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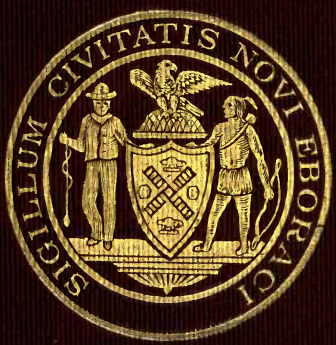

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HISTORY OF THE CITY OF NEW YORK

IN THE SEVENTEENTH CENTURY

Vol. II

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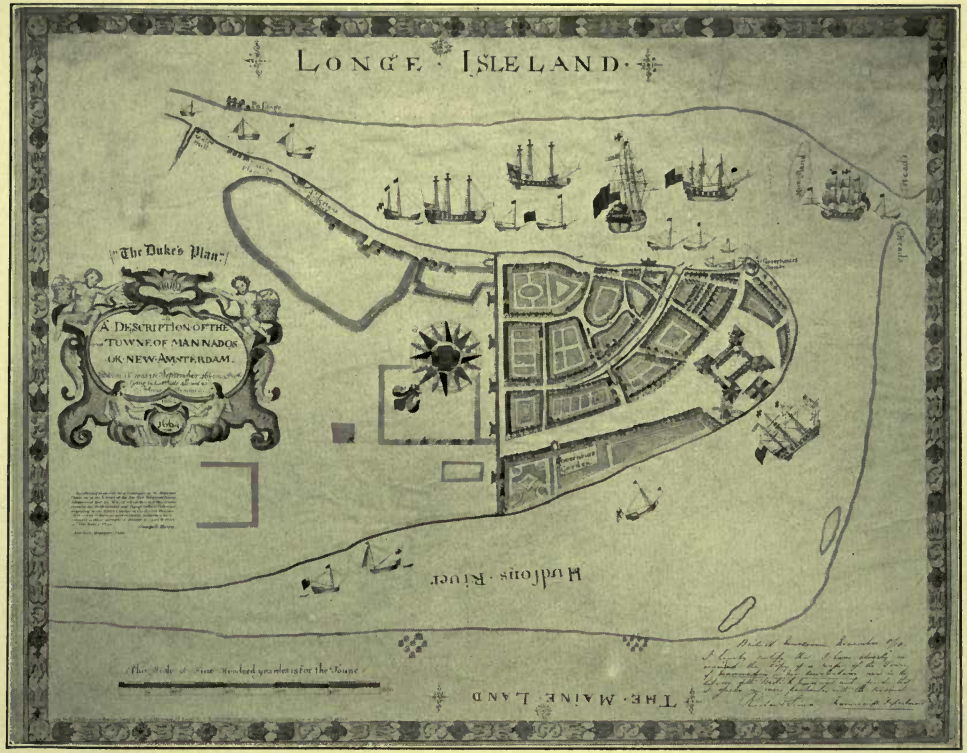

"THE DUKE'S PLAN" OF NEW AMSTERDAM. 1661

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(See Vol. I, page 458)

HISTORY

OF THE

CITY OF NEW YORK

IN THE SEVENTEENTH CENTURY

BY

MRS. SCHUYLER VAN RENSSELAER

AUTHOR OF "ENGLISH CATHEDRALS," "HENRY HOBSON RICHARDSON AND HIS WORKS," ETC.

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VOL. II

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CHAPTER XVI

RECONSTRUCTION

1664–1666

(Governor Nicolls)

I never said nor thought you had not work enough. The bare hearing of impertinences without the framing of laws, the ordering of the soldiers, the gaining of the Dutch, the governing of the English, the regulating of the trade, and the providing of necessaries . . . must needs be thought by all men work enough for any one man.
— *Colonel Cartwright to Governor Nicolls. 1665.*

Scores of contemporaneous documents, easily accessible in print, explain how New Netherland was taken from the Dutch in 1664. Nevertheless, almost all English historians, of our own as of earlier times, say that it was captured without orders by Robert Holmes after he had accomplished what the Royal African Company sent him to do on the Guinea coast. When this is believed, the second naval war between England and Holland is not fully understood, for the long negotiations that prefaced and accompanied it turned partly on the fact that the king of England had personally authorized the seizure of a Dutch province in a time of peace. In reality, Robert Holmes assaulted and captured African posts belonging to the West India Company, crossed over to the West Indies and did the Dutch some damage there, and then returned to England. He never approached or tried to approach New Netherland.

Unfortunately Colonel Nicolls's own report upon his capture of New Amsterdam was lost at sea. From the hand of his ducal master a brief record of the event remains. One

of the extracts from autobiographical notes written by James which Macpherson prefixed to his collection of documents called *Original Papers* speaks, under the date 1664, of Holmes's expedition and then says that the king gave the duke

> . . . a patent for Long Island, in the West Indies, and a tract of land between New England and Maryland, which always belonged to the crown of England since first discovered, and upon which the Dutch had encroached during the rebellion, and built a town and some forts to secure the beaver trade to themselves. The Duke of York, borrowing of the king two ships of war, sent Sir Richard Nicholas, groom of the bed-chamber and an old officer, with three hundred men to take possession of the country; which the Dutch gave up on composition, without being blockaded. . . . Colonel Nicholas remained there in peaceable possession of the country; and then called it New York and the Fort of River Albany. All this happened before the breaking out of the first Dutch war.

This passage, with the exception of the last sentence, may also be found in Clarke's life of James II for which he used the same material that Macpherson drew upon. The English, it may be explained, long called their second naval war with the Dutch their first, ignoring the one of which Cromwell and his captains had worn the glory. 'Nicholas' instead of 'Nicolls' is merely one among constantly recurring proofs of the fact that proper names long remained fluid in form.

When the exploits of Robert Holmes were known in Holland, a fleet then in the Mediterranean under command of Admiral De Ruyter was secretly ordered to retake the Guinea posts. When this move was suspected George Downing declared it an 'absolute breach' of the treaty of 1662 which bound each government not to avenge without negotiation wrongs committed by the subjects of the other.

Early in October the Dutch ambassador wrote from England that an English skipper who had recently touched at 'the Manhattes' on his way from Virginia reported that the English had taken Long Island 'by one Captain Schot'

acting under orders from the Duke of York and were preparing to subjugate the rest of the province, but that Governor Stuyvesant was making 'good preparation' and had enrolled as many as two thousand fighting men. The next news, told in London on October 14, was that a Dutch ship had recently arrived at Mount's Bay — the most westerly of English havens, just inside of Land's End — carrying three hundred soldiers 'beaten by the English out of Amsterdam in New Netherland.' Evidently this was the slave-ship *Gideon* upon which most of Stuyvesant's troops had been sent home. It had made a quick voyage, and from Mount's Bay it must have gone on at once to Holland; for on the same day that the news was told in London, which was October 24 by the Dutch calendar, the West India Company informed the States General that a fleet sent from England by the Duke of York and aided by the forces of New England had captured the city of New Amsterdam with 'the whole of New Netherland province' and subjected it to England, changing its name at once to New York. In those days of slow travelling it might well, of course, take as long for the news of a ship's arrival at Land's End to reach London as for the ship itself to reach Holland.

Soon the Dutch ambassador in England wrote again, saying that the ship *Valmuyden* had brought the same story with the additional information that the inhabitants of Long Island had been conveyed away. The truth was quickly spread about by what the West India Company called the 'licentious prating' of the soldiers from the *Gideon* and by broadsides bearing a translation of the Articles of Surrender. It would not respect these Articles, said the Company; and in November it despatched a ship to bring General Stuyvesant home, hoping to get 'more comfort' from his words than it had from his letters.

Before the end of October the States General issued two remonstrances about the capture of the province, announcing that it was about to communicate to foreign ambassadors the violence committed by the English in North America —

a measure of which Downing spoke very sharply. The memorials that he had drawn up about the wrong-doings of the Dutch trading companies were still under consideration; but, the States General informed Charles II, peaceful negotiations could not proceed until England should restore the places it had taken in divers parts of the world 'by no other right than *vi et armata manu*.' From this position they would not recede. To their ambassador Charles first denied and then acknowledged his cognizance of Holmes's expedition. The direct responsibility for the seizure of New Netherland he at once accepted. This province, he said, was a 'dependency' subject to his own crown and long possessed by the English who had simply permitted the Dutch nation to settle there without conferring any authority on the West India Company or any one else. Even if these things had been true, the ambassador answered, the king's seizure of the province would still have been just such a breach of the treaty of 1662 as Downing had declared De Ruyter's expedition to be. Although Clarendon was averse to war he resented the Dutch demand more strongly than the king, writing to Downing that both New Netherland and Cabo Corso on the Guinea coast were taken with full right and that the States General had no reason at all to expect their restoration. De Witt, Downing replied, was 'hot' for this very thing, but his Majesty was no more bound to give an account of what he had done than to ask the consent of the Dutch government in case he should see fit to proceed against the Dutchmen who had settled in the fen-lands of England itself.

In rapid-fire memorials, replies, and rejoinders, some of which when put at once into print quickly ran through several editions, Downing and the States General continued the argument. Especially did the States emphasize the fact that the king of England had forcibly taken New Netherland without presenting to them any claim for it. However, they added, any 'imaginary' claim that he might have presented, being older than 1654, would have been extinguished by the

treaty then made with Cromwell. This treaty, said Downing, had had no such effect, but, even if it had, New England owned the territories in dispute as lying within its patent; the Dutch had resided there only precariously with the connivance of the English, getting permission to remain from year to year upon certain conditions; and they had now drawn down their fate upon themselves by continuing their aggressions upon their English neighbors even after the conclusion of the treaty which, in 1662, bound England and Holland to friendship. Reiterating the true story of the province and saying that all Downing's statements had often been refuted, the States General declared that if the king believed he had any claims he should have said so when the treaty of 1662 was framed. The English, they added, had only the same right to New England that Holland had to New Netherland — 'to wit, the right of occupation.'

As strongly as in Cromwell's time the Dutch government felt that there was far more to lose than to gain by a war with England. Moreover, the plague had raged terribly during the summer, costing the city of Amsterdam twenty thousand lives; the admiralty was impoverished by the consequent falling off in customs receipts; and the naval force of the nation was in large part unavailable, the ships being laid up for the winter. But the blows struck by England in Africa and America united and inflamed the nation instead of cowing it as Downing had expected. Preparations for war were put in hand although negotiations still went on. De Witt even proposed that peace be preserved in Europe while elsewhere the two nations be free to carry on hostilities as they might see fit — a suggestion which, in days when individual adventurers and incorporated companies were constantly fighting in far parts of the world with small thought of what was happening in Europe, did not sound as strange as it would to-day. When it was known that without much trouble De Ruyter had retaken the Guinea posts, an embargo was laid on all ships in English

ports to provide seamen for the English navy. The king said that this was a measure of reprisal and that the States General, sending out De Ruyter and preparing many ships for sea, was responsible for everything; and Downing added to his demands compensation for the outlays which, he said, had been forced upon the English government. In December the States General received from their ambassador the first copy they had seen of the king's grant of New Netherland to the Duke of York.

De Ruyter was now ordered to come home, attacking the English by the way in Barbadoes, New Netherland, Newfoundland, or any other places, islands, or vessels outside of Europe where it might seem possible. The English set no such limitation. As the new year was opening, by the advice of Downing who still hoped to frighten the States General, the Dutch 'Smyrna fleet,' thirty merchantmen coming home under convoy of three men-of-war, was attacked by an English squadron in the Straits of Gibraltar but escaped with little damage into the harbor of Cadiz. Thus, said the States General, although the traders of both nations had used force in various quarters of the globe, England had first attacked 'in front of the Bay of Cadiz' national ships of Holland with its own men-of-war; but of course the English

> . . . consider themselves at liberty to do what they please; they are not bound by any treaty; whatever they do is all right which if done by this side would be proclaimed a violation of all law.

Dutch ships in English harbors were seized and their cargoes confiscated, letters-of-reprisal were issued to English ships, and letters-of-marque, so the king directed through the Duke of York, should be given to privateers by all the governors of his foreign plantations. The Hollanders on their side were striving to put a great fleet to sea and were now instructing the East and West India Companies to do the English all possible damage in and out of Europe. War was imminent, and if England had not yet declared war it

was because, in Dryden's phrase, the young king of France, Louis XIV, held 'idle thunders in his lifted hand.'

Louis was bound by a treaty of defence to aid the United Netherlands should they be attacked in Europe. But he knew that his fleet was not in a condition to do him credit; he was afraid that if he stood with the Republic England would ally itself with Spain; he could not induce the Dutch to recognize his claim to the Spanish Netherlands and feared, therefore, that if they triumphed in the war they would block his design to possess himself of the coveted provinces when the expected death of the king of Spain should give him opportunity. On the other hand, he knew that if a war were declared and he did not abide by his pledge to the Dutch his honor would be smirched; he thought that if England were permitted to conquer Holland the Orangist party, less favorable to France than the party of De Witt, would come into power; and above all he feared that a triumphant England would be a more dangerous rival, politically and commercially, than Holland had ever been. The only way out of all these dangers was to stave off a war. So Louis hesitated and delayed, openly offering to mediate, privately assuring both Charles and De Witt of his friendship, while De Witt did his best to make him declare in favor of the Republic, and Charles did his best to bind him to neutrality.

In February, 1665, parliament by a great majority granted King Charles for purposes of war £2,500,000, the largest grant yet bestowed upon an English sovereign; the city of London lent him great additional sums; and at last, on March 4, he declared war. Neither the lord chancellor nor the treasurer of the realm concurred in so doing, but it was one of the very few things ever done by Charles II in which the voice of his people sustained him. Indeed, as he himself declared, he had merely followed where others led. One of the extracts from the autobiography of his brother James that Macpherson gives, says with little exaggeration that 'the bent of the whole nation' was for war and that the king was 'forced' into it by the House of Commons; but

it does not confess how potent in the same direction had been the efforts of the duke himself.

The king's proclamation declared that, as the States General had refused to make good the damages inflicted upon Englishmen by the East and West India Companies and other Netherlanders, and had aggravated these injuries by sending De Ruyter to the coast of Guinea, he was compelled to proceed against and to treat as enemies those who had been wholly the aggressors. To show that England had countenanced no aggressions Robert Holmes, accused of exceeding his instructions, was sent to the Tower; or, as Samuel Pepys explains, he was sent to the Tower so that if the Dutch should triumph he might be made 'a sacrifice as Sir Walter Raleigh was.'

Even the English historians who, unlike the majority, know that Richard Nicolls, not Robert Holmes, seized the Dutch-American province, seldom get the story straight. In a very recent account of the war that began in 1665 it may be read that 'the Dutch settlements on the Hudson, known as New Amsterdam,' had been 'captured in the previous autumn by an expedition under command of Governor Nicholls of Massachusetts'; and others declare that it was Nicolls, not Holmes, who was sent to the Tower. In fact, Nicolls was just then reconstructing the government of his province along English lines; and, laboring more conscientiously, more intelligently, and with more patience, cheerfulness, tact, and good-will than could have been expected of a soldier charged with a civilian's tasks, an Englishman set to govern Dutchmen, a courtier not yet forty years of age exiled from Whitehall to the edge of the world, he had almost finished the work before he heard that war had been declared in Europe.

When Europe first laid hands upon America there were no laws, no precedents, no theories to determine how colonies should be administered. Simply through force of circumstances the American settlements became not mere trading

factories like the distant posts of the Phœnicians nor independent cities like the colonies of Greece but, more like those of Rome, properties to be managed for the benefit of the parent state. They were not, however, as it has been explained, national properties but properties of the crown. It was for this reason that royal patents were bestowed upon intending discoverers and colonizers, and for this reason that Charles II could act without consulting parliament when he gave his brother American territories actually held by another state. In the time of James I when the first colonies were planted, in the time of Charles I and the Commonwealth when home affairs absorbed all men's minds, there was no serious effort to deal with the foreign plantations according to any general plan. Especially in regard to their commerce the home authorities pursued uncertain courses which from the colonial point of view were sometimes restrictive but often indulgent and encouraging. With the framing of the Acts of Trade and Navigation these vacillations came to an end, and so too did the passivity of parliament in regard to the colonial possessions of the crown.

Entirely passive in this respect parliament had never been. For example, it concerned itself much with colonial matters under James I. But it then passed no act directly bearing upon the colonies; and when the House of Commons was about to investigate the affairs of the Virginia Company in 1624 it yielded to the command of the king forbidding it to interfere in a matter with which only his council was concerned. After the fall of Charles I, parliament held for a time the rights and prerogatives of the crown in respect to its foreign plantations; but they soon reverted to the Lord Protector and a committee of his privy council — the committee which set the pattern for those established by Charles II. Not until after the Restoration had parliament any recognized authority as sharing with the crown in the regulation of colonial affairs. Then, in the words of Thomas Pownall who a hundred years later was governor of Massachusetts, the king in some degree 'participated his sovereignty' over

the colonies 'with the Lords and Commons,' and thus his colonial estates were 'annexed to the realm.' But they were not united with the realm. When the colonies were established only such preëxistent laws had been transplanted as were thought to fit colonial conditions; and all through the colonial period no new parliamentary enactment was held to bind the colonies unless it explicitly named them as therein concerned. Moreover, as in the colonies the title to land was vested in the crown, from first to last they had direct dealings only with the crown and its advisers. Parliament, first establishing its authority by the enactment of the trading laws, continued to confine its activity to those matters of commerce, finance, and defence in which the interests of the realm at large were involved. The only one of the Thirteen Colonies, it may be added, which received initial aid from parliament was Georgia which was not established until 1733.

All the English colonies originated in grants from the crown except Connecticut and Rhode Island which, after the Restoration, regulated their status by getting royal patents. Yet by 1664 there were three distinct types of colonial governments existing between Florida and Acadia, without including Plymouth which had got its patent indirectly, from the Council for New England, and was not to be long-lived. Virginia was a crown or royal government where the king retained his immediate title to the soil, ruled through a governor who directly represented him, and gave the people such rights and privileges as he saw fit. Maryland and Carolina were proprietary governments where the crown had transferred all its rights to one or more proprietors. This, with a certain difference, was also the status of New York. Massachusetts, Rhode Island, and Connecticut are usually called charter governments because, although all their fellows had charters, their own were much more liberal, authorizing them to govern themselves and to dispose of their own soil. Such charter governments, politically speaking, were colonies; royal and proprietary governments were

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provinces. Both in the colonies and in the provinces the government and the people as individuals owed faith and allegiance to the crown although this fact was not yet acknowledged everywhere in New England. Nowhere was the common law of England formally introduced, but everywhere legislation was expected to conform as nearly as possible to English example. New England, again, thought little of this obligation; and neither king nor proprietor was debarred by it from doing certain things which had grown to be illegal in England. Having personal rights in government they could create legislatures, and being immediate owners of the soil they could erect manors with manorial courts.

The character of the proprietary governments was suggested by those old 'counties palatine' in England where for purposes of border defence the king's rights and powers had been deputed to earls palatine. As by the time of Charles I Durham was the only survivor of these palatinates it was mentioned in some of the American patents as the type in mind. In the view of Pownall colonial governments of all kinds were similarly based 'in the true spirit, intent, and meaning of the thing,' for even in a royal province the king's power was largely deputed, resting in the hands of the governor whom he sent out. Also, analogies could be traced with the duchy of Normandy where appeals lay not to the courts of England nor to the House of Lords but to the king in council, and with the island of Jersey which enjoyed a legislature of its own.

As a grant of land, however, American soil, except in Maryland, was bestowed upon a proprietor or a corporation to be held not according to the old feudal tenures which had grown obsolete in England and were formally abolished in 1660 but in free and common socage 'as of our Manor of East Greenwich in the County of Kent.' For some fifty years before the first colonial charter was given, this royal manor had been cited as a prototype in grants of crown lands within the kingdom, evidently because it was for a time the usual royal residence. Thus a custom was established; and the

fact that this custom was respected in drafting all colonial charters except the charter of Maryland and the charter of Pennsylvania in which Windsor was substituted, is one of the many proofs that territories beyond the seas were considered the property of the crown, not of the nation. The only obligations this form of tenure imposed were fealty and a nominal rent — usually in America one-fifth of all the gold and silver ore that might be discovered, in the case of New York forty beaver skins a year to be paid when demanded. Lands sold or granted to individuals by king, proprietor, or corporation were also granted in free and common socage, fealty being always due to the king, quit-rents to him in the one case, to the proprietors in the other; and their holders could not be deprived of them if they fulfilled the obligations named in their grants.

Allegiance to the crown was thus the only political tie that held together its 'foreign' plantations — a term, it should perhaps be explained, which was then used to mean 'distant' rather than 'alien.' Otherwise the colonies were entities wholly distinct from each other. The question whether they owed allegiance to the realm of England as well as to its king was often debated but, it need hardly be said, had not been settled in 1776; nor had the question of possible representation in parliament, which was broached as early as the time of the Commonwealth.

As a proprietary province New York stood on a somewhat different footing from Maryland and Carolina where the proprietors were authorized to consult the freemen of the province in legislation and taxation but the people were granted no right of appeal to the crown. The patent of the Duke of York did not recognize the right of his subjects to a share in government, neither restricting nor defining his legislative powers, but it did secure to them the right of appeal; and in his province courts were erected and justice was administered in the name not of the proprietor but of the king. In fact New York, nominally a proprietary province, really stood midway between this and a royal province. All

the profits that might accrue from it, and all the honor, expense, and trouble of governing it, the proprietor was to have; but the crown reserved rights of supervision which at any moment it might choose to exercise.

Being a proprietary province New York did not come under the direct control of such committees and councils as the crown appointed to care for its more immediate possessions. To aid in its administration the Duke of York created a board composed of a secretary, treasurer, attorney-general, and solicitor-general. The papers relating to it remained in his own custody and many of them are now lost. Therefore the series of colonial documents preserved in the Public Record Office at London tell less about the first twenty years of New York — except, indeed, with regard to the manner of its seizure — than about those of the long later period during which it was a royal province. As, however, Nicolls was commissioned to deal on the king's behalf with the affairs of New England he corresponded not only with the duke but also with Arlington the secretary of state and with Clarendon the lord chancellor who was the leading spirit among the advisers of the crown in commercial and colonial matters. A number of these letters survive, and also many that Nicolls wrote to various persons in New York and the other colonies. But even if all the papers of the period remained they would undoubtedly be much less voluminous than those, fragmentary though they also are, which tell what happened in the province while Stuyvesant governed it. The men of Manhattan no longer corresponded freely with the authorities on the other side of the sea.

Thus, by falling under English rule, the people of the Dutch province exchanged the control of a moribund trading company for that of a dictator of royal blood, and the overlordship of a republic to which they could always frankly speak for the sovereignty of a king to whom they could not very hopefully appeal over his brother's head. Nor did they profit in the way of increased commercial freedom.

During the earliest colonial period it had been understood that colonists as individuals retained, to quote the patent given by Elizabeth to Sir Humphrey Gilbert, 'all the privileges of free denizens and natives of England the same as if resident there.' This was the theory when Virginia was settled and for half a century thereafter. It was wiped out by the Navigation Acts. These made the American a denizen of a dependency subordinated to the parent state.

As one of the corner-stones of the Acts was the desire to build up the maritime power of England they said that all trading, transatlantic and coastwise, must be carried on in English or English colonial ships manned chiefly by Englishmen. Another corner-stone was the wish to secure for England that favorable 'balance of trade' which, it was thought, must be secured by forbidding the export of the currency of the kingdom, by monopolizing as far as possible the trade in products in general demand, and by getting raw materials cheaply and selling out of the kingdom manufactured articles; and, as other nations were engaged in similar efforts, England regarded its colonies as indispensable reservoirs of raw materials which could be paid for in manufactures without draining the kingdom of its precious metals. Therefore the Navigation Acts named certain commodities which even in English ships could be carried from a colonial port only to England or to some other English colony. In 1664 these 'enumerated plantation goods' or 'enumerated commodities' were sugar, tobacco, cotton, ginger, indigo, and dyewoods. Gradually, during many after years, the list was lengthened. Some of the additions were things with which England could supply itself but in insufficient quantity. Upon these the duties imposed in varying degree upon all imported articles, enumerated or non-enumerated, were laid in a manner to protect the home producer. On the other hand, preferential duties protected enumerated commodities with which foreign ones competed in the English market; and while colonial tobacco was thus protected against Spanish, for the sake of the king's revenue Englishmen at home were

forbidden to grow the plant. Furthermore, bounties were offered from time to time for certain enumerated commodities which the kingdom especially needed.

The list of enumerated commodities as it stood in 1664 shows why England valued its island colonies more highly than those of the main. Only tobacco was a staple product of the mainland, and none of the main products of New York and New England figured on the list. All of these, — grain, fish, meats, skins, hides, oil, lumber, and naval stores, — like all other non-enumerated commodities, could be sent in the legal kind of ship to foreign colonial ports and to such European ports as lay south of Cape Finisterre, a limitation designed to protect England's carrying trade in the nearer seas. Some non-enumerated commodities, however, were practically excluded from the ports of England. During the reign of Charles II the first Corn Laws were passed, putting for the benefit of the landed proprietor prohibitive duties on agricultural products whencesoever brought. For the benefit of the English whaler discriminating duties were laid on oil and blubber carried in colonial ships. Salted meats the colonists were absolutely forbidden to introduce. By successive steps, as the Navigation Acts were enlarged and amended during the seventeenth and eighteenth centuries, manufacturing was more and more strictly forbidden to the colonies.

The most burdensome to the colonies of the commercial regulations was, however, the one forbidding them to import, even in English ships, any European products or wares except by way of England after customs dues had there been paid. This rule was mitigated by a few special privileges: all the colonies could receive wines directly from Madeira and the Azores, India goods from beyond the Cape of Good Hope, and provisions, horses, and bond-servants from Scotland and Ireland, while New England and Newfoundland could get from any part of Europe the salt that they needed for their fish-curing — all, of course, in ships of the legal sort. Yet the general law often made it impossible for colonial ships to get, in the foreign ports where they were free to sell some colonial com-

modities, return cargoes that would be profitable after transshipment in England, thus compelling them to come home in ballast or to go in ballast to England and get a cargo there; and it increased the risks of commerce by making so many North Atlantic voyages needful. Thus it tended to throw colonial traffic very largely into English hands.

After a time a complicated and often altered system of drawbacks lessened the duties on foreign wares imported into England and then re-shipped to foreign or colonial ports. The provisions of this system constantly gave offence to the English manufacturer and consumer; but of course they benefited the English merchant as well as the colonial consumer. In fact, they were framed to encourage England's export trade. And it may be noted that every other provision in the Navigation Acts which chanced to favor the colonist was devised not for his sake but for that of some English interest. Nevertheless the 'mercantile system' outlined by the Acts was not in any degree inspired by a spirit of hostility to the colonies. It was more liberal than the contemporaneous policies of other colonizing nations. It was not comparable for harshness to the policy which virtually prohibited the Irish from trading anywhere and anyhow. It was intended to hamper the colonies no more than a proper care for the welfare of the kingdom was supposed to require. It did not deny their right to administer their strictly local affairs — only their right to do anything that might lessen the possible benefits of colonial trade to England and to Englishmen at home.

In spite of its accepted name the 'mercantile system' never crystallized into a genuine system of colonial administration and control. But it defined the broad lines upon which colonial affairs should be supervised; and, such as it was, it remained in force until 1763, often modified in detail, never changed in its essential character. After 1763, when the Peace of Paris confirmed the English in the possession of Canada, the home government tried to inaugurate for the colonies a system of trade and revenue combined. But until

then the desire to raise a revenue by taxation played no part in the mother-country's treatment of its dependencies. Wanting to regulate their commerce for its own benefit, England was willing, theoretically at least, to pay the price of providing for their defence; and actually it did bear the cost of protecting them upon the sea and in foreign ports except in so far as it was helped at times by their own privateers. The general design was the same that the West India Company had conceived although the methods employed were not identical. Naturally, the results were in many ways similar. Chief among them, if judged by the eventual outcome, was the consciousness, growing ever keener in America, that the interests of the colonies and those of the mother-country widely diverged.

Colonial governors being sworn to enforce the Navigation Acts, it was their duty to appoint naval officers to make entries of incoming and outgoing vessels and to see to the proper execution of the bonds by which colonial merchants pledged themselves to send their cargoes only where they might lawfully go. Collectors of the dues exacted in the colonies were to be appointed in England, but they, or the deputies whom they were permitted to send out to do their work, might be suspended by a governor for inefficiency. During the days of the Stuart kings, however, the home government made no vigorous, systematic effort thus to administer the Acts in the colonies.

Besides his commission the governor of a royal or proprietary province received a set of formal instructions marking out the course he was to follow. Governor Nicolls's commission still exists, and so do the instructions he received, in common with his fellow-commissioners, in regard to their duties in New England. His instructions as the duke's representative in New York are lost, but various references to them reveal their tenor. And it is plain that, tempted by his wish to win New Netherland without the use of soldiers' methods, he ignored in ratifying the Articles of Surrender

some of the duke's desires as well as some of the provisions of the Navigation Acts. He had been ordered to give the people no share in the government, yet local self-government in the city of New York and in all the towns of the province, and also the right of the city as such to representation in a probable assembly, seemed to be secured by the sixteenth and the twenty-first of the Articles, which said that:

> All inferior civil officers and magistrates shall continue as now they are (if they please) ill the customary time of new election, and then new ones to be chosen, by themselves, provided that such new chosen magistrates shall take the oath of allegiance to his Majesty of England before they enter upon their office.
>
> . . . . . .
>
> That the town of Manhatans shall choose deputies and the deputies shall have free voices in all public affairs as much as any other deputies.

Again, the sixth and seventh Articles said, as in view of the Navigation Acts the Duke of York himself would not have been competent to say:

> It is consented to, that any people may freely come from the Netherlands and plant in this country, and that Dutch vessels may freely come hither, and any of the Dutch may freely return home, or send any sort of merchandise home in vessels of their own country.
>
> All ships from the Netherlands, or any other place, and goods therein, shall be received here and sent hence after the manner which formerly they were before our coming hither for six months next ensuing.

Such inhabitants as desired to remain were to be 'free denizens' in full possession and control of their property, and were to receive certificates to this effect should they desire to travel or traffic in England 'in obedience to his Majesty' or to trade with the Indians. No Dutchman or Dutch ship was upon any occasion to be pressed to 'serve in war against any nation whatsoever.' Should it prove needful to quarter soldiers on the 'townsmen of the Manhatoes' the

burgomasters were to distribute them, and their officers were to pay for their keep. The 'liberty of their consciences in divine worship and church discipline' was promised to the Dutch, the enjoyment of their own customs 'concerning their inheritances,' and the careful preservation of all public papers and legal documents. All public buildings were to continue 'for the uses which they are for.' Any proved 'public engagement of debt' by the 'town of the Manhatoes' was to be satisfied in the 'way proposed.' The validity of all judgments previously passed in the courts was guaranteed, with a right of appeal to the States General in cases not yet satisfied. The property of the West India Company was secured to it or to the States General, barring lands and buildings within the forts; arms and ammunition the Company might remove or would be paid for. Persons owning houses in 'the fort of Aurania' (Orange) might 'slight the fortifications' and enjoy their houses as in places where there was no fort. And, as has been told, the Articles promised that the garrison of the fort on Manhattan should march out with the honors of war and that the country should be redelivered into the hands of the States General should they and the king of Great Britain so agree.

As a whole these highly favorable Articles of Surrender seemed to imply that England was merely taking possession of a country it had always owned; but in tacitly permitting the laws of the province to remain in force until expressly abrogated they implied that England had acquired the country by conquest. In after years this ambiguity made much work for the courts. Nor have all the points it left debatable yet been definitively settled. As historians still differ with regard to the validity of the title of the Dutch to New Netherland, so lawyers still argue, notably in real estate cases, whether or not the Roman-Dutch system of law ever rightfully prevailed on Manhattan.

To form his council, of course his first concern, Governor Nicolls selected Matthias Nicolls whom he appointed secre-

tary of the province, two military officers who had come with him from England, and two Englishmen from the eastern part of Long Island. When needful the former secretary, Van Ruyven, and one of the *schepens* of the city were to give them aid. Matthias Nicolls was not of the governor's family but had been called to his notice by Samuel Maverick as a person who had studied law and been 'bred a scholar.' It is sometimes said that he had been living in New Amsterdam, but his name does not appear on its records. Probably he had come with the governor.

The Anglican form of worship was now for the first time employed on Manhattan, the Dutch domines permitting the chaplain of the English garrison to use the church in the fort on Sundays between the hours of their own services.

A few days after the surrender Nicolls despatched Sir Robert Carr with two of the king's ships to reduce the South River or Delaware region which, belonging to the city of Amsterdam, had not been included in the capitulation. Another of the royal commissioners, Cartwright, he sent to take possession of the North or Hudson River settlements. Here no one tried to stir up resistance except Johannes De Decker. As he had signed and had helped to draft the Articles of Surrender, Nicolls dealt leniently in banishing him from the province. Fort Orange and the village of Beverwyck were renamed Albany from the second title of the duke, an old title derived from a name for the Scottish Highlands which is thought to be identical with the Celtic Albion, once applied to the whole island of Britain. At Albany and at Wiltwyck Cartwright set garrisons commanded in the one case by Captain John Manning, in the other by Captain Daniel Brodhead. Like some of his fellow-officers Brodhead had felt so sure of the success of the duke's expedition that he had brought his family with him. He was the ancestor of the historian of the province, John Romeyn Brodhead. Copies of the Articles of Surrender had been made for the North River as well as for the South River region, and Cartwright promised the people all that had been promised to New

Amsterdam, left all civil officers undisturbed, and confirmed Jeremias Van Rensselaer in his authority over the patroonship. With sachems of the Mohawks and the Senecas he concluded the first treaty in which the Iroquois appeared as allies of the English, promising them all that the Dutch had given them in the way of supplies and opportunities for traffic, and binding the new government not to assist their enemies the Indians of eastern New England.

As the strict naturalization laws of England did not apply to the colonies, the duke's patent, authorizing him to rule all the king's subjects within his dominions, permitted the inclusion of aliens who would take the oath of allegiance. Therefore, as soon as all the territories of the West India Company were secured, on October 13 according to the English Old Style calendar, Nicolls directed the burgomasters to summon the other magistrates and 'some of the principal inhabitants' to meet him at the City Hall on the following day when he would himself administer the oath. On the 14th he appeared with his secretary, say the minutes of the burgomasters' court, and asked where were General Stuyvesant, Secretary Van Ruyven, and the preachers. The reply was that no one knew they should be present. They should be sent for, said the governor, and 'being invited they immediately came.' The oath pledged allegiance as a true subject to the king of Great Britain, and obedience to the Duke of York, such officials as he might appoint, 'and none other whilst I live in any of his Majesty's territories.' When it had been read 'divers debates occurred' and then 'all the meeting roundly declared' that they could not take such an oath unless Mr. Nicolls would be pleased to add to it 'Conformable to the Articles concluded on the Surrender of this place.' It was feared that otherwise the oath might 'nullify or render void the Articles.' A few days later, when the burgomasters visited the governor on business and the matter was discussed, Nicolls mentioned the fact that 'the commonalty were greatly distracted by some.' The burgomasters again declaring that they could not take the oath

without the qualification, the governor gave them a paper saying that, in order that those who had believed a 'false and injurious aspersion cast upon the Oath of Obedience' might be undeceived, he thought fit to declare that 'the Articles of Surrender are not in the least broken or intended to be broken' by any words in the oath. Every one, said the same paper, must take the oath who intended to remain in the province, and at a meeting of the chief citizens on October 20 it was 'universally resolved in the affirmative' provided Governor Nicolls would set his seal to the 'given writing.' As a 'catalogue' of those who then took the oath names two hundred and fifty-one, and as only a few of them were residents of Albany or Esopus, a great majority of the able-bodied men of Manhattan must have sworn. Almost all the leading names appear, General Stuyvesant's among them. Again Thomas Hall figures virtually as a Dutchman, and with him stand two other Englishmen, Thomas Chambers of Wiltwyck in the Esopus country and John Lawrence.

Meanwhile the Swedes of the Delaware country and the Dutch burghers of the little town of New Amstel had submitted to Sir Robert Carr who, although the duke's patent named the river as his boundary line, had been ordered to occupy its western as well as its eastern bank and to hold it for the king until the claims of Maryland should be settled. The fifty soldiers in the little Dutch fort, however, held out until it was taken by assault with some loss of life to the garrison. Then Carr, declaring that the country had been won by the sword, sent the soldiers to Virginia to be sold into bondage, appropriated or gave away the best pieces of land, and sanctioned the plunder of farmers and burghers. Ordered to justify his conduct at Manhattan he refused, asserting his independence of Governor Nicolls. In person Nicolls enforced his authority; and, changing the name of New Amstel to New Castle, he declared the region 'an appanage' of New York. Such it remained until William Penn obtained it.

Soon after his installation Governor Nicolls had received a present from the government of Connecticut, five hundred bushels of corn. In November he welcomed Governor Winthrop and four others sent by Connecticut to congratulate him and to settle, should opportunity offer, the boundary of the two colonies. Nicolls, Cartwright, and Maverick acting on behalf of New York, both patents were examined. Plainly Long Island belonged to the duke, for it was mentioned in his patent and not in Connecticut's. On the mainland the grant to the duke, covering everything west of the river, deprived Connecticut of New Haven and even, as Connecticut pointed out, of its own 'very bowels and principal parts' including its capital town. The deed for the lands around Hartford given in 1633 by the Indians to Van Twiller's agent was put in evidence to justify the duke's claim as based upon the original extent of the Dutch province. But finally Governor Nicolls, deciding that he would best serve the duke and the king by showing their wish to do 'equal justice,' consented to a line that should lie 'about twenty miles from any part of Hudson's River.' This was better for the Dutch province by ten miles than the boundary that Stuyvesant had nominally secured by the Hartford Treaty of 1650. Unfamiliar with the country, however, Nicolls was deceived when the line was described in the written agreement, which said that it should begin on the coast at the mouth of Mamaroneck Creek and thence should run 'north-northwest to the line of Massachusetts.' Thus, said the Connecticut men, although the agreement did not so declare, the line would keep 'twenty miles everywhere from Hudson's River.' But in fact a north-northwest trend carried it across the Hudson near the spot that now is Peekskill, a long way below the Massachusetts border.

