occurred near Temple’s home on the newly renamed Pearl Street (formerly Queen Street). J. A. and Peter Maverick, *Plan of the City of New York* (New York: T. and J. Swords?, 1796). From the New York Public Library.

“Had I been but a private Gentleman,” the consul general told the foreign secretary, this “suitable & proper chastisement” would have been sufficient. But because Temple held a “high and important Commission under his majesty in this Country,” he felt compelled to swear out a complaint against “the said large ruffian,” so that “some legal punishment . . . for the high indignity so offered to one of the Kings Servants . . . may forever deter any ruffianly attempts of the like kind in the future.”

Assaults were not rare in New York City, especially during the hijinks associated with Guy Fawkes Night. What makes this one noteworthy is that the “large ruffian” the British consul general had horsewhipped was a United States senator, John Rutherfurd of New Jersey.

What could have caused the senator to attack the elderly diplomat? It is improbable that the Guy Fawkes Night set-to had politics behind it. There was *no* reason for them to be political enemies. Indeed, they were logical allies. Rutherfurd’s family had been at best lukewarm in its support of the American Revolution, and John spent the war as a Princeton student (class of 1779) and studying law. The Rutherfurds and Temples attended the same social functions and were even guests at each other’s tables. John Rutherfurd, like John Temple (who was the son-in-law of James Bowdoin, the Federalist governor of Massachusetts), was a firm Federalist. Rutherfurd had been a presidential elector in 1788, and the New Jersey legislature sent him to the U.S. Senate in 1790, re-electing him in 1796. In the Senate, he consistently supported better relations with Great Britain.

Figure 3: Senator John Rutherfurd of New Jersey. Livingston Rutherfurd, *Family Records and Events: Compiled Principally From the Original Manuscripts in the Rutherfurd Collection* (New York: De Vinne Press, 1894), 161. Courtesy of the Internet Archive.

John Rutherfurd has been ignored by the major reference works, though he does have entries in *Princetonians: A Biographical Dictionary*, in the *National Cyclopedia of American Biography*, and in the online *Biographical Dictionary of the United States Congress 1774-Present.* None of them mentions the Temple horsewhipping nor tells why Rutherfurd left the Senate. Almost the only historian to mention the incident is Joanne Lowe Neel, biographer of Temple's rival Phineas Bond. She says it is an example of one of Temple's "notorious temper tantrums." This seems unfair; even diplomats have a right to self-defense.

Less than three weeks later, on November 23, 1796, a New York grand jury, after hearing eyewitnesses, duly found that Rutherfurd "with force and arms an assault did make, and . . . did then and there beat, wound, and ill-treat and other wrongs and injuries . . . to the great damage of the said Sir John Temple." No motive was given. The most logical explanation is simply that Rutherfurd was drunk and spoiling for a fight and Temple was handy.

The grand jury's quick action was certainly not influenced by deference to Great Britain; New York was virtually serving as a French naval base and a prize court for French privateers. (Much of Temple's consular activities involved captured British seamen.) I do not know, but would bet, that the grand jurors knew that Rutherfurd had done this sort of thing before and had used his wealth and prestige to avoid consequences.

Rutherfurd fled back to New Jersey and never showed up for his trial—a more serious offense than the assault for which he had been indicted, and for which Temple believed the U.S. Senate would be compelled to expel him. He never returned to the Senate, to which the New Jersey legislature had re-elected him

in 1796. After leaving New Jersey with only one senator for two years, Rutherfurd finally resigned as of December 5, 1798, and thereafter stayed out of national politics. He seems to have learned his lesson. Afterward, he appears to have led an exemplary public life (he lived to be eighty), making donations to worthy causes and serving on many important commissions.

Lord Grenville must have been appalled that Temple had sought the indictment. Whatever his private feelings about the United States, the foreign secretary certainly did not want anything to exacerbate the already chilly relations between the two governments. Britain was in a desperate war with revolutionary France, and Grenville was trying to keep the United States neutral. A Senate hearing on an incident in which a British diplomat had horsewhipped one of its members was not what the foreign minister needed. Nevertheless, Grenville never mentioned the matter in his official letters to Temple nor to the new British minister to the United States Robert Liston.

Figure 4: Print shows a lion confronting a spaniel, representing Spain, a fighting cock, representing France, a rattlesnake, representing America, and a pug dog, representing Holland. *British Lion Engaging Four Powers* (London: J. Barrow, 1782). Photograph. *Library of Congress*.