This was soon understood by the royal commissioners who wrote home in 1665 that the line had been 'mistaken by wrong information': it ought to run 'just north' from its starting point. And so tacitly confessed the Connecticut authorities themselves a few years later when they resolved

. . . forthwith to run the line between this colony and the colony of New York from Momoroneck River to Hudson's River.

The agreement was not ratified in England. In New York, according to the earliest historian of the province, William Smith, whose book was published in 1757, it was always said to have been founded 'upon ignorance and fraud.' William Douglass, writing in Massachusetts at the same time, made a similar statement. And Cadwallader Colden, in an official report drawn up in 1764, likewise said that Nicolls had been deceived. So long-lived were the disputes thus engendered and frequently revived that the western limits of Massachusetts were not definitively settled until 1787 and those of Connecticut not until 1880 although a line which formed a basis for the present Connecticut boundary was established in 1685 and ratified by the crown in 1700. During these many years the old documents which set forth the claims of New Netherland were repeatedly produced to sustain the rights of New York.

Of course the seizure of New Amsterdam and the prospect of war in Europe put a stop to all intercourse with Holland. Within a month of his arrival Nicolls wrote home that thousands in Virginia, Maryland, and New England would suffer with his own people through the loss of the Dutch trade unless 'speedy care' were taken to send out supplies for them and goods for their traffic with the Indians. In November Burgomaster Steenwyck drew up for the city magistrates an address to the Duke of York which, after expressing gratitude for the fact that they had received as their governor so 'gentle, wise, and intelligent a gentleman' as Colonel Nicolls, 'under the wings' of whom they hoped, mixing their metaphor a little, to 'bloom and grow like the cedar on Lebanon,' asked that the same trading privileges enjoyed in England or even in Boston might be granted to New York. Then it would attract thousands of inhabitants and within a few years have a great trade yielding the duke a great revenue.

Waiting for an answer to these appeals, before the end of the year Nicolls sent all the royal frigates back to England. The one that carried his despatches describing the surrender perished off the Lizard. The last of the four he detained for a month because of a serious mutiny, not among his new subjects but among his own soldiers. The province had now received its English name, the same as the name of its capital city, while the country between the Hudson and the Delaware was called Albania, Long Island was called Yorkshire, and most of the Dutch towns were known by English or anglicized names. So in the year 1664 the king of England had peaceable possession of the whole coast between Florida and the Bay of Fundy — a secure grasp upon the long strip of seaboard which was narrowed and shut away from the interior of the continent but at the same time solidified and protected by the great Appalachian mountain barrier. For geographical reasons alone the acquirement of New Netherland, the keystone of this region, may be called the most important event that as yet had marked the history of the English plantations. Furthermore it assured to the English, should they follow the good example set by the Dutch, an inestimable advantage which at first they could not appreciate — the friendship of the Five Nations. And it struck a fatal blow at the North American trade of England's great commercial rival.

The measure of self-government that the people of New Netherland had so patiently striven for and secured was now supported only by the Articles of Surrender. They soon discovered how frail this buttress was.

With the opening of the year 1665 Nicolls began the reconstruction of the province. Previously he had ordered that the customs dues prescribed in the English Book of Rates be paid to the collector Thomas Delavall, one of his councillors. Now, in February, he fixed for the benefit of the duke a special tariff, laying export duties of ten and a half per cent on beaver skins and of twopence a pound on tobacco, and im-

port duties of ten per cent on liquors and goods for the Indian trade and of eight per cent on all other articles except those grown or manufactured in England, which were admitted at five per cent. These charges were to be paid partly in wampum, partly in beavers to be valued at eight guilders or thirteen shillings and fourpence apiece.

In February also the governor established at New York a court of assizes which, he said, copied or continued with certain modifications the court of the Dutch governor. For the moment it consisted only of himself and his councillors. It was to be the 'superior court' of the province with original and appellate jurisdiction in common law and equity, with executive powers, and with the 'supreme power of making, altering, and abolishing laws' subject to the revisional powers of the Duke of York.

As the duke's patent, like other colonial charters, said that his province should be governed in so far as possible in conformity to the laws of England, Nicolls immediately set the new court at work to frame a civil and criminal code collected, as he wrote to Clarendon, out of the laws of the other colonies but with such alterations 'as may revive the memory of old England among us.' The codes of Massachusetts and New Haven were consulted; a copy of the Connecticut laws could not be obtained in time.

When the new code was completed the governor, remembering his promise to summon deputies to advise upon the affairs of Long Island, ordered that delegates elected by the Dutch and English freeholders of all the Long Island towns and of the town of Westchester should convene in a 'general meeting' at Hempstead on the last day of February to adjust town boundaries and to give their 'best advice and information' about settling good laws for the province. Thirty-four delegates — nine Dutchmen and twenty-five Englishmen — came from seventeen towns. Among them were Jacques Cortelyou, Jan Evertsen Bout, John Bowne the Quaker, George Baxter's old associate James Hubbard, John Underhill, and John Young.

They remembered not only that Nicolls had promised, two days after the surrender, that deputies should be summoned to advise 'in all matters tending to the peace and benefit of Long Island' but also that he had subsequently promised, in a letter to John Young and John Howell, that the Long Islanders might

> . . . assure themselves of equal (if not greater) freedoms and immunities than any of his Majesty's colonies in New England.

Therefore they were deeply disappointed and not a little angered when they found that they had in fact been summoned merely to ratify a code already prepared, and that this code, although it rejoiced them by showing, as compared with those of New England, 'an abatement of severity' in matters of conscience and religion, conspicuously failed in every other direction to tally with the governor's pledge. In a few minor matters Nicolls accepted their amendments, but when they asked for the right to elect all their own magistrates, and some of them demanded that only through deputies of the people should moneys be raised, he told them that they must go to the king if they wanted a share in the government of the province. Silenced for the moment, on March 1 they ratified the new code and drew up a loyal address to the Duke of York.

Digested, like the New England codes, with the sections in alphabetical order and revised during the next session of the court of assizes at New York, the 'Duke's Laws,' as the code was called, filled two hundred and fifty-eight pages in the copy sent to the duke, indorsed by him, and now preserved in London. The most important sections were those that established a complete system of judicial administration, framed for the district called Yorkshire which was now held to embrace Long Island, Westchester (then meaning only the Bronx peninsula), and Staten Island, but capable of extension over the province at large.

Yorkshire, like its namesake in England, was divided into three 'ridings.' Each of them was virtually although not in name a county. The East Riding comprised the present Long Island counties of Suffolk and Nassau; the West Riding King's County, the town of Newtown (now in Queen's), and Staten Island; the North Riding Queen's County (excepting Newtown) and Westchester. For the whole of Yorkshire a high sheriff was appointed, and for each riding a deputy-sheriff or high constable. Each town had its own court, composed of its constable and overseers, which had jurisdiction of causes under £5 and could fine for small offences and make local ordinances subject to the approval of the higher authorities. In each riding a court of sessions, composed of three justices of the peace with the high sheriff, the governor, or one of his councillors as president, had jurisdiction of criminal causes and of civil causes over £5, its decisions being final in all under £20. Trial by jury was prescribed for the courts of sessions, the jurors to be seven in number and a majority of voices to decide except in capital cases when twelve jurors were to bring in a unanimous verdict.

Appeals from the town courts lay to these courts of sessions and from them to the supreme court — the court of assizes. This, in which suits involving more than £20 might be begun, was now enlarged to include the high sheriff and justices of Yorkshire. It met only once a year, in October, but could issue special commissions of oyer and terminer in capital cases. Nicolls exalted it unduly when he called it an 'assembly,' for it contained no elected member; but it was a more broadly based tribunal than the provincial court of the Dutch, which had consisted only of the governor and his council, and it had certain legislative functions besides the registering of the edicts of the Duke of York and of the governor in council. At the close of a session, all but members of the court being excluded, it made such amendments and additions to the laws as it thought proper except in regard to the revenue where it could only offer advice. The secretary of the province served as clerk of this highest tribunal.

The sheriff and deputy sheriffs of Yorkshire were annually selected by the governor in council from nominations made by the courts of sessions. The justices, who were also appointed, held office during the governor's pleasure and except at the very first received no salary but merely an allowance for expenses. In each town four of the eight overseers were elected each year by a plurality vote of the landholders, and the constable was chosen from the outgoing four. These, with gaugers of casks, militia officers, ministers, and churchwardens, were the only officials in whose selection the people at large had a voice direct or indirect, and their election was the only function left to town-meetings. Certainly the Long Islanders could complain that they had received something very different from 'equal (if not greater) freedoms' than the New Englanders enjoyed.

Basing rights of suffrage upon the ownership of land, the Duke's Laws did not make use of the New England term 'freemen'; nor did they define the size of a freehold. Dutch influence showed also in the perpetuating of the town courts with the constable as their chief officer, in the erecting of courts of sessions which corresponded to Stuyvesant's district courts, in the system of rapid rotation in office, unknown in New England, and in the retention of the 'common fields.'

On the other hand the Duke's Laws radically altered methods of taxation. The Dutch provincial government, following the precedents of the fatherland, had raised its revenue almost altogether by customs and excise dues. It had never laid a general property tax; the tenths of the harvest that it exacted formed a tax not upon land but upon the produce of land; and the ordinance that once prescribed a direct tax on land and cattle seems never to have been enforced. But the new English government, while it also exacted customs dues, imposed direct taxes to defray the 'charges publicke' — that is, to support all civil and military officials who were not paid by the fees that were carefully tabulated in the Laws. The rate, sometimes as low as a

http://stores.ebay.com/Ancestry-Found
half-penny in the pound, was fixed, as Nicolls reported to the duke, by the court of assizes, and the money raised was paid in to and 'managed exclusively' by the same body. The tax was assessed by the town officials according to their estimate of the real and personal estate of all male persons sixteen years of age and over excepting the sick and infirm. Town charges of the same direct sort were both fixed and levied by the town officers.

This method of taxation had prevailed in England under varying names until after the Restoration when it gradually passed into a land tax which, however, was not so called until the year 1697. It was also the current New England method and as such had been known in the eastern parts of Long Island. The poll tax of New England, it may be added, was afterwards collected in New York, but never its 'faculty tax,' a sort of income tax.

As the Duke of York assumed to be the original owner of the soil of his province, his code directed all existing proprietors to bring in their grants and 'take out new patents for the same' from the present governor acting on his Royal Highness's behalf. Purchasers of lands held by the duke were to take out a patent and to pay the governor such a fee as might be agreed upon. At the 'seating' of a new town two lots were to be given to the governor to dispose of as he might see fit. Dutch customs were perpetuated by the mandate that all papers relating to lands must be recorded by the clerk of a court of sessions.

The duke had instructed Nicolls to permit freedom of conscience, and the king had directed his commissioners to show, in dealing with New England, no undue zeal for the establishment of the Anglican church. This was not altogether a matter of special policy, for both the king and the duke, princes with Catholic leanings in a fiercely Protestant land, always advocated what Charles called 'liberty to tender consciences' and opposed the stringent laws for England which parliament compelled the king to sanction. Consequently the Duke's Laws did not mention the Anglican church

but broadly said that a church building should be erected in every 'parish,' which meant in every town, and that, to exclude 'scandalous and ignorant pretenders,' no minister should anywhere officiate who had not been elected and presented by a majority of the householders of a town and inducted by the governor after giving proof that he had received Protestant ordination in some Protestant country. The overseers of a town were to be its poor-masters and to choose from their own number two churchwardens. No one professing Christianity was to be disturbed 'for differing in judgment in matters of religion,' and, it was implied, congregations of any Protestant faith might anywhere be formed; but every taxpayer had to contribute to the church rates collected for the support of the authorized church of his town. No minister might refuse, as many did in New England, to baptize the children of Christian parents. All were to pray for the royal family and to observe the national anniversaries as in England.

Thus, in a manner which seems to have no exact parallel in history and no analogues except in the abortive 'Agreement of the People' of Cromwell's time and in the actual ecclesiastical arrangements of Plymouth Colony, all Protestant sects were put on an equal basis and equally subjected to the civil power. Nicolls's arrangement was, so to say, a loosely framed erection of Protestantism at large into a state church, 'local option' determining which sect should be established in any given place.

As the code thus contained no heresy clause so, again in contrast to those of New England, it said nothing about witchcraft, and about the Sabbath said only that it must not be 'profaned by travellers, laborers, or vicious persons.' Its list of capital crimes, however, showed Puritan influence, naming eleven among which was the striking of a parent. Establishing trial by jury it made due provision for admittance to bail. All disputes between white men and red men were to be settled 'as betwixt Christian and Christian.' Without a license no one was to sell guns, ammunition, or boats to the

Indians or to trade with them for furs. To supply them with liquor was strictly forbidden, but for this privilege also licenses were afterwards issued.

Militia regulations the code carefully framed after the New England pattern, prescribing the enrolling, arming, and regular training of all able-bodied men between the ages of sixteen and sixty except justices, sheriffs, constables, clerks of the courts, 'ministers and professed schoolmasters,' medical men 'allowed of by two justices,' skippers of vessels of over twenty tons, and 'constant herdsmen.' The men were to elect their officers subject to the veto of the governor who issued commissions. No man was to be compelled to go out of the province 'upon any offensive wars' but only upon necessary 'vindicative and defensive wars.' None was to be impressed for any kind of labor except by due form of law and with due remuneration guaranteed.

Schools the Duke's Laws did not mention although, more often ratifying than changing existent rules and customs, they laid down regulations for physicians and midwives, masters and laborers, sailors, children, servants, and slaves; established English weights and measures; dealt with cattle and crops, fields and fences, and the disposition of ballast and 'wrecks of the sea'; spoke of marriages and wills; fixed the bounties to be paid for wolf killing; and determined in detail such matters as the prices brewers might charge for beer and inn-keepers for meals, and the branding of the horses of the different towns.

As it was impossible, said a clause in the code, to frame laws to cover all possible cases, such cases as were not provided for should be settled according to the discretion of the court of assizes and 'not contrary to the known laws of England.' Some writers have thought it possible to construe this clause as a legislative introduction into New York of the common law of England.

In imposing his code only upon Yorkshire Nicolls with great good sense practically divided his province for the time into an English-speaking and a Dutch-speaking portion. In

the latter he enforced only a few of the new laws, notably those regarding taxation. Undoubtedly it was because he had had this policy in view that he summoned only delegates from the towns of Yorkshire to the Hempstead meeting in spite of the promise of the Articles of Surrender that deputies elected by the 'town of Manhatans' should have a voice in public affairs 'as much as any other deputies.'

When, as Nicolls urged, the new laws should be approved by the duke, printed, and sent back to New York they would give satisfaction there and be 'of some consequence to his Majesty's interest in relation to the other colonies.' This was never done. Instead, transcripts were made for the respective towns. The Long Island Historical Society now owns the one made for Huntington but long preserved at Roslyn and known as the Roslyn copy. From a copy embodied in the records of the town clerk of Easthampton, and known as the Easthampton Book of Laws, the code was first printed, by the New York Historical Society in 1811. Both these manuscript copies contain additions and amendments of later date than any that appear in one that is now in the State Library. Nevertheless this seems to have been made in London in 1684 from a copy that had been prepared in 1674 for the governor then sent out to New York, Governor Andros.

The West India Company's ship bringing the order for General Stuyvesant to return to Holland arrived in February, 1665, while the court of assizes was elaborating the Duke's Laws. In May the old governor set sail with a pass from Nicolls permitting him, his son (his second son, Nicholas), and his servants to go and to return. Taking formal leave of the burgomasters and *schepens* of the city and wishing them 'every luck and happiness,' he asked them to accord him a 'certificate of his comportment' which might be of use to him or his children 'to-day or to-morrow.' He had demeaned himself, said this certificate, as a loyal servant of the Company, a supporter of the reformed religion, and 'an honest proprietor and patriot of this country.'

Nicolls licensed the Company's ship to come again from Holland with merchandise within the year, and also permitted a few prominent merchants to trade with ports in the north of Europe. This was to meet the insistent needs of his people, for no ships were arriving from England. With the West India Company he was highly indignant. Its 'scurrilous letters' to Stuyvesant and Van Ruyven — which, as he wrote to Winthrop, he compelled them to show him because nobody would 'tell any news' and which disavowed the Articles of Surrender — would justify him, he declared, in confiscating all its property to the use of the king of England. And, in fact, he did sequester its property when he got word by way of Virginia that the king had declared war with Holland and expected the colonies to guard themselves against probable attacks by De Ruyter's fleet.

Directing the Long Islanders and urging the New Englanders to take all possible precautions, on June 28 the governor called the people of the city together to consider how it might best be fortified, offering for his own part to contribute two thousand palisades and a thousand guilders in wampum. The burghers, say the city records, gave him 'no categorical answer.' Some declared that the defences were good enough, others said that they could not work until the governor restored the arms which he had taken from them while arming their English neighbors. All were disturbed by the new militia regulations which seemed to contradict the pledge in the Articles of Surrender that no Dutchman should be forced to serve in war 'against any nation whatsoever.' And undoubtedly they were angered by the fact that Nicolls had just completed his work of reconstruction by depriving them of all share, direct and indirect, in the choice of their magistrates.

That is, on June 12 he had revoked by proclamation 'the Form and Ceremony of Government' of the city which, previously conducted 'under the name or names, style or styles of Schout, Burgomasters, and Schepens,' was thenceforward to consist of 'Mayor, Aldermen, and Sheriff, according to the

custom of England in other his Majesty's corporations.' On the same day by means of a formal commission he had appointed these new officials, to serve for one year and to govern in accordance with the general laws of England and such others as they might think 'convenient and necessary.' Although this commission was not, properly speaking, a municipal charter Chancellor Kent called it a 'charter of incorporation' and it is sometimes referred to as the Nicolls Charter. Perpetuating in a new guise the old city government, it established the first English municipality which had an actual, active existence in the colonies. Also it greatly extended the limits of the city, saying that the inhabitants of New York, of New Harlem, and of all other parts of 'the Manhatans Island' were to form 'one body politic and corporate' under the rule of the city magistrates.

Thomas Willett was the first mayor of New York, Nicolls calling him from the farm to which he had retired at Rehoboth in Plymouth Colony because he would be 'acceptable' to the Dutch and was better acquainted with their 'manners and customs' than any other Englishman in the province. Allard Anthony who had been serving as *schout* kept his place as sheriff in the English sense. The first aldermen were Cornelis Van Ruyven, Oloff Stevensen Van Cortlandt, and Johannes Van Brugh with John Lawrence, their long-time English friend, and Captain Thomas Delavall, member of the governor's council and collector of customs.

Not without 'divers debates' did the Dutchmen accept their new offices. The sixteenth of the Articles of Surrender, they protested, which said that the magistrates in office might continue to serve 'till the customary time of new election' and then might choose their successors, promised perpetuity for the existing form of city government. But the words were ambiguous, and Nicolls now explained that he had duly respected them in the previous February when, the time of the annual installation of magistrates then arriving, he had in fact permitted the corporation to renew itself in the accustomed way. Possibly he had thus understood

the pledge from the first. Possibly he stooped for once to subterfuge in the fulfilment of what he now knew to be the Duke of York's desire; for the duke, he took pains to inform the dissatisfied Dutchmen, had written him to make the government of New York 'conformable' to English customs. He had gone beyond the letter of this mandate, although not beyond the general spirit of the duke's commands, for the freemen of many English cities elected their magistrates. On the other hand the annual rotation in office that he prescribed in imitation of Dutch customs was an improvement on the life tenures common in English municipalities.

On June 14, 1665, the first mayor and aldermen — the first common council — of New York, all the members now consenting to be sworn, stepped at once into the property rights and the judicial functions of its last burgomasters and *schepens*. On June 15 they organized their court, using by command the English tongue and establishing trial by jury — that is, appointing twelve jurors to decide all civil and criminal cases and thus abolishing the Dutch practice of arbitration — but making few other changes. Between this time and 1673, when the Dutch recaptured New York, the city records were kept partly in English, chiefly in Dutch. Nicholas Bayard was soon appointed secretary to the corporation. The city treasurer of the Dutch was replaced by a collector who made payments upon warrants signed by the mayor and the secretary. Minor city offices the magistrates filled from a double number of nominations presented by their incumbents.

Thus the Court of the Schout, Burgomasters, and Schepens of New Amsterdam became the Mayor's Court of the City of New York, but with enlarged powers for it acted as a court of probate and a surrogate's court and also exercised the powers that were held in the ridings of Yorkshire by the courts of sessions. This enlargement and the extension of the limits of the city justified the perpetuation, in the person of the sheriff, of the *schout* whom the Dutch thought so important an officer; for in England a sheriff was a county

officer — a municipal officer only when a city was itself a 'county corporate' as were a number of the largest including London, Bristol, Norwich, Lincoln, and York.

Appeals from the mayor's court as from the courts of sessions of Yorkshire lay to the court of assizes of which the mayor, like the high sheriff and justices of Yorkshire, was *ex officio* a member. So important were the functions of his own court that, although they were distinct from those of the common council as such and the records were kept in two sets, 'the Court' was a customary term for the city government in a general sense.

In 1666, about a year after the limits of the city were extended to cover the whole of Manhattan, Governor Nicolls upon petition of the town of New Harlem gave it its first written charter, renewing the document with some alterations in 1667. So doing he secured to the 'freeholders and inhabitants' of the town and their heirs, successors, and assigns as individuals their 'particular lots and estates,' and as a body their common lands and riparian rights with the 'privileges of a town but immediately depending on this city as being within the limits thereof.' This peculiar creation of a town within a city was made possible by the double character of the mayor's court. Sitting from time to time in New Harlem as a court of sessions it received appeals from the town court; and it administered the oath of office to the town officials after choosing them from a double number elected by the townsfolk. Peculiar again was the fact that the subordinate town thus had a genuine charter and the right to elect its magistrates while the city that embraced it had neither.

The territories of New Harlem as defined by its charter included all those parts of Manhattan that lay beyond a line which, drawn due north from the East River at what is now the foot of 74th Street, ran diagonally across the island to the North River near the foot of 130th Street (the present Fort Lee Ferry) and therefore included about a fourth part of the present Central Park and half of Morning-

side Park. Although the charter said that in future the village must be called not New Harlem but Lancaster, this being one of the duke's titles, the English name never took root and appears in no existing document save the charter itself.

All that part of the duke's territories adjoining Nova Scotia, Nicolls reported, was 'not worth a farthing.' It is not known that he made an effort to settle a government either here or in Martha's Vineyard and Nantucket. All the rest of his province he had set in order except the parts between Manhattan and the Delaware, and these had been cut off from it.

In June, before the duke had secured his prospective domain, while his expedition was still at sea, he had made over by deeds of lease and release to Sir George Carteret and Sir John Berkeley (by this time Lord Berkeley of Stratton), who had both served on the committee of the Council for Plantations which advised the seizure of New Netherland, all those parts of it which lay between the Delaware and a line to run a little toward the northwest from the Hudson River at forty-one degrees of latitude, a point opposite the site of Yonkers; and he had named them Nova Cæsarea or New Jersey in memory of the island which Carteret, then its governor, had stoutly defended against the adversaries of Charles I. The deeds conveyed only the duke's right to the soil. Rights in government they neither bestowed nor reserved to the duke. But, as possession of the soil would by itself be useless, the patentees assumed that they held rights of government also, and drew up a constitution like the one adopted for Carolina, prescribing that New Jersey should be administered by a governor, a council, and an elected assembly, providing for the easy acquirement of lands, and establishing religious freedom.

The deputy-governor who was at once sent out to organize the new province in the name of the proprietors, Philip Carteret a relative of Sir George, made the coast at the

mouth of the Chesapeake. It was his messengers who informed Nicolls of the outbreak of war in Europe as well as of the dismemberment of his province. In the most vigorous words, writing first to the duke and then to Lord Arlington the secretary of state, Nicolls urged that the grant be revoked or be changed to cover the banks of the Delaware instead of the region near Manhattan. Otherwise, he said, it would be well for James to divest himself of his whole domain, for New York, New Jersey, and the Delaware region would 'destroy each other.' New York ought not to be cut in two; it ought to own the whole of its great bay and both banks of its great river. Undoubtedly, Nicolls added, Berkeley and Carteret were ignorant of the damage they were inflicting upon the duke:

> . . . but I must charge it upon Captain Scott who was born to work mischief as far as he is credited or his parts serve him. This Scott (it seems) aimed at the same patent which your Royal Highness hath, and hath since given words out that he had injury done him by your Royal Highness, whereupon he contrived and betrayed my Lord Berkeley and Sir G. Carteret into a design (contrary to their knowledge) of ruining all the hopes of increase in this your Royal Highness his territory, which he hath fully completed unless your Royal Highness take farther steps herein.

There is no direct evidence that Scott had thus behaved. But it appears that he had been a special adviser and *protégé* of Berkeley's, and all that is known of him before and after this time bears out the belief that he was ingenious enough, unscrupulous and revengeful enough, deliberately to work mischief as Nicolls supposed. Before long another of the royal commissioners, Samuel Maverick, also wrote home about the 'inconveniencies' and the 'very prejudicial' effect of the dismemberment of New York; and in 1668 the duke tried to exchange the Delaware country for New Jersey. In spite of this effort, and in spite of the fact that throughout colonial times the governors of New York earnestly echoed the protests of their first English predecessor, no part of the lost

territory except Staten Island was recovered. And so, it seems probable, it is because of the malicious counsels of the wandering adventurer John Scott that to-day the State of New York owns only a part of the waters that should belong to it, and that the city on Manhattan cannot incorporate with itself the great suburbs which lie beyond the North River in another State as it has incorporated those which lie in its own State — beyond the bay on Staten Island, beyond the East River on Long Island, and beyond the Harlem on the mainland.

Permitted by Nicolls to take peaceable possession of New Jersey, in July, 1665, Philip Carteret established Elizabethtown as its capital. To the Dutch town of Bergen he granted a new charter. Nicolls had recently bestowed upon people from Long Island portions of a wide tract of country which Augustine Herrman had acquired long before but, apparently, had resigned to the provincial government. These grants Carteret did not disturb, but not many years later they became a chief cause of the intestine quarrels so conspicuous in the early history of New Jersey. The claim of its proprietors to rights of government proved another source of trouble; and so did the ready hearing accorded in New England to the agents whom Carteret immediately sent there to drum up settlers for his province. Many of the 'theocrats' of New Haven, hating its incorporation with Connecticut, migrated to New Jersey; other New Englanders, differently minded, sat down beside them; Dutchmen and Englishmen came from Long Island, numerous Quakers among them; Quakers also came across the sea and bands of Scotchmen followed; and the sectarian animosities that ensued complicated for many years political and territorial disputes.

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CHAPTER XVII

THE EARLY YEARS OF NEW YORK

1665–1673

(Governor Nicolls, Governor Lovelace)

I hope some others will receive encouragement by your good example to look a little abroad and employ themselves in doing good for their country. — *Clarendon to Governor Nicolls. 1666.*

The war between England and Holland, declared by Charles II in March, 1665, began in June with the naval battle of Lowestoft in which the Dutch were defeated. Again the king of France urged a compromise, proposing that New Netherland and the other places recently taken by the English be exchanged for Pularoon, the chief of the thrice-precious Spice Islands, which the Dutch had taken from the English. New Netherland, said the States General, could not be included in any such arrangement; it had been seized in a time of peace and should simply be given back. For the sake of peace, said Louis, Holland should surrender it although 'habitation joined to long possession' formed a sufficiently good title to destroy 'all the reasons of the English.' The reasons of the English, said Clarendon, were that King James had granted the country to the Earl of Stirling whose rights the Duke of York had purchased — transactions which, in fact, had related only to the Maine country and Long Island. Furthermore, he said, 'the Scotch' had begun to cultivate the province a long time before any Hollanders were 'received there.'

No compromise was possible. The king of Spain died in September. Now if ever was the time when Louis XIV

might hope to acquire the Spanish Netherlands. Hoping still that the Republic would countenance him in this design, and fearing on the other hand that Charles and De Witt might make terms to his disadvantage, in January, 1666, he declared war against England.

Although the transatlantic correspondence of this period is not nearly as voluminous as it is for the years while Stuyvesant was in power, Nicolls's letters to the duke, to Arlington, and to Clarendon amply suffice to show the effect upon his province of the English seizure and the war in European and West Indian waters. Trade was annihilated. Neither ship nor supplies, the governor wrote in July, 1665, had yet come from England, and letters had to pass infrequently and precariously by way of Virginia or Boston. His people and his soldiers were in great distress. But he did not fear a Dutch attack, for his city had 'no ships to lose, no goods to plunder,' his 'ragged sort of fort' had been put in the 'best posture of defence possible,' his troops were loyal, and even his burghers, who at first had hoped for De Ruyter's advent, now felt that it would work 'their certain ruin.'

So busy had he been with his work as governor of New York that he could scarcely think of his other duties as the chief of the four commissioners who were to settle the affairs of New England. His colleagues, he knew, could do little without him; but his people, he reported, cried out that they would 'leave their dwellings' if they could not prevent him from going to Boston, such was their 'apprehension of a Dutch invasion.' Toward his English soldiers, however, they had no kindly feeling. In March, 1665, some months before he reorganized the city government, the magistrates, say their records, informed 'divers burghers and inhabitants' whom they had summoned to the City Hall that the governor had decided that as some of his soldiers,

> . . . having committed here within this city great insolences and insults toward divers burghers and inhabitants, and are still com-

mitting such, and as they live together and have neither washing nor board, nor cooking done for them, but practise nothing but how to perpetrate these and other disturbances . . . it is necessary therefore for the greater peace of the burghers to quarter them out, in order to prevent further insolence and insults. . . .

This referred to about one hundred men who could not be accommodated in the fort. The governor now proposed to supply them with rations, to pay 'lodging money,' and to guarantee against trouble and damage the householders who would receive them. When the 'old burgomasters and *schepens*,' summoned by the magistrates to give their advice, urged the people to take in one or two men, they still refused, saying that 'they would rather contribute than lodge soldiers.' By the middle of April some agreed to take them if five guilders instead of the three that had been proffered might be the weekly lodging money. But as Nicolls, then about to start for Boston, thought best to postpone the quartering until his return, the burgomasters made a 'general assessment' of the citizens to determine what each should pay toward the support of the houseless soldiers for six weeks.

The month of May Nicolls spent in Boston, going there, as he wrote to Clarendon, 'through the woods.' Even if he had been able to give his colleagues more help they would not have succeeded in enforcing everywhere the main desires of the king, who asked that the New Englanders should consent to take the oath of allegiance, should administer justice in the name of the crown and permit of appeals to it, should respect the Navigation Acts, and should grant the religious tolerance that would secure civil rights to members of the Anglican church. The smaller colonies, indeed, received the commissioners amicably and permitted them to hear appeals; but Massachusetts, while it begged the king to conserve its liberties and 'religious enjoyments,' denied some of his requests, met others with evasions, and refused to admit of appeals. More than one of the commissioners advised coercive measures of some kind; and Nicolls, anticipating

counsels that led to action a hundred years later, said that a temporary embargo should be laid upon the trade of Massachusetts, a punishment that would divert the whole commerce of New England from Boston to New York. Accomplishing little in other ways the commissioners did, however, settle the boundaries of Connecticut, Rhode Island, and Plymouth, and, warning Massachusetts away from the Narragansett lands, erected them provisionally into a 'King's Province' under the authority of the government of Rhode Island.

It was no time for Charles with a war on his hands in Europe to think of coercion in America; and it was no time for the Duke of York to pay much attention to the newly acquired domain where, as Nicolls wrote him, the one hope was for the arrival of English ships 'to the supply of trade to the country.' All the duke's own hopes of profit, said Nicolls, must centre in the city on Manhattan which, he felt sure, was 'the best of all his Majesty's towns in America.' If properly fostered, within five years it would be the chief mart in America, as 'the brethren of Boston' very well knew. But its whole trade was lost for want of shipping, and so 'mean' was its condition that none of his soldiers had yet found a pair of sheets or anything better to sleep upon than 'canvas and straw.' Again he wrote:

> Our neighbors of Boston have made good use of our necessities in raising the price of their goods, but this poor Colony hold down their heads and see their feet and legs without shoes and stockings, or shirts to their back, and all mean necessaries at an invincible rate.

And in November, acknowledging a letter from the duke, the governor spoke of the 'great joy and thanksgiving' excited by the account of the naval victory of Lowestoft and the assurance of his Royal Highness's safety, the mere news of which would serve as an 'antidote against hunger and cold' until such time as the duke should think his people 'worthy of a nearer consideration' and relieve their distress.

In this autumn of 1665 Nicolls went up to Albany where there was war again between the Mohawks and Mohegans, and to the Esopus country where the Dutch were more restless and insubordinate than elsewhere. This was because the Englishman in charge, Captain Brodhead, lacked the tact and gentleness that the governor himself had shown. He should avoid harsh words and passions, Nicolls told him, and not try to become the head of a party or listen to whispers and insinuations that would prejudice him against the Dutch:

> For, though I am not apt to believe they have a natural affection to the English, yet, without ill usage, I do not find them so malicious as some will seek to persuade you they are.

Inviting sachems of the Esopus tribes to Fort James, Nicolls signed with them a treaty wiping out all old scores. It was less easy to conciliate the Englishmen of Long Island. No one could imagine, he explained to Clarendon, the pains he had taken, the patience he had shown, in dealing with 'a sort of people of such refractory and peevish dispositions' as were not known in 'old England.' He had tried to placate those who murmured when the Duke's Laws were promulgated at the Hempstead meeting by appointing some of the chief among them to office — making John Underhill, for example, surveyor of customs for Long Island and deputy-sheriff or high constable of the North Riding. Underhill and some others were, in fact, pacified. The general murmuring continued. Toward the end of the year 1665 Nicolls wrote home that now that he had put the whole government 'into one frame and policy' even the 'most refractory republicans' were 'fully satisfied,' but a few months later that his new laws were 'grievous to some republicans' because 'democracy' had taken so deep a root that the mere name of a justice of the peace was 'an abomination.' The discontent was not confined to those eastern parts of the island that were wholly English. In the district where John Underhill was responsible for the collection of the rates some of the people refused

to pay them although Nicolls directed that if they could not get grain for the purpose any other 'equivalent,' such as beef, pork, or horses, might be accepted but not tobacco. And at Flushing the militia so excited the wrath of the governor that he dissolved for a time the organization composed of such 'mean spirited fellows' whose fidelity and courage he had reason to doubt. In May, 1666, he wrote to Underhill asking that he would identify the persons who, as he had reported, were protesting against the arbitrary character of the government and saying that the governor exercised more power than a king. This, said Nicolls, was 'a charge of no less weight than high treason,' and he was determined to clear himself and to return the accusations upon the heads of his accusers. He would 'spare no pains to give any private man satisfaction' but did not intend to vindicate himself 'thus privately' when he could get the names of those who had 'opened their venomous hearts so freely' to Underhill. The late rebellion in England, he explained, with all its ill consequences had begun with 'the self-same steps and pretences' — with defamations of his Majesty's government and attempts 'to steal away the hearts of his Majesty's subjects.' He could say of himself with a clean conscience that he had 'no benefit from the country but a great deal of trouble,' which was increased by seeing men so factious that they would hazard 'both life and estate in a mutiny and rebellion rather than bear the burden of the public charge.' Much as he sympathized with his people in many ways, the royalist soldier could not understand that an aversion to public charges might be expected when they were imposed by other than the public will.

It was worse, however, in the eastern parts of the island. Here the people were almost in open revolt. Resenting their separation from Connecticut, and hating the new autocratic government all the more heartily because it represented a Stuart prince and king, they vented their anger on the delegates to the Hempstead meeting, who not only had ratified the new laws but also had signed a loyal address to the Duke

of York, and so abused and vilified them that when the court of assizes met in the autumn of 1666 it thought needful to decree that any one who should defame these delegates or speak against any person in the public employ should be prosecuted before the courts of sessions. Three or four hot-heads being thus dealt with and whipped, fined, or set in the stocks, the signs of sedition ceased for a time.

At this same session the court issued an ordinance emphasizing the laws in regard to lands included in the new code but as yet generally disregarded. If, it said, 'both towns and persons' did not renew their 'grants, patents, or deeds of purchase' within six months all such titles would be held invalid.

In the New England colonies a general land system did not exist; a colony seldom granted land to individuals and seldom leased it, giving it as a rule without price to the towns as such. In royal and proprietary provinces a land system sprang naturally from the wish of the owners to draw profit from their property in the soil. The provisions in the Duke's Laws were similar to those elsewhere framed, but they excited a discontent not everywhere else provoked. The quit-rents prescribed were one penny an acre upon lands bought of the duke, two shillings and sixpence per hundred acres, to be paid into his treasury, upon those bought directly of the Indians. Of course the Dutchmen objected, for the West India Company, greedy though it was in other ways, had asked nothing for lands, merely ordering that Indian owners should be satisfied. On the other hand, one Englishman expressed what may well have been a general feeling among New Yorkers of his race. Thomas Pell of Westchester, writing to John Winthrop, declared that New Netherland had never rightfully been Dutch; therefore he judged it impossible that it could 'legally fall to the Duke of York by conquest'; and now the renewal of Dutch ground briefs left the king's subjects who had none 'in a worse case than intruders and open enemies.'

Nicolls explained that:

> The reason for renewing all former ground briefs was, and is, to abolish the express conditions contained in every one of them, to hold their lands and houses from and under the States General of Holland and the West India Company as their Lords and Masters.

Moreover, the public purse sorely needed a revenue from quit-rents and the governor's purse the fees that were his perquisites. The duke was sending no money, the customs were yielding scarcely a shilling, and very little, Nicolls reported, could be raised by taxation if he were to win the affections of the people. Corn and cattle were not assessed for the property tax in Yorkshire; and from the whole of Long Island, which he said had 'as barren a soil as any part of New England' and was 'meanly inhabited by a poor sort of people . . . forced to labor hard for bread and clothing,' not more than £100 sterling a year could be gathered to meet the expenses of the courts and all other public charges.

Within a year or two all the towns of the province except those at the far end of Long Island took out their new patents — among them, as has been related, the town of New Harlem. In dealing with individuals it was found hard to adjust the new patents to the old grants as their border lines often overlapped, but personal as well as town patents seem to have been generally renewed. Presumably the fees for renewal were paid. But in the city Nicolls eased the working of the ordinance, saying that no one need pay more than one beaver skin for a new patent or confirmation, and that no one need pay anything who could get from the mayor or two aldermen a certificate of his inability. And nowhere does he seem to have insisted strongly upon the payment of quit-rents, for most of the deeds of the time make no mention of them or say merely that such acknowledgments should be paid as were then or might thereafter be agreed upon. Probably the governor felt in regard to this matter as he did when he wrote to Clarendon that he would not 'seize some few estates of Hollanders' which were 'lying darkly in the hands

of their agents' in New York. The duke, he said, would undoubtedly blame him if he were

> . . . rigorous and scrutinous in small trifles to the discouragement and detriment of the future hopes of trade or of strangers to continue or come to live amongst us. . . .

Settlers in new localities, it was ordered, were to lay out towns and these were to be free from assessments and rates for five years. The Dutch rule that all bargains for lands made with the Indians must be sanctioned by the governor and confirmed in his presence Nicolls wisely revived, to protect the savages and also to prevent them from selling the same lands more than once.

In the year 1666, before Governor Nicolls knew that the king of France had joined with the Dutch in the war against England, the Frenchmen of Canada moved against the Indians of New York.

The so-called mission period of Canadian history had come to an end when, after the death of Cardinal Mazarin in 1661, Louis XIV took the conduct of public affairs into his own hands and encouraged Colbert, his minister for financial and for naval affairs, to elaborate a policy designed, like the contemporary policy of England, to make the nation commercially and politically coherent and strong by building up naval power and regulating trade along protectionist lines. As in England so in France colonial administration formed a feature in this new national policy. The Company of New France, established by Richelieu in 1627, was abolished. Although exclusive trading rights were bestowed upon another association, called the Company of the West, the king resumed the power in government and ordered that his colonial representatives should report directly to himself. In 1665 he sent out the Marquis de Tracy as viceroy over the whole of New France and the Sieur de Courcelles as governor of Canada with numerous bands of settlers and a large

body of troops, the first the province had received, whose special task was to crush the chief Indian enemies of the French, the Five Nations of the Iroquois.

Alarmed by the quick work of Tracy in setting fortified posts that commanded the St. Lawrence and the approaches to Lake Champlain, sachems of the Oneidas and Onondagas who claimed to speak also for the Senecas and Cayugas concluded at Quebec a treaty which the Frenchmen liberally interpreted to mean that the four tribes acknowledged themselves allies and vassals of France. The haughty Mohawks stood aloof. In January, 1666, Courcelles attempted to chastise them, entering their country through the Grand Pass — the natural route along the Richelieu River, Lake Champlain, and Lake George — but missed the Mohawk towns and found himself at last, with his men half frozen and half starved, in the neighborhood of Schenectady. There the Frenchmen learned what they had not known before, that the English had secured the Dutch province. Cared for and provisioned by the Dutchmen of Albany, they retraced their painful way to Quebec. While Governor Nicolls was astonished, as he wrote to Canada, that his territories should be invaded in a time of peace, he encouraged his deputies at Albany to urge the Mohawks to treat with the French. At Albany formal negotiations were begun but were speedily brought to an end by an attack on a French hunting party in which Tracy's nephew was killed. And in September Courcelles started again for the Mohawk country with a much larger force than before.

Knowing by this time that France had declared war upon England and that Charles had directed his colonials to reduce the French plantations and above all Canada, Nicolls urged the New Englanders to help him to open an easy way to conquest by attacking the invaders of his province. If Massachusetts, he said, would send a hundred and fifty 'horse and dragoons' and Connecticut a 'proportionable number,' in all probability 'few of the French could return to Canada.' Connecticut, Governor Winthrop answered, feared

that if it should make such a move its Indians, enemies of the Mohawks, would join with the French. Strengthening his little up-river posts Nicolls transformed a third of his own country militia into 'horse and dragoons.' As much as this, he wrote home, the Connecticut authorities had done, but 'the grandees of Boston' were 'too proud to be dealt with.' Moreover, the 'New Englishmen,' he informed Governor Berkeley of Virginia, were saying 'with joy and confidence' that England was likely to fall into civil war.

Tracy he informed that he would keep the peace if the French would not enter the Duke of York's domain which included the country of the Mohawks and Oneidas. Before this letter reached the viceroy, Courcelles was destroying the towns of the Mohawks and their stores of food. He failed again to touch the savages but, dispersing and terrifying them, did more to humble them than any other French invader ever effected. During the spring and summer of 1667 all the Five Nations concluded a peace which remained unbroken for twenty years. Canada had at last a chance to live and to grow. Yet not a fair chance, for the rules about immigration that Richelieu had laid down remained unaltered: no foreigner and no French Protestant might settle in New France.

When Nicolls's letter reached Tracy he answered it in courteous words, and the correspondence closed with mutual professions of friendship. Both governors praised the Dutchmen of Albany for always treating Christians in distress with Christian helpfulness, and Nicolls consented that the one whom the Indians considered their best friend, Arendt Van Corlaer, should accept Tracy's invitation to assist at Quebec in the conciliation of the Mohawks. While making the journey Van Corlaer was drowned in Lake Champlain. He was not yet fifty years of age. No man who had ever been in the colony, it may safely be said, had done it as good service as he; for the whole story of the dealings of the Five Nations with the Dutch, the English, and the French, from the earliest days of New Netherland to the days of Sir

William Johnson and the Revolutionary War, shows that personal influence counted for more with them than influence or pressure of any other kind. Lake Champlain was long called Corlaer's Lake by the New Yorkers and Schenectady was called Corlaer by the French. But a better monument than these the savages devised for the friend who, unhelped by official power or prestige, seemed to them the chief of the white men. For generations 'Corlaer' survived in their mouths as a permanent title for the governors of New York; and it has been said that it still survives among some of the Indians of Canada as their term for their sovereign in England. To quote Cadwallader Colden:

> He had a mighty influence over the Indians; and it is from him, and in remembrance of his merit, that all governors of New York are called Corlaer by the Indians to this day, though he himself never was governor.

It was these campaigns of 1666 that opened the century-long struggle between France and England for the possession of the pivot province and the dominion of North America. Although the forces of the rival nations had not actually come into conflict, in intention they had; for, while Nicolls wanted to attack Courcelles, Courcelles hoped that the Dutch would aid him if needful against the English. Moreover, the English were now well aware of the danger to which their long northern frontier exposed them. Both sides understood the strategic value of the Grand Pass, the commercial value of the Mohawk Valley trails. And some at least among the Frenchmen realized that New York would be a priceless possession. Talon, the intendant or personal agent of the French king in Canada, urged Colbert to induce him to secure the restoration of the province to the Dutch and then to acquire it for himself, explaining that this would place the Iroquois 'at his Majesty's discretion' and would give Canada 'all the peltries from the north' as well as 'two entrances from the sea,' easy access to the Delaware country, and the power to keep New England 'confined within its borders.'

This advice, it will be noted, shows that the Canadians understood what the Englishmen had not yet learned — that control of the Five Nations was the key to control of the North American colonies. As Nicolls's resources were so small it was good policy to try to keep the French and the Iroquois from war; but it was the worst possible policy to encourage the making of treaties which might lead to permanent friendliness or serve as a basis for a claim that the Five Nations had acknowledged themselves the vassals or the allies of the French. There is no interest in speculating as to what might have happened had the strong New England colonies vigorously assisted Nicolls. Even had they possessed themselves of Canada Charles II would surely have handed it back to France as his father had done before him, as he himself was soon to hand back Acadia.

Still no English ships had appeared at New York, and of course no Dutch ships, for even the validity of that section of the Articles of Surrender which promised free ingress for Dutch ships could not be tested during the continuance of the war. At various times during the year 1666 Nicolls wrote home about the necessities of the province and his own anxiety and destitution. He was 'utterly ruined.' He had spent all his own money, exhausted his credit in New York and Boston, and pledged his small estate in England, drawing bills of exchange for more than £2000, yet he feared he might no longer be able to support the garrisons upon which alone he could depend for the safety of his province, New England giving him no aid. Only ignorance, he said, had emboldened him to undertake a task needing a wiser man 'and of a more plentiful fortune.' Although he wished and asked to be recalled he was more troubled about the future of the province than about his own. The king positively must grant New York 'some extraordinary enfranchisement' in the way of trade. Otherwise the inhabitants would be 'absolutely destroyed'; and, 'setting aside their innate love' for their own fatherland 'in this time of war after so

sudden a change,' they promised to be better subjects than those in 'some of the other colonies.' Certainly they would do better on Manhattan than English 'newcomers' who, as experience had already proved, were 'blown up with large designs' but, not understanding local ways of trade, met with discouragement and would not 'stay to become wiser.' Doubtless he meant that English traders wanted large profits and immediate payments while Dutch traders were content with small gains and gave credit for a year. So it is said in letters which passed at this time between the West Indies and England; and Sir Josiah Child, writing at this period, explains that the reason why, before the passage of the Acts of Navigation, 'there went ten Dutch ships to Barbadoes for one English' could be read in the 'low interest and low customs' in home ports to which the Dutch were accustomed and which insured them the trade wherever foreign ports were free.

The coasting trade, wrote Cornelis Van Ruyven to Stuyvesant in Holland, was 'at a standstill everywhere about' because of the privateers that were cruising 'in the West Indies, Virginia, and the neighborhood of New England.' All these parts, wrote Nicolls to Clarendon, the Dutch had cheaply supplied with 'all sorts of necessaries,' taking tobacco in exchange; but tobacco would not be a commodity of such value to the English, beaver was 'an uncertain trade at all times,' nothing else remained to New York, and 'the whole Dutch factory must fall.' Therefore people would leave the country because all their hopes of profit were destroyed 'and their correspondencies broken.' Thus far hopes had held up the hearts of many, but they would be 'no better than airy fancies' unless the duke would obtain a general freedom in trade for a term of years so that ships of any nation might bring in and carry away goods of any kind, merely paying to the duke such customs as he might establish. To this arrangement — which would have revived the conditions that existed when the West India Company exacted customs dues in its province but the government of Holland asked for

none — the House of Commons, Nicolls thought, would more readily accede than the king's commissioners of customs. If it could not be sanctioned, then, seeing that three-fourths of the people in the province were Dutch,

> . . . why may not (the wars ended) a permission be given only to four or six Holland ships to trade yearly hither with commodities of their own growth and manufacture, and from hence to return directly home, paying only duties to his Royal Highness?

While Massachusetts ought to be bridled, Nicolls thought, New York should be encouraged for other reasons than its commercial possibilities. He had, he believed with a happy optimism, set up there a 'school of better obedience to God and the king' from which a general 'reformation' might with God's blessing proceed.

In the autumn of 1666 the diligent, self-sacrificing governor received by way of Boston, and seemingly through the good offices of Clarendon, some supplies for his soldiers, and for himself a gift of £200 from his grateful king. Because of the war, he was informed, single ships could not be sent across the sea. Thirty sailed together before the end of the year but they gave New York little or no assistance; and the king, it was announced, would let no others depart as he might need them in the spring. 'Every picaroon of the enemy's,' wrote Nicolls, 'is master of all our harbors and rivers from the Capes of Virginia to Pascataway' in New Hampshire. So alarming were the successes of the French and the Dutch in the West Indies that the secretary of state earnestly besought the New Englanders to go to the relief of the English islands, highly important to their own commerce. In June, 1667, a Dutch fleet swept into the James River, captured a score of merchantmen laden with tobacco, and took them to Holland. Had the booty been less rich probably Manhattan would have been the next place of call. By this time one English merchantman had arrived there, coming under special license from Hamburg. No others followed. In August Dr. La Montagne wrote from Albany

that the 'excessive dearth of all things' had driven him to such 'need and poverty' as he had never known before. Yet he had lived through Kieft's Indian war. Not without cause did Nicolls write to Arlington that he feared 'some extraordinary disaster' had befallen his Majesty. In the autumn, however, he heard through an unofficial channel that the war was at an end, leaving his province in his master's hands.

Joining Holland unwillingly and aiding it feebly, in the spring of 1666 Louis XIV had betrayed it, agreeing by a secret treaty with the king of England that he would not assist the Dutch on the sea if Charles would not oppose his cherished design upon the Spanish Netherlands; and in May his troops crossed the Flemish frontier. During the summer the Dutch and English fought two great naval battles — one of which the issue was not decisive, one in which the English triumphed. Harder even for the Hollanders to bear than this defeat or the prospect that France might seat itself on their borders and acquire the mouth of the Scheldt was the total interruption of their commerce. But English commerce had also suffered greatly, in 1665 London had been devastated by the Great Plague, in 1666 by the Great Fire; and while Charles thus saw his capital in ruins and his treasury exhausted he feared the anger of his people should his intrigues with Louis be known.

Formal negotiations for peace began at Breda in the spring of 1667. Earnestly and repeatedly the West India Company prayed that New Netherland might be preserved to it, pointing out that its occupation by the English would mean their absolute supremacy in North America as the French would certainly not be able to hold Canada against them. An urgent petition signed by seventy ship-owners of Holland, 'all traders beyond the sea,' supported the Company's prayer. But for the sake of New Netherland, De Witt and the States General now felt, they could not sacrifice everything else; and much, they knew, might be acquired to offset its loss.

Either, they proposed to Charles, both countries should restore all that they had recently taken from each other or both should retain all. But Louis XIV, they urged upon him, ought to make good the surrender of New Netherland, which he had been the first to advise, by giving the Republic some of the posts he had taken from the English in the West Indies. On July 21 the Treaty of Breda was signed by England and Holland. Each was to keep all territories of which it had stood possessed on the 10th of May.

Even though it may have been true, as Governor Nicolls believed, that the New Yorkers dreaded the advent of a Dutch fleet which would have brought fire and the sword to their doors, undoubtedly they deplored the outcome of the war in Europe. Yet they may well have felt that, as General Stuyvesant remarked, they had at least escaped a worse fate at the hands of the New Englanders. And on neither side of the ocean had any Hollander the need to feel ashamed. While the negotiations were in progress the war went on, and before they were concluded the Dutch had inflicted upon England the worst disgrace it had suffered since the landing of William the Norman, sending De Ruyter's fleet up the Thames and into the Medway, destroying the king's shipyards and some of his finest vessels, and alarming London itself with the sound of their guns. Thus the war ended, if not with Holland master of the seas, yet with the question of mastery undecided; and the treaty so favored Holland that De Witt could speak of it as 'glorious.' The Navigation Acts remained but at some important points were relaxed in favor of the Dutch; and although the Dutch lost New Netherland they got in the East the rich Spice Island, Pularoon, and in the West the island of Tobago and Surinam in Guiana which was then thought much more valuable than the North American province. Indeed, when the first modern historian of this province, Lambrechtsen, wrote in Holland in the year 1814, he said that it was still 'difficult to decide' whether or not Surinam had compensated Holland for the loss of New Netherland.

The contemporary verdict of Samuel Pepys upon the war was that

> . . . in all things, in wisdom, courage, force, knowledge of our own streams, and success, the Dutch have the best of us and do end the war with victory on their side.

Certainly few Englishmen can then have felt that to gain the province which consolidated the American colonies and gave them a continuous defensible frontier and the key of the west at Albany was in any degree an offset to the commercial confusion and heavy taxation left behind by a war that had cost the nation merely in grants to the king five million pounds and in the demoralization of its commerce incalculable sums. One result of the general discontent was the fall, impeachment, and exile of the great minister, Clarendon, who had not wanted the war but by parliament was held responsible for its mischances. To his active, sympathetic interest in colonial affairs some words of Governor Nicolls bear grateful witness. In the autumn of 1666, when Nicolls was keenly conscious that the Duke of York was thinking little about him, he wrote to the lord chancellor:

> I must ingeniously confess and humbly acknowledge your transcendent care of me and of all that are concerned with me in these remote parts; and it is to admiration that your Lordship should not forget such small concernments amidst a million of those great affairs which daily pass your Lordship's hands. Truly, my Lord, I may say (yet with due respect) no correspondent is so punctual as your Lordship is pleased to be. . . .

By a treaty with France signed on the same day as the treaty with Holland Charles exchanged Acadia, taken by Cromwell's expedition in 1654, for some of the small West Indian islands. The New Englanders could not be content with this transfer, for they were profiting by the fur trade and the fisheries of the peninsula, and they dreaded the development of a French province so near their own shores.

The Peace of Breda put an end to a long controversy between the West India Company and General Stuyvesant.

By the ship that took Stuyvesant to Holland Van Ruyven, who was now the Company's 'resident and agent' on Manhattan, had written to the Amsterdam Chamber that it had been impossible to hold the province; if the directors themselves had been present they too would have thought it 'better and more Christian-like' to agree to conditions than to look, powerless, upon the ruin of the place and the slaughter of the people. Immediately upon his arrival Stuyvesant himself presented to the States General a justification of his surrender with supporting letters and documents including a very detailed account 'in proof of want of gunpowder.' Several New Netherlanders then in Holland bore witness on his behalf. One of them was Ægidius Luyck, 'late principal of the Latin school in New Amsterdam,' who had returned to the fatherland to study theology. The States General referred the matter to its committee for the affairs of New Netherland. The West India Company scoffed at Stuyvesant's defence, trying to throw upon the conscientious old soldier all the blame for its own shortcomings. Especially it said that he should not have been so 'rash' in surrendering because without a doubt Admiral de Ruyter 'passing New Netherland about eight months later' would have been ordered 'to touch at the place and relieve it.' The States General, it urged, should disapprove of a 'scandalous surrender' which set an example detrimental to the nation. New Amsterdam knew nothing about De Ruyter, Stuyvesant replied; even if it had known it could not have waited for him as much as eight weeks; but if he had come even at the end of eight months 'the recapture had followed as easily as the reduction.' In vain he urged that his case be promptly decided so that he might return to New Netherland to bring home to Holland his property and his 'sorrowful wife and family.' Obliged to send to New York for additional evidence, some months later he presented another elaborate defence. Again the Company refused to exonerate

him, declaring that he had let himself be 'ridden over by parsons, women, and cowards.' And the classis of Amsterdam, taking the same view of the matter, refused to ask the Company to pay Domine Megapolensis the arrears of his salary until he should justify his part in the surrender.

The resignation of the province to England showed the futility of further disputing. It also blotted out the reasons why General Stuyvesant had felt that he could not live in New York. Meaning now to remain there, before he set sail he petitioned the Duke of York and the king in council 'for and in behalf of himself and the Dutch nation' now his Majesty's subjects in New York, asking that the Articles of Surrender be confirmed and particularly the one regarded as most important, Article VI which guaranteed free trade with Holland. More heed was paid to his prayer than to those that Nicolls had uttered. The king authorized the duke to permit three Dutch ships to traffic freely with his province for a period of seven years. Beginning his voyage in the autumn of 1667, the old general probably reached New York in time to tell what he had accomplished for its benefit when the terms of the peace that had decided its future were made known to it. On January 1, 1668, this was done by proclamation in front of the 'State House.' So, translating 'Stadt Huis' by sound instead of sense, the Englishmen for a time called the Dutchmen's City Hall.

With the official announcement of the peace Colonel Nicolls had received an order releasing him from his ungrateful task. The Dutchmen as well as the Englishmen of New York, Governor Winthrop wrote to England, deplored the prospect of his departure and so did the people of the neighboring colonies. Samuel Maverick reported that he had lived four years in New York with great reputation and honor and had excellently served the king by keeping 'persons of different judgments and diverse nations in peace and quietness' during a time of widespread war. A petition sent to

England by the general court of Massachusetts at about this time, complaining greatly of the behavior of the other royal commissioners, said that Colonel Nicolls 'had not his hand in many things that are grievous to us and we think would not.' And in much later days Governor Hutchinson of Massachusetts recorded that, while the other commissioners had been unfit for their trust, Colonel Nicolls 'by his discreet behavior gained the esteem of the people' and after his return to New York kept up a friendly correspondence with the government of the Bay Colony.

In New York his tact, his good temper, and his impartiality had never failed. Many old matters, Van Ruyven wrote to Stuyvesant in Holland, had been 'ripped up and misinterpreted' but the governor 'wisely disregarded them.' He well knew, as he wrote to his commissaries at Albany when urging them so to behave that Dutch and English might 'live as brothers,' that to pay heed to 'strange news' and gossip 'commonly tends to the dividing of men's minds.' With his soldiers he was so strict that they provoked only one small riot on Manhattan. When the Dutchmen at Esopus broke into open revolt, exasperated by the behavior of the garrison and the harshness of Captain Brodhead who failed to follow the governor's good advice, Nicolls did indeed banish the ringleaders but he also suspended Brodhead. His sympathy with the Dutch and his confidence in their good intentions he showed in acts as well as in words, notably in many appointments to office including the appointment of Van Ruyven to the responsible post of collector of customs as Delavall's successor. He did what he said he wanted to do — he won the affections of the people confided in such difficult circumstances to his care; yet in accomplishing this he shirked no responsibility, shunned nothing that his duty to the duke or his own estimate of the needs of the province demanded, and ventured to break promises that had been given before he fully understood either local conditions or his master's desires. In all phases of his complicated work he stood virtually alone, with few to advise him, none to share

responsibility with him. Nevertheless his correspondence shows that he quickly learned to comprehend colonial problems even in their broader aspects, except only the supreme importance of the friendship of the Iroquois. In his official as in his private capacity this first English governor of the Dutch province seems to have been a man in ten thousand. Certainly among those who followed him in office only three or four deserved to be compared with him for ability, diligence, or integrity; scarcely one showed so kindly a feeling for the people he governed; and not one continued, as did Colonel Nicolls, to bear their interests in mind and to labor for their good after he left their shores.

His successor, Colonel Francis Lovelace, reached New York in the spring or early summer of 1668. Nicolls remained for some months longer, instructing Lovelace in the duties of his office. Together they signed a letter of instructions to Captain Carr who was in charge of the Delaware region — apparently a nephew of Sir Robert Carr who in the beginning had made trouble there; and together they concluded at Albany a new treaty with the Indians. On August 26, four years lacking three days from the day of the surrender, Nicolls set sail for England, escorted to the water-front by the militia of the city.

Colonel Lovelace was probably a brother of the second Lord Lovelace of Hurley in Berkshire and of Richard Lovelace the poet. A royalist of course, in Oliver Cromwell's time he had visited Long Island. On his return to England Richard Cromwell sent him to the Tower as an active Stuart partisan. After the Restoration Charles made him a groom of the bedchamber. In 1664 Samuel Maverick had recommended him to Clarendon for the task that was then intrusted to Nicolls; and now the king had advised the duke to give him the post where Nicolls no longer wished to remain and where, it was hoped, Lovelace might increase his fortune. Nicolls himself had advised the appointment of a certain Harry Norwood who had come from England with

him but returned, and 'whose temper would be acceptable both to the soldiers and the country.'

Lovelace was about thirty-eight years of age. It has been thought that, like Nicolls, he was a bachelor, but there is evidence to prove that in 1661 he had secretly married 'below his quality' and been forced or persuaded to leave his wife. Two younger brothers, Thomas and Dudley, came with him to New York. Although in every way a weaker man than Nicolls he was intelligent and amiable, he tried to follow in the path of mingled conciliation and firm justice that Nicolls had marked out, and he did much to improve the condition of the province and the city and to stimulate their trade. His reputation has suffered, unduly perhaps, because he lost his province to the Dutch and because it was then discovered that his financial affairs were not in good order.

As we have them to-day the minutes of the council of the governors of New York acting as an executive body begin at this time, with the entries for September 2, 1668, although for some years thereafter they are very fragmentary.

At first Governor Lovelace's council consisted of four members including Matthias Nicolls who was still the secretary of the province, Cornelis Steenwyck who was mayor of the city, and its former mayor Thomas Willett. At once they fixed the customs dues afresh and laid down elaborate rules for the guidance of the collector, Van Ruyven continuing in this office.

The concession that Stuyvesant had obtained so revived the energies of the merchants of New York that in the summer of 1668 seventeen of them, including Oloff Stevensen Van Cortlandt, Jacques Cousseau, Nicholas De Meyer, and two women, were at Amsterdam intent upon settling old affairs and laying foundations for future trading. Their hopes were soon dashed. The king's Select Council for Trade, a body established in 1668 when the fall of Clarendon and the confusion in commercial affairs incident to the war had demoralized the earlier advisory bodies and made new arrangements needful, interpreted the Articles of Surrender of 1664

to mean that they guaranteed free traffic at New York for six months only, and therefore advised the strict enforcement of the Navigation Acts, saying that the trade of the kingdom was already 'in great measure upheld' by the foreign plantations and that many of them would share indirectly in any exemptions granted to New York. So in November the king annulled his order, now permitting the duke to license only one ship to make a single voyage but soon afterwards, moved by the entreaties of Colonel Nicolls and a petition from the seventeen New Yorkers at Amsterdam, consenting that one more should go. In February, 1669, Maverick wrote from New York to Winthrop that this second ship had recently arrived close on the heels of the first, and that it was 'the last will ever come on that account.' Its name is not given. The first ship, owned by the New York merchants, they had named the *King Charles*. During the same year the farmers of the king's revenue protested successfully against a plan, conceived by the duke and sanctioned by the king, to stimulate the emigration of Scotchmen to New York by permitting two Scotch ships to trade and to fish in its waters.

When the court of assizes met in October of this year Lovelace prorogued it for a month, saying that he was daily expecting from his Royal Highness new instructions which the court should publish. At least one English vessel, however, had recently visited Manhattan, for a London newspaper of September 13, 1669, recorded that the *Susanna*, bound for Holland from New York in America, had arrived in an English port 'laden with the commodities of those parts whose thriving condition they commend.'

In fact, the city was beginning to prosper again, for with the conclusion of the war the coasting trade had revived. Samuel Maverick had settled there, Nicolls obtaining for him as a gift from the duke a house on 'the Broadway,' as the Heere Weg was now called, which James had acquired as part of the West India Company's confiscated property. In

July, 1669, Maverick wrote to Nicolls that nine vessels bringing tobacco from Virginia had recently lain together in the port and that some of them had gone home for new cargoes while others, with a number of Dutch sloops, were carrying grain to Boston. Also he wrote:

> There is good correspondence kept between the English and Dutch and to keep it the closer sixteen (ten Dutch and six English) have had a constant meeting at each other's houses in turn twice every week in winter and now in summer once; they meet at six at night and part about eight or nine. The governor with some partners is building a ship of 120 ton by Thomas Hall's house . . . another of 60 or 70 ton is building at Gravesend. Nut Island, by the making of a garden and planting of several walks of fruit trees on it, is made a very pleasant place . . . a small ketch sent out by the governor hath found several good fishing banks; amongst the rest one not above two or three league from Sandy Hook on which in a few hours four men took eleven or twelve hundred excellent good cod the last time they were out. . . .

These cod-banks are still prolific. Writing a few months later Maverick said that the governor's ship, recently launched and named the *Good Fame of New York*, was a 'very strong and handsome vessel but costly.' It was employed at first in the West India trade. Costly also, for wages were high, but a 'handsome fabric and well contrived' was the governor's house in the fort which Lovelace was rebuilding. 'Flux, agues, and fevers,' Maverick added, had 'much reigned' in the city and country and 'all New England over.'

The time for installing the city magistrates, annually reappointed, had been changed from February to October, seemingly that the birthday of the Duke of York might thus be celebrated. Before it came about in the year 1669 Lovelace received the despatches that he was expecting from the duke. With them, sent by the duke at the request of Colonel Nicolls and by the hand of Thomas Delavall, came a provincial seal for the use of the governor and council, a 'public seal for the corporation' of the city, a silver mace, and seven handsome gowns for the magistrates. When he presented

these gifts Lovelace said that they proved the desire of the duke to encourage and to assist his province although some of them he regarded merely as 'the gayety and circumstantial part of government.' Moreover, the governor now permitted, at the moment and for the future, that the outgoing board of magistrates should present a double number of nominees from whom their successors should be chosen, thus making the common council, undoubtedly to the burghers' great satisfaction, a self-perpetuating body of the old Dutch sort instead of one dependent altogether upon the governor's will. The provincial seal showed the arms of the house of Stuart surmounted by a ducal coronet with the legend: *Sigill. Provinc. Novi. Eborac.* Not even a description of the city seal seems to have survived. The beadles and other minor city officials are said to have worn at this time a livery of blue trimmed with orange — the Dutch colors that may be regarded as the historic colors of the city of New York.

The gratitude of the magistrates naturally expressed itself as a desire for further benefits. At once they petitioned the duke, begging that traffic with Dutch ships might be allowed upon condition that all ships going and coming should touch at some English port and there pay customs dues. Dutch goods that could not be obtained in England, they said, were absolutely necessary for the Indian trade, especially the coarse kind of cloth called duffels which none but Indians used. Nothing came of this petition.

In 1670, upon complaint of the common council that the staple-right of Manhattan was constantly ignored by vessels not belonging to New York, the governor decreed that, as in Dutch days, no goods should be carried up the river unless their owners possessed burgher-right in the city and, unloading their cargoes, paid recognitions there. In the same year he ordered that every Friday between eleven and twelve o'clock all the merchants, strangers as well as townsmen, and the 'other artificers' of the city should meet near the bridge over the Heere Gracht or Canal, coming there 'as to an Exchange to confer about their several affairs,' gathering

and dispersing at the sound of a bell, and raising no disturbance. Thus the first merchants' exchange of New York came into existence, holding its meetings in the open air near the site of the great Stock Exchange building of to-day and on the very spot, the junction of Broad Street and Exchange Place, where that peculiar New York institution called the 'curb market' now likewise does its business out-of-doors.

Wampum and beaver still formed the money of the province while stock and produce were received, especially in the country districts, in discharge of debts, taxes, and local rates. Soon after the surrender the supply of wampum so fell off that its value sensibly increased; enterprising traders held barrels full of it on speculation, and others, failing to get it to meet contracts that called for it, suffered great loss. In 1673 on petition of the common council the court of assizes raised its legal value, making six white or three black 'wampums,' instead of eight white or four black, equivalent to a stiver or penny. A 'Boston shilling,' its 'pine-tree shillings' being then current in Massachusetts, the court decreed should pass as one shilling, and a 'good piece-of-eight of Spanish coin' or a 'pillar piece' as six shillings.

In England monopolies were now granted to individuals only for new inventions or newly introduced industries, and so it seems to have been in New York. To one Paulus Richards, a French inhabitant of the city, Nicolls granted the privilege of selling wine from his vineyards on Long Island without paying excise dues, and also a *quasi* monopoly of the industry for thirty years — prescribing, that is, that all other persons must pay Richards five shillings for every acre planted in vines as an acknowledgment that he was the 'first undertaker and planter of vines in these parts.' Doubtless the Heidelberg vintners who had come over in Stuyvesant's time had used the plentiful product of the native grape-vines. In 1669 Lovelace licensed the building of one or more rasp-mills to prepare bark for tanners' use, giving the monopoly of this industry to two Dutch brothers.

In 1670 Lovelace obtained permission from the common council to build an inn close to the State House and to join the two buildings by a bridge. It was at this time that Jacobus Kip, who had married a daughter of Dr. La Montagne, bought an old plantation which included part of George Baxter's quondam farm and stretched along the East River shore from about the modern 35th to 37th Street. Thus originated a name that grew famous in Revolutionary days — Kip's Bay. The stone farmhouse, as rebuilt in 1696, stood until 1851.

In 1672 Lovelace called the attention of the mayor and aldermen to the bad condition of the streets of the city, saying that not only the principal streets but also some of the 'most unfrequented passages' were to have been paved. In the same year one hundred and forty persons subscribed toward the repairing of Fort James; and by the Dutch method of local assessment the *schoeynge* or wooden retaining wall that protected the East River shore was replaced by a wall of stone with two half-moon batteries. The elaborate regulations of New Amsterdam in respect to special licenses and the inspection of various kinds of commodities survived intact or in slightly altered forms. No one, for example, could transport goods for hire except the city's licensed cartmen, eleven in number. In return for their monopoly they were pledged to 'fill up the breaches' in the streets and by turns to clean them every Saturday, the dirt to be thrown on their carts by the householders.

Probably for fear of disloyalty among the Dutch there had been no reorganization of the old burgher guard of the city until Nicolls was about to leave. Then, to supply him with proper escort on the day of his embarkation, the mayor's court ordered the enrolment of two militia companies whose officers were to be appointed by the governor from a double number elected by the men themselves. Martin Cregier and Johannes Van Brugh were the first captains thus chosen. In 1672 the militia was divided into three companies and Cornelis Steenwyck was directed to form an additional troop of

horse. Little is known about the duke's regulars except that after a time the citizens consented to have some of them quartered in their houses, and that Lovelace complained that many were running away to New England.

As the price of the privileges that Nicolls granted to the town of New Harlem it had promised to maintain an inn for travellers and a ferry to the mainland. The transference of this licensed ferry from a spot on the Harlem River to one on Spuyten Duyvil Creek established, in 1669, the site where King's Bridge was afterwards built. In the same year the provincial and the city authorities ordered that the Harlem people and those of the Bowery village and its neighborhood should lay out a 'convenient highway' between the city and the town. It seems to have been finished in 1673. It formed part of what was afterwards known as the Boston Post Road which, tracing it along our modern streets, ran from the fort up Broadway, Park Row, the Bowery, and Fourth Avenue to Union Square, along Broadway to Madison Square, and then irregularly to the Harlem River at Third Avenue and 130th Street. Beyond the Harlem its name is still preserved.

One reason for building this road to New Harlem was the desire of Governor Lovelace to establish an intercolonial postal service, the first that was anywhere attempted. Thus he hoped 'to beget,' as he wrote to Governor Winthrop, by more regular means of communication 'a mutual understanding between the colonies,' and also to determine the best route for a king's highway. Accordingly he ordered that a 'sworn' postman, mounted of course and carrying letters and 'other small portable packs,' should start once in each month for Boston, going by way of Hartford and returning within the thirty days. He should have begun his first trip on January 1, 1673, but waiting for letters from Albany did not go until the 22d. He started from the secretary's office in the fort where there was a locked box for the letters, all of which had to be prepaid.

In vain Lovelace tried to get a printing press from Cam-

bridge, the only place in the colonies that owned one. The Latin school built up in Stuyvesant's day by Ægidius Luyck survived until 1673. One Caspar Steynmets, or Steenmets, who petitioned the common council several times for the balance due him on the rent of his house, which was used for the 'city school' still supervised by the Dutch church, was told to have patience as there was no money in the chest to meet the city's debts. In 1670 it was ordered that he be paid out of the first incoming funds. Neither Nicolls nor Lovelace is known to have licensed schoolmasters for Manhattan. For Albany Nicolls licensed a Dutch as well as an English teacher. Four masters are on record as having taught at Hempstead in Lovelace's day.

Both the governors respected the autonomy of the Dutch church as guaranteed by the Articles of Surrender, and also the liberty promised to all Protestant sects by the Duke's Laws. In 1669 Domine Megapolensis wrote to Holland that the people crowded into his church but apparently desired that the ministers 'should live upon air and not upon produce,' failing to make up the salaries toward which no contributions now came from the classis of Amsterdam. In 1670, when Megapolensis had gone to his rest after twenty-seven years of faithful service in the province, his son returned to Europe and Domine Drisius was left, in failing health, with no assistant except young Ægidius Luyck who had recently come back from Holland. Lovelace then guaranteed the promise of the city magistrates to give a salary of 1000 guilders and a 'convenient house' to any competent preacher who should be sent out. In 1671 Domine Van Nieuwenhuysen arrived. The Lutherans also sent for pastors, and just outside the Land-poort, the gate where Broadway met the city wall, they built themselves a church. Conformably to the Duke's Laws, which recognized as the church to be supported by general taxation the one established by a majority vote of a town, Lovelace decreed that the Lutherans at Albany might worship as they chose but

must pay the rates for the support of the Dutch church which was there the 'parochial church.' An Independent clergyman on Long Island he reproved for sectarian strictness, saying that if he expected to be paid by the people at large he must give them satisfaction. Persons who ventured to travel on Sunday, he ordered, must be arrested.

In 1672 George Fox the famous Quaker preached without interference on Long Island, holding, as his journal tells, 'glorious and heavenly' meetings at Flushing and at Gravesend whither many would have come from New York to hear him 'but that the weather hindered them.' At Flushing he lodged in the house of John Bowne. Just opposite this house a memorial stone now marks the spot where he preached under the shadow of two great oak-trees, one of which survived until 1841, the other until 1863.

As neither Nicolls nor Lovelace fostered religion or education in any systematic way or did anything effectual for them even in an incidental way, as schools were not mentioned in the Duke's Laws, and as these laws deprived the people of their former share in government, it is hard to see the grounds upon which Mr. Tyler, in his *History of American Literature*, based the declaration, often made by other writers in other words, that when the English entered the 'drowsy Dutch village' on Manhattan it was 'perplexed by the menace of intellectual illumination.'

A glimpse into the darkness of superstition it did obtain just after it ceased to be Dutch. A man and his wife were sent from one of the English towns of eastern Long Island to be tried for witchcraft by the court of assizes. As the laws of New York did not recognize this crime they had to be indicted for murder by means of witchcraft. A jury composed of seven Long Islanders and five New Yorkers acquitted the man but directed him to give recognizance for his wife's appearance should she again be summoned. Three years later Nicolls released him from his bonds. This was the only witchcraft trial that ever occurred in New York although in England a revival of such persecutions had fol-

lowed the Restoration, and the account of one trial, presided over in 1664 by the noted justice Sir Matthew Hale and resulting in the execution of four persons, played a traceable part in inciting Cotton Mather to write the book on witchcraft which did much to prepare the way for the famous outbreak in Massachusetts. In 1670, indeed, a woman who had been found guilty of witchcraft at Hartford and had been accused again by the Englishmen of Westchester was bound over to appear before the court of assizes at New York, but she was released before trial and permitted to live wherever she might choose.