His silence was not out of support for his distant relative John Temple, whom Grenville concluded had outlasted his usefulness to his majesty's government. Temple had, in fact, been something of an embarrassment to the British government and the Temple-Grenville family throughout his nearly forty-year career. It is possible that the crafty Grenville saw an opportunity to demonstrate cooperation with the United States when the Senate should denounce Temple. But the U.S. Senate ignored the incident as well. The senators, like the grand jurors, knew their man, and probably conceded that Temple had given him the hiding he had been asking for.

Figure 5: Sir John Temple, British Consul General to the U.S. Scan by NYPL, Public domain, via *Wikimedia Commons*.

As for Sir John Temple, we may applaud his spirited defense against an attack by a much younger assailant, but why didn't he leave it at that, instead of filing a formal complaint? Temple knew better than most that Anglo-American relations were strained, and diplomats are supposed to be able to turn the other cheek when policy requires it. After looking at Temple's long career, however, no one should be surprised; it was filled with similar ill-advised moves.

When Temple's appointment as Britain's first diplomatic representative to the United States was announced in April 1785, John Adams remarked "He is not a prudent Man, and has the most confused Conceptions of public opinion and of the Reasonings upon which it is founded, and of the real Springs and motives of Events of any Man of so much sense and experience I ever saw." Adams, himself not the most prudent of the founding fathers, had known Temple for all of his public life. He described his man very well.

Figure 6: John Adams had questions about John Temple’s diplomatic appointment. Adams Official Presidential Portrait (1792). John Trumbull, Public domain, via *Wikimedia Commons*.

John Temple was born in Boston around the end of 1731, the third son of a wealthy Anglo-Irish family related to the powerful Temple-Grenville clan. As a young man, John Temple spent a good bit of time in London, using his family connections to obtain a government appointment. His persistence paid off in 1761, when he was named surveyor-general of customs for the northern district of North America. Despite a complete lack of experience, he did his job reasonably well, in the face of mercantile opposition to the new imperial program of Temple’s patron, Prime Minister George Grenville. But in the process, he got into a bitter quarrel with the royal governor of Massachusetts, Francis Bernard, whom he accused of collusion with a crooked customs officer. Bernard, who also had a powerful British protector in Lord Barrington, succeeded in getting Temple called back to England.

Figure 7: Lord Grenville, British Foreign Secretary in 1796. Gainsborough Dupont, Public domain, via *Wikimedia Commons*.

There, in 1771, Temple used the threat of publishing his letters on the Stamp Act to blackmail Thomas Whately (who had taken the followers of the late Prime Minister George Grenville over to Lord North), into creating the post of inspector-general of customs for England for him. Temple enjoyed this sinecure until 1773, when the Massachusetts House of Representatives published sixteen private letters between Thomas Whately (who had died in 1772) and Governor Thomas Hutchinson and Lieutenant Governor Andrew Oliver. The letters were political dynamite. The Massachusetts legislature petitioned the king to dismiss Hutchinson and Oliver. In England, Thomas Whately's banker brother, William, suggested that Temple might have taken the letters from his late brother's files. Temple took umbrage at this and challenged the banker to a duel. It was bloody and inconclusive. To head off another duel—and to protect his real source—Benjamin Franklin published an admission that he had been the one to purloin the letters. The result was that both Franklin and Temple lost their government jobs, and Parliament was in a vindictive mood when news arrived of the Boston Tea Party.

During the War for American Independence, John Temple went back and forth between England and America, trusted by neither side. He landed a post on the Carlisle Commission, created to end the war by granting America all its demands except independence. The commission failed, and Temple was notably dilatory in his duties to it. Lord North's government decided that Temple had not earned a promised baronetcy. And in America, John Hancock, a bitter political rival of Temple's father-in-law, James Bowdoin, got Temple placed under a heavy bond to behave properly. The debate over Temple's status filled the Boston newspapers for nearly two years.