It is evident from the court records that there were regular practitioners of law in the city in the time of Governor Lovelace. Only a few criminal cases came before the courts. The city hangman, says a letter written from the secretary's office by a certain John Clarke to a military officer at Albany, had been convicted of a long series of thefts but 'scaped his neck through want of another hangman to truss him up' and was punished 'only' by 'thirty-nine stripes at the whipping-post, loss of an ear, and banishment.' The case of a Dutchwoman, Engeltie, or Angle, Hendricks, who was tried for infanticide, convicted, and hanged, is memorable chiefly by reason of the bill for the expenses involved, which has been preserved as allowed by the court. Half of the total amount, which was £26, 11*s.*, was spent for 'French wine,' brandy, and beer. The sums laid out for the solace of 'the jury,' 'the jury of life and death,' the executioner, and the carpenter, cartmen, and porters employed, and for five Indians hired to track the woman when she broke jail, are carefully enumerated, and then a final item reads: 'To more wine and beer, £1.' For the woman's diet during the time of her imprisonment 13 shillings sufficed. A negro who had helped her to escape was brought to trial and condemned to serve as executioner for three years or to pay a heavy fine; for the same offence a white man was fined.

Thieving soldiers were very severely punished. On a certain occasion when three were convicted Nicolls ordered that

one, to be chosen by lot, should die, but remitted the sentence because the rest of the troops unanimously pledged themselves neither to thieve nor to conceal a thief, while a 'company of the chief women of the city both English and Dutch' came twice to the governor's house to beg for the culprit's life, bringing with them on the second day 'many others of the better sort and a great number of ordinary Dutch women.'

United politically with its neighbors though the province now was, its capital was a more isolated, a less lively place than the much-threatened city of New Amsterdam had been. In 1670 Lovelace apologized to Arlington for the slackness of his correspondence, explaining that the conveyance of letters was 'like the production of elephants, once almost in two years,' and was so uncertain that a missive actually despatched often became 'abortive.' All the more, he said, he longed for news of what was being acted 'upon the stage of Britain':

> If you did but know in what darkness we live, as if we had as well crossed Lethe as the Atlantic ocean, so that the effects are commonly passed with you before the causes arrive [to] us, you could not but take compassion on us, and at your leisure (which if any) solace us with what news is stirring, for we love the sound of Greek though we understand it not.

Toward the end of this year Lovelace wrote Winthrop that he hoped to return to England 'for some season.' In spite of his homesickness and in spite of his aristocratic training he seems to have mingled with his people in a cheerfully democratic way and to have cared for the needs of the humblest among them. For example, an entry in the records shows that on one occasion he desired all persons professing the arts of surgery and physic in the city to meet together to visit the ferryman's wife who had long lain ill with a sore leg and was too poor to pay for the advice of many physicians. Again, it was recorded by a man named Jonas Wood that, meeting the governor in the street one morning, Lovelace

asked him if he had had his 'morning draught' since coming into town, and then invited him to drink 'some woorwood cider' in a tavern on Pearl Street, 'only he and I.' A 'morning draught,' usually of beer or ale, it may be explained, was at that period the Englishman's substitute for breakfast and was followed by only two meals — dinner taken at ten or eleven o'clock and supper at five or six.

In striking contrast to the simple conditions of life shown by these two little episodes is the account of an official funeral preserved in a document recently discovered among the Ashmolean papers in the Bodleian Library at Oxford. It is indorsed *The funeral solemnities at the interment of Mr. Wm. Lovelace at New York in America, 1671*, and consists of series of brief numbered statements. Although unsigned and unaddressed it is undoubtedly a copy of an official memorandum; and, surprising as is the picture it paints by comparison with all other surviving glimpses of the New York of the time, it is so circumstantial and at all verifiable points so exact that its veracity cannot be doubted. Nowhere else is a William Lovelace mentioned in connection with New York, but he must have been a mere lad as his father, Thomas Lovelace, being younger than the governor can hardly have passed his fortieth birthday.

The body, it is evident, lay in state in the governor's house within the fort and the services were conducted in the adjoining church, for it is written that the Duke of York's 'company of guards' stood at the entrance of the fort with 'drums beating a funeral march' and that two salutes were fired by the 'great guns.' Under the heading 'The manner of Exposing the Corpse in the room before the Burial' it is told that 'the partall or entry to the room' was 'curiously adorned with pictures, statues, and other fancies in carved work.' The 'very spacious' room was hung all about 'with mourning and escutcheons thereupon of his paternal coat to the number of thirty.' 'Turkey-work chairs richly wrought' were ranged about; a 'rich cupboard of plate worth £200' was displayed; around the hearse 'stood a black stand with

silver candlesticks, wax tapers, and perfumes burned night and day to the view of all the people.' The hearse itself was covered by a 'sheet and pall encompassed' with eight escutcheons; over the head of it hung 'as a canopy' a pall of 'death's heads and bones richly embroidered,' and over the middle a 'rich garland' ornamented with 'black and white satin ribbands' and 'an hour-glass impending,' while at the foot was a shield four feet square with 'coats of arms gloriously gilt.' At the head of the funeral procession walked 'the Captain of the dead,' the 'minister,' an esquire in mourning carrying the great shield, 'the two preaching ministers' (evidently the Dutch domines), and 'two maidens' who carried the garland and were 'clothed in white silk,' gloves, black and white ribbons, and 'Cyprus scarves,' which means scarves of crape. The corpse was borne by six 'gentlemen bachelors,' and the pall was held up by 'six virgins' attired like the aforesaid two. Then followed the parents of the deceased, 'Thomas Lovelace and his lady'; four halberdiers with velvet coats and 'badges thereupon embroidered' showing the Lovelace crest; Colonel Lovelace, 'present governor of New York and uncle to the deceased,' walking alone 'in close mourning'; Captain Dudley Lovelace, 'uncle also to the deceased'; the governor's councillors; 'the mace with mayor and aldermen in their black gowns'; the principal burghers 'two and two'; and in the same order 'all the English and Dutch women,' 'the chief English and Dutch men,' 'all masters of ships and vessels,' and finally 'all the other Englishmen and Dutchmen' to the number of five hundred, 'the greatest part of them in black.' The shield and garland were hung up 'as a monument' in the church. Until ten o'clock at night there were provided 'wines, sweetmeats, and biscuits and such services.'

Many of these items are astonishing enough, above all the array of pictures, statues, and 'other fancies in carved work.' It should be remembered, however, that the period of the supremacy of the Netherlands in the arts and crafts had not yet come to an end, and that there must have been many

more persons in the Dutch city than in any English colonial town with the taste and the skill required for the ordering of an elaborate pageant.

Thomas Lovelace was for a time one of the aldermen of New York. The mayors who served under Nicolls and Lovelace were Thomas Willett, Thomas Delavall, then Willett again, Cornelis Steenwyck who held the office for three years, Delavall again, Matthias Nicolls the secretary of the province, and John Lawrence. It is hard even to guess how largely the population of the city increased in their time. What may be called the earliest approach to a city directory contains two hundred and fifty-five entries. It is a list of householders, grouped according to the streets on which they lived, that was compiled in 1665 when the burghers told Nicolls that they would rather be assessed than lodge his soldiers. It indicates a population of about fifteen hundred souls living within the city wall; but it is impossible to guess how much larger the number would have been had all male inhabitants and not only householders been assessed. In 1673 twenty-five hundred people were claimed for New York, which may have meant either the actual city or the 'greater New York' of that time, the whole of Manhattan Island.

One name on the list of 1665 has been transcribed from the old manuscript as Bay Koesvelt and also as Bay Rosevelt, but this person, apparently, was not connected with the Roosevelt family, now so well known, which seems to have had as its first American ancestor a Claes Martensen Rosenvelt, or Van Rosenvelt, who immigrated in 1650 and settled up the river. Here, at Esopus, in 1680 a Nicholas Rosevelt set his mark to a petition to the governor asking for a minister of the gospel. In somewhat later years either this or another Nicholas Roosevelt was a freeman of the city of New York and toward the end of the century an alderman. Thereafter the name continues to appear in the city records, but at no pre-Revolutionary period was the family conspicuous or did any member of it attain distinction.

As earnestly as Governor Nicolls pressed for some freedom in trade for his province he continued to urge that New Jersey might be restored to it; and it was doubtless his counsels, reiterated after he returned to England, that induced the Duke of York then to try to exchange the Delaware region for the domain he had given away. The plan fell through, probably because the proprietor of Maryland opposed it. But Staten Island which New Jersey claimed was assigned to New York, and in 1670 Lovelace bought it on behalf of the duke from its Indian inhabitants. They had sold it more than once to the Dutch but had never been obliged to betake themselves elsewhere, as is shown in one instance by a contract, preserved among the Melyn papers, which pledged the savages to pay Cornelis Melyn an annual tribute of a certain number of deer and turkeys in return for the privilege of hunting on his island. Now Lovelace compacted that those who still remained, very few in number, should depart. In payment for the island they got four hundred fathoms of wampum, thirty 'match coats,' eight 'coats of durens made up,' thirty shirts, thirty kettles, twenty guns, sixty bars of lead for bullets, a firkin of powder, thirty axes, thirty hoes, and fifty knives. A number of the transcripts from earlier papers relating to Melyn's ownership of the island were made at this time, evidently in support of an effort to secure possession of part of it. One of them records that in Nicolls's day Jacob Melyn, the son of Cornelis, had petitioned that his rights be considered in the settlement of Staten Island, and that Nicolls had ordered that he be allotted 'a convenient proportion of land . . . in lieu of what was reserved by his father and promised him by the West India Company.' Nevertheless, similar appeals continued down to the end of the century. For himself Governor Lovelace secured a large farm lying along the northeastern shore of the island which his brother Thomas seems to have administered for him.

To one Isaac Bedlow the governor granted in 1670 an island in the harbor which Bedlow had already improved,

naming it Love Island to mark the fact that he made it a free or privileged place where no warrant could be served unless signed by the governor himself. This is the island, now called Bedloe's, where the statue of Liberty stands. Its owner, it appears, had also improved the island then called Oyster and now Ellis, the present site of the immigrant station.

Lovelace tried to tempt settlers from afar to Staten Island, offering them through the governor of Bermuda lands near the southeastern shore, a town patent, and liberty to choose their own minister. In 1669 Maverick wrote to the Reverend Sampson Bond, who thought of bringing a large band of immigrants from Bermuda, that Staten Island had the best land he had seen in America, that the harbor of New York was the finest for trade on the whole coast, and that the province produced all commodities fit for traffic with Spain, Tangiers, and the West Indies more plentifully than Massachusetts which by its commerce had grown so 'rich and great.' The only lack, he said, was 'shipping and stirring merchants . . . good, honest, ingenious people and some good ministers.' Bond did not come but, as Maverick reported to John Winthrop, 'considerable persons' arrived from Barbadoes commissioned by 'persons of quality' to buy plantations and town houses. Among these new settlers was the first bearer of a name that grew famous in New York in the eighteenth century — Captain Richard Morris who for himself and his brother Lewis bought five hundred acres of the old Bronck's Land just north of the Harlem River, the nucleus of the great estate afterwards called Morrisania.

On the other hand, extracts from letters sent at this time from Carolina to England, preserved in the handwriting of John Locke, say that Lovelace was troubled because 'hundreds' of his people, 'rich and industrious,' were inclined to move to the southern province, 'ten per cent customs dues and a hard winter' making them 'weary' where they were. In fact, late in the year 1671 ships sent from Carolina for the purpose carried some fifty persons with their cattle and

a few slaves to the Ashley River. Others followed in 1672. A town was ordered to be laid out for these Dutchmen from New York, as they were called, but they soon abandoned it and spread themselves over the country in the neighborhood of Charleston.

Beef and pork, says the correspondence preserved by Locke, could be had in New York at less than a penny a pound, about ten cents in the money of to-day; bread (that is, twice-baked bread or biscuit prepared for export) at eight shillings the hundredweight; peas at twenty pence a bushel. The horses of New York were cheap and 'of good breed,' its cattle were very large, and one of its cows was worth two from Virginia, yielding 'two gallons or more at a meal.'

As the Flemish breed of horses introduced by the Dutch had greatly deteriorated, large herds of undersized animals running wild on Long Island and the upper part of Manhattan, Nicolls established and Lovelace fostered annual race-meetings at Hempstead. They were not designed, Lovelace took pains to explain, so much 'for the divertisement of the youth alone' as for 'the encouragement of the bettering the breed of horses' which had suffered such neglect. At the time of these races in the month of May, Lovelace ordered, the annual muster of all the militia of Long Island should be held at Hempstead. Here, toward the middle of the island, says the first separate account of the province in the English tongue, written by Daniel Denton and published at London in 1670,

> . . . lieth a plain sixteen miles long and four broad upon which plain grows fine grass that makes exceeding good hay and is very good pasture for sheep and other cattle; where you shall find neither stick nor stone to hinder the horse-heels or endanger them in their races, and once a year the best horses in the island are brought hither to try their swiftness, and the swiftest rewarded with a silver cup, two being annually procured for that purpose.

All through colonial days these races were kept up or from time to time revived, the course being called Newmarket

after its famous prototype in England; they formed the chief recreation of the English officers while New York was held for King George during the Revolution; and Hempstead Plain is still a favorite resort of New Yorkers who love horses.

In 1666, two years after Nicolls had confirmed Jeremias Van Rensselaer in his control of the patroonship, he wrote to him:

> I perceive that you conclude the Town of Albany to be part of Renzelearwick; I give you friendly advice not to grasp at too much authority . . . if you imagine there is pleasure in titles of government, I wish that I could serve your appetite for I have found only trouble. . . . Let there be no more controversies of this nature between you and me who will in all reasonable things serve you. Set your heart therefore at rest to be content with the profit not the government of a colony till we hear from his Royal Highness.

Not until a later period did Rensselaerswyck become a manor under an English patent. It was not the existence of this privileged Dutch estate that inspired the erection of the manors which both Nicolls and Lovelace created in other parts of the province.

Although within the kingdom of England manorial estates and courts could no longer be established they were, of course, familiar to every Englishman. The right to erect them in America, inherent in the king as the owner of colonial soil, could by him be transferred to proprietors and by him or by them be deputed to governors. Naturally it seemed desirable to erect such estates both for the attraction of well-to-do settlers and for the proper administration of isolated little communities. In Maryland they grew most numerous. In Carolina the constitution believed to have been framed by John Locke tried to combine with them the development of a provincial aristocracy, but there is no reason to believe that in New York either Nicolls or Lovelace cherished any design of this sort. Had such been the case some proof would remain, at least in an expressed wish to

introduce customs of primogeniture and entail or to limit manorial grants to 'persons of quality.' But at this and at every later period any person was free to become a great landed proprietor in New York. He had only to buy lands from the Indians and to get title by paying the stipulated fees; and if he obtained manorial rights therewith it was through some other kind of influence than the prestige of good birth.

As the manor that had been created in the time of Governor Kieft by the Earl of Stirling's agent, Gardiner's Island then called the Isle of Wight, lay within the borders of New York, Governor Nicolls confirmed Lion Gardiner's son in his title and the rights pertaining to it. The manors actually created by Nicolls and Lovelace were Shelter Island, owned by the Sylvester family, and Fisher's Island, owned by Governor Winthrop of Connecticut, both lying near Gardiner's Island in the far eastern part of the province; Pelham Manor, embracing the Westchester lands that Thomas Pell had acquired in Stuyvesant's day; the Manor of Fordham near by, which covered part of the old Van der Donck patroonship and was owned by a certain John Archer, sometimes said to have been an Englishman from Connecticut but more probably a Dutchman with a name transmogrified from Jan Arcer or Aarsen; and Thomas Chambers' Manor of Foxhall in the Esopus country where his fortified manor-house stood near the town of Wiltwyck, renamed by Lovelace the town of Kingston.

In their form the grants of American manors were similar but not identical. All of those in New York ran in the name of the duke, not of the king. Each of them, to quote the words of the Fisher's Island patent, was

> . . . an entire enfranchised township, manor, and place of itself in no wise subordinate to or dependent upon any riding, township, place, or jurisdiction whatever.

That is, it was subject only to the supreme provincial authorities — the governor and council and the court of assizes. It

was, or might be, administered under courts of its own, and the lord of the manor had certain personal rights, survivals from feudal times, such as the power to distrain for rent, to appoint to ecclesiastical livings, and to receive the fines exacted by the manorial courts. He was not, however, invested with any of the major powers, the duties, or the burdens of old feudal manor-holders. He could alienate or bequeath his property as he saw fit. If he left no will it was divided among his heirs, the 'tenure of East Greenwich' by which these and almost all other colonial lands were held not recognizing rights of primogeniture in cases of intestacy — a fact that worked, of course, against the upgrowth of a colonial aristocracy. His tenants were not serfs and were not even bound to the land, like those of a Dutch patroonship, for short terms by voluntary contracts. They were a free yeomanry. Receiving their acres in freehold, they stood on the same footing as landholders in other places and had the same rights of suffrage when an assembly was established. Moreover, the lord of a manor had less definite judicial powers than a patroon, his tenants composing the juries in the manorial court and really acting as judges also, the lord or his steward presiding simply as register. The term 'lord,' it should be noted, referred merely to the land and meant no more than 'owner.' Even a grant of a feudal manor in England had never carried with it a title; and in New York there was no Lord Pell, for example, or Lord Thomas Pell, but only a Thomas Pell, lord of the manor of Pelham. Large though some of the New York manors became they never attained the size permissible to patroonships; yet, their number increasing under later governors than Lovelace, they greatly checked the populating of the province. Small as was the difference between a tenant and a wholly independent landholder it sufficed to turn away intending settlers from manorial lands.

Governor Lovelace seems to have exaggerated somewhat when he wrote home in 1671 that his province as a whole

was thriving and flourishing and its harbor was 'fuller with shipping' than ever before since the discovery of the country. The city, indeed, was growing and so was the Esopus region. As the garrison at Kingston, Lovelace said, had become 'more a nursery of Newgate' than of decent living he disbanded it, settled the soldiers with other new-comers in new villages laid out by Jacques Cortelyou, who had again been appointed surveyor for the province, and introduced the Duke's Laws. Farther up the river also things were going well, for the governor persuaded the Mohawks and Mohegans to end the strife that for many years had interfered with the settlers' trade. On the other hand Long Island was not improving. The people were extremely poor, many from the western towns were emigrating to New Jersey, and no new settlers cared to come in from under the governments, politically more liberal, of the New England colonies. Lovelace did his best to build up the off-shore whaling industry which afterwards prospered so greatly that it was from the whalers of Long Island that those of New England learned the rudiments of their far-famed skill. But everything he tried to do for the island was thwarted by the temper of its people, even more rebellious than in Governor Nicolls's time. All the eastern towns were boldly seditious, inspired by the establishment of an assembly in New Jersey to demand the one which they said Nicolls had promised them. In 1670, when a special assessment was ordered for the repair of the palisade around Fort James and a number of the western as well as the eastern towns protested or refused to pay because they had not the liberties of Englishmen, the government ordered that the 'false, scandalous, and seditious' protest presented by Hempstead, Flushing, and Jamaica be burned in front of the State House in New York. Soon afterwards the eastern towns petitioned the king, asking that they might be restored to Connecticut or else become 'a free corporation as his Majesty's subjects.' To their political grievance they gave commercial illustration, saying that, as they were not permitted to send deputies to the court of

assizes on Manhattan, the Dutchmen who were 'chief' there could both tax them heavily and interfere with their whale fishery which was now a 'hopeful trade.' Therefore they wished to belong to Connecticut which lay 'more convenient' for their 'assistance in trade.'

Along the Delaware revolt broke out among the Swedes and Finns whom a couple of adventurers had persuaded that Swedish ships were coming to claim the country again. This provoked Lovelace to quote the only words with a tyrannical sound that he is known to have spoken or written in New York — words that Bancroft and others have repeated as though they were his own and expressed his general policy as governor. To his deputy Carr he wrote that the advice of the Swedes' own countrymen was not to be despised who, 'knowing their temper,' had said that the way to keep them in order was to lay such taxes that they would be unable 'to entertain any other thoughts but how to discharge them.' No precept could less truthfully characterize Governor Lovelace's attitude toward his people in general.

Whether Nicolls had done so or not, Lovelace asserted the duke's authority over Nantucket and Martha's Vineyard and appointed magistrates for both islands. In the spring of 1672 the government of Massachusetts asked again, as it had asked while Stuyvesant was in power, for liberty to make a settlement on Hudson's River. He could not grant the request, Lovelace answered, but would transmit it to the duke.

Another of the governor's tasks was to try to mediate between rival factions in New Jersey. Here James Carteret, an ill-behaved person who is diversely described as an illegitimate and as a disowned legitimate son of Sir George, had been set up as governor by a party which objected to pay quit-rents to the proprietors; and to explain matters to these proprietors Governor Philip Carteret had sailed for England. All minor troubles in New York and New Jersey, however, were blown away by the wind of a greater one. In August, 1673, a Dutch fleet appeared in the harbor of New York.

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CHAPTER XVIII

NEW ORANGE

1672–1674

(Governor Lovelace, Governor Colve)

This day, 10th August, New Style, have the Holland and Zealand fleets captured the Fort at New York in the name of their High Mightinesses the Lords States General of the United Netherlands and his Highness the Lord Prince of Orange, and the Fort is renamed Willem Hendrick and the City obtained the name New Orange.

. . . . . .

1674, the 10th November, New, or 31st October, Old Style, was the Fort Willem Hendrick again to the English governor yielded up . . . ; the Fort again named Fort James, and the City, New York. —*Proclamations of Hendrick Vandervin, Secretary of the Town of New Harlem.*

If Peter Stuyvesant had lived only a little longer he would have seen the flag of *Patria* floating again over the fort that he had been so loth to surrender. Spending his latter years as a peaceful, honored subject of King Charles, inactive in political but very active in church affairs, he died at his bouwerie house in February, 1672, aged eighty years, and was buried in a vault that he had prepared for himself underneath his chapel. His widow, dying in 1687, left the chapel to the Dutch church. According to the terms of the bequest the vault was preserved although the chapel was allowed to fall into ruin. The Episcopal church, St. Marks-in-the-Bowery, which was erected upon the site in 1799, has been altered more than once but never rebuilt; and here, in

the oldest piece of consecrated ground in the city where a church still stands, General Stuyvesant still sleeps, and from time to time his descendants are laid beside him. Domine Selyns, in Holland, wrote a laudatory epitaph in rhyme upon his old associate and friend.

Stuyvesant's elder son, Balthazar, removed to the West Indies and died young leaving no male children. The second son, Nicholas William, married as his second wife Elizabeth Slectenhorst; and from their son Gerardus, whose wife was his kinswoman Judith Bayard, are descended the Stuyvesants of to-day. In 1785 Judith Stuyvesant, a great-great-granddaughter of the governor of New Netherland, married Benjamin Winthrop, a great-great-great-grandson of the governor of Massachusetts Bay.

It is easy to understand why Peter Stuyvesant is more distinctly remembered in New York than any other figure of pre-Revolutionary times. The chief actor in so important and so dramatic a scene as the transfer of the province into English hands, naturally he impressed the popular imagination. His vivid personality individualized the picture, and so did the wooden leg with which, says tradition, he beat tattoos on the floor to emphasize his passionate outbursts. His bouwerie house stood until the Revolutionary War had begun, burning in 1778; a pear tree that he planted on the farm after his return from Holland in 1667 lived, at the northeast corner of Third Avenue and Thirteenth Street, until the Civil War had ended, perishing in 1867; and part of the farm is still a green and open space called Stuyvesant Square. Moreover, while the people of New York have cared little for the details of its early history they have always been proud of its Dutch origin and their own Dutch blood; and so, forgetting the faults of the most conspicuous of its Dutch rulers, recalling only his energy, his patriotism, and his misfortunes, they have remembered and loved him as the type of their forefathers, the symbol of the Republic that planted their city. Until quite recent years the children of New York believed, as firmly as they still believe in the visits of the

Dutch St. Nicholas on Christmas Eve, that on each New Year's Eve — Stedman's poem called *The Dutch Patrol* tells the story — old Peter rises from his grave and stumps about Manhattan on his wooden leg to note the changes that the twelvemonth has brought about.

Within one month of General Stuyvesant's death his fatherland was involved in war again, this time on land as well as on the sea.

Although the conclusion of the Treaty of Breda in 1667 had been a triumph for De Witt, the varying phases of the war had raised internal political dissensions to the boiling point. Nor were they cooled when De Witt thought he had permanently destroyed the power of the Orangist party, inducing the province of Holland to abolish forever the office of stadholder and the Republic to decree that no captain-general or admiral-general of its forces could be a stadholder in any province. Moreover, a rupture was imminent between the Republic and its unwilling ally France. A ruthless tariff war had exasperated both nations, and Holland's opposition to Louis' designs upon the Spanish provinces had made him its bitter enemy. What he intended now was to ruin the Republic and thus make himself master of the lower Rhine as well as of the Scheldt. To balk his ever-growing ambitions, early in 1668 De Witt and Sir William Temple, who acted as a special agent of the English government, effected a defensive pact, called the Triple Alliance, between the three great Protestant powers — Holland, England, and Sweden; and, as Hume expresses it, 'all Europe seemed to repose herself with security under the wings of that powerful confederacy.' But Charles was ready to betray the Alliance when he entered into it, for the mainspring of his policy had come to be the desire to free himself from the control of his parliament by getting pecuniary support elsewhere, and this support he could hope to get only from the king of France. Their secret negotiations continued, and in 1670, secretly still, by an agreement remembered as the Treaty of Dover,

Louis promised Charles great sums of money to reëstablish Catholicism in England and Charles promised to aid Louis in his designs upon Holland and Spain. In 1671 a more open treaty which said nothing of religious changes bound the two kings to dismember the Republic for their own benefit, reserving the province of Holland for the Prince of Orange if he would join with them. De Witt did all that was possible to avoid the war that threatened except to understand the character of Charles and to penetrate the wiles of Louis. Charles, declaring that he needed to defend his country against both Holland and France, filled one pocket with money that he thus obtained from parliament, the other with the ducats of Louis XIV, and cheated his people in still another way, seizing the funds that had been lent to the nation by the infamous act known as the 'Stop of the Exchequer.' Then, in March, 1672, for the second time England struck a blow at the Dutch before war had confessedly begun, and for the second time by the hand of Robert Holmes attacking the homeward-bound Smyrna fleet. Four days later England declared war. There had been no provocation, John Evelyn wrote, 'but that the Dutch excel us in industry and all things save envy.' In Temple's opinion the two nations had this time come to blows 'without being angry' and on both sides the quarrel was thought 'rather of the ministries than the people.' Early in April Louis also declared war against the United Provinces.

In the first great battle, a sea-fight in Solebay (or Southwold Bay) off the coast of Suffolk, perished Colonel Richard Nicolls, struck down by a cannon-ball on the deck of the flagship where he stood beside the Duke of York. When Lovelace heard the news he wrote to the inhabitants of the distant dependency of Pemaquid that Nicolls had expected to complete in England the arrangements for the government of their district but had 'most sadly (yet as bravely) laid down his life at his master's feet.' In his will Nicolls had directed that he be buried in the church of Ampthill in Bedfordshire, which seems to have been his birthplace, under a

marble monument bearing the names of his parents and such mention of his own services in America and elsewhere as might seem good to his executors, charging these furthermore to be 'earnest solicitors' with the Duke of York for the moneys that the duke owed him. The monument was duly erected in the chancel of the church and still stands intact. In the upper part of it is set the fatal cannon-ball with the explanatory inscription: *Instrumentum mortis et immortalitatis.* Below, a pompous epitaph reviews at length, in very bad Latin, the colonel's career and says that in North America he had expulsed the Dutch from 'Long Island and other islands' and restored these places to their 'true lord.'

Maintaining themselves at sea against the forces of England and France the Dutch were quickly overpowered on land. The armies of France overran the three southwestern provinces and threatened Amsterdam itself; and late in June Louis XIV set up his court in Utrecht. The people turned against De Witt who had lost courage and had tried to treat with the invaders. In the young Prince of Orange they saw their only hope. He had refused to exalt himself by betraying the Republic. Now his partisans gained the upper hand. In spite of all antecedent edicts to the contrary, he was intrusted with the supreme command by land and sea and soon proclaimed as stadholder in the provinces of Holland and Zealand. Everywhere in the Netherlands rang out the old cry *Oranje boven!* (Orange above!) with a novel supplement, *De Witten onder!* (The Whites below!) — a play upon the meaning of the name De Witt. John De Witt was thrown into jail and in August was dragged out by an Orangist mob and torn to pieces in the street, his brother Cornelis sharing his fate.

Led by Prince William, then only twenty years of age, the people showed again the spirit of their ancestors. Opening the sluice-gates of their dikes they flooded the lowlands, thus saving their cities; and by August, 1673, their navy, driving off the blockading fleets of England and France, had cleared their ports for the resumption of trade. It

was just at this time that New Netherland was recovered for Holland.

On May 26 the declaration of war against Holland was published at Boston, the first proclamation of the sort that had been heard there. In New York the news was known by June when Lovelace wrote to Governor Winthrop that all the New York vessels in Dutch ports, four in number and one of them his own large ship the *Good Fame*, had been put under arrest although not yet confiscated. On the 27th of the month he ordered that, in accordance with the king's proclamation and on account of the war, ships should leave New York only in company, naming the selected dates. Not until July 6 was the proclamation of war published in front of the State House and at the gate of the fort. Then Lovelace also announced that he had increased the number of his councillors. For six months thereafter there was no alarm, but on January 22, 1673, when the official postman started on his first trip from New York to Boston, Lovelace wrote Winthrop that if it were true as reported from Virginia that the Dutch had sent 'forty sail well fitted' to the West Indies, 'it will be high time for us to begin to buckle on our armor.' He and his advisers, wrote John Clarke from the secretary's office to Albany on the 28th, were still forced to 'grope' in a 'dark corner' for, although seven or eight ships had come from England to Boston during the past year and fifty or sixty to Virginia, 'never a one hither.' In March Lovelace was called back from Westchester because of a rumor that a hostile squadron was coming. It was only 'one of Manning's 'larrums,' he said, referring to Captain John Manning whom he always left in command of Fort James when he was away. To Thomas Delavall, then at Albany, he wrote that a person whom Delavall had sent down to Manhattan had made 'so fearful a narrative of the approach of the French' as though the sword were already at the throats of the Albany people; together with Manning's haste in recalling the governor this report had created such a

panic among 'credulous women' that Lovelace believed only his presence restrained them from fleeing to distant parts. Unafraid himself of the French or the Dutch he did, indeed, summon the soldiers from the North River as well as from the Delaware posts to New York but soon dispersed them again, keeping only three score in the fort.

It was the Dutch province of Zealand that gave birth to the greatest sea-fighting family in history, the Evertsen family of which it is written that during the wars of the seventeenth century fourteen members were killed in battle. Chief among these were the brothers Cornelis and John, famous admirals both of whom lost their lives in the great battles of 1666. In 1672 the admiralty of the province of Zealand confided a squadron of four men-of-war to the eldest living son of Cornelis, always called by Dutch writers Cornelis Evertsen the Younger, who was then barely thirty years of age. Besides their usual companies these ships carried a hundred and fifty *mariniers* (fighting sailors or marines) under command of Captain Anthony Colve, a military man who had formerly been in the naval service and was therefore considered especially competent to lead a force of seamen on shore. A manuscript copy, now in the New York Public Library, of the 'Second Secret Instructions' given for the conduct of this squadron in accordance with a secret resolution passed by the States of Zealand says, under date of October 12, 1672, that the thoughts of the States were directed to the island of Bermuda in case the design against the island of St. Helena, set forth in a preceding resolution, should not be brought to success. This island of Bermuda should be attacked and plundered, or thoroughly subjected if deemed possible and desirable; and furthermore the squadron should proceed

> . . . before and along the coasts of the Virginias [and] New Netherland, not forgetting Newfoundland, in order thereupon to capture and ruin everything there that shall be possible and at the very least —

the design against the Island of St. Helena contrary to probability not succeeding — by that means to get so much booty that the cost of this expedition may be fully defrayed therewith.

Sailing from Flushing on December 15 Evertsen touched at Surinam and on May 30, 1673, made Martinique. Here he met four ships of war belonging to the admiralty of Amsterdam and under command of Jacob Binckes, an officer of Frisian origin who had taken part in the previous war with England and in the famous raid into the Thames. He wrote his name Benckes; it was also written Binks, Bincques, and by the English Bunker; but Binckes is the form always employed by modern writers. Together Evertsen and Binckes successfully assaulted the English island of St. Eustatius and destroyed its fortifications. A force to garrison it they could not spare. Following then Evertsen's instructions to cruise up along the mainland coast, in July they appeared in the James River where, after a fight lasting four hours, they took or burned a number of vessels belonging to a tobacco fleet which was preparing to sail under convoy of an English man-of-war. Passing out of the river they captured a sloop from New York carrying passengers among whom were James Carteret, who had been ordered by the proprietors to leave New Jersey, and his bride, a daughter of Thomas Delavall. These were set ashore in Virginia. Another passenger, Nathan Gould of Connecticut, who remained a prisoner, afterwards made a deposition in regard to what he saw. The skipper of the sloop, it says, when offered his freedom and his vessel if he would give true information about New York, declared that the city was protected by a hundred and fifty good guns and that within three hours the governor could raise five thousand men. If that was so, said the Dutchmen, the skipper might have his sloop and they would never see New York. But a certain Mr. Hopkins contradicted him, saying that there might be between sixty and eighty men in the fort, that within three or four days the governor might raise three or four hundred more,

and that there were less than forty pieces of ordnance which a shot or two would shake 'out of their carriages.' So the Dutch fleet hopefully set sail for Manhattan.

Governor Lovelace was not there. A letter written from Hartford on July 29 by John Allyn the secretary of Connecticut to Fitz-John Winthrop at New London says that Governor Lovelace had come with Secretary Nicolls and three servants to visit Governor Winthrop. He was intent, it seems, upon business connected with his new postal route. On the day that Allyn's letter was written the Dutch ships entered the harbor of New York. On the 30th the city surrendered. Lovelace was already on the way home for on the 31st he wrote to Winthrop:

> At New Haven I received an unwelcome news of the Dutch approach before New York . . . yesterday about five or six of the clock they stormed it, a hot dispute it seems to have been, how the success was I cannot yet learn. They, I understand, have breakfasted on all my sheep and cattle on Staten Island. I am hastening as fast as I can to make on. God spare me to get in and I doubt not to give a good account of it. . . . I am yet out of their power and am hastening now over to Long Island to raise the militia there. . . . God Almighty preserve you and send us a happy meeting, if not here then hereafter, which is much better.

Writing in 1759 Cadwallader Colden said, with justice, that the facts of the surrender of 1673 had been incorrectly given in William Smith's history of the province. He himself had been told by some of the Dutch inhabitants 'who remembered the thing well' that when the Dutch ships 'came under Staten Island' they had no thought of seizing New York but meant only to take in wood and water, but that the Dutch people there, informing him of the weakness of the place, invited him to take possession of it. Of course these people knew nothing of the incident that Gould recorded, nor had it come to Smith's or Colden's notice.

Although this second capture of Manhattan was as easily effected as the first it was more creditable to the captors,

being a genuine conquest honorably undertaken in a time of war. And it was less creditable to the vanquished for, while Stuyvesant had done all that any man could, Lovelace was inexcusably careless and Manning scarcely attempted to make terms.

The first despatches sent home by the Dutch commanders were lost at sea like those in which Colonel Nicolls had announced his success nine years before; the extant minutes of Lovelace's council end with July 4; and the city records are missing from October 12, 1672, to August 17, 1673. Only from English sources can any ample account of what happened be gathered. The best account that he had seen, John Winthrop wrote to his son Fitz-John toward the end of September, was a 'narrative' in the hands of John Sharpe and, he supposed, 'his own collection.' Sharpe was an attorney-at-law who, as Governor Nicolls once wrote home, had come over with him 'in his Majesty's service.' He had been with Manning in the fort at the time of the surrender; and his narrative, written in the third person, resembles, although it is more detailed, the official report upon the surrender, called *Exact Account of all the Proceedings of the Military Officers of Fort James from 28 July, 1673, to the Surrender of the Fort,* which is now in the Public Record Office in London bearing the signatures of Manning and of Thomas and Dudley Lovelace and indorsed 'Captain Manning's Papers about New York.'

Presumably Sharpe himself carried the letter which mentions him from Governor Winthrop to his son, for Fitz-John Winthrop made a copy of his narrative. It says — to summarize its many details — that on Monday, July 28, Thomas Lovelace came in a canoe from Staten Island, 'against tide, though a swelling sea,' to bring word that six large ships were in sight from Sandy Hook. 'The whole town was in an uproar.' The officers of the fort were Captain Manning, Captain Dudley Lovelace, and Captain John Carr who had been in charge of the Delaware country. To recall the governor they despatched a mounted messenger who, as Love-

lace's letter to Winthrop shows, met him at New Haven; and they sent out a boat to scout, ordered the Long Island militia to repair at once to Fort James, fired beacons to warn the people of danger, and set strong guards at night. The city, it was feared, could not muster a hundred fighting men, and the fort and its guns were almost useless. Late at night it was known that nineteen ships had come. All of this, says Sharpe,

> . . . did so bereave our men of their wonted liveliness and vigor that in all that night there was little or nothing done in the way of preparation for an enemy.

On the morning of Tuesday twenty-one sail were counted in the lower bay. Manning pressed provisions in the city but had no time 'to think of mending' his guns or their carriages and platforms. The Long Islanders would not come in; and, 'the Dutch standing neuter,' only ten or twelve 'town livers' joined the sixty soldiers in the fort. 'All the town who stood in throngs by the waterside was in a strange hurly-burly' when during the afternoon several great frigates came through the Narrows and anchored 'under Staten Island.' All night the people 'took little rest,' some of them hurrying their goods out of the city while 'most of the English' thought 'no place so safe for their storage as the fort.'

On Wednesday morning the garrison 'cheerfully' made itself 'as ready for a brush' as it could though it had heard that the fleet carried three thousand men and still 'not a man' from Long Island appeared:

> . . . a high shame for Englishmen, who have always worn the garland as to point of honor and valor, that in such an eminent occasion they should draw their necks out of the collar to save a few dirty goods (which is all they pretend for their non-assistance). . . .

Each party now despatched a boat under a flag of truce, Manning instructing his envoys, who were Thomas Lovelace,

Carr, and Sharpe, to ask why such a fleet had come and to treat in an amicable and friendly way, and Evertsen and Binckes sending by a trumpeter a summons to surrender with a promise of 'good quarter.' To gain time, hoping that the governor and the Long Islanders would arrive, Manning kept the trumpeter two or three hours, 'treating him with meat, drink, and wine, and such accommodations,' and then sent him back to say that he could give no answer until his own envoys should return. Meanwhile part of the Dutch squadron stood up the bay, as Nicolls's ships had done, and drew near to Nooten Island while the English soldiers, their courage revived, cried eagerly, 'Let us fire! Let us fire!' When the envoys returned they reported that the Dutchmen would give 'half an hour to consider of surrendering and no more' and had 'turned up' the hour-glass. 'Very proudly' they received Manning's plea for a delay until the next morning, saying 'one half-hour more' and turning the glass again. Thereupon the Englishmen 'locked up' the fort, determined 'to stand upon their defence.' After the ships had fired a warning shot to say that the half-hour had expired both sides fired for 'about an hour.' Then, seeing that six dilapidated cannon could not oppose nine men-of-war and fearing an uprising of the townsfolk, the garrison 'put up a flag of truce . . . and beat a parley.' Nevertheless the ships kept on firing while they were landing men on the North River shore, and soon 'the enemy was marching down the Broad Way' to storm the fort.

The commander of this storming party, Captain Anthony Colve, pausing before he reached the fort sent a trumpeter to ask whether it would surrender. Manning sent back three messengers vaguely instructed to make the best terms they could. Two of them Colve held prisoners, telling the third, Captain Carr, to inform Manning that he might have a quarter-hour in which to submit definite proposals. Carr brought no reply. When the quarter-hour had 'more than double expired' the Dutchmen 'in a rage' began to march again. Then it was learned that Carr had not carried the message to the

fort. He had deserted — 'like a traitor he had turned another way and was never since seen!' Granted still another delay, the Englishmen now asked in writing that the garrison should march out with the honors of war and that all persons 'belonging either to the fort or town' who were within the fort should go where they pleased, unmolested, 'with their goods, bag and baggage.' Captain Colve promised this, says Sharpe, on 'the word and honor of a gentleman and soldier,' saying that he had no time to write; and about seven or eight hundred Dutch soldiers marched into the fort, the English troops 'making a guard for them.'

The *Exact Account*, Nathan Gould's account, and other English reports and letters, some of them sent to England by Governor Leverett of Massachusetts with a despatch of his own, give details which supplement Sharpe's narrative or now and again contradict it. Persons, it was written, who went 'privately' from Staten Island and Long Island to the fleet when it first appeared bore witness that the people were 'ready to revolt,' being dissatisfied 'with the oppression of such as ruled the town and trade.' At once Evertsen wrote to the city magistrates promising all men their 'estates and liberties.' Certain volunteers who presented themselves at the State House promptly spiked the guns of the half-moon batteries near by. When Manning hoisted his flag of truce Captain Carr without orders pulled down the king's ensign. When Colve's troops landed (above the governor's garden, back of the site of Trinity Church) four hundred Dutch burghers 'all armed' met their fellow-countrymen and encouraged them to storm the fort. Nine of the invading vessels were men-of-war — 'not privateers but commissioned by the State to make spoil where they could'; the others were prize-ships. The largest fleet by far yet seen in the harbor of Manhattan it bore, all told, 1600 soldiers and seamen. Two English ships laden with merchandise that were captured in the harbor had not tried to aid the town or to defend themselves although one of them carried thirty-five guns. In the bombardment of the fort, it appears, only

one man was killed on each side. The deserter, Captain Carr, fled to the Delaware country. Dutch historians say that six hundred men were landed with Captain Colve; also, that when the envoys from the fort asked Evertsen to show his instructions he replied that they were sticking in the mouth of one of his guns. And Cadwallader Colden's account says that when the Dutch ships came up to the town the inhabitants all flocked to the shore 'to welcome them with all the demonstrations of joy which they could make.' Doubtless the Dutchmen thought themselves well justified in thus receiving the invaders, for they had been promised that they need not bear arms against any nation, and those who were not office-holders had taken only the conditional oath of allegiance, 'whilst I live in any of his Majesty's territories.'

After the English soldiers had marched out of the fort with the honors of war they were ordered in again, disarmed, and sent on board the Dutch ships while all the goods stored in the fort were confiscated. Thus, says Sharpe, Colve broke his promises. But not all the English accounts say that he promised anything, and he himself and the Dutch commanders always averred that the place had surrendered without making any terms at all — without 'the smallest capitulation.' In the first excitement the Dutch troops plundered the houses of Lovelace, Manning, and Thomas Delavall who was the duke's auditor-general, sparing that of the English mayor, John Lawrence, because of the prayers of the burghers. The disorder was at once suppressed and a soldier afterwards caught thieving was condemned to death. Manning was courteously treated and permitted to retain his sword. Within a few days, the up-river garrisons having surrendered without trying to make terms, Manning and his wife, Dudley Lovelace, and part of the English troops were sent away on some of the Dutch ships which, after destroying scores of fishing vessels and making a number of prizes off the coast of Newfoundland, proceeded to Fayal. Here the Englishmen were landed, penniless as Manning reported

when with great difficulty, his wife dying on the journey, he had made his way at last to England.

Governor Lovelace reached Long Island but raised no militia there. Two depositions say that he returned to the fort on Manhattan with one of the Dutch commanders who had gone to seek him. Governor Leverett's report asserts that he was persuaded by one of the Dutch domines to come to the city for three days. As soon as he arrived some of the burghers caused his arrest for debt, and although he was not imprisoned he was forbidden to leave the province until his obligations should be discharged.

The Secret Instructions given to Evertsen settle the oft-debated question whether he and Binckes captured New York with or without orders. The general government of the Republic had nothing to do with the expedition; and the government of the province of Zealand had ordered simply that under certain conditions New York should be attacked and pillaged. When it was captured the two commanders had to arrange on their own responsibility for its provisional administration. Neither outranked the other. Alternately, day and day about, they held command of their combined fleets. And in perfect accord, so far as can be read, they made their civil and military arrangements — arbitrarily, of course, and rapidly, but evidently with the advice of some of the Dutch residents and certainly with thoroughness, moderation, and much intelligence. At once they restored the old Dutch name of the province. City and fort they named afresh, New Orange and Fort Willem Hendrick. Albany they called Willemstadt and for its fort they revived, unwittingly no doubt, the title of the very first post planted at this place, Fort Nassau. All these names they gave in honor of the young Prince of Orange.

August 9 was the day of the surrender according to the Dutch calendar. On the 12th the commanders appointed their military associate, Captain Anthony Colve, to be governor-general of the province and the fort, setting the bounda-

ries of the province on the mainland as the Hartford Treaty of 1650 had defined them but claiming for it the whole of Long Island. As an 'expert person' to assist the governor they chose Cornelis Steenwyck, naming him first councillor; but they did not issue either his commission or Colve's until the government had been reconstructed by a council of war composed of themselves, Colve, and two other captains.

The minutes of this council of war, beginning on August 12, show that it then released the old city magistrates from their oaths to King Charles and the Duke of York. Mayor Lawrence surrendered the city seal, the mace, and the magistrates' gowns. On the 17th the council reëstablished the magistracy in its old Dutch form but with three burgomasters instead of two, the double nominations having been made by a vote of the burghers at large, the choice of the incumbents of course by the council. The burgomasters were Johannes De Peyster, Johannes Van Brugh, and Ægidius Luyck; the *schout* was Anthony De Milt. Included in the magistrates' oath of office was a pledge to maintain the Christian religion 'conformably to the Word of God and the order of the Synod of Dordreght, as taught in the Church of Netherland.' It did not imply any proscription of other faiths but tacitly it excluded from municipal office those not in communion with the Dutch church and therefore presumably all or almost all Englishmen.

Naturally the oath of allegiance administered to the people at large took no account of the West India Company whose lost province had been recovered by the fleets of Zealand and Amsterdam. It prescribed obedience to the 'Lords States General' and 'his Highness of Orange' and to such officials as might represent them. Englishmen it excused from taking up arms against their fellow-countrymen unless these should come in company with the forces of another nation — meaning of course the French.

Staten Island, the Five Dutch Towns on Long Island, and their English neighbor Gravesend had instantly welcomed the new masters of the province. In Governor Carteret's

absence the chief places in New Jersey had also volunteered submission. All the other towns near Manhattan and on Long Island were ordered to send delegates to give in their allegiance, a proclamation promising that, although the surrender had been 'without any capitulation or articles,' every inhabitant would be treated as a 'true and faithful' subject as long as he so demeaned himself.

On August 18 the council of war nominally sequestered all property belonging to the kings of France and England and their subjects but actually attached only the estates of the representatives of Charles and the Duke of York. Those who suffered were Governor Lovelace, Thomas Delavall, and Delavall's son-in-law William Dervall who is usually thought to have been an Englishman but must have been a Dutchman as Governor Leverett once so described him and Governor Nicolls had issued to him letters of denization which an Englishman did not require. What Lovelace lost by this confiscation he himself described when, in August, he wrote to Winthrop that *digitus Dei* had decreed the fall of New York:

> Would you be curious to know what my losses amount to I can in short resolve you. It was my all which ever I had been collecting; too great to miss in this wilderness.

Thomas Delavall, it appears, had become the chief landholder at New Harlem and had considerable possessions elsewhere — one or two of the East River Islands, a warehouse at Kingston, and property at Albany. At first the collector of customs, afterwards auditor-general of the duke's revenues, he was now accused of having collected the tapsters' excise without paying the debts which according to the Articles of Surrender of 1664 should have been discharged with it — that is, the war-loan advanced by the city to Stuyvesant as the representative of the West India Company.

The Dutch and English towns near Manhattan, all receiving local governments of the Dutch pattern, were formed into several groups under district courts resembling those of Stuyvesant's time and the more recent courts of sessions.

The court of New Harlem continued in subordination to the city court, and another of the same kind was erected for the 'Out District' which, extending from the Kalck Hoek Pond or Fresh Water to New Harlem, embraced the Bowery village. Five commissioners were sent to administer the oath of allegiance on Long Island, two of them being Englishmen — William Lawrence a brother of John, and Charles Bridges who had long been an office-holder under Governor Stuyvesant and was more generally known as Carel Van Brugge. The English towns were warned not to resist the government as they had in Stuyvesant's time 'contrary to honor and oath.' The up-river communities, the Delaware country, and New Jersey, which was renamed Achter Col from the early name of Newark Bay, were also peacefully and thoroughly reorganized. Everything was done, of course, subject to approval or revision by the home authorities. A full account and balance were demanded from Cornelis Van Ruyven as collector and receiver-general of the Duke of York's revenues.

The English residents of the city, John Sharpe declared, suffered 'hard imposures and molestations' besides 'the extirpation of them all from out their territories' as soon as the new Dutch rulers had got 'all they had . . . the narrative whereof . . . cannot but draw tears from all tender-hearted Christians.' This meant that so many strangers were coming and going at New Orange who would give no account of themselves that for safety's sake the council of war decreed that only Dutch subjects should remain there or should enter without a license. A few Englishmen, John Lawrence among them, then consented to take the oath that saved them from banishment; and thus they also saved their estates when the property of all subjects of England and France except those who resided in the other colonies was actually sequestrated in the name of the Republic.

On the day before this order was issued, September 19, Anthony Colve was installed as governor-general with Steen-

wyck as his first and for the time his only councillor and Nicholas Bayard as his secretary and the receiver-general of the province. On September 27 Evertsen and Binckes sailed for Holland together, taking some of their prize-ships with them and sending others to the neighboring English colonies to deliver the English prisoners whom, on account of their great number, they could not take home. Two of their vessels they left to protect the harbor — the *Surinam* of 24 guns commanded by Captain Evert Evertsen Franszoon, and the snow *Zeehont* (*Seal*) a smaller vessel commanded by Captain Cornelis Eewoutzen. Colonel Lovelace, ordered now to leave the province, was taken by his own request on Binckes's ship, Thomas Delavall accompanying him. His brother Thomas got permission to remain. Probably Lovelace had nothing to carry away with him except forty beaver skins given him 'in consideration of the wampum he had delivered to the council of war.' Driven by storms to Fayal, by the end of December the squadron had got no farther than Cadiz on its homeward way.

During the war then in progress Jacob Binckes served the Republic again in the West Indies, taking for it Cayenne, St. Martin where many years before General Stuyvesant had lost his leg, and some of the other French Antilles. He was killed on shore in 1677 while defending Tobago against the French — blown up in the explosion of a powder magazine. Cornelis Evertsen the Younger had a longer career. He was one of the two admirals in command of the fleet which in 1688 carried William of Orange to England; and it was he who in 1690 saved the English fleet from disaster in the battle of Beachy Head when the English admiral treacherously left his Dutch allies to bear the brunt of the French attack. A journal written by Evertsen and preserved among the archives of the province of Zealand may contain details as yet unpublished about the conquest of New York and its reorganization as a Dutch province.

Governor Colve soon enlarged his council, which served of course as the superior court of the province, by the addition

of Nicholas Bayard, Cornelis Van Ruyven, and Willem Knyffe, an infantry officer who filled the revived office of *schout-fiscal*. In all important affairs the governor consulted also the city magistrates. He was described by an envoy from Connecticut as 'a man of resolute spirit and passionate' who managed matters 'so as is not satisfactory to the people nor soldiers.' But the needs of the moment, which had required that not a civilian resident but a soldier be set to govern the province, called for strictness, even sternness, as well as for much activity and alertness on the governor's part. Things were not as they had been when Colonel Nicolls captured the place in a time of peace. Now it instantly feared an attack from England or New England.

In October, because the city was so encumbered by 'houses, gardens, and orchards . . . close under its walls and bulwarks' that it could not be rightly defended, the magistrates concurred in Colve's order that the buildings adjacent to the fort and to the wall, including the new Lutheran church, should be razed or moved, the damage to be appraised and the owners to be compensated from the proceeds of extra import and export duties. This was duly done, the committee of appraisement consisting of the three burgomasters, Councillor Steenwyck, and two carpenters. Martin Cregier in concert with a military engineer was appointed to superintend this work and also the repairing or rebuilding of the city wall. All burghers and inhabitants were to contribute the labor of their hands. The burgher guard was reorganized with three foot-companies, and a company of horse.

The towns of the eastern end of Long Island when first summoned to accept the new order of things had asked for privileges larger than the council of war could grant, and had then refused or temporized while appealing to Connecticut to receive and to protect them. Connecticut hoped that the return of the Dutch meant a chance to secure the whole of Long Island for itself; yet, fearful at first for its own safety, it did not receive the supplicants but merely sent envoys to Manhattan to reproach the Dutch commanders

for troubling English towns and for capturing a Connecticut vessel. The Long Islanders were subjects of Holland, the commanders replied, and the vessel belonged to the enemies of Holland whom they had been ordered to injure as much as they could. In October the eastern towns were formally summoned to take the oaths of allegiance. Three of them, refusing, sent another appeal to Connecticut. Then the government of Connecticut wrote to Colve that it would resent any 'malicious oppression' of his Majesty's subjects, explaining that, as it was not 'the manner of Christian or civil nations' to disturb poor people 'in country cottages and open villages in time of war,' he was probably seeking 'some plausible pretence of plundering and pillaging.' If such things should happen, said the writers, they well knew where there might be 'easy reparation' among the farms and villages of New Netherland. Indignantly Colve returned a copy of this letter to Governor Winthrop, writing that he could not believe that so 'impertinent and absurd' a document had come from persons 'bearing the name of Governor and General Court.' The Long Island towns, he said, had at first submitted upon favorable conditions, surrendered their colors and constables' staves, and chosen new magistrates; and they would peacefully have taken the oath but for the counsels of 'evilly disposed' persons from Connecticut. Every one, he added, knew how much more gently than the English the Hollanders always treated 'vanquished enemies.' Winthrop replied that the letter was genuine and commended it to Colve's consideration.

At the end of October Colve sent three of his councillors on the *Zeehont* to the disaffected quarter, directing them not to molest New England vessels and not to insist upon the oath except in the case of magistrates. Connecticut, as authorized by its sister colonies, sent Fitz-John Winthrop and Samuel Willys with a band of soldiers to treat with such Dutchmen as they might find. After meeting and parleying near Shelter Island both parties landed at Southold and appealed to the people who had gathered in large numbers

under arms. But seeing the English much stronger and fearing to 'do more harm than good' the Dutchmen soon returned to New Orange. Connecticut put young Winthrop in charge of the militia of the island, declared war against New Netherland in November, and actively prepared to begin it in the spring. In February a few shots that did no damage passed between Winthrop's ship and one that Colve had sent to bring supplies from Shelter Island.

When the capture of New York was known in Boston there was for a time great alarm lest the Dutch fleet be coming northward, a fear accentuated by the fact that the 'castle' in the harbor had recently burned down. All the colonies prepared to defend themselves in case of attack but none save Connecticut took any offensive steps. The former secretary of New York, Matthias Nicolls, who had retired to Connecticut, advised the New Englanders in a letter to Winthrop to 'anticipate the expectations from Europe,' saying that it would not be difficult to recapture the province as there was 'a great damp at present upon most of the spirits' of the Dutch. Richard Wharton, a prominent Bostonian, wrote to England that as New York was the 'navel of his Majesty's American territories' he should be urged to send a 'speedy and effectual expedition to unkennel his enemies' there, explaining, like Nicolls, how easily it might be done. The general court of Massachusetts, he added, had 'wholly refused to engage the country' when the town of Southampton on Long Island had asked its aid.

It was not, in fact, the Dutch whom the men of the Bay Colony dreaded most. A Captain John Wyborne, who was sent from Barbadoes in 1673 in command of H.M.S. *Garland* to Boston 'to victual and refit,' reported that he had proposed to the magistrates there to reduce New Netherland, offering his services with the king's frigate and asking only for a few soldiers, sailors, and stores. They answered that they would contribute their endeavors if the province might be annexed to their government; otherwise 'they

had rather the possession of New York remain with the Dutch than to come under such a person as Colonel Lovelace who might prove a worse neighbor.' To judge by their discourse, Wyborne wrote, they looked upon themselves 'as a free state, not at all to be interested in the king's differences with other nations but that they might remain neuters.' Wyborne, however, cannot have been an impartial observer, for he relates that when he protested against the trading practices of Boston and said that some of the thousands of seamen who, it was reported, had fled to New England to escape from the king's service ought to be sent back home, he so exasperated the people that a rabble attacked and wounded him in the street and he escaped with his life only through the timely arrival of a well-armed band of his own seamen.

Late in November an English privateer found dismasted near Nantucket a ship on which Cornelis Van Ruyven had started for Holland bearing a letter from the magistrates of New Orange to the States General, seized the vessel, and took it to Boston. In reprisal Captain Eewoutsen captured four New England ketches and brought them to Manhattan where they were condemned as lawful prizes although their crews were sent home. Then Massachusetts threatened 'force of arms.' Colve replied that Massachusetts had been the aggressor. Connecticut proposed a 'preventive expedition,' the magistrates at Boston decided that God called them 'to do something in a hostile way for their own defence,' fitted a ship, and impressed soldiers; and Plymouth promised its aid. But, as Governor Leverett expressed it, 'the general vogue of the averseness of the people' of his colony to 'any acts of hostility against the Dutch' occasioned 'the retardment of coming to any conclusion tending thereto.'

As the danger of an attack from New England increased, Colve's rule of New Orange grew stricter and stricter. The accommodations of the city were inspected so that the 'out-

side people' might be housed if forced to take refuge within its walls. No one could enter or leave it without a permit. No food stuffs might be exported. Every householder was directed to lay in a stock of provisions sufficient for six or eight months. All intercourse and correspondence with New Englanders were under heavy penalties forbidden. All letters brought into the city were to be taken first to the secretary's office for examination. And the last remnants of Englishmen's property were sequestrated, those belonging to residents of other colonies. At New Harlem, where certain Englishmen made trouble, one was branded and banished for breaking the peace; and some of the inhabitants, wrote the town clerk, suspecting a conspiracy fled with their families and movables.

France as well as England being at war with Holland Colve forbade the up-river colonists to have any dealings with the Canadians. The Indians gave him no trouble although Jesuit missionaries were at this time very active among the Iroquois, and a new and energetic governor of New France, Count Frontenac, was trying to win their allegiance. In the spring of 1674 the sachems of the Mohawks came to Manhattan, told Colve that they wished to renew their peace with the Dutch who had always been of 'one blood' with themselves, promised to 'march out' with them if the French should come against them, and expressed the hope that no nation but the Dutch would ever again control the province.

As Stuyvesant's ordinance permitting the establishment of burgher-right in New Amsterdam and Nicolls's commission reorganizing the city government are sometimes loosely called city charters, so also is the ordinance of the Dutch council of war which set the municipal government again on Dutch foundations, and so is another by means of which, in January, 1674, Colve defined the duties of the magistrates and the functions of their court. The court was given much larger criminal than civil powers. A novel clause, not unwise perhaps in a time of public danger, prescribed that the

provincial *schout-fiscal* must be a member of the corporation and must preside at its meetings unless the governor himself chose so to do. Angrily the burgomasters and *schepens* refused to obey. Colve threatened to depose them. Unanimously they declared that they would not submit to an order in conflict with the laws and customs of their fatherland, but at last they did submit 'provisionally' and in the expressed belief that the governor would 'change his mind.'

In February, petitioned by the magistrates to devise some means of paying for the work on the fortifications, Colve said that, 'as is practised in Fatherland in such and similar circumstances,' the 'best and most affluent inhabitants' should be taxed for the purpose. Defining them as persons worth more than 1000 guilders 'wampum value,' he ordered that their property should be appraised by six impartial persons two of whom the people themselves should choose. The list then compiled bears one hundred and thirty-three names. As, however, it would take time to collect this tax, in March Colve decreed that a forced loan should be collected from persons worth more than 4000 guilders, to be paid in beaver or wheat 'at wampum price' and to be repaid from the proceeds of 'extraordinary' customs dues temporarily imposed. The list as revised on this occasion shows sixty-five persons with property of an aggregate value — not in wampum but in 'Holland currency' — of 520,900 guilders. The richest of them all was Frederick Flypsen, or Philipse. He was worth, in Holland currency, 80,000 guilders; Cornelis Steenwyck 50,000; Oloff Stevensen Van Cortlandt 45,000; John Lawrence 40,000; and Jacob Leisler and Johannes De Peyster each 15,000.

Lest the port be found at a critical moment 'stripped of its shipping' Colve ordered that not more than two of its trading vessels, to be chosen 'by lot or rotation,' should leave it at the same time for North or South River traffic. With his sanction the magistrates then permitted fourteen of the chief 'barquiers' or sloop owners of the city to form what they called 'a lottery . . . to trade in turns,' all their

profits to be 'put in a common fund' in the hands of two persons appointed for the purpose, and after each sloop had made one trip to be drawn out by the owners, each receiving his due share 'according to the size of his ship.' This seems to have been the first trading syndicate formed on Manhattan.

The governor and the magistrates did their best to keep order in a city constantly fearful of attack, garrisoned by troops fresh from West Indian sea-fighting, and filled with burghers undoubtedly averse to the hard labor imposed upon them all for the completing of the fortifications. A set of regulations drawn up for the guidance of the soldiers shows that Colve's ideas of discipline were very strict. The inhabitants were absolutely forbidden to sell or even to give the soldiers any kind of strong drink. Instructions for the commissary say that as his ration each man received each week three and a half pounds of beef and two pounds of pork, or seven pounds of beef, or four pounds of pork; seven pounds of bread; and half a pound of butter 'or the value thereof, two stivers Holland.' Every month each man received a peck and a half of peas, and every three months a quarter of a *schepel* of salt. Half a barrel of small beer was allowed for seven men each week. Sergeants and gunners were to receive a ration and a half, corporals a ration and a quarter.

With much diligence Colve labored in his court to settle the private disputes of his people. He ordered the city *schout* to cleanse his jurisdiction of 'all vagabonds, bawdy houses, gaming houses, and such impurities,' and the magistrates renewed the old laws against Sunday sports which seem to have lapsed during the English occupation. They also regulated Sunday liquor selling, explaining with good Dutch common sense:

> The intention of the above prohibition is not that a stranger or citizen shall not buy a drink of wine or beer for the assuagement of his thirst, but only to prevent the sitting of clubs on the Sabbath whereby many are hindered from resorting to Divine worship.

Conscience, said other ordinances of the time, was to suffer no constraint and 'every one permitted to go where he please to hear the Word of God.' But the Reformed Dutch religion was to be maintained 'without suffering the slightest attempt to be made against it by any other sectaries.' Accordingly, a Long Island Quaker who made an uproar in the streets of the city and blasphemed God and his Word in the church during divine service was sentenced to be whipped and banished; and a Baptist woman was imprisoned for 'dipping' the child of a Reformed father while he was absent. In November Colve proclaimed a day of public 'humiliation and thanksgiving.' Scanty references indicate that every town was expected to support a public schoolmaster.

Stern soldier though he was, and compelled though he felt himself to supervise the proceedings of the city magistrates, Colve was no despot. All his ordinances, of course, were issued in council; and not only of the magistrates did he ask additional aid in his work of government. His 'burgher court martial' (council of war) embraced the officers of the burgher guard; and in March a convention of delegates from Manhattan, Bergen, and the Dutch towns of Long Island met by his order to consider questions of defence.

The militiamen of all the neighboring towns were now directed to be ready to repair on the first call to New Orange, for no other place could be hopefully defended while, thanks to the 'good zeal and industry' of its inhabitants, said the governor, the fortifications of the city were 'on the eve of perfection' so that very soon it would be 'capable (under God) of resisting all attacks of any enemies' that might be expected to appear. One hundred and eighty cannon, Sharpe wrote to Winthrop, had been mounted within the fort and elsewhere in the city. Never, in fact, had New Amsterdam or New York been in so defensible a state or so martial a temper. Certainly if it had been approached for the third time by a hostile fleet it would not have surrendered for the third time without a lively struggle. But just when it felt itself ready to fight it began to fear that it must quietly submit again to King Charles.

Gradually Charles's people had learned to see more danger for themselves in the waxing power of France than in the commercial competition of the Dutch, and to fear that the friendship between the two kings presaged the restoration of the faith of Rome in England. Parliament soon ceased to support the king in his new war; and in March, 1673, provoked by his Declaration of Indulgence which, dispensing with the laws against Nonconformity, was looked upon as a first step toward laws in favor of Catholicism, compelled him to sign the Test Act requiring all civil and military officials within the kingdom to prove their Protestantism under oath. The Duke of York, now a Catholic though secretly as yet, refused to conform and so lost all his offices within the kingdom, including that of lord high admiral, but none of his rights or powers beyond the sea.

Meanwhile the ambitions and the swift successes of Louis XIV consolidated the continent against him. A few weeks after he entered Utrecht in triumph the emperor of Germany and the elector of Brandenburg allied themselves with Holland. Even its old enemy Spain agreed to take the field against France if the Dutch would make peace with England upon terms that included a restoration of all recent conquests. The rulers of the Republic, well aware that they could not defend it against both France and England, agreed to this suggestion; and they could not recede from their promise when the news, bare of particulars, that Evertsen and Binckes had recaptured New Netherland reached them from England just as they were despatching their proposals for peace to King Charles. The same news had reached Whitehall in time to dampen the festivities with which the Duke of York was celebrating his marriage with his second wife, a Catholic princess, Mary of Modena. The peaceful proposals of the Dutch soon followed.

More and more clearly convinced of the value of the American colonies, in 1670 the crown of England had bestowed a charter on the Hudson's Bay Company, hoping thus to secure a northern entrance into the fur-producing regions of the

continent. John Evelyn, who was a member of the Council of Trade and Plantations which since 1672 had been the body that advised the crown with regard to colonial affairs, tells how earnestly it had taken up its work. Now, in a paper preserved in the handwriting of its secretary, John Locke, it offered urgent advice about New York. The loss of the 'only fortified harbor in all North America,' it said, would ruin the trade of the English plantations. The New Englanders, more capable of resistance than the widely scattered Virginians but 'more intent upon the advancement of their own private trade than the public interest of his Majesty's crown and government,' might enter 'into commerce' with the Dutch in their neighborhood, thus diverting trade and laying foundations for such a union between themselves and Holland as would be very prejudicial to all the English colonies 'if not terrible to England itself.' The lost province must be regained; and the Dutch inhabitants of Manhattan should be moved up the country 'at least as far as Albany.' Individuals offered similar advice. For example, a Bristol merchant engaged in colonial trade explained that as the Virginians desired 'not to be singly bound to England but to trade with the Dutch and all nations,' the presence of the Dutch in New York meant that Virginia, the king's 'best, greatest, and richest plantation,' was in danger 'with the planters' consent to fall into the enemy's hand.'

The States General were meanwhile considering what they should do for the province whose fate hung in the balances of negotiation. In December, when despatches from Commander Binckes at last arrived, they decided to put it, provisionally and subject to their own supervision, in charge of the Amsterdam board of admiralty whose ships had shared in its recovery; and as its 'governor and commander' they appointed Joris Andringa, then secretary of the fleet in the province of Holland. Four days later, however, and again in January, 1674, stung by the taunt of Charles II that they had not made their peaceful proposals in good faith, they repeated them more in detail, asking now for a renewal of

the Treaty of Breda and laying stress upon the value of New Netherland which they were willing to resign although it was their own 'ancient domain.' Parliament, insisting that the king should accept these offers and break with Louis XIV, refused to grant him supplies for his army. Angry, reluctant, but penniless he was forced to yield; and in February a treaty between England and Holland, signed at Westminster, closed what was called in England the second but was really the third Dutch war.

This Treaty of Westminster restored the *status quo ante bellum* in respect to territorial possessions and bound the Dutch to pay a large war indemnity and to recognize the supremacy of the English flag on all the waters between Spain and Norway. It put an end for a hundred years to maritime wars between the two great Protestant nations. It forced Louis XIV to evacuate the soil of Holland, but it did not end the war between the Dutch and the French. This continued, as part of a great continental struggle, for four years longer.

The letter from the magistrates of New Orange to the States General that had been intrusted to Van Ruyven in the autumn of 1673 set forth the importance of New Netherland as a watch-tower against England, a refuge for the many persons recently ruined by the French invasion of the Netherlands, and a 'granary and magazine of many necessaries' for the fatherland, Curaçoa, and Surinam; and it begged for adequate protection lest the vastly greater numbers of English and French who surrounded the province should fall upon it, and its inhabitants should be 'destroyed or sold as slaves.' Owing to the interruption of Van Ruyven's voyage this letter did not reach Holland until the day before the Treaty of Westminster was publicly proclaimed, in March, 1674. It could then do little save increase among the merchants of Amsterdam their useless fervor of late-awakened interest. They tried, however, to get what concessions they could for the benefit of the province and themselves. A committee of three, one of them Jan Baptist Van

Rensselaer, signed on behalf of a large number of 'New Netherland merchants' a petition begging the States General to persuade the king of England to relinquish the province 'either in exchange or for a sum of money' or, should this be denied, to guarantee that none of its inhabitants be disturbed for anything that had happened while they were 'zealously' laboring in the interests of the Republic. Furthermore the king should be urged to permit free trade between Holland and New York or, at least, to allow vessels to go and come if they would 'touch at and pay duty in Old England,' to affirm the validity of the Articles of Surrender of 1664, and to promise that if the Dutch settlers 'experiencing ill treatment' should wish to depart they might all be removed in Dutch vessels sent for the purpose. The Zealand board of admiralty, whose ships had taken part in the recapture of the province, advised that its Dutch residents, whether ill treated or not, should all be transferred to Holland or to Surinam or some other Dutch colony.

While these things were being said in Europe, it was rumored in New Orange in March that Charles II had determined to retake the province by force. Soon afterwards it was said that a peace had been concluded. This no one believed, and as late as the month of May Colve was still perfecting his defences although he was so destitute of funds that he had to borrow of Nicholas Bayard, pledging as a 'special mortgage' for his security the 'metal cannon' in the fort.

By this time New England knew the truth about the treaty. The way in which it was announced on Manhattan is most explicitly described by the same John Sharpe who reported upon the surrender of the previous year.

Writing on May 24 from Milford in Connecticut to Governor Winthrop, Sharpe related that he had asked Colve to admit him to the city to see his wife and children, sending the plea by Isaac Molyne — that is, by one of Cornelis Melyn's sons who years before had transferred his allegiance to Connecticut but retained his home in New York. Melyn told

Colve of the peace but not of the promised surrender of the province. When Sharpe arrived and the governor, after reading all the letters he brought for the inhabitants, questioned him narrowly he showed copies of despatches that had come from England. Colve ordered him to speak of nothing except the peace. Sharpe obeyed but, when a multitude of Dutchmen went to Melyn's house 'hungry after news,' Melyn 'ragingly' told them that they had been slaving for the king of England, the States General having agreed to give him back the province. This 'struck . . . the Dutch into such a distracted rage and passion' that they cried out they would fire the town, pluck down the fortifications, and 'tear out the governors' throats' who had compelled them to slave to no purpose 'contrary to their native privileges.' Questioned by Colve and not denying what he had done Melyn was committed to a dungeon in the fort and advised to prepare for death as within two days he should swing 'by the Frenchman who hanged in chains on the gallows.' But on the following day this 'unfaithful, Judasly, and treacherous traveller' affirmed his innocence and accused Sharpe of spreading the unwelcome news. Thereupon Sharpe, after two examinations in which, he said, he was not allowed to plead his own defence, was kept for three days in 'the inner and nethermost dungeon, cousin-german of the Stygian Lake,' and then banished from the province for ten years under pain of death. As soon as this sentence was published, 'which was done with great solemnity,' the town-house bell ringing three times so that the major part of the town 'congregated together to hear it,' he was put in a canoe and sent away without being permitted to bid farewell to his family or to get his 'boots or a shirt.' These things were done by the council, he explained, to convince the people that the States General did not mean to part with 'such an invincible stronghold.' Melyn was not hanged but was sentenced to labor 'from morning to night every day' on the works of defence until they should be finished, which would not be for a long time because Colve, to keep the people out of idleness, was

'daily projecting more and more inventions.' Meanwhile, Sharpe added, the commonalty belched forth their 'curses and execrations' against the States General, the Prince of Orange, the Dutch commanders who had captured the place, and 'their task-master the governor,' saying that they would not 'on demand and by authority of States or Prince surrender' but would keep New Orange 'by fighting' as long as they could 'stand with one leg and fight with one hand.'

All this may be read as a very melodramatic version of what really happened. Colve disbelieved the news brought by Sharpe and Melyn who could give no proof that the papers they bore were not mere concoctions designed to prepare the way for an invasion from New England; and the actual sentences pronounced upon the offenders say that Sharpe had entered the city without permission although previously banished, and that he was condemned for fomenting 'mutiny and disturbance' in New Orange and elsewhere, Melyn for uttering 'very seditious and mutinous language.'

As soon as news that could not be doubted arrived, first from New England and then from Holland, Colve released the sequestrated property of residents of other colonies and three New England sloops that the *Zeehond* had recently captured. On July 11 he publicly proclaimed the Treaty of Westminster. In August Governor Winthrop wrote to his son that a person just arrived from England 'certified for a certainty' that 'it is one Major Andrewes who is to come over Governor for New York.' In fact, in March the king had deputed Major Edmund Andros (as the name was much more commonly written) to receive the province on his behalf, and the Duke of York had commissioned him to administer it as his 'lieutenant and governor.'

A frigate sent from Holland to carry home the Dutch officials and soldiers reached Manhattan on October 16, bringing instructions how Colve was to surrender and 'vacate' his province. Five persons of his choosing, it was ordered,

were to administer the government until Major Andros should come. But before Colve was ready to depart Andros arrived, on November 1 on the frigate *Diamond* in company with another called the *Castle*, and anchored under the Staten Island shore. At once he sent Colve his credentials from the States General. Colve asked for eight days in which to complete the preliminaries of the evacuation. The city magistrates and the burgher court martial sent Councillor Steenwyck and Burgomasters Van Brugh and Beekman to welcome the new governor and to ask certain securities and privileges for their people. Andros assured them that Dutchmen and Englishmen should be treated alike. On November 3 he wrote the governor that he was sorry to hear that there were disorders in the town, hoped that they would be remedied by the strict measures Colve was taking, and besought pardon for some English soldiers whom Colve had ordered under arrest when they were found drunk on the street. On the 6th Colve asked his approval of eleven Articles guaranteeing religious liberty, freedom from impressment, the validity of judgments passed in the courts during the Dutch reoccupation, the maintenance of actual owners in the possession of confiscated property, and sundry minor privileges. Andros promised to consider these requests as soon as he should be in office, saying that he had been instructed to act with 'justness and kindness.' Colve gave the consistory of the Dutch church, who feared they might be dispossessed, a deed for the church building within the fort. Assembling the civil officials and militia officers, he absolved them from their oaths and bade them farewell; and the magistrates presented him with two hundred and fifty guilders for his services during his year as governor. The last entry in the court records of New Orange, the last statement ever written by an official of Dutch allegiance in the city on Manhattan, reads:

> On the 10th November, Anno 1674, the Province of New Netherland is surrendered by Governor Colve to Governor Major Edmund Andros in behalf of His Majesty of Great Britain.

On the same day, a Saturday, October 31 according to the English calendar, Colve retired with his troops to the Dutch frigate. On the Monday Andros sent from the fort, named again Fort James, his answers to the eleven Articles, granting most of the requests they embodied; he wished Captain Colve Godspeed, and thanked him for the gift of his coach and three horses.

If New Netherland had not been reoccupied by the English at this time it would probably have been conquered by the French. Or, if it had still remained Dutch for a time, it would undoubtedly have been ceded to England before the century closed — when William of Orange, stadholder of Holland, ascended the throne of the Stuarts.