Realizing he had no political future in America, Temple took his family back to London. The British government was in no hurry to establish diplomatic relations with its erstwhile colonies, but merchants on both sides of the

Atlantic were anxious to get trade moving again, which required the services of a consul general. Temple lobbied hard for the job and once again used his family connections (Prime Minister William Pitt was also related by marriage). He was greatly assisted by the fact that the man the government really wanted, Phineas Bond, was under sentence of death for treason in Pennsylvania, and the Confederation Congress was highly unlikely to accept him. The government likely saw Temple's main value as a stalking horse. (If so, it worked: Bond was quietly accredited as the second British consul general in 1786, and he soon took over many of Temple's responsibilities.) Congress accepted Temple as the first British diplomatic representative to the United States in December 1785. He styled himself "His Majesty's Principal Servant" in the United States, and when shortly he succeeded to the Temple family baronetcy, his self-importance knew even fewer bounds. Thus John Temple was acting completely in character when he sought the indictment of Senator Rutherfurd.

John Adams rather liked Temple (a sentiment Temple did not reciprocate) and was hopeful but wary about Temple's appointment as the king's representative. Adams feared that Temple would forget his primary responsibility to the king and try to be an American at the same time, causing conflict between the two nations. In this Adams was as prescient as he has proved to be in most things. In the perennial dispute between England and America over impressment of seamen, Temple took the American side. Lord Grenville ran out of patience in 1798 and ordered Temple back to England, undoubtedly to dismiss him. Before Grenville's letter arrived, however, on November 17, 1798, John Temple died of an aneurysm. He is buried in the churchyard of St. Paul's Chapel in lower Manhattan, the church where George Washington had been inaugurated as the first president of the United States.

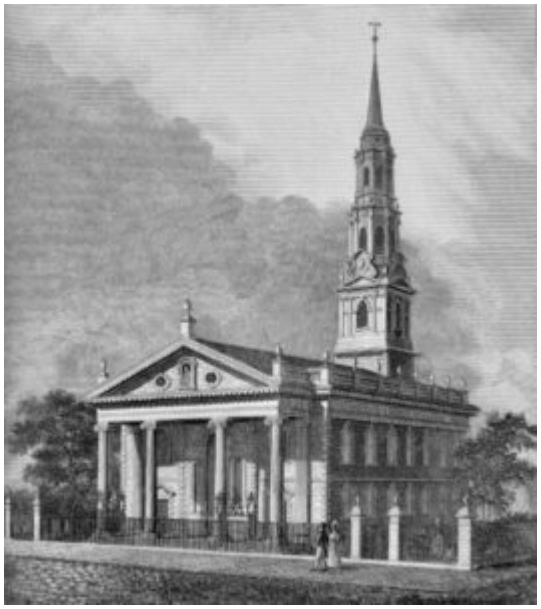

Figure 8: St. Paul's Chapel, Broadway, New York City. Alexander Jackson Davis, artist James Eddy, engraver, Public domain, via *Wikimedia Commons*.

And to date, however much deserved, no other representative of a foreign nation has horsewhipped a U.S. senator.

Further Reading

Despite his lengthy and important career, John Temple has no full-length biography nor an entry in the *Dictionary of American Biography* or *Dictionary of National Biography.* The basic details of his life are in the *American National Biography,* s.v. "Temple, John," by Neil R. Stout. The sources for this article are mostly in manuscript, particularly in the British Public Record Office, FO/5, especially 5/15. Other sources come from Neil R. Stout, ed., "The Missing Temple-Whately Papers," *Proceedings of the Massachusetts Historical Society* 104 (1992): 123-47 and *Warren-Adams Letters: Being Chiefly a Correspondence Among John Adams, Samuel Adams, and James Warren* vol. 2: 1778-1814 (Boston: Massachusetts Historical Society, 1925). See also Bernard Bailyn, *The Ordeal of Thomas Hutchinson* (Cambridge: Harvard University Press, 1974); Jordan D. Fiore, "The Temple-Bernard Affair," *Essex Institute Historical Collections* 90 (1954): 58-83; Joanne Lowe Neel, *Phineas Bond: A Study in Anglo-American Relations, 1786-1812* (Philadelphia: University of Pennsylvania Press, 1968); and Lewis M. Wiggin, *The Faction of Cousins: A Political Account of the Grenvilles, 1733-1763* (New Haven: Yale University Press, 1958).

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Neil R. Stout was Professor of History *emeritus* at the University of Vermont. He was past president of the New England Historical Association and sometime editor of *Vermont History,* the journal of the Vermont Historical Society. His books include *The Royal Navy in America, 1760-1775* and *The Perfect Crisis.* He passed away in February, 2023 (1932-2023).