The West India Company had tried to regain a hold upon its former province, demanding that duties should be paid to it upon the cargoes which during the English occupation passed between Amsterdam and New York; and at the request of Charles II it had joined with the government in authorizing Colve to make way for Major Andros although, said the States General, such an order was 'wholly unnecessary' as the province was now 'wholly beyond' the Company's control. In the very year when the province passed forever out of Holland's control the Company itself, burdened with a hopeless debt of six million guilders, was dissolved. A new West India Company, incorporated in the following year from the wreckage of the old one and given the same exclusive right to trade with America, was always a weakly body but survived, as did the Dutch East India Company, until 1800 when the Republic fell under the power of France. Since the establishment of the present kingdom of Holland its colonies have been administered as national possessions. They are now more extensive and valuable than those of any other state excepting Great Britain while not a single foreign post or plantation remains to the Netherlands' ancient enemy Spain, the first and for a long time by far the greatest European landowner in America.

As to the way in which Holland has managed its colonies it may suffice to quote the words of one competent observer, Wallace the English naturalist. Writing from Sumatra in 1861 he said that, contrary to the common English belief, Dutch colonial government in the East had never been worse than English and was then "very much better";

. . . and what is greatly to their credit and not generally known, they take nearly the same pains to establish order and good government in those islands and possessions which are an annual loss to them as in those which yield them a revenue. . . . Personally I do not much like the Dutch out here, or the Dutch officials; but I cannot help bearing witness to the excellence of their government of native races, gentle yet firm, respecting their manners, customs, and prejudices, yet introducing everywhere European law, order, and industry.

REFERENCE NOTES

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CHAPTER XIX

DUTCH AND ENGLISH IN NEW YORK

That I may say, and say truly, that if there be any terrestrial happiness to be had by people of all ranks, especially of an inferior rank, it must certainly be here. . . . Here those which fortune hath frowned upon in England, to deny them an inheritance among their brethren, or such as by their utmost labors can scarcely procure a living, I say such may procure here inheritances of lands and possessions, stock them with all sorts of cattle, enjoy the benefits of them whilst they live, and leave them to the benefit of their children when they die. — DANIEL DENTON: *A Brief Description of New York, 1670.*

CORNELIS VAN RUYVEN seems to have been the only person of importance who returned to Holland after the second English occupation. There he continued to serve the province in its church affairs. Martin Cregier removed to the up-river country where he died in 1715. His descendants have been many in the Mohawk valley. Dr. Hans Kierstede died in 1666, Thomas Hall in 1669 leaving no children, Govert Lockermans in 1671, Domine Drisius and John Underhill in the same year as General Stuyvesant, 1673.

Underhill had settled near Oyster Bay, getting wide lands, which in memory of the English neighborhood where he was born he called Kenilworth, from the Matinecock Indians and afterwards protecting the tribe against all covetous white men, several times petitioning the governor or the court of assizes on their behalf. Over his grave in the old burial ground at Matinecock a large monument has recently been erected, rather out of proportion to its rural surroundings and to the rôle he played in the history of New Netherland and New York. For more than two hundred years his lands

remained in the hands of his descendants. Some of these, who are now numerous, inherit Dutch blood from the wife of his youth. His second wife, Elizabeth Feake whom he married in 1659, was a sister of the wife of John Bowne the Quaker; and in his latter years the old Indian fighter also joined the peace-loving communion of Friends. Family bonds were in those days widely stretched and deeply respected. As the first husband of Underhill's mother-in-law Mrs. Feake had been a brother of John Winthrop, Underhill, when writing after his marriage, sometimes addressed Winthrop as his 'dear cousin' or — an interchangeable term at the time — 'dear uncle.'

In Lion Gardiner's *History of the Pequot Wars* he praises the prowess of 'Captain Undrill,' saying that he was one of the 'right New England military worthies' whose names were ignored by the chroniclers of New England; they had not once mentioned him although their 'twelve-penny chronicle' was stuffed with a catalogue of the names of some as if they had 'deserved immortal fame.'

Thomas Willett retired again to Plymouth Colony in the time of Governor Lovelace and died in 1674. In the Little Neck Cemetery at Riverside, East Providence, his modest grave is fortunately undisturbed. His name is cut on a headstone of slate, and on a footstone these words:

> Who was ye first Mayor of New York
> And did twice retain ye place.

He was 'a very able and an honest gentleman,' Colonel Cartwright once assured Governor Nicolls. His letters show that, whatever his origin, he cannot have been familiar with printed pages, so far beyond the variations in spelling customary in his time are the anarchical vagaries of his pen. Like John Underhill he spelled by ear, and his ear, like Underhill's, was bad. In letters to Winthrop, for example, Underhill invented 'favarabell,' 'considderachonse,' 'menchoned,' and 'linggrin,' wrote that the 'last chip' which had 'arifd'

from England was 'but nine wicks in her viagse,' and described John Bowne as a 'jentiele young man, of gud abilliti, of a louli fetture and gud behafior.' And Willett was quite as ingenious, achieving 'operetewnetey,' 'waitey afaiares,' 'pees and tranqueletey,' and explaining that

> . . . wampum falenge moar and moar yn vallo and lenengs riseng I thoughte to staey tell et war a beter comodetey bute et stell fell.

Although Willett left children, not from him but from another Thomas Willett — one of the original patentees of the town of Hempstead and high sheriff of Long Island under Governor Andros — was descended the Marinus Willett who was active in the French and Revolutionary Wars and, like his far-back namesake, became mayor of New York.

The three advisers of the English government, Maverick, Baxter, and Scott, who had shown in 1663 how easily New Netherland might be seized, did not profit by its seizure as they undoubtedly hoped they would. Maverick seems to have got little or nothing more than the house on the Broad Way in New York. Baxter and Scott got nothing at all. Trying at New York to recover moneys which he said the West India Company owed him, Baxter was proved to have served the Company treacherously and was fined for using bad language in court. Soon he departed for the West Indies. Scott, disappointed in his scheme to secure the governorship of Long Island, nevertheless returned there and resumed his old traffic in fraudulent land conveyances. Underhill wrote to Winthrop that he had worked much mischief at Brookhaven with 'a counterfeit portraiture of the king impressed in yellow wax' and attached to a forged grant of twenty miles square, but was now 'packing' out of the province as the court of assizes had condemned him and had reinstated the townsfolk in their 'ancient possessions.' In fact, a warrant issued in October, 1666, says that at the Hempstead meeting of 1665, when the Duke's Laws were ratified, Scott had been ordered to bring into the next court

of assizes a certain deed 'with the king's picture on it and a great yellow wax seal affixed to it' with which he had deceived many persons, but fearing that his 'counterfeit and deceitful practices' might be discovered had 'privily' withdrawn himself from the province; therefore it was ordered that any property he owned should be seized. In the same month Nicolls wrote home that he had positive knowledge that Scott had stolen from the office of the secretary of state in London papers relating to Massachusetts and delivered them to the governor and council at Boston, told that with the paper bearing 'the king's picture drawn with a pen or black lead' and the forged signatures of the king and Henry Bennett he had 'horribly abused his Majesty's honor in these parts' and then fled to Barbadoes, said that the governor of Barbadoes, Lord Willoughby, had sent word that 'upon this account' he would send Scott a prisoner to England, and added that he was writing what he himself knew so that 'such fellows might have some mark of infamy put upon them.'

Thus, it has usually been thought, Baxter and Scott disappeared from history. Palfrey, however, suggested that this Captain John Scott might be identical with the Colonel John Scott who afterwards got Samuel Pepys into trouble; and many existing documents tend to show that such was the case.

Not sent to England by Lord Willoughby but taken into his favor, Scott bore an active part in the war then in progress with the Dutch and the French, commanding an expedition which captured the island of Tobago and certain Dutch stations on the South American coast. A long description of the taking of St. Christopher's from the French, now in the Public Record Office, is indorsed 'Major Scott's Relation' and was written at Willoughby's request. Returning to England at the close of the year 1667 Scott petitioned King Charles, asking that he be reimbursed for the loss of a ship and some £1600 in the royal service. Willoughby praised his conduct as a soldier but wrote to Joseph William-

son, the under-secretary of state, that he had probably been telling in England 'some truth but not all gospel.' There was much truth in an account of the various American colonies that he dictated to Williamson but also some highly dubious statements, like the assertion that Sir Henry Vane was the father of the monstrous infants said to have been borne in the early days of Massachusetts by the heretical Mrs. Hutchinson and Mrs. Dyre.

In 1668 Scott was appointed king's geographer. Soon afterwards the sight of Colonel Nicolls, newly arrived from Manhattan, 'made him forsake Whitehall.' Nicolls himself wrote this to Samuel Maverick explaining, as Maverick repeated in a letter to Winthrop, that he had told how Scott had behaved on Long Island and had informed the king, queen, and duke of the 'lavish extravagant expressions' he had used concerning each one of them.

Next, Scott spent some time in the Netherlands writing, as parts of an intended book on the coasts and islands of America, a *Description of Guiana*, now in manuscript in the British Museum, and an unfinished *History and Description of the River of the Amazones*, one copy of which is among the Pepys papers at Oxford, another among those at Cambridge. Doubtless Pepys acquired these manuscripts while he was making an investigation that proved extremely unfortunate for himself. At some previous time Scott had sold a tract on Long Island which he did not possess to a connection of his own in England, a certain Major Gotherson. Later, Gotherson's heirs, to learn the exact situation of the property, invoked the aid of Governor Lovelace, and when the fraud was thus discovered petitioned the king for redress. The Duke of York then ordered Pepys, as an official in the admiralty office, to gather evidence against Scott, and Pepys brought together a great number of depositions regarding his dishonest proceedings in New England, New York, France, Holland, and England, including some which proved that while he was living in the Netherlands he swindled the government of the province of Holland out of £7000 and, in

consequence, was hanged in effigy at the Hague in 1672. All these documents are preserved at Oxford.

In the Public Record Office is a letter written in 1674 to Secretary Lord Arlington and enclosing one sent by Scott's wife from the home of her father, the Reverend Mr. Oxenbridge, at Boston in Massachusetts. This says that Scott was then in Surinam, where he had helped in the removal of British subjects (the place having been surrendered to Holland), and had just written his wife after a silence of three years that he was a 'deep sufferer' from ill-treatment at the hands of the Dutch, had thereby been prevented from writing sooner, and did not know when he would make his way to England. This letter seems to prove that he was not the Colonel John Scott who is known to have acted as an English spy in Holland during the war of 1672–1674. Eventually he did get back to England. And evidently he nursed his grudge against Pepys; for in May, 1679, in the height of the excitement engendered by the so-called Popish Plot against the life of King Charles which Titus Oates professed to reveal, on the deposition of 'Colonel Scott and some others' Pepys was committed to the Tower, charged with selling the secrets of the admiralty to the French and plotting as a Catholic to dethrone the king and to extirpate the Protestant religion. After sitting in the Tower for several months he was released on bail for £30,000; his trial was postponed four times; he was not relieved from his bail until February, 1680, and then only because Scott refused to swear to the truth of his original depositions and no prosecutor appeared. Thus, as Pepys wrote to one of his friends, he had suffered for almost a year 'from one villain's practices.'

It seems to have been this same villain whose villainy took a new turn in 1682 when he murdered a hackney-coachman in a fray in the streets of London and fled to Norway where he remained, an outlaw, until, fourteen years later, he was pardoned by William III and returned to England. And it was certainly the John Scott known in New Netherland and New York whose memory was revived when the

boundary lines of Venezuela were being settled in 1897 and 1898. Then his manuscripts, never quite forgotten by students of South American history, acquired practical importance. The report of the United States commissioners discredited their statements; but Edmundson, the English scholar to whose studies of Dutch enterprises in South America we owe our knowledge of Jesse De Forest's journal, has since upheld them with convincing clearness.

Nothing can clear or clean the reputation of John Scott himself. But his career, which could be traced much more in detail than has here seemed needful, might form the theme of an interesting and not uninstructive monograph. The seventeenth-century type of globe-trotting, swashbuckling adventurer scarcely ever enlivened with his presence the northern American colonies; and although he frequently appeared in the West Indies and, more conspicuously, in the East Indies, he can rarely have taken a hand in such important affairs as did Captain Scott or have left in history such vivid and plentiful traces.

The little book, published at London in 1670, in which Daniel Denton spoke of the horse-races on Long Island was the first English publication relating wholly to the Dutch province. It is fully described on its own title-page:

> A Brief Description of NEW YORK: Formerly Called New Netherlands. With the Places thereunto Adjoyning. Together with the Manner of its Scituation, Fertility of the Soyle, Healthfulness of the Climate, and the Commodities thence produced. Also Some Directions and Advice to such as shall go thither: An Account of what Commodities they shall take with them; The Profit and Pleasure that may accrue to them thereby. Likewise A Brief RELATION of the Customs of the *Indians* there.

Daniel Denton, a son of Richard Denton a Presbyterian minister who had been one of the original patentees of Hempstead, was during the Dutch period town clerk of Hempstead and of Jamaica. In 1665 he was one of the deputies from Jamaica to the Hempstead meeting and one of the first

justices appointed by Governor Nicolls. His book tells that it was published to attract settlers to a province which until recently had been 'new or unknown to the English.' Certainly this was true, for the edition of 1667 of Heylin's *Cosmography* ignores the fact that the province then belonged to England and says that it contained few people and 'only one village.' Denton's over-enthusiastic tone and the fact that he does not speak in detail of any part of the province except Long Island suggest that he was writing as a land agent on his own or his friends' behalf, yet his specific statements seem truthful. Of the city he says:

> New York is built most of brick and stone and covered with red and black tile, and the land being high it gives at a distance a pleasing aspect to the spectators. The inhabitants consist most of English and Dutch and have a considerable trade with the Indians for beaver, otter, raccoon skins, with other furs; and also for bear, deer, and elk skins; and are supplied with venison and fowl in the winter and fish in the summer by the Indians, which they buy at an easy rate. . . .

On Long Island corn and cattle were the chief sources of livelihood. 'Store of flax' was grown, for 'every one' made 'their own linen' as well as woollen cloth and linsey-woolsey 'for their own wearing.' Had there been more artisans in the province it would soon have been able 'to live without the help of any other country' in the matter of clothing. All artisans lived 'happily' and persons who had no trade betook themselves to husbandry, got lands of their own, and lived 'exceeding well.'

Along the southern shore of Long Island 'an innumerable multitude of seals,' which made 'an excellent oil,' lay all winter upon the 'broken marshes and beaches or bars of sand,' but the people had not yet learned how to hunt them although in small boats they captured the whales and 'crampasses' that numerously frequented the same coast. Wild fruits of many kinds were abundant — strawberries so plentiful that in June when the 'fields and woods' were 'dyed red' with them the country people, says Denton,

. . . instantly arm themselves with bottles of wine, cream, and sugar and instead of a coat of mail every one takes a female upon his horse behind him, and so rushing violently into the fields, never leave until they have disrobed them of their red colors and turned them into the old habit.

Only one more passage need be quoted from Denton's laudations. He has not the land agent's accent when he says, in words that are pleasant to remember as an epitaph upon the forefathers of New York:

Were it not to avoid prolixity I could say a great deal more, and yet say too little, how free are those parts of the world from that pride and oppression with their miserable effects, which many, nay, almost all parts of the world are troubled with, being ignorant of the pomp and bravery which aspiring humours are servants to, and striving after almost everywhere: where a wagon or cart gives as good content as a coach, and a piece of their home made cloth better than the finest lawns or richest silks; and though their low-roofed houses may seem to shut their doors against pride and luxury, yet how do they stand wide open to let charity in and out, whether to assist each other or relieve a stranger. . . .

After Denton's book no other was published relating specifically to Long Island until Wood's *Sketch of the First Settlement of Long Island* and Furman's *Antiquities of Long Island* appeared in 1824.

Better known to-day than any other old Dutch book about America is a handsome volume, called *The New and Unknown World or Description of America*, written by Arnold Montanus and first published at Amsterdam in 1671. It is not much more than a compilation from Denton and the earlier Dutch writers, especially Van der Donck. It describes the city according to the witness not of contemporary eyes but of the old engravings, and includes pictures of tropical or mythical animals supposed to be native to the province. John Ogilby, King Charles's cosmographer, published at London in 1671 a large volume called *America* which follows Denton and Montanus but enlarges a little upon Denton's description of the city, saying:

It is placed upon the neck of the Island Manhatans looking towards the sea, encompassed with Hudson's River which is six miles broad; the town is compact and oval with very fair streets and several good houses; the rest are built much after the manner of Holland to the number of about 400 houses which in those parts are held considerable. . . .

John Josselyn, in the account of his voyages to New England published in 1674, tells how the English had taken New York from the Dutch and 'turned out their governor with the silver leg,' and describes the city very briefly, saying that it was 'built with brick *alla moderna*' and, a statement which may be doubted, that 'the meanest house therein' was 'valued at one hundred pounds.'

The most important map of the period is one, now called the Nicolls Map, which was evidently sent by this governor to England. Roughly drawn but from an accurate survey, it shows on a large scale the whole of Manhattan with the adjacent shores and the islands in the harbor, and gives the names of a few localities including New Harlem and 'The governer that last was his Bowry.' Adjoined to it is a plan of the city on a still larger scale which resembles the Duke's Plan already described but, although less well executed, is supplied with a key indicating various buildings and points of interest such as the fort, the wall and its gates, the 'Town House,' the West India Company's garden, and 'the Old Governer's House' on the water front near the fort.

One of the most attractive maps of the province appeared between 1662 and 1665 in one of the many atlases issued by the Blaeu family of Amsterdam. It is adorned with pictures of native animals and of Indian villages and canoes. A large Dutch map very complete in its nomenclature and showing the harbor, Manhattan, part of Long Island, the Hudson to beyond Albany, and a bit of the Mohawk River, and also in an inset part of the Connecticut River, was published at Middleburg and the Hague in 1666 in a pamphlet bearing on the controversy between the States General and Sir George Downing. It gives the names of the Hudson as

'The North River, otherwise River Manhattans or Hudson's River, called the Great.' The spelling of the name Hoboken, 'Hopoghan,' supports its supposed Indian origin. About the year 1670 a map of the province appeared as one of the three American maps in the first edition of Visscher's *Atlas Minor*, published at Amsterdam.

On the map of the province given in Montanus's *New World* Herrman's view of the city was reproduced with alterations that include an attractive group of palm-trees. This is sometimes called the third picture of the city. The true third picture, bearing the legend *Nieuw Amsterdam onlange Nieuw Jorck genamt* (*New Amsterdam recently named New York*) with the information that the place had been retaken by the Hollanders in 1673 and finally given up again to the English, appeared on a map retouched at this time by a Dutch cartographer, Hugo Allard, to bring it up to date and known as the second Allard Map. It shows the city from the East River side with its batteries and enclosed dock. Etched, most probably, by the distinguished artist Romeyn De Hooghe from a drawing by some unknown hand, during a long period it was frequently reproduced with more or less alteration in books and atlases or as a separate picture. With the title *Nieu Amsterdam al New Yorck* it figured in a collection of one hundred views of the cities of the world published at Amsterdam by Carel Allard about the year 1680.

It is a pity that a drawing does not survive which, as is told in a letter written by John Davenport of New Haven in 1666, showed the 'three suns and four rainbows' that had recently appeared in the sky of New York. Governor Nicolls had had it made to send to Governor Winthrop.

The burgomasters of New Orange said that there were about six thousand people of the Dutch nation in the province. Ten years earlier the estimated number had been seven or eight thousand, or sometimes ten thousand. Probably most of those who departed, going to Holland, to Curaçoa, or to Carolina, belonged to the floating elements of the popula-

tion, always abundant in a colonial seaport. Certainly the decline was not due to any lack of fecundity. Our Dutch ancestors married as early, remarried as promptly and repeatedly when bereaved, and had as many children as the forefathers of New England, for they were pressed upon by the same conditions — so imperative a need for industry and thrift and so plentiful a lack of hired service that a fatherless or motherless household was almost an impossibility. One man, a German, is mentioned in the chronicles of Lovelace's time as being the fourth husband of his first wife and the third husband of his second wife whose antecedent spouses had been a Dane and a Dutchman. This is a sample of the way in which a numerous posterity was insured, and also of the way in which different strains of continental blood were intermingled. When all of these strains had blended into one predominantly Dutch, constant intermarriages kept it so intact that many families among the farming people, and many also among the chief people of New York and Albany, came down to recent times with no intermixture, or with scarcely any, of British blood.

Although the Dutch-Americans were only a handful compared with their English-American neighbors, and although their city did not draw its increasing population from Holland, nevertheless for half a century New York remained a characteristically Dutch city in language, customs, and feeling; at the end of a whole century, when it had tenfold as many inhabitants as New Orange, half of them were still considered Dutch; and even after the Revolution travellers noticed the un-English aspect and atmosphere of the place.

For two or three generations even a colloquial acquaintance with the English tongue was not universal on Manhattan; and all through colonial times the English speech of its people was very corrupt, for a large proportion of them heard only Dutch in the family, the church, and the school. The Reformed church permitted no English sermons to be preached from its pulpits until 1764 and did not abolish Dutch sermons until the end of the century; no master taught Eng-

lish in its school until 1773 and the first who taught it exclusively took charge in 1791. In 1785 there was still at least one private pedagogue in the city who taught nothing but Dutch.

On Long Island many persons, including descendants of its early English settlers, spoke Dutch as late as the middle of the nineteenth century. The last Dutch preacher of King's County lived until 1824. Albany, remote from the door of immigration, remained almost wholly Dutch until long after the Revolution and still contains a church which holds all its services in the old tongue and imports its pastors from Holland. In some parts of the rural up-river districts it was impossible in the middle of the eighteenth century to find jurors who understood the language of the courts, and in the most secluded parts Dutch was almost exclusively spoken for still another hundred years and is not yet forgotten. It was doubtless a native of one of these conservative spots who, when the third constitution of the State of New York was under discussion in 1846, proposed an amendment to the provision that no one should vote who could not read English. It should be English or Dutch he said, and referred to the Articles of Surrender of 1664 as guaranteeing that Dutch residents should be protected in all their rights.

Numbers of Germans and Swiss settled in the valleys of the Hudson and Mohawk Rivers during the first half of the eighteenth century, but very few Englishmen entered until after the Revolution. They did not like to become tenants of the great proprietors who soon divided among themselves the eastern shore of the Hudson, while, on the other hand, the Dutchmen who owned small farms, developing in their rustic isolation a narrowness of spirit unknown to their ancestors, were unwilling, it is said, to sell land to Englishmen and especially to New Englanders. Only on Manhattan and in its neighborhood was there any free influx of English settlers. Consequently, in this one of the colonies of England corroboration could long be found for what

Thomas Mun wrote in the year 1664 about Netherlanders in the kingdom itself. Even those born and bred in the kingdom, he said, were 'among but not of' its people, 'not having so much as one drop of English blood in their hearts.' Shortly before 1750 William Douglass of Boston wrote that the Dutch in New York

> . . . because not well dashed or intermixed with the English, though in allegiance above eighty years, do not seem to consult our interests so much as might be expected.

Nor have the old love and the old antipathy died out now that all New Yorkers have been for generations simply Americans. They were strongly expressed on Manhattan during the recent war in South Africa, still more emphatically in the interior parts of the state.

In Delaware the chief offices were long held by persons of Dutch descent, a strong strain of Dutch blood is still distinguishable, and many Dutch names are as well known as in New York, among them Bayard, Van Dyke, Van Zandt, and Vandegrift. In the northern parts of New Jersey Dutch names are still more common and Dutch traditions are cherished. At Bergen, close to Manhattan, the ancestral tongue was remembered for two hundred years by a group of people so conservative that they would not listen to English sermons until 1806 and then only on alternate Sundays, and until 1809 kept their church records in Dutch. In 1770 Rutgers College and a theological seminary for students of the Dutch Reformed faith were founded at New Brunswick; and this town is described in a gazetteer of 1810 as containing 6000 people half of them 'of Dutch origin.'

Clear proof of the vitality of New York's slender current of Netherland blood springs from even a superficial acquaintance with the surnames well known in the huge city of to-day.

Many pretty puzzles for the historian as well as the genealogist are set by the names in the old records, for while surnames, as has been explained, were quite casually adopted

in New Netherland, not until later days did any one, Dutch or English, think it needful to spell a name always in the same way even when signing legal documents. Even after the Revolution the first Episcopal bishop of New York wrote his own name sometimes Provoost and sometimes Provost. In earlier days variations were much greater. It is easy to divine that the Beekmans and Beeckmans of to-day had a common ancestor, harder to read La Montagne in Montanye, the form that most of the doctor's descendants now use. La Chair the notary public was also D'la Scheer. Bayard may be found written Beyaerdt, Cregier in half-a-dozen ways. Paulus Leendertsen Van der Grist masquerades in official writings as Leendertzen, Leenders, Van den Grift, Van der Grift, and Van die Grift. The same family name was indifferently Voorhis, Voris, Vorhees, or Van Voorhuys; or, to take another example, Couwenhoven, Van Couwenhoven, Kouenhoven, Koowenoven, and Conover.

Moreover, surnames were often changed in the course of time. The Remsens of to-day, for instance, descend from a Dutchman known as Rem Jansen Vanderbeeck; the Suydams trace back to the three sons of Hendrick Ruycker, or Riker, who assumed the name Suydam about the year 1710. Again, in the adoption of surnames relatives did not always agree. Only inquiry could suggest a relationship between the progeny of the Marten Cornelissen who called himself Van Buren and that of his brother who assumed a name afterwards anglicized into Bloomingdale; or could reveal that the Rutgers family traces back to one Rutger Jacobsen Van Schoenderwart, the Van Wart family to his brother Teunis.

To sources of confusion like these are added those left in the old papers by Dutchmen writing English names and by Englishmen writing Dutch names. The New Englanders turned Wouter Van Twiller into Gwalter Vertrill, and Van Tienhoven into Teinoh or Van Teynoix. Their governors usually addressed Stuyvesant as Governor Peter Stevenson or Stevensen. Philip Pietersen Schuyler's name stands on

the list of persons who took the oath of allegiance in 1664 as Philip Van Schuiller Paterson. John Underhill became at the point of Dutch pens Jan Van der Hyl, John Lawrence sometimes Jan Laurentsen or Lauwerens, while Delavall was De la Vaal. A so-called Sander Leendertsen, first an employee of the West India Company and afterwards one of the original settlers of Schenectady, was a Scotchman named Alexander (Sandy) Lindesay of the Glen. In later life he called himself Alexander Glen, and his descendants retained this surname.

Sometimes an English name was more or less permanently transformed into a Dutch name. Thomas Davis, an English son-in-law of Domine Schaats of Albany, appears as Tomas Davidtse Kekabel. A Silesian whom the Dutch called Burger Joris (Burgher George) the English called simply Burger, and Burgers his posterity remained. Charles Bridges, it will be remembered, held many offices under Governor Stuyvesant as Carel Van Brugge.

Much more often Dutch names were anglicized in the course of time, as when the son of a Dutchman named Titus Syrachs De Vries figured as Francis Titus. Many New Yorkers with such names as Peters, Williamson, and Johnson are descended, whether they are aware of it or not, from Netherlanders who were known by patronymics like Pietersen, Willemsen, and Jansen. Many other Dutch names have been somewhat altered — like Sill (De Sille), Corwin (Corbyn), Drew (Dreuw), Cole (Kool), Kortwright (Kortryk), Hasbrook (Hasebroeck), Hoagland (Hooglandt), Cooper (Cuyper), Snediker (Snedicor), Garretson (Gerritsen), Bloodgood (Bloetgoet), Hotaling (Hoogteilingen, Hooghtaling, Hoogtaling), Lansing (Lantsingh), Benson (Bensingh), Paulding (Pauldinck), Ryerson (Ryerse), Mabie (Mebie), Sigsbee (Sixbe), See (Zy), Riker (Rycker), and Depew (Dupuis, De Puy). Many others which might be thought English are unchanged Dutch or Flemish: Cooley, for example, Post, Potter, Elting, Wendell, Waldron, Lott, Holt, Hegeman, Vedder, Nevius, Terhune, Cordes, Sickels, Vreeland, and Provost. Again,

while certain New York names which appear to be English are French in origin, like Freer (Frère), Bevier (Bevière), Blanshan, and Truax (Du Truy), others which may seem to be French, like De Lanoy, Demarest (Des Marest), Mesier, Vielé, and De Kay, are known to be Dutch or Flemish; and so it is with some German-sounding names such as Brinckerhoff and Goetchius. Other names, of which Duryea, Oothout, De Milt, Lefferts, and Steffens are differing examples, might be divined to be Dutch, and a multitude very familiar in New York are unmistakably so, notably those with the particle *van*. When all the various kinds are added together their total seems surprisingly large; and they have spread, although not numerously, throughout the western and even into the southern states, borne by Americans of the seventh or eighth generation easily distinguishable, of course, from the Dutch immigrants who in recent years have settled in New Jersey and in some of the states of the northern middle West.

Naturally, not all the old Dutch names are now pronounced as they used to be. Our tongues have forgotten, for instance, the guttural sound of the Dutch *sch*, speaking it as *sk*, and also the broad sound of the Dutch *uij*. Writing this as *uy* we pronounce it, in such names as Schuyler, Cuyler, Pruyn, Duyckinck, and Frelinghuysen, simply as *y*. In parts of the country where Dutch names are unfamiliar even the New York pronunciation is not always followed. Roosevelt, for example, is there given a long first syllable whereas it should be spoken, and is in New York, as though written with a single *o*.

All through the colonial period the Dutch New Yorkers kept themselves numerously and honorably prominent in provincial, municipal, and commercial affairs, and distinctly at the head in social life despite the influence of the official circle that surrounded the English governors. And they have not been swept from their place by the great currents from other parts of America and from all parts of Europe which

mingle now in the maelstrom called New York. Indeed, while some families once prominent have died out or ceased to play any visible part in public or social life, others — Van Buren, Roosevelt, Cortelyou, Vanderbilt, Depew are names that occur to mind — have in one way or another achieved in modern days a prominence they did not have before.

New Yorkers are still very proud of Dutch descent even when it is masked under names of other origins. In family pride some of them are as tightly and complacently encased as any Virginian. In the more generous sentiment called pride of race they exceed all other Americans, and this feeling has strengthened instead of diminishing since the Revolution. In the year 1787 a Holland Lodge of freemasons was formed in the city, using the Dutch tongue in its proceedings. An association organized in 1835 for historical, charitable, and social purposes, and called the St. Nicholas Society in honor of the saint whom tradition names as the patron saint of New Amsterdam, was never as flourishing as it is to-day. Although it does not confine its membership to persons of Dutch descent it preserves Dutch customs and sentiments, holding its anniversary meetings with Dutch feasting on St. Nicholas Day in December, and in the spring celebrating the *Paas* festival, the Easter festival of the Hollander. More definitely social in its aims but making colonial descent a requirement for membership is the St. Nicholas Club, founded in 1875. The Holland Society of New York, founded in 1885 chiefly for historical but also for social purposes, includes only direct descendants in the male line of Netherlanders by birth or adoption who immigrated before the final establishment of English dominion in 1675. It has published many valuable old records and historical essays. A similar association is the Huguenot Society of America, founded at New York in 1883 with broad and scholarly historical aims.

These overt signs of love and respect for the fatherland of New York have brought about a rebirth of personal inter-

course between men of Dutch blood on opposite sides of the Atlantic and an awakening in Holland of a genuine interest in the history of its connection with its quondam province.

Although not a single building dating from Dutch times now remains on Manhattan, New Amsterdam stamped itself on the aspect of the city by bequeathing it the 'high stoop' house, and ineffaceably affected its topography. Wall Street shows where its northern limits lay. The irregular block where the new custom-house stands preserves the shape of Master Kryn Frederycke's fort, and the Bowling Green in front of it is the Dutchmen's Plain. More remarkably, the place that the Dutchmen chose for their centre of traffic is still, it may again be said, the great financial and commercial mart of Greater New York.

Many Dutch names persist on the map of the city or can be divined under anglicized spellings. In its neighborhood they are still more numerous — town names like Brooklyn, Flushing, Gravesend, New Utrecht, Bergen, Yonkers, and Flatbush, and others like Staten Island, Coney Island, Shooter's (Schutter's) Island, Sandy Hook, Hell Gate, Kill Van Kull, Robbin's Reef (from *robyn*, a seal), Oyster Bay, 'so named by our nation' wrote Captain De Vries in 1639, and Spuyten duyvil Creek which means not Spite-the-Devil, as is sometimes said, but Spouting Devil. 'Brooklyn' has gone through transformations which have sometimes caused its origin to be mistaken. At various times it has been Breuckelen, Brookland, Brockland, Brocklin, Brookline, and Brooklyn, the last and now permanent form coinciding more nearly than the intermediate ones with the first of all.

Up the Hudson, of course, Dutch place-names are very frequent although, again, sometimes altered as in the case of Haverstraw (Haverstro), and Catskill (Kaaterskill). Far to the southward and well to the eastward the Hollander's nomenclature survives. Wherever any of the suffixes 'hook' (*hoek*, a corner), 'kill' (old Dutch *kil*, a channel), 'gat' (the mouth of a harbor), 'clove' (*kloof*, a cleft), 'rack' (*reeks*, a

ridge), or 'fly' (*valei*, a valley) are found they bear witness to the presence of Dutchmen as the first Europeans; and Cape May and Cape Henlopen are their monuments at one extreme as at the other are Fisher's (Visscher's) Island, Block Island, and Dutch Island in Narragansett Bay. The Dutch origin of the name Rhode Island, first bestowed on the isle that the Indians called Aquidneck and then upon the commonwealth of which it was the nucleus, has often been denied but is far more probable than any other that has been suggested. Stuyvesant once wrote that his people had secured a small island in Narragansett Bay 'near the Red (*Roode*) Island'; and Aquidneck was almost certainly called *Roode Eylandt*, probably by the first explorer of the region, Adriaen Block.

Some of the minor legacies left by New Netherland to New York have been borrowed by other parts of the country — for example, the 'high stoop' house; the piazza which, in the northern states at least, seems to have been developed from the Dutch stoop; many of the dishes of the skilful Dutch housewife including the now typically American buckwheat-cake; the Dutch skate and the Dutch sleigh; and a few more or less transmogrified Dutch words. Chief among these are 'boss' (*baas*) which has acquired a novel political meaning but has also in its true Dutch meaning everywhere replaced the English 'master' in artisans' parlance; and 'boodle' (*boedel*), an American slang word but a respectable Dutch word meaning household stuff or personal property. 'Pinxter-flower' comes from the Dutch name for Whitsuntide although we apply it to our *Rhododendron nudiflorum* while in Holland a *pinkster-bloem* is an iris. Our weak-fish was named by the Dutch *week*, soft or tender; our mossbunker was their *marsbancker*. 'Cooky' comes from *koekje*, a little cake; 'hooky' from *hoekje*, a little corner, 'to play hooky' meaning to hide around the corner. 'Spook,' identical in Dutch, is called by English dictionaries an American word. And every born New Yorker says 'to snoop,' getting it from *snoepen* which means to pry, to do things on the sly.

Until 1772 the Reformed Church continued to flourish in dependence upon the classis of Amsterdam, remaining for generations the chief communion in the city in spite of official favor shown to the Anglican Church, and steadily increasing elsewhere. It now embraces within the United States, chiefly in the states of New York and New Jersey, about six hundred and fifty congregations with seven hundred ministers and more than a hundred thousand communicants. In 1902 it counted in the greater city of New York one hundred and twenty-eight congregations and missions, while next to the corporation of Trinity Church the wealthiest in the city was the corporation of the Collegiate Church — the actual organization that Domine Michaelius formed in 1628, now owning six church buildings on Manhattan and still controlling the school that Adam Roelandtsen first served.

The New Year's festival of the Dutch, a day for giving gifts and for visiting all one's acquaintances, retained its traditional features in New York until, thirty or forty years ago, the city grew too large for its right observance. More interesting is the story of the Christmas festival of modern America as it has been affected by the St. Nicholas festival of New Amsterdam.

While Catholicism prevailed St. Nicholas was everywhere the children's saint. In Holland, where his personality was modified by memories of Woden, god of the elements and the harvest, he had a peculiar hold on popular affection which persisted into Protestant times. The children of the Dutch still believe that St. Nicholas brings the gifts that they always get on the eve of his titular day, December 6. In New Amsterdam this day was one of the five chief feast-days of the year. After New Orange became New York the characteristic traits of the Dutch children's festival were transferred to the near-by Christmas festival which was English as well as Dutch. It cannot now be said when the change began or when it was firmly established. It is known, indeed, that by the middle of the eighteenth century St. Nicholas Day had been dropped from the list of official holi-

days which, religious and patriotic together, then numbered twenty-seven. But, on the other hand, more than one memoir and book of reminiscences says that as late as the middle of the nineteenth century some conservative old Dutch families still celebrated the true St. Nicholas Day in their homes in the true old fashion, then bestowing the children's annual meed of gifts. Nor is any light thrown on the question by certain entries in a local newspaper, *Rivington's Gazetteer*, dated in December 1773 and 1774 and referring to celebrations of 'the anniversary of St. Nicholas, otherwise called Santa Claus,' for they speak of social meetings of the 'sons of that ancient saint' in which children can hardly have participated, and they indicate days which were neither Christmas Day nor the true St. Nicholas Day.

It is clear, however, that on Manhattan by a gradual consolidation of the two old festivals Christmas became preeminently a children's festival presided over by the children's saint whose modern name, Santa Claus, is a variant of the Dutch St. Niclaes or San Claas. In all European countries Christmas still means simply the day of Christ's nativity; for the 'Old Christmas' whom we meet in English ballads of earlier times, the 'Father Christmas' of Charles Dickens, and the 'Père Noël' of the French are abstractly mythical figures in no way related to St. Nicholas. But everywhere in our America the domestic observance of Christmas centres around Santa Claus with his burden of gifts. The stockings that our children hang on Christmas Eve were once the shoes that the children of Amsterdam and New Amsterdam set in the chimney corners on the eve of December 6; and the reindeer whose hoofs our children hear represent the horse, descended from Woden's horse *Sleipner*, upon whose back St. Nicholas still makes his rounds in Holland. The Christmas-tree is not Dutch but German; about the middle of the nineteenth century we acquired it from our German immigrants. But even this the American child accepts at the hands of Santa Claus, not of the Christ Child as does the little German. 'Kriss Kringle,' it may be added, a name

now often mistakenly used as though it were a synonym of Santa Claus, is a corruption of the German *Christkindlein* (Christ Child).

As the New Netherlander, intent at first upon trade alone, was soon compelled by his necessities and encouraged by chances of traffic in food-stuffs to cultivate his soil, so the agricultural New Englander was soon forced by the poverty of his soil and the rigors of his climate to depend chiefly upon the fisheries and trade, and the Virginian soon learned how to send his tobacco directly from the plantation wharf to England and thence to draw the supplies he needed. Meanwhile, however, the English colonies were helped by the trading ambitions of their Dutch neighbors — as when Peter Minuit's agents taught the Pilgrim Fathers the use of wampum money, and when New Amsterdam served the Virginian, who had no real seaport, as a mart for his tobacco. When agriculture developed in the Dutch province it is probable that the better methods there in vogue gradually spread beyond its borders. They were wholly different from the methods of the English in America, Stuyvesant explained when he was urging Charles II to let New York trade with Holland, and only in Holland could the proper tools for them be obtained.

The Roman-Dutch system of law which prevailed in New Netherland was 'a kind of irregular mosaic,' says the historian of the New York court of common pleas, James Wilton Brooks, but 'on the whole' was 'infinitely superior to the more technical and artificial system' introduced by the English. It was weakest on the criminal side, yet the early New Yorker did not welcome the establishment of trial by jury, so long considered by the Englishman one of the chief bulwarks of his liberties. Even to-day the people of Holland prefer their quicker and, as they think, surer ways of getting justice at the hands of experienced judges.

English practices did not altogether banish Dutch practices from the courts of New York until the early years of the

eighteenth century. Although in modern times it has sometimes been affirmed that Roman-Dutch law never rightfully prevailed in a province which the English said had always been their own, fragments of this law, applicable to property held under the Dutch land patents that were recognized as valid by the representatives of the English crown, survived until the State of New York succeeded to the rights of the crown and still remain a part of its common law. The Dutch method of making wills by oral declaration before a notary, or by written instructions put in his keeping, was long employed. Dutch customs in respect to inheritances persisted although the English made some effort to establish rights of primogeniture. The burgher-right secured for residents of the city in Stuyvesant's time restricted rights of suffrage until 1804 and in other ways also constantly affected the history of Manhattan. The district-attorney of to-day is a non-English official, directly descended from the Dutchmen's *schout*. The custom of registering deeds and mortgages which was known in early New England as well as in New Netherland was also, as has been said, distinctly non-English. The practice of raising money by excises was borrowed from Holland and first introduced into England, with great difficulty, by the Parliamentarians during the early years of the Civil War. Although used in New England also it was always especially favored in the Middle Colonies. The practice of paying for local improvements by special assessments was dropped for a time under the English governors but revived before the end of the seventeenth century. It has sometimes been thought that it was then suggested by its very exceptional use in London when the city was rebuilt after the Great Fire of 1666. Local precedents offer a more natural explanation. The city magistrates, for example, can hardly have been thinking of a rare English precedent twenty years old when they ordered in 1687 that in paving a certain street the householders themselves should be responsible for as much of the work 'as lies before their respective doors.'

As the struggle of the New Netherlanders to win a share in the provincial government went for nothing when they became New Yorkers, in one sense the political history of the State of New York begins with the efforts that secured the establishment of an assembly in the year 1683. But the perpetuation of the city government on Manhattan, the part it was permitted to play in matters of wider than municipal importance, and the survival of Dutch town and district organizations elsewhere, did as much to keep alive the political aspirations of the people as did the town-meetings of the English Long Islanders which continued in spite of their nominal abolition by the Duke's Laws. Moreover, the political structure of the province as it was eventually built up reposed on the local foundation stones set by Governor Kieft and Governor Stuyvesant.

In New England the towns, self-governing in local matters, were the units of representation and taxation upon which the political structure of the colony rested; and they so continued after counties were marked out. In Virginia, on the other hand, the vestries which corresponded roughly to the New England townships soon became close corporations, the people at large having no share in choosing their members; and they were overshadowed by the counties which were the units of representation and exercised all the high offices of local self-government. It was, of course, economic conditions that insured the persistence of a township system in the commercial north with its concentrated population, of a county system in the agricultural south with its widely scattered population. In New York, where the people were both traders and agriculturists and were neither as closely grouped as in Massachusetts nor as dispersed as in Virginia, a mixed township-county system grew up. When Governor Nicolls perpetuated the municipal corporation on Manhattan and confirmed the old town patents, established the courts of sessions that resembled Stuyvesant's district courts, and, as he explained in 1666 in a paper called *Conditions for New Planters*, granted the 'several townships' liberty to make

their own 'peculiar laws' and to decide 'all small cases within themselves,' he was wisely elaborating arrangements that had naturally gradually developed in New Netherland. The Dutch commanders and Governor Colve went a step farther in the same direction. So did Governor Andros, making the Duke's Laws valid throughout his province. And what they had established persisted after counties were marked out in 1683. These counties became, as in Virginia, the units of taxation and representation and also of militia organization, but within them the towns that survived from earlier years, or were planted when new regions were settled, played a much more prominent part in government than the Virginian vestries.

Undoubtedly the arrangements of Colve and Andros as William Penn found them existing in the Delaware country influenced him when in 1682 he settled a system of government for his wide domain — a type of colonial government which stood midway between those of New York and Virginia as the New York type stood between those of Massachusetts and Virginia.

Of course the system now in force in the State of New York has at various times been altered and elaborated. Yet it is to-day, as it has always been, a mixed township-county system; and as such it has had more influence in the development of the northern Middle West, of the great region thrown open to settlement by the famous Northwest Ordinance of 1785, than the system of New England or even of Pennsylvania, either establishing itself (with more or less modification, of course) at an early day or gradually winning its way where New England ideas prevailed for a time. As perfected in these states the so-called 'New York plan,' says our chief authority in the matter of local constitutional development, Professor Howard, is 'the highest form of local organization . . . symmetrical and complete'; it is worthy to become and possibly is destined to become 'the prevailing type in the United States.' Strangely, however, Howard adds that it may be thought 'one of the most perfect products of the

English mind.' It is a product of the American mind, developed on American soil with some help at the beginning from English officials who, uninstructed by their superiors at home, took their cues from existing Dutch arrangements. De Tocqueville did not see the English mind at work when he decided that the most 'salient' feature of public administration in our country was its 'prodigiously decentralized' character. Nor can it be said that the English mind has yet developed in its own home-country a well-rounded system of local self-government.

To the end of the colonial period the concession to women of a more independent standing and wider activities than they enjoyed in communities of English origin bore witness to the Dutch origin of New York. So also did its hospitality of spirit. It was not only in New England, it should be remembered, that inhospitality was long shown to foreigners. Virginia, for example, passed in 1657 a law which gave to aliens the same status as to the Irish servants who were coming in without indentures, making them work as bondsmen for six or eight years. Because Manhattan had been Dutch it always remained, in feeling as in fact, the most cosmopolitan place in the colonies. It was typical as no purely English place became, more clearly typical than even Philadelphia, of what the whole continent is to-day — 'America, half-brother of the world.'

Of course this cosmopolitanism fostered in early New York, as it had in New Amsterdam, that democratic spirit which ought never to be confounded with the existence of republican institutions. Beneath forms of government lie customs and laws. These must be studied when the existence of democratic feeling is in debate; so must the ways in which they were introduced or administered; and so must the attitude toward them of that public opinion which is the voice of the people at large explaining that they indorse their institutions and law-givers, or are cramped by them, or are thinking and speaking in their despite.

Modern Americans, too often getting their knowledge of political history and social developments only from English sources, have been apt to forget these truths. Seeing how distinctly English in origin are most of our institutions and in how democratic a temper they are administered and by the people indorsed, they fail to understand that while England did largely give us our belief in the rights of the citizen and in the practicability of republicanism, it was not the well-spring of our democratic ideals. These developed inevitably on colonial soil, and their growth was helped much less by British precept or practice than in the beginning by Dutch influences variously transmitted and in later years by French teaching and example. The great inequality in social station and in property which the English have inherited from the Middle Ages they maintain because they have 'the religion of inequality,' Matthew Arnold once wrote; and Gladstone affirmed:

> There is no broad political idea which has entered less into the formation of the political system of this country than the idea of equality. The love of justice, as distinguished from equality, is strong among our countrymen; the love of equality, as distinguished from justice, is very weak. . . . The love of freedom itself is hardly stronger in England than the love of aristocracy. . . .

In Mr. Henry Cabot Lodge's *Short History of the English Colonies in America* he says, as many others have said or implied, that in Massachusetts in 1634 'representative democracy was fairly established and the Puritan system of a united church and state was on trial.' But this is a self-contradictory statement. The Bay Colony was an aristocratic republic. It asserted much more boldly than New Netherland the right of commonwealths to govern themselves; but not until the republican system which was based on the [illegible]ico-oligarchical foundations came to an end did democ[illegible]y get a fair chance to develop in Massachusetts. Early New England, except in the Rhode Island offshoots which it hated and despised, understood far less clearly than

New Netherland the right of every man to as much personal independence as his neighbors — the right of the individual, rich or poor, gentle or simple, wise or untutored, to think, to believe, and within the bounds of honesty and decency to speak and to act as he might prefer. This democratic temper which recognized, as the English temper did not, the parity in importance of liberty and equality, New Netherland transmitted to New York; and New York never lost it although a strong leaven soon began to work among its people toward the development of undemocratic modes of thought and feeling.

In line with the Dutch traditions of the province were the three great achievements by which it rendered service to the colonies at large. One of them was the conservation of the friendship of the Iroquois. This, wrote an English governor of the province, William Tryon, in 1774, was due to the fact that his predecessors had followed 'the system of policy' inaugurated by the Dutch. More explicitly Cadwallader Colden wrote that, while in the early days of the province the Dutch were often useful to the French 'in saving those of them that were prisoners from the cruelty of the Indians,' on the other hand they had 'gained the hearts of the Five Nations by their kind usage'; their alliance with these tribes 'continued without any breach on either side till the English gained this country'; and then the English 'likewise immediately entered into a friendship' with them which had continued 'without the least breach to this day' — which, in fact, continued until the War of the Revolution broke out.

Another of the great general services rendered by New York was the permanent establishment of the right of free speech, effected in 1735 by the acquittal, forced by local public opinion, of John Peter Zenger, a printer indicted for libelling the government. The third service was the preservation of religious liberty. 'The partial establishment of religious toleration,' writes President Eliot, has been 'the main

work of civilization during the past four centuries'; and the absolute divorce of church from state, says Mr. Bryce, is of all the differences 'between the Old World and the New . . . perhaps the most salient.' Toleration, of course, now prevails in all lands that can rightly be called civilized. But ours was the first nation that made full religious liberty an article of organic law; and only here and in Japan does it yet exist — that complete separation of church from state which frees the mind of man entirely from ecclesiastical dictation and frees his churches from the dictation of the secular power. For the establishment of this kind of liberty no other colony fought so long and determined a fight as New York. Only New York and Virginia proclaimed it when the nascent States were framing or altering their constitutions; and New York then stood in advance of Virginia which preserved its ecclesiastical establishment until 1788 while New York, by its constitution of 1777, at once effected the absolute divorce of things civil and ecclesiastical. Massachusetts did not do the same until 1833, Connecticut not until 1834. New Hampshire retained religious tests for officeholders until 1877.

It is difficult to estimate the extent of the general, intangible influence that New Netherland and New York exerted upon the other colonies, for it was not a controlling but a modifying force; it was not so much political as mental, temperamental, and social in the broader meaning of the word; and it was aided by the strong influences which, from the beginning of American colonization, the Low Countries exerted through other channels. Also, the influence of America itself must prominently be borne in mind. Here was a vast new world unhampered by the accumulation of the soil in hands comparatively few, little troubled by outside interference, and virgin of courts and camps, of ancient aristocracies, hierarchies, and binding customs and traditions. Its rich possibilities worked with its pressing needs to encourage or compel its inhabitants to follow paths which as a whole tended toward democracy, toward a general develop-

ment of individualism. Beyond a doubt American conditions themselves inspired many of those American ideas and experiments in the domains of free thought and free government upon which much critical labor has been spent in the effort to trace them back to European sources. Similarly, it is labor misdirected to seek for proofs of a fructifying influence exerted by one colony on another in every case where one followed or kept pace with another along a path of progress.

For example, the relative mildness of the criminal laws of New Netherland should not be over-emphasized; all colonial codes were mild as compared with those of Europe. Again, Americans who inherited England's love of civic liberty would in any case eventually have learned the value of natural liberty: they would have learned that the personal rights of man should not be affected by accidents of birth or by sectarian differences. And they would have developed that readiness to believe in the possible excellence of unfamiliar ideas and expedients which is typically American but the reverse of what is meant by the term 'insular.' Nevertheless, the intermingling of many strains of blood which began on Manhattan and remained the marked characteristic of the Middle Colonies undoubtedly hastened this New World work of education. 'The variety of nationalities in New York,' wrote Horatio Seymour, 'saved it from provincial prejudices' and from 'the narrowness engendered in the minds of those who hear but one side of questions and witness but one phase of teaching.' To this root he traced the peculiar excellence of the first State constitution of New York as compared with those of the other States, and also the wide, strong, and beneficent influence which after the Revolution the jurisprudence of New York exerted.

President Eliot says, again, when writing of America's service to the world:

> These five contributions to civilization — peace-keeping, religious tolerance, the development of manhood suffrage, the welcoming of new-comers, and the diffusion of well-being — I hold to have been eminently characteristic of our country.

Three of these characteristics were displayed by cosmopolitan New Netherland as they were not by its English neighbors when the American type of civilization was still in embryo. And it cannot be questioned that, while this type was gradually developing, the descendants of the New Netherlanders, aided by the colonists who flocked from many lands into the province established by William Penn, exerted a modifying, moulding influence upon the descendants of the English Puritan at the north, of the English churchman at the south.

REFERENCE NOTES

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CHAPTER XX

REORGANIZATION AND DISCONTENT

1674–1681

(Governor Andros)

Being possessed of New York . . . you shall by all possible means satisfy the inhabitants, as well natives and strangers as English, that your intention is not to disturb them in their possessions but on the contrary that your coming is for their protection and benefit, for the encouragement of planters and plantations and the improvement of trade and commerce, and for the preservation of religion, justice, and equity amongst you. — *The Duke of York's Instructions to Governor Andros. 1674.*

In 1667 by the Treaty of Breda the United Netherlands permitted England to keep American territories of which, saying that they were of right its own, it had forcibly taken possession. In 1674 the Republic, having reconquered these territories, ceded them to England by the Treaty of Westminster. All antecedent questions of ownership, of title, were thus obliterated. The rights of the English crown, said its legal advisers, now rested solely upon the Treaty of Westminster. Upon this they solidly reposed. France had agreed with Charles I not to interfere with his plantations in New England; in 1670 by the Treaty of Madrid Spain had recognized the right of Charles II to Jamaica and all his North American possessions; and always after 1674 England's title to New York seemed to all nations as valid as its title to its other colonies.

As the rights of the crown rested only upon the new treaty the Duke of York needed a new proprietary patent. This

the king gave him at once, on June 24, 1674. It did not mention the first patent but reproduced it except at one point: the first authorized the duke to govern all British subjects within his borders, the second added 'or any other person or persons,' and thus did away with the theoretical need to demand an oath of allegiance from inhabitants of non-British birth.

According to the Treaty of Westminster all territorial possessions and fortifications taken by the one party from the other during the war were to be restored in their antecedent condition; and, in answer to a request from the States General, Charles had assured them that the New Yorkers should have full possession of their properties and rights 'in the same manner as before the rupture.' Thus, it was not unnaturally thought in New York, the Articles of Surrender of 1664 were formally ratified; and while the belief was soon emphatically expressed it seems to have had for generations a sort of subterranean influence upon the conduct of the people of the province. At least Cadwallader Colden wrote in 1759:

> The Dutch in this province, it is probable, think the Articles of Surrender are still in force . . . and therefore they may in their own minds justify themselves in carrying on the illicit trade with Holland in opposition to the Laws of Trade.

On the day after James received his patent he signed the commission of Major Edmund Andros as his 'Lieutenant and Governor' for his province of New York. Neither document mentioned the former rights of Berkeley and Carteret. James, in fact, had hoped now to hold on to all parts of his wide grant. But Carteret had obtained from the king an acknowledgment of his proprietary rights in New Jersey; Berkeley had sold his undivided half interest to certain Quakers who, not even trying to get any title from the duke, must have supposed that the fact of the Dutch reconquest need not be considered; and the duke, apparently persuaded that a division of New Jersey had thus been effected, gave Carteret a grant in severalty of all portions of it lying northeast of a line running westward

from Barnegat — more than half of the province. Again he neither conferred nor reserved rights of government; again Carteret assumed them. Lord Stirling, who had received none of the money promised him in 1664 for Long Island and the Pemaquid districts in Maine, once more surrendered his claim to them, this time for the promise of a life annuity of £300 to be paid by the duke, so he dreamed, from the surplus revenues of New York.

Early in 1675 the king transferred the duties of the Council of Trade and Plantations created three years before to the standing committee of the privy council which, through all the changes that advisory councils had undergone since 1660, had continued to supervise and control colonial affairs. Thus these affairs were brought more immediately under the authority of the crown, and the arrangement was not again altered until some years after the revolution of 1688. The committee, which was called the Lords of the Committee of Trade and Plantations or simply the Plantation Committee or the Lords of Trade, was, like the council it superseded, a diligent and conscientious body. The main task was still to enforce the Navigation Acts. Perplexities and troubles still centred chiefly in Massachusetts.

Much more actively than in earlier years the Duke of York was now to concern himself with his province, keeping a careful eye upon its commercial condition and prospects and writing frequently to the governor by the pen of his secretary, Sir John Werden, and sometimes with his own hand.

Major Edmund Andros, a member of a noted royalist family, Seigneur of Saumarez in Guernsey and bailiff of that island, was at this time about thirty-seven years of age. He had been brought up in the household of Charles I where his father held a minor post. While the Stuarts lived in exile he saw military service under Prince Henry of Nassau. After the Restoration he was attached to the suite of Elizabeth of the Palatinate, aunt to Charles II, served in the first of his wars against the Dutch, married a cousin of an influential courtier,

Lord Craven, and through him obtained a large grant of land in Carolina. In 1669 he was commissioned a major in Prince Rupert's regiment of dragoons. In 1672 he was sent to Barbadoes as commander of the English forces there. Thus he had gained a knowledge of the Dutch and French tongues and some colonial as well as much military experience.

His private character was never criticised. As a public figure he is too often remembered as he was painted, with a very black brush, by the New Englanders whom he was set to rule after he ceased to rule New York. In the history of New York he appears as the faithful executive of an arbitrary but by no means tyrannical prince, as a conscientious, very industrious administrator. He was not as quick as Nicolls to understand unfamiliar local conditions and never expressed the same desire to win the affections of his flock; but when he did understand he was careful not to exasperate a flock in which the prevailing mood was discontent. He was not unkindly; if severe when opposed he was ready when obeyed to forgive and to forget. There is nothing to show that his people had any love for him; there is nothing to show that they hated him as, frankly and vociferously, they hated some of their later governors. In fact, it is more difficult to reconstruct, from his own writings or those of others, what may be called the private personality of this governor of New York than that of any who preceded or who followed him. The more one reads about him the more impersonal a face he presents. But he may well be remembered with respect as the first governor who suggested that New York might be given an assembly, as the first from England who recognized the value of the friendship of the Five Nations, and as one who had a broad-minded view of his responsibilities which induced him to consider the interests of the other colonies as well as of New York.

The duke had promised Andros £400 a year (at a time when the salary of the governor of Virginia was £1200) and had given him £1300 to equip his troops, to pay current expenses, and to buy a cargo of goods such, said James, 'as may

be best turned to account in New York by trading there' — woollen and linen cloth, shoes and stockings, haberdashery, ironware, tinware, and gunpowder. With the governor had come his wife; Lieutenant Anthony Brockholls, his first councillor, appointed to succeed him in case of his death; Philip Carteret, returning as governor of Sir George Carteret's part of New Jersey; Captain John Manning who had surrendered New York in the previous year; a chaplain; a collector of customs, the first sent from England to the province; a number of new settlers; and a band of one hundred soldiers specially recruited and in the pay of the duke, not of the king. As the governor's house in the fort which Lovelace had begun to rebuild was still uninhabitable Andros selected Stuyvesant's former residence on the waterfront.

Andros was an Anglican; Brockholls, like the duke himself but openly, was a Catholic. The Test Act of 1673, applying only to the kingdom proper, did not limit the rights and opportunities of English Catholics elsewhere. The duke could appoint as many as he chose to office in New York, and himself retained his rank as lord high admiral on colonial seas. The chaplain, an Anglican of course, was probably the Reverend John Gourdon to whom the duke had issued a warrant of appointment in August; but as there is no mention of his identity except in this warrant Charles Wolley, a chaplain sent out four years later, is usually cited as the first Anglican known by name who officiated in New York.

The collector of customs, who was also receiver of the duke's revenues from all other sources, was Captain William Dyre, or Dyer — 'an active and ingenious man,' the Council of Trade had said, who had 'followed a sea employment' in America for more than twenty years and had held commissions in the royal service both by sea and by land. His father was William Dyer, one of the first founders and long the secretary of Rhode Island Colony. His mother was Mary Dyer the Quakeress who, after being once condemned to death at Boston but reprieved in answer to her son's prayer, was hanged in 1660. Like John Underhill, Dyre had received in 1653 a com-

mission from Rhode Island to make war upon New Netherland. In 1673, being then in London, he drew up one of the most urgent of the petitions which showed how the duke's lost province might be regained and advised that 'all the people of the Dutch nation' should be expelled. Probably it was the zeal thus displayed that won him his responsible post on Manhattan where, seven years later, he figured as the scapegoat for what the people thought the illegal practices of the government.

In the formal instructions given the new governor with his commission the duke had directed that, unless Englishmen were accused, no one should be molested for having aided the Dutch invaders of New York; Andros was merely to observe suspected persons 'circumspectly' and to induce them 'by all lawful means' to remove from places where they might be dangerous to other places 'as beneficial to themselves.' Greater importance than before was now given to the governor's council. From among the 'most prudent inhabitants' Andros was to form a council of not more than ten members to serve during the duke's pleasure. To other offices he was to appoint, always for a single year only, such persons as by reason of their 'abilities and integrity' might be 'most acceptable' to the people. He was to keep his soldiers under strictest discipline, to permit freedom in conscience and worship to peaceable men of any faith, and to administer justice (in the name of the king as had always been prescribed for New York) 'with all possible equality without regard to Dutch or English in their private concerns,' following the Duke's Laws except in cases of 'emergent necessities' or inconveniences when, with the advice of his councillors and other reputable inhabitants, he might make new laws subject to confirmation by the duke.

The courts and the internal taxes he was to continue as his predecessors had established them. But it seemed needful, said his instructions, to encourage residents and immigrants by making 'some abatement in the customs.' Therefore a new table of rates had been drawn up to be valid for three

years. Only peltry and tobacco were now to pay export duties. Liquors and wines paid specific import duties, and all other goods paid two per cent *ad valorem* if brought from an English or English-colonial port but ten per cent if brought from a foreign port although this could be done only in English ships which had touched in England and paid duties there. Goods of every kind, agricultural tools excepted, paid additional duties if carried from Manhattan up Hudson's River.

All this was gentle treatment of a province which had shown itself so willing to be rid of its English proprietor. But no degree of gentleness could now reconcile the people to the thought of an arbitrary ruler, no reduction of their taxes to the thought that they were taxed without their own consent.

Immediately Andros formed his council; the minutes of its proceedings begin on October 31, the day when the Dutch evacuated the city. Matthias Nicolls, who, coming from Connecticut, had joined Andros on his ship before the evacuation, was restored to his old post as secretary of the province. With him at the council board sat Dyre, the collector of customs; and from among the 'most prudent inhabitants' Andros selected as their colleagues William Dervall, John Lawrence, Frederick Philipse, and Stephanus Van Cortlandt.

Van Cortlandt and Philipse were to be for many years prominent figures in every important happening in New York. Van Cortlandt, born on Manhattan in 1643, the eldest son of the long-conspicuous Oloff Stevensen and of Annetje, a sister of Govert Lockermans, was a prosperous merchant who had held many minor official posts in Dutch and in English times. Philipse, who wrote his own name Vlypse while the Dutch wrote it also Flypzen, Flipsen, and Felypsen and the English Phillips as well as Philipse, was a native of Friesland and the son it is said, of a Bohemian Hussite refugee and an Englishwoman. When burgher-right was established in New Amsterdam in 1657 he figured among the Small Burghers as a carpenter; in 1658 he was employed as such to build a barrack at Esopus; in 1660, then described as 'late the Director's

carpenter,' he was permitted to charter one of the West India Company's sloops for a voyage to Virginia. Starting thus as a trader he was soon profitably engaged in traffic with the Indians and, acting as skipper of his own vessels, in coastwise trade. He married a wealthy and energetic widow and rapidly grew into a merchant of such large affairs that Colve's list of the richer burghers of New Orange rated him as the richest of them all. In 1672 he bought a large part of the old Van der Donck patroonship north of the Harlem River; and in 1679 he paid 2250 guilders in real Holland money for a house on the north side of Stone Street, a site now covered by the Produce Exchange. His wife, Margaret Hardenbroek De Vries, was an Indian trader and merchant on her own account who often acted as supercargo of her own ships and was one of the two women named among the New York merchants who in 1668 had petitioned King Charles from Holland.

Early in November Andros installed the collector, published the new customs rates, received the submission of the Hudson River settlements, appointed a few officials, and authorized others throughout the province who had served under Lovelace to resume their posts provisionally. On November 9 he issued in council a *Proclamation Confirming Rights and Privileges* which confirmed 'all former grants, privileges, and concessions' and all estates legally possessed 'under his Royal Highness before the late Dutch government,' thus tacitly pronouncing the recent confiscations void, and declared that the Duke's Laws should be 'observed and practised . . . as heretofore,' but, on the other hand, confirmed all 'legal judicial proceedings' during the time of the Dutch occupation. On November 16 a *Second Proclamation Touching the Confirming of Rights and Properties* said that while the governor believed that the first had been generally understood as conforming to the late 'Treaty and Articles of Peace' between the king of England and the States General of the Netherlands, nevertheless, 'to prevent all misconstructions' that might be 'pretended,' he now declared that so the aforesaid

proclamation was in fact to be understood in each and every particular. These proclamations, it will be noticed, made no reference to New Amsterdam's Articles of Surrender of 1664 — only to the recent Treaty of Westminster.

On November 10 Andros restored the city government to its English form, naming as mayor Secretary Nicolls and as deputy-mayor (a novel official) John Lawrence. The aldermen as well as the mayor were now counted among the members of the supreme court or court of assizes. The seal of the province had been recovered. The seal of the city was lost, and although Andros wrote to England for a new one there is no record that he received it.

From this time on the city records were kept wholly in the English tongue. The clerk of the city kept them all but in two sets, separating the minutes of the proceedings of the magistrates when they sat as a common council from those of their proceedings when they formed the mayor's court. The latter still remain unpublished. The *Minutes of the Common Council* down to the month of May, 1776, have recently been printed in eight octavo volumes. They begin with the entries for October, 1675, a year after the arrival of Andros. The few gaps that occur in the records of subsequent years hardly lessen the value of their vivid picture of municipal activity. The accounts of the city were kept in Dutch as late as the year 1682.

Thus Governor Andros carried out his master's pacific policy, showing official favor even to an Englishman, John Lawrence, who had been on friendly terms with the Dutch invaders. If another Englishman, Captain John Manning, suffered because he had surrendered the fort to them, it was not by the governor's motion.

In England the king and the duke had dismissed Manning uncensured, Charles declaring, 'Brother, the ground could not be maintained by so few men.' When Manning returned with Andros to New York Andros selected him, with Governor Carteret and Matthias Nicolls, to conduct his negotiations

with Colve. But as William Dervall, who had lost much by Colve's confiscations, soon formally charged the surrender to the 'negligence' of Lovelace and the 'treachery' of Manning, Andros was forced by the tenor of his instructions to order, in January, 1675, that Manning be tried by court-martial. The special court so called may be presumed impartial as, composed of the council and the city magistrates with three military officers, it embraced some of the Dutchmen who had gladly profited by Manning's haste to surrender. It acquitted him of treachery, found him guilty on other charges, including neglect of duty to which he humbly confessed, and decided that he deserved death but, as the king and the duke had not condemned him, merely sentenced him to be dismissed from the service of the crown. His sword was broken over his head in 'the public place before the City Hall,' and he was deprived forever of the right to hold civil or military office. Charles Wolley, the later-coming chaplain, who published in 1701 a book relating to his stay in New York, says that Manning had also been 'condemned to an exile' on an island in the East River where Wolley paid him a visit. At all events Manning lived thereafter on this island, which had been given him when Governor Nicolls confiscated the West India Company's property. Passing at his death to his stepdaughter it was then called by the name of her husband, Blackwell; and it remained in the hands of their descendants until 1828 when the city acquired it as a site for penal and charitable institutions.

Captain John Carr, who had been accused of running away while acting as Manning's envoy to Colve, wrote from Maryland when he heard of Manning's trial, protesting 'by Almighty God' that he had done nothing except by Manning's command. The last order, he said, was to delay the enemy as long as possible:

> . . . but they was at the turnpike when I went out of the gate and pressing forward to the gate I was in the middle of them, and I thought it my best way to get from them than to enter with them. This is the greatest crime that God and my own conscience knows I am guilty of.

On the other side of the ocean Colonel Lovelace soon died, under a cloud if not in actual disgrace. Committed to the Tower 'for not having defended' the fort at New York he induced the king to appoint a special board to examine into the facts. Falling 'very ill of a dropsy' he was released under bonds to appear when required. Meanwhile Thomas Delavall was petitioning for his promised salary of £200 a year, not one penny of which he had received although he had served under Nicolls and Lovelace as the duke's auditor for ten years and had paid £1400 out of his own pocket toward the support of the soldiers in Fort James. He affirmed that Lovelace was in the duke's debt to the amount of £7000, and by the duke's order Andros attached Lovelace's property in New York. Lovelace died before the time appointed for exhibiting his accounts in London — January, 1679. It is possible that if he had lived he would have cleared his name. Without further process of law, apparently, such portions of his property as Andros had recovered escheated to the duke. A part of his Staten Island estate his brother Thomas managed to retain or to regain.

More valuable than this was the Domine's Bouwerie beyond the city wall on Manhattan which Stuyvesant had confirmed to Bogardus's widow, Annetje Jans, and Lovelace had bought from her heirs. Now it was joined to the Duke's Farm (originally the West India Company's) which adjoined it on the south. As thus extended the tract was afterwards called the King's Farm, or in the time of Queen Anne the Queen's Farm, and was reserved for the use of the governor in office until, early in the eighteenth century, Trinity Church obtained it. It stretched from a line which is now Fulton Street up along the North River shore to the foot of the modern Christopher Street and along Broadway to Reade Street, an irregular line between these two points forming its northern boundary. The fact that in the sale to Lovelace the rights of one of Annetje's immediate heirs were not recognized formed the basis of a claim which, sixty-eight years later, her descendants put forth against Trinity Church, starting a contention of

which the echoes have not yet died out. In 1677 Andros leased this tract, to-day so extremely valuable, to one Dirck Seicken for twenty years for a yearly rent of sixty bushels of 'good winter wheat.'

The second change from Dutch to English rule had been as quietly accepted in the Delaware as in the Hudson River settlements. Without much trouble Andros brought back under the duke's hand Martha's Vineyard and Nantucket which the Dutch invaders had not claimed but Massachusetts wanted. Less easily he pacified those perennial centres of disturbance, the towns of eastern Long Island. Connecticut had formally annexed them when the Treaty of Westminster was published, and not until Andros himself went to deal with them toward the close of the year 1674 did they unwillingly submit. At the west end of the island Jamaica petitioned for the establishment of a representative form of government, citing the promises made by Nicolls at the time of the surrender of 1664; and Newtown, presenting a 'seditious' address, drew down punishment upon the head of the town clerk who had drafted it.

Otherwise there seem to have been no disturbances until the spring of 1675 when the governor and council announced by ordinance that, as there had been a recent change of government 'and other oaths imposed upon the inhabitants,' all persons intending to remain in New York must take 'oaths of allegiance and fidelity' to the king of England and the Duke of York at such time and place as the magistrates of the respective localities in the province should appoint. No letter or document exists to prove just why Andros thus demanded of every one the oath which, from the political point of view, the duke's new patent had made needless except, of course, in the case of office-holders. It is certain, however, that the Dutchmen of Manhattan were showing more discontented faces to Andros than they had shown to Nicolls ten years before. They were now well aware of what English rule implied politically and commercially; during the Dutch re-

occupation, when they were free from the bonds of the West India Company, they had hoped for a liberal government under the States General only; and by the annulling of Colve's confiscations many of them had lost property to which they thought themselves entitled.

At once eight of the leading Dutchmen of the city — Cornelis Steenwyck, Johannes De Peyster, Johannes Van Brugh, William Beekman, Jacobus Kip, Anthony De Milt, Ægidius Luyck, and Nicholas Bayard — declared that they would willingly take the oath if Andros would assure them, as Nicolls had done, that it would not invalidate the Articles of Surrender of 1664. Andros refused, thinking doubtless that his pledge to respect the Treaty of Westminster sufficed. After the eight, summoned before the governor and council, had again declined to take the oath unconditionally, they explained in petition to the governor that they had wished him to reiterate Governor Nicolls's declaration 'principally in the point of freedom of religion and pressing in time of war,' but that he had refused to meet their 'hope and expectation' and moreover, had looked upon them 'as mutinous' merely because they had 'the misfortune to have been the first summoned to the council' — thus implying that their fellow-citizens felt as they did. Again they asked particularly that they might be assured against the need to take up arms against any of the Dutch nation 'acting under the State in case of war,' or else be allowed sufficient time to dispose as far as possible of their estates and to remove with their 'substance and families . . . free and unmolested' whithersoever might seem good to them, offering to swear to be faithful meanwhile to the government. All their prayers were denied; and the governor issued to the sheriff a warrant for their apprehension as 'eight factious persons' who, having 'endeavored a disturbance and rebellion,' were to be brought to the fort and all their books and papers seized. Trouble was looked for: the sheriff was told to take with him a guard of soldiers as well as a constable. After their arrest the eight petitioned the mayor and aldermen to intercede with the governor that

they might be relieved from the need to take the oath and to bear arms against Dutchmen. The mayor's court merely advised that they be released under bonds of £200 each to appear for trial before the next session of the court of assizes; and so the governor decreed.

Then they addressed the States General of the United Netherlands by the hand of Steenwyck, who seems to have been their leader, and in the name of 'The Dutch Nation in New York heretofore called New Netherland.' When, said their petition, Governor Colve surrendered the province to Governor Andros pursuant to Article 6 of the Treaty of Westminster, which promised that all captured places 'in Europe or elsewhere' should be restored 'in the same state and condition' as before the war, the petitioners believed that they would retain all the rights and privileges they had formerly enjoyed 'principally' by virtue of the capitulation of 1664 'which was also accorded them . . . by the aforesaid 6th Article of the Treaty of Peace' of 1674. But they had been disappointed, Governor Andros laying before them an oath which he had drawn up 'according to his opinion and not according to the aforesaid capitulation.' Furthermore, he had 'not only illy received but peremptorily rejected' their humble prayers, denounced them as disturbers of the king's peace, put them under arrest, and ordered them to appear for trial, and, as they were 'for a certainty' informed, had sent one of his officers to England 'to denigrate the petitioners . . . to his Royal Majesty.' Wherefore they begged the States General to inform King Charles through their ambassador of the true state of the case, and to urge that the eight under arrest should not be punished for their petitions and that the Dutch nation in New York might be continued in the privileges that were their due. With the petition they enclosed a copy of the Articles of Surrender of 1664 and of Article 6 of the Treaty of Westminster.

Thus the reasons of the burghers for refusing to take the oath appear more clearly than the reasons of Andros for exacting it. So far as we can read, Andros had not threatened

them with 'pressing in time of war' but, wittingly or unwittingly, he had menaced the other right upon which they laid especial stress — their 'freedom in religion.' There had come from England at the time when Andros himself arrived the Reverend Nicolaus Van Rensselaer, youngest son of the first patroon of Rensselaerswyck, and brother of the second patroon, who like his father had remained in Holland, and of Jan Baptist and Jeremias who had successively administered the patroonship. A protégé of the Stuarts, he had followed them from Holland to England at the time of the Restoration. In Holland he had been merely licensed according to the rites of the Reformed church. In England he had been ordained by an Anglican bishop and then had ministered to a Dutch congregation at Westminster and served as lecturer in another church. He brought with him to America a letter from the Duke of York recommending him to Andros for the first 'benefice' that might fall vacant at New York or Albany. Without waiting for a vacancy and without consulting the Dutch clergy Andros directed Domine Schaats at Albany to receive Van Rensselaer as a colleague. His only desire, beyond a doubt, was to please the duke. What his Dutch subjects saw was a violation of the Article which in 1664 had secured to them their liberties 'in divine worship and church discipline.'

The Dutch ambassador brought the petition of the eight New Yorkers to the notice of the duke. James merely disclaimed all knowledge that any earlier governor had made any declaration about the Articles of Surrender; but his secretary, Sir John Werden, took the occasion to remind Andros that the duke desired that all persons in New York be treated 'with all humanity and gentleness' consistent with 'the honor and safety of his government.' It appears from Werden's comments that Andros had written him about 'tumultuous meetings of some of the chief of the Dutch in New York,' and probably the governor believed that plans for a revolt underlay the expressed desire to make former rights and privileges secure.

When the eight burghers were arraigned before the court of assizes in October De Peyster at once submitted and took the oath. His associates were then charged with a breach of his Majesty's laws in refusing to swear allegiance and also with a breach of the Navigation Acts — which not only excluded foreigners from commerce with the colonies but forbade them to live there as merchants or factors. Perhaps Andros devised this new charge because he feared to arouse the people by prosecuting solely upon political grounds. Or it may give the key to his insistence upon the oath: perhaps he had thought from the beginning, although he had not so explained himself, that, in spite of the fact that the duke's patent authorized him to govern foreigners as well as British subjects, the Dutchmen of New York must take the oath of allegiance if they wished to enjoy the privileges secured by the Navigation Acts to British subjects. At all events neither charge could be refuted. It was proved by the collector of customs, Captain Dyre, that all the accused except De Milt had traded since their commitment; and the jury, composed wholly of Englishmen, found them all

> . . . guilty of the cause of their commitment. And also of a breach of a statute of the 13th September, 1670, in the 12th year of the reign of King Charles the 2d, wherein no aliens are to trade in any of his Majesty's plantations under the penalty of forfeiture of all their goods and chattels, ⅓ to the king, ⅓ to the government, and ⅓ to the informer. The governor to put the act in execution or to be removed from his government.

Thereupon the court adjudged that as it had been proved that, before the mayor's court and on other occasions, the accused had not only declined to take the oath legally tendered them but also 'did contradict the taking' thereof 'to the disquiet and disturbance of his Majesty's subjects tending to faction or rebellion,' and that, 'being aliens,' they had 'presumed to use divers trades and occupations' contrary to various laws enacted to cover such cases, they should 'forfeit their goods and chattels to his Majesty accordingly.' They

petitioned that the penalty might be mitigated but were curtly ordered to take the oath. Their property was attached; at last they yielded; their fellow-citizens followed their example; and they were relieved from all punishment. Even Nicholas Bayard was pardoned although he had been ordered under arrest because, said the warrant, 'since his trial and judgment' at the recent court of assizes he had disquieted the minds of his Majesty's subjects and disturbed the peace 'by his evil comport and practices.'

Meanwhile the court of assizes had so far concerned itself with church affairs as to order that, for the maintenance of the ministry a double rate, 'besides the country rate,' should be levied in towns which had not already a 'sufficient maintenance for a minister.' It had also fined and bound over to good behavior Thomas Case and his wife, the leaders of a band of Quakers called 'Case's Crew,' who were making much trouble in the western part of Long Island, interfering with church services, pretending to be able to raise the dead and to have the gift of tongues, and exciting their hearers so that some fell into convulsions. More important, however, than these disturbances was a quarrel provoked within the Dutch church by Andros's appointment of Domine Van Rensselaer.

While the trial of the seven burghers was in progress Domine Van Nieuwenhuysen had refused to permit Van Rensselaer, who was temporarily in the city, to perform the rite of baptism in his church, saying that he did not look upon him as a lawful minister or consider lawful his admittance at Albany. When Van Rensselaer asked leave to present his credentials Van Nieuwenhuysen said that no one ordained in the Church of England had the right to administer the sacraments in a Dutch church without the sanction of the classis of Amsterdam. Ordered by the government upon complaint of Van Rensselaer to put his opinions upon this point in writing, he and his consistory defended themselves in a long debate before the governor in council. Given time to amend his opinion, he explained that he had no wish to cast a slight upon the Anglican church but that no one could lawfully officiate in a church

of the Dutch communion who had not promised to conform to its practices. This Van Rensselaer then pledged himself in writing to do.

Van Rensselaer had come to Manhattan to urge Andros to appoint him director of Rensselaerswyck in the stead of his brother Jeremias who had recently died. The widow of Jeremias and her brother, Stephanus Van Cortlandt, opposed this plan but compromised by retaining part of the authority themselves. Domine Schaats soon accused his colleague of 'false preaching'; the church authorities found him guilty of heresy; and when he failed to clear himself of a similar charge brought by Jacob Leisler, who was a deacon of the church at New York, and Jacob Milborne, an Englishman then at Albany, the magistrates imprisoned him. Upon his petition the governor ordered his release, directing Leisler and Milborne to give bonds to show good cause for his arrest. Leisler, refusing, was then imprisoned in his turn. A court composed of the governor, the council, and the Dutch ministers of the city heard the case and referred it back to the Albany authorities. These made peace between Schaats and Van Rensselaer; and the court then ordered Leisler and Milborne to pay all costs as having given 'the first occasion of a difference.' A year later Andros felt obliged to depose Van Rensselaer for evil conduct — for his 'bad and offensive life,' as Domine Van Zueren of Breuckelen wrote to Holland.

Probably Van Rensselaer's character had from the first excited antagonism; but the mainspring of the attacks upon him was the same fear that seems to have prompted the refusal of the eight burghers to take the oath. The correspondence of the church authorities shows that in Holland as well as in New York they read danger in the fact that Englishmen now bore control over the Reformed communion in the old Dutch province. Van Nieuwenhuysen wrote home that he refused Van Rensselaer the use of his church because he could not acknowledge any 'episcopal government,' and also that the people could not tolerate Van Rensselaer because he had been 'palmed off' upon the church at Albany

'rather than called to it in a legal way.' And at a later time William Smith bore witness to the deep indignation provoked by the interference of Governor Andros in ecclesiastical affairs. When recording in his history of the province the incidents of days long antecedent to his own, Smith often went astray; but he may be accepted as a credible witness with regard to that trend of popular sentiment which tradition is apt to transmit more faithfully than specific facts. And he says that the 'greater part of the people' resented the usage Van Nieuwenhuysen met with at the hands of the governor when he shut Van Rensselaer out of his pulpit, and that the governor referred Van Rensselaer's case back to the Albany authorities because 'he was fearful that a great party would rise up against him.' When, however, Smith adds that Andros was thus 'compelled to discontinue his ecclesiastical jurisdiction' he implies intentions on the governor's part which, undoubtedly, the governor had never conceived.

Of course ecclesiastical rights in danger meant to the apprehensive New Yorkers danger for all their other rights and privileges. This fact explains the part played in the Van Rensselaer affair by Jacob Milborne, an Englishman who can have had little direct interest in a Dutch church quarrel. The quarrel, however, was all the longer remembered because it brought for the first time into prominence in public affairs both Milborne and Leisler, two men who sixteen years later ended their lives in tragic partnership after figuring as leaders of the popular party during the most troublous times that the province yet had seen.

Jacob Leisler, one of the many Protestant Germans who drifted from the Rhine countries into Holland during the middle years of the seventeenth century, was the son of a clergyman driven by persecution from the Palatinate to Frankfort-on-the-Main. A note attached to his name on a list of the West India Company's soldiers, as one of whom he came to New Amsterdam in 1660, shows that he was then in debt even for his musket. But, like Frederick Philipse who in later years was one of his bitter enemies, he soon turned

trader and in 1663 married a woman with money — Altye (Elsie) Tymans, a stepdaughter of Govert Lockermans, a niece of Annetje Jans, and the widow of Pieter Van der Veen whose business she carried on after his death. By the year 1669 Leisler was living in one of the best houses in the city, near the one that Governor Stuyvesant had built for himself, and owned several others on the principal streets. He was frequently employed in some minor or transient official capacity; and he stood seventh on Colve's list of the wealthier burghers.

Jacob Milborne, according to the testimony of the many enemies he made in after years, had as a boy been convicted in England of coin-clipping, sent to Barbadoes, and then sold as a bond-servant to a resident of Hartford. Stubborn and disobedient, he had been transferred from master to master until his term expired in 1668 when, at twenty years of age, he came to New York. Here he was employed until 1672 by Thomas Delavall as bookkeeper and business agent, his honesty seeming not to have been called in question. He had a brother who was a conspicuous Anabaptist preacher in Boston, and he himself was a radical in politics if not in religion. He left New York in 1677 some two years after the trouble about Domine Van Rensselaer. Returning in 1678 he was arrested by order of Governor Andros upon a warrant which said that he had 'presumed to clamor' and to write 'scurrilously' against the government of the province and the magistracy of the city, 'particularly at his going off in November, 1677, and afore and since,' and had not explained himself when examined with regard to his reasons for returning — a thing that every new-comer was required to do. Although he was kept in confinement only a single day and soon afterwards betook himself to London, he did not forget. When Andros, relieved of the governorship, also found himself in London in 1681, Milborne sued him for false imprisonment and obtained damages to the amount of £45. This incident is forgotten when it is sometimes said that of all the many governors of the Thirteen Colonies only two, Bellomont of

New York and Phips of Massachusetts, were ever sued in England for acts committed in America.

No other serious disturbance occurred during the administration of Governor Andros, but from time to time individuals at New York and elsewhere and town officials on Long Island provoked arrest by so-called seditious or riotous acts or words. Andros understood the cause of the general discontent that thus revealed itself. It was not the sovereignty of the king of England; it was the arbitrary government of the Duke of York. Twice in autograph letters — dated in April, 1675, when the eight burghers had just refused to take the oath, and in the following January — the duke referred to certain things which Andros had written him about the establishment of an assembly. In the first letter he said that the governor had done well to discourage talk of such an innovation 'which the people there seem desirous of in imitation of their neighbor colonies'; it was inconsistent with the existing form of government, and it was needless for the redress of grievances as the court of assizes contained 'the same persons as justices' whom the people would probably choose had they the power. In the second letter, which implied that Andros had actually advised the change, James said that it seemed to him a dangerous idea, assemblies being apt to assume privileges which disturbed or destroyed the governments that permitted them; nevertheless he would be 'ready to consider' the governor's proposals should he persist in his opinions.

While New York had every reason to think itself entitled to an assembly, each of its mainland neighbors already enjoying the privilege and likewise Jamaica, Bermuda, and the Leeward Islands, the duke had some reason to fear its establishment. He felt that he was governing his people gently; he knew of the defiant attitude of Massachusetts; he knew of the disorders that had distracted New Jersey before the Dutch reoccupation; and he knew of those which at the moment were rending Virginia, culminating during the summer of 1676 in the revolt, called Bacon's Rebellion, which was pro-

voked not by antagonism to the mother-country but partly by a discouraging industrial outlook, partly by dissensions between the governor and the assembly which imminent danger from the Indians brought to the exploding point. Moreover, the right to an elected assembly was not recognized in England as one of the indisputable rights that Englishmen carried abroad with them. It was not thought that the existence of a parliament in England, in Scotland, or even in Ireland where nevertheless the power of the English parliament was paramount, gave legal warrant for the establishment of colonial legislatures. This is shown by the fact that the charters of most of the colonies specially provided for their erection. That men, however gently governed, might insist upon having an assembly for the sake of assuring their future or simply for the sake of feeling themselves free, was a fact imperceptible to James Stuart.

Long ere this James must have understood that he would never get from his province what had been prophesied to him in 1664 — a revenue of £30,000 a year. But he still expected something and was getting less than nothing. When the frigates which had brought Andros to New York returned to England in the spring of 1675, James received payment for a cargo of 'timber and planks' to be used in the royal navy yard. Nevertheless, he said, he was more than two thousand pounds out of pocket for the expense of recovering his province. Nor had he secured the whole of it. New Jersey had managed to escape him. Massachusetts, said Andros, was claiming 'to Albany itself.' And Connecticut had of course refused to comply when in May, 1675, Andros sent it copies of the duke's new patent and his own commission to show that his boundaries extended to the Connecticut River, and asked that the neighbor colony might give speedy orders for the recognition of his Royal Highness's rights. As against the patent and the commission Connecticut cited its own patent of 1662 and its agreement with Governor Nicolls. This agreement, Andros replied, had been effected through

an 'evident surprise,' had not been ratified in England, and in any case would have been wiped out by the duke's second patent. It would be impossible, he wrote home, for his government to subsist without the addition of the Connecticut territory.

In June 'King Philip's War,' the fiercest of the conflicts that New England waged with its Indians, broke out in Plymouth Colony. John Winthrop, now near his death and no longer acting as governor of Connecticut, sent Andros the news. Early in July Andros answered that because of the Indian danger he was hastening his coming to those parts 'to take such resolutions' as might seem fitting 'upon this extraordinary occasion.' Connecticut did not want and would not take his aid. Dreading the Duke of York more than the Indians, the council of war recalled, to garrison Saybrook at the mouth of the river, a company of soldiers that it had sent toward Plymouth. The general court ordered the authorities at Saybrook to forbid Andros to land, counselled him not to molest the king's subjects, and in a formal protest denounced him as a disturber of the king's peace. Coming with three sloops and some soldiers Andros landed without opposition. An offer of the authorities to treat with him he refused, ordering that the duke's patent and his own commission be publicly read and saying that he would then depart unless asked to remain. The reply was a public reading of the protest of Connecticut which Andros denounced as a slander and a poor return for his proffered kindness. Satisfied for the moment with his assertion of the duke's authority, and fearing that the Indian war might spread beyond the borders of New England, he set sail for the eastern end of Long Island and as he departed exchanged salutes with the Saybrook fort.

From Long Island he sent aid to Martha's Vineyard and Nantucket. On his way back to New York by land he disarmed the island Indians and reviewed the militia. Summoning to Manhattan the chiefs of the New Jersey tribes he pledged them to peace. And then, after insuring vigilance in the city,

he went up the river to Albany and more than a hundred miles westward into the Iroquois country. Here the savages received him with friendly promises and gave him the title 'Corlaer' which, they explained, was the name of a man whom they had always held dear. At Albany he established a board of Indian commissioners, composed of local officials, which existed thereafter until the year 1755. The most important body of the kind ever created in the colonies, it played a prominent part in their individual and their common concerns. Unfortunately the records of its proceedings, carefully kept from 1675 to 1751 and then bound in four folio volumes, have now disappeared.

By October the Indians were raiding and burning in New England from the Pemaquid district at the east to the upper valley of the Connecticut at the west. Andros sent word to Hartford that a savage who professed friendship had warned him that this town would be attacked. As the Senecas, the powerful western nation of the Iroquois, were attacking their old enemies the Susquehannas on the borders of Maryland, he wrote to the governor that he had engaged both Senecas and Mohawks to injure no Christians in their wars with other tribes and, offering his services to restore peace, invited some of the Susquehannas to visit him at New York. Early in January, 1676, he wrote again to Hartford that King Philip with four or five hundred braves had gone into winter quarters within forty or fifty miles of Albany. Actually, the camp was not more than twenty miles to the northeast of Albany. As the Hudson was frozen Andros could send up no soldiers, but the Mohawks, responding to his orders, kept 'continual parties out.' The New Englanders would not permit him to give more effectual aid on their own soil even though he promised that to 'remove all jealousies' he would forbear to press the duke's territorial claims. The Dutch traders they accused of selling arms and ammunition to Philip. Resenting this charge which, said Andros, seemed to make him an accomplice in the evil work, and asking the Connecticut authorities to specify the criminals, he told them that what

they really wanted was that Philip's 'bloody crew' should be driven into New York to be dealt with there. In fact, wishing for the aid of the Mohawks but not of Governor Andros, Connecticut had asked that it might treat with the Mohawks on its own account and send its own soldiers up the Hudson — singular requests, Andros replied, from people who kept him 'a stranger to all the concerns' of their war, and certain if granted to 'breed distractions' among his Indians. Rhode Island, then controlled by Quakers, was the only New England colony that kept on friendly terms with New York and accepted help from its governor. Nevertheless the Mohawks gave considerable aid, scattering all the hostile war parties that appeared in the vicinity of the Hudson.

It was at this time that the notorious Edward Randolph, long employed by the advisers of Charles II to investigate and to report upon the affairs of the New Englanders, paid them his first visit. Many of his statements about them were gross exaggerations. Not so his report that if they had not slighted the 'friendship, advice, and offers' of Governor Andros the war would not have occurred or would have proved much less destructive. In spite of everything, he said, Andros had been 'very friendly and serviceable,' keeping the Mohawks from siding with Philip although he was denied the chance actively to employ them against him. An anonymous *Account of the Iroquois Indians*, written evidently in 1682 and preserved in the Public Record Office, likewise declares that all New England might have been destroyed had not Andros maintained his influence over the Iroquois 'both as governor and trader.' Thus for the first time the importance of the Iroquois alliance was recognized although not as yet with reference to the Canadian French; and thus for the first time a governor of New York played, as such, a part of consequence in the affairs of colonies not his own.

King Philip's War ended with the death of the chieftain in August, 1676. The fear that it might set New York aflame had discouraged political agitation among the people of the province, and Andros had been as careful as possible not

to excite them. For example, he imposed at Esopus and Albany a special tax to meet his outlays for defence but merely asked the more sensitive Long Island towns what they would contribute. They gave him very little; and undoubtedly they considered his request a fresh incentive to secure the power to lay their own taxes. When, two generations later, William Smith referred to the incident he called it an example of taxation 'by a kind of benevolence—a badge of bad times.'

In Maine an Indian war continued after Philip's War came to an end. Andros prevented the authorities of Massachusetts from engaging the aid of the Mohawks but, as appears from a letter which he sent them by the hands of Mayor Dervall, consented to try to bring about a peace although, as he explained, all his 'friendly proffers' had been 'slighted' by his nearer neighbors. Securing a peace in the summer of 1677, he then asserted the duke's authority at Pemaquid, sending Lieutenant Brockholls to build a new fort and so to regulate trade that the duke's custom-house should profit. Thus he completed the reorganization of his province in all parts of which the Duke's Laws were now administered.

In April, 1677, he permitted representatives of Massachusetts and Connecticut to covenant with the Iroquois under his own eye at Albany. This was the first time that any New Englanders had parleyed officially with the Indians of New York. In August there came for the same purpose an agent from Virginia and Maryland where the Senecas had crushed at last the Susquehannas.

It was not only to protect the other English colonies and to prevent them from breeding trouble in New York that Andros needed to maintain his influence over the Iroquois. All the Five Nations, cowed by the expeditions sent down from Canada in the time of Governor Nicolls, had freely admitted those Jesuit missionaries who, as Governor Lovelace once remarked, pretended that they meant to advance only the kingdom of Christ but, it was safe to believe, kept also the kingdom of Louis XIV in mind. Moreover, the Frenchmen

now had busy trading stations at the head of Green Bay and at the outlets of Lake Superior whence there was easy access to the small affluents of the tributaries of the Mississippi. Joliet and Marquette had descended the 'Meschasipi' to the mouth of the Arkansas. Count Frontenac, the governor appointed in 1672, aided by La Salle who was perhaps the first Frenchman to conceive the idea of hemming in the English by a chain of western posts, had built Fort Frontenac on the northern shore of Lake Ontario where Kingston now stands; and here in 1673 the Frenchmen had held a friendly council with the chiefs of the Five Nations.

As England and France were at peace and their monarchs in close amity when Andros came over, he was instructed to preserve the Indian trade without giving the Canadians any offence. But if his province were not to lose all share in the fur trade, the major part of which Canada had already absorbed, he could not even tacitly sanction the claim of the French that, by making treaties with them and receiving their missionaries, the Iroquois had acknowledged the sovereignty of their king. Therefore in 1677 he put forth the first definite assertion of authority over the Five Nations that was spoken on behalf of the English crown, instructing their sachems and the chief of the Jesuits residing among them that they were to deal with the French only 'as they are friends' — in no case 'to be commanded by them.'

Permitted by the duke to visit England on private business Andros set sail in November, 1677, leaving the province in charge of his first councillor, Lieutenant Brockholls. He was well received at court and knighted for his good service in New York. It does not appear that he spoke of establishing an assembly there. Reporting in writing upon the state of his province and upon his efforts to aid the New Englanders in their time of distress, he dwelt strongly on the weakness resulting from colonial subdivision and advised that the New England colonies be united and their militia put under the control of the crown. At his request Charles ordered an

inquiry into the charge which had been loudly put forth in word and in print by the authorities of Massachusetts and Connecticut — the charge that he and his people, or at all events his people, had fomented Philip's War by selling him guns and powder. Although it is possible that secretly, through Mohawk intermediaries, there had been some small traffic of this kind by Albany traders, the governor's strict prohibitions had generally been obeyed. The charge of New England was based chiefly upon the words of a mischief-making Englishman at Albany who had been prosecuted and punished. Edward Randolph had written that even in Boston it was known by sober persons to be a mere report 'raised out of malice and envy' by men who hated any form of government unlike their own. Now the agents of Massachusetts could say nothing to support it. The king in council pronounced that there was no reason to believe it and forbade the New Englanders to repeat it unless they could follow it up by immediate legal prosecution and conviction. This they made no attempt to do.

When Sir Edmund Andros set sail for New York in May, 1678, England was at the point of engaging again in the war which France was still waging with Holland and its allies. But not again on the side of France. By the people at large the old fear of Holland's rivalry in trade was for the time forgotten in a greater dread of the ambitions of the Most Catholic King, and, especially, a dread of what his friendship with their own king might portend for the liberties of the Protestant kingdom. Charles had been persuaded to marry Mary, the elder daughter of the Duke of York, against her father's wishes to his nephew William Prince of Orange, already recognized as the champion of continental Protestantism. In January, 1678, he was forced to conclude a treaty of alliance with the Dutch and to recall the troops he had permitted to remain with the French army; and parliament voted him a great sum of money with which to begin war against Louis XIV.

Threatened in this fashion Louis decided to make peace, and in August France and the Republic concluded the Peace of Nimeguen. Holland preserved its territories intact; but it lay exhausted and shorn of much of its carrying trade; and, thenceforward the ally of England, it was destined to suffer as much from the friendship as it had from the enmity of its rival. France, acquiring Franche Comté and a strong foothold in the Spanish Netherlands, and dominant now on the continent as never before, had bought its military success by the ruin of the great commercial structure which Colbert had built up on a basis of maritime power. The chief gainer by the long war was England which had withdrawn from it four years before. Although the island kingdom exerted no influence again upon continental politics until after the fall of the Stuarts, it had made good use of its chance firmly to establish its dominion on the American seaboard; and, while its navy was not yet as strong as the navy of France, by the absorption of much of the commerce of both France and Holland it had achieved that leadership in ocean traffic which was to bring forth naval supremacy as its natural fruit.

Andros had sailed in a New England merchantman on May 27 and after a very long voyage reached New York on August 7. Of course he knew nothing about even the preliminaries of the peace concluded by France and Holland on August 10. What he brought was the news, very alarming to his province he wrote home, of a probable war between France and England. Bearing a new commission, given by the duke as lord high admiral on colonial seas, to serve as vice-admiral within the borders of his government and to set up an admiralty court, he conferred admiralty jurisdiction upon the mayor's court of New York.

One of his Dutch New Yorkers was accused at this time of making a personal attack upon the sea power of France. In the year 1689 Edward Randolph, writing to the Lords of Trade from the prison into which the people of Boston had then thrown him, referred to a Captain Le Moin, 'a great undertaker for pirates and promoter of irregular trade,' who

some fifteen years before had brought into Boston harbor two or three 'very rich Dutch prizes' worth more than £100,000. This same Frenchman, Captain Bernard Le Moin, Le Moyne, or Le Moire as his name was indifferently written by Englishmen, was permitted in 1678 to enter the harbor of New York for supplies and for repairs to his privateering or piratical frigate, the *Golden Fleece*. Le Moire hired a pilot named Cornelisen to take the ship up to Deutel Bay on the East River shore; and Cornelisen, said Le Moire in a complaint lodged with the court and asking for damages to the amount of £10,000, ran her upon the rocks 'contrary to the rules of navigation and with wilful malice' so that she was forced to make the nearest land where she sank. This disaster is the first that is known to have happened in the harbor after the burning of Adriaen Block's *Tiger* in 1614.

A longer story although, as we have it, a story with more than one hiatus, tells of a certain sea-faring adventurer known as Captain John Rhoade, or Rhoades, 'of Boston' who during the absence of Andros in England had been brought under arrest from Pemaquid to Manhattan. He had been the chief actor in a little drama of colonial conquest which history has well-nigh forgotten.

In the summer of 1674, while New York was still New Orange, a Dutch privateer, the *Flying Horse*, coming up from Curaçoa under command of Captain Jurriaen Aernouts, stopped at New York to refit. Rhoade, who chanced to be at hand, persuaded Aernouts to attempt the conquest of Acadia, which England had recently restored to France, and shipped as his pilot after taking the oath of allegiance to the Prince of Orange. As there were in Acadia not more than four hundred scattered settlers it was an easy task for the Dutchmen to capture the fort at Pentagoet and the governor of the province therewith. Taking possession of the country in the name of the Prince of Orange they renamed it New Holland. Unable to garrison it, after raiding a long stretch of coast they carried their plunder and their prisoners to Boston. Aern-

outs seems then to have left his conquest to its fate. Count Frontenac, as winter was approaching, could for the time do nothing more than ransom the captured governor. As soon as the warm weather came again, Rhoade returned to Acadia in a ship that he had fitted out at Boston and drove away some intruding New Englanders. The Bostonians, wanting the place for themselves, sent up an expedition to bring him back. And at Boston he and some of his companions were tried for piracy, convicted, and condemned to death but in the end merely banished from the colony.

The news of Aernouts' achievement was long in reaching Holland. Just when or how it was transmitted cannot be said, but in September, 1676, the recently reorganized West India Company issued to John Rhoade, upon his demand and in its own name only, a commission to remain and to maintain himself in Acadia, to cultivate the land and to trade, paying duties to the Company. Some weeks later, on October 27, 'in answer' wrote the Company, to the 'remonstrance' of Nicholas Gouverneur, brother-in-law of Cornelis Steenwyck of New York, it issued to Steenwyck a commission to take possession of the newly gained territory and to administer it as governor in the name of the Company and of the States General of the United Netherlands. His rights were not to prejudice those already bestowed upon Rhoade, and Rhoade was to render 'honor' to Steenwyck and to give him advice. The Company, it said, hoped that Steenwyck would develop for its benefit the agriculture and the fisheries of the country.

How Steenwyck had become interested in the affair, why Gouverneur had remonstrated on his behalf, can only be conjectured. It does not appear that he made any attempt to claim his new rights and titles; indeed, by this time the Canadians had reoccupied Acadia. Rhoade, however, did try to make some use of his privileges. So doing he trespassed on the trading rights of the Duke of York at Pemaquid; and thus it came about that in 1678 he was sent under arrest with his ship and his goods to Manhattan. Brockholls wrote to

Pemaquid that Rhoade had 'taken possession' of the City Hall where he was confined, that his 'insolence and impudence' were 'beyond compare,' and that if he were at Boston doubtless the authorities would 'truss him up.' It seemed better to Brockholls to keep him until Governor Andros should return. Upon petition of the West India Company the States General directed their ambassador in London to urge that he be released and indemnified, and that the rights be respected which they themselves still claimed in Acadia although the French had then reoccupied it and the Treaty of Nimeguen did not mention it. No result followed. Thus died out the last echo of the voice of the Dutch Republic on the mainland of North America. The last commissions issued by the West India Company for any part of the continent, those bestowed upon Rhoade and Steenwyck, Steenwyck's a very stately looking document, are now in the library of the New York Historical Society. There is no record that Governor Andros received any instructions from England in regard to Rhoade. What he did about him is indicated, perhaps, by the record of a commission issued in October, 1678, to John Rhoades and six others to be justices of the peace in the Delaware dependency.

More than by anything else Sir Edmund was disturbed after his return by the temper of the Mohawks. He had never made a treaty with them, he explained to his superiors, always dealing with them as being 'under or part of' his government; but the New Englanders, who had first treated with them by his permission and afterwards tampered with them in unauthorized ways, had made them 'lie if not insolent which they never were afore.' Now he ordered that all interfering strangers be sent down to Manhattan for examination.

In the summer of 1679 La Salle sailed westward across Lake Erie in the brigantine *Griffin* which he had built on the Niagara River above the falls — the first ship borne by the waters of any of the Great Lakes. The Senecas had tried to interfere with this enterprise and sent word of it to Andros;

the Oneidas, coming to Albany, declared that Corlaer governed the whole land westward to the Senecas' country; and the Onondagas and Cayugas transferred their conquests in the Susquehanna region to the government of New York so that the land could not be sold without Corlaer's sanction. On the other hand, Andros had not been able to put an end to Iroquois raids upon the borders of the southern colonies. So in October, after a flying visit to Pemaquid, he went once more to Albany, for the seventh time since he took up his task of government in 1674.

In November a certain Sieur de Saurel writing in Canada to the intendant Duchesneau, said that a Frenchman recently come from Manhattan reported that 'Madame the Governess of Manatte,' meaning Lady Andros, when dining at 'one Mainvielle a French merchant's house,' meaning Gabriel Minvielle a leading citizen of New York,

> . . . told him that news had come of a French fleet having entered the Thames and captured the English admiral and sunk a number of ships in sight of London; that the French have no longer freedom to trade at Orange, and that as soon as they arrive there they are sent to Manate and thence to Barbadoes.

In fact, as a precautionary measure at a time when, as De Saurel also wrote, there was much alarm at Albany because it was 'whispered about' that war had been proclaimed between England and France, Andros ordered that certain Frenchmen living in Albany should be sent away to the West Indies, and thus gave Frontenac much offence. Only subjects of King Charles, Sir Edmund announced, might settle in New York. As the Mohawks and the eastern Indians were fighting, in the autumn of 1680 he visited Boston, agreed that the New Englanders might renew their compacts at Albany, and again effected peace between the Indian tribes.

These journeys and conferences seemed to him hardly more essential for the welfare of his province than his efforts to assert the rights of the Duke of York in New Jersey.

The political situation in England was growing more and more inimical to the duke as a Catholic who in 1676 had publicly acknowledged his faith. In 1678 he was even suspected by some, although never by Charles, of complicity in the alleged Popish Plot against his brother's life. He could not, therefore, openly push his schemes to enlarge his power in America, yet he was hoping to get a new patent which would give him indisputable rights from the Connecticut River to the borders of Maryland. Therefore he had instructed Andros, after the Connecticut government refused to yield the territories west of its river, to accept the boundary line running twenty miles eastward of the Hudson — temporarily, in the belief that some day the 'utmost limits' named in his existing patent might be secured. As regarded New Jersey the situation was less simple.

In June, 1675, a band of colonists led by Major John Fenwick, one of the Quakers to whom Berkeley had transferred his interest in New Jersey, having no grant from the king and holding under the Duke of York by virtue only of his first and now obliterated patent, entered the Delaware and settled opposite New Castle, originally New Amstel, where the deputies of Governor Andros were just then reorganizing the government of the Delaware dependency of New York. In 1676 New Jersey was formally divided, the line running from Little Egg Harbor to the Delaware Water Gap. Thenceforward the portion to which Delaware Bay and its river gave access was called West Jersey, Sir George Carteret's portion, approached through the Bay of New York, East Jersey. As Sir Edmund's commission gave him authority over all the territories named in the duke's patent he felt bound to assert it in both the Jerseys. And it was advisable to insist upon the enforcement of his custom-house regulations lest the commerce of New York be injured by the development of ports in neighboring districts where, were they left to themselves, lower duties or none at all would undoubtedly be exacted.

When Fenwick arrived with his party, asserted powers in

government as well as in the disposition of lands, and, it was said, dispossessed some settlers who considered themselves within the jurisdiction of New Castle, Andros directed that he should submit to the customs regulations of New York and should grant lands by the authority of its government. Fenwick declined to obey any orders except from the king or the duke. Andros then ordered his arrest. He was tried before a special session of the court of assizes at New York and, failing to produce any deed from Berkeley and refusing to give bonds for his good behavior, was kept for a time in custody and then released on parole, giving bonds not to assert any powers in government. In 1678 he asserted such powers, appointing officials and demanding from settlers an oath of fidelity. Summoned again to New York he was again arraigned for conveying lands in the province without the permission of its government. Again the court of assizes pronounced against him and, moreover, denied his right to appeal to the king. In England the proprietors vigorously protested, yet during the rest of his administration Andros seems to have exercised fiscal control over West Jersey.

Meanwhile during the first years of his administration he had made no effort to interfere in East Jersey, possibly because it had no port of its own, and associated on the most friendly terms with Governor Carteret. In 1676 Sir John Werden wrote him, pledging him to secrecy, that the duke was not at all inclined 'to let go any part of his prerogative'; he was trying to 'soften things' in respect to Sir George Carteret, but those who might succeed Sir George would have to be content with 'less civility' as things now intended as 'favors' might redound to the prejudice of New York. When Andros visited England he was ordered again to be strict in the exaction of customs dues. In 1679 he sent Collector Dyre to London for further instructions; and undoubtedly he got them from Werden although the duke was in Brussels whither the king had forced him to seek safety from the violent storm excited by the supposed Popish Plot.

In this same year Governor Carteret, supported by the

assembly of East Jersey which hotly resented the imposition of any taxes without its consent, proclaimed free trade for his province — which meant that there would be no burdens on its trade save such as the Navigation Acts imposed. In 1680 Sir George Carteret died. Evidently thinking the time propitious for a sterner assertion of the duke's claims, Andros then challenged Carteret's authority in general, saying that he was acting as governor without legal warrant. Conferences in which each exhibited his credentials effected nothing. Carteret and his subordinates ignored Sir Edmund's orders to use no authority without his sanction, and Carteret declared that he would resist Sir Edmund's design to build a fortification at Sandy Hook on the soil of East Jersey. Finally Andros directed Captain John Collier, the military commander and deputy-collector of customs in the Delaware dependency, to arrest 'Captain Carteret' and bring him to New York. This was done by a band of soldiers who, as Carteret declared in a written account of the affair, broke open his doors in the 'dead time of night' and so maltreated him that he feared he would 'hardly be a perfect man again.'

Thrown into jail at New York, in May he was brought to trial before a special session of the court of assizes for illegally and riotously exercising jurisdiction within the domains of the Duke of York. Although Andros presided in the court and all its members were his appointees the outcome showed that his people were not afraid to mark and to maintain the difference they perceived between Carteret's case and Fenwick's. The jury acquitted Carteret and persisted in its verdict although, to quote the prisoner again, Andros sent it out 'twice or thrice,' each time charging it afresh. Carteret was released yet the court obliged him to give bonds not to exercise any authority until the question be settled in England. Certain contemporaneous accounts say that the governor of New York then escorted the deposed governor of East Jersey back to Elizabethtown with much state; but a little journal written by Secretary Nicolls says nothing of Carteret when it describes how Sir Edmund made the trip to Elizabeth-

town in his sloop with his councillors, 'several of the gents' of New York 'to attend him,' and 'my Lady Andros attended by nine or ten gentlewomen,' among them Nicolls's wife. The assembly now recognized Sir Edmund's authority, presenting its laws for his approval. He appointed civil and military officials for the various parts of East Jersey, and after he had dined at Carteret's table parted from him on amicable terms. In October justices from East Jersey as well as from Pemaquid and Nantucket sat with the other members at the regular session of the New York court of assizes, making their number thirty-one in all.

It has sometimes been said that the conduct of Andros in this affair justifies the portraits that were soon to be painted of him by the chroniclers of New England. But some parts of the story no documents make clear. It is probable, for instance, although not certain that there was in East Jersey a party of malcontents, as strongly opposed to Governor Carteret as they had been before the Dutch reoccupation, who gave Andros to understand that with their aid he could regain the province for the duke. In any case it seems evident that, except for the brutal treatment of Carteret by the soldiers from the Delaware which Sir Edmund cannot have foreseen, nothing more was done than the duke or his secretary had ordered or suggested. James, indeed, afterwards denied all responsibility, but the word of a Stuart carries small conviction. Moreover, Carteret himself had been the first to threaten a resort to force, and had appeared with a large body of armed men at a conference where Andros stood unguarded. And in judging either James himself or his executive it should not be forgotten on the one hand that he had given no definite rights in government to the proprietors of the Jerseys, on the other hand that every one in New York believed that the city would surely be ruined should these proprietors sanction free trade.

In England, however, their prayers and protests and the personal influence of William Penn, himself concerned in their enterprises, quickly prevailed. The duke confirmed

Governor Carteret's authority, forbidding the government of New York to interfere with him; and for both East and West Jersey he gave new grants conveying without reserve powers in government as well as lands, and thus definitively effecting that alienation of the territories of New Netherland against which Governor Nicolls had so instantly and vigorously protested. This the duke did in deference to an opinion rendered by Sir William Jones, the leading lawyer of the kingdom, to whom, although politically his enemy, James had consented to submit the whole contention. Not long before, Jones had decided in regard to Jamaica that parliament could impose taxes anywhere within the dominions of the crown but the crown could not grant a commission to levy money from its subjects without their consent. Now he did not positively deny the right of the Duke of York to do just this thing; but he said that he was not satisfied that the duke could 'legally demand' customs or any other duties from 'the inhabitants of those lands,' the case against him being all the stronger because in the patent originally given to Berkeley and Carteret there had been 'no reservation of any profits or so much as of jurisdiction.' It will be noticed that this decision, treating the matter as one never before settled, implied no censure of Sir Edmund's course, and that the giving of new deeds, and the desire of the proprietors to get them, tacitly justified his point of view.

In the meantime the duke had sent to New York a certain John Lewen, or Lewin, with a commission as his special agent and a summons to Governor Andros to return at once to England committing his government to the care of Lieutenant Brockholls. Both the duke and his secretary wrote to Sir Edmund in very friendly terms, and neither laid much stress upon the many and loud complaints that had poured in about the Jerseys. The duke, he wrote, having received proposals for farming his revenue in New York, wished to make inquiries into that and some other particulars regarding Sir Edmund's government; and he thought it necessary for Sir

Edmund to come home at once so as to have the satisfaction of refuting charges which, however little deserved, might if unanswered leave 'some blemish' upon his reputation. About the revenue of the province, wrote Werden, reports had been received 'vastly differing' from the governor's; therefore the duke had thought best to send Lewin, as a person 'wholly unconcerned,' if only to justify the governor and the officers under him, which Werden believed would be the outcome of the 'scrutiny.' The actual charges against Sir Edmund came from some private persons, from Captain Billop a military subordinate whom Andros had suspended for misconduct in the Delaware dependency and the duke had refused to reinstate, and from the 'anger of the Quakers,' presumably the proprietors of West Jersey. According to these various complainants Sir Edmund had favored 'Dutchmen before English in trade,' had made laws hurtful to the English in general, had admitted Dutch ships 'directly to trade' at New York, had detained ships for private reasons, and — a defiance of the orders given to all governors — had traded himself 'in the names of others.' From other sources it appears that he was accused of showing special favor in the custom-house to Van Cortlandt and Philipse and of being in actual partnership with Philipse. Therefore, wrote Werden,

> I verily believe it is best for you to be here, as well that you may vindicate yourself from the charges as once for all to beget among us here a right understanding of these and such other points as relate to your government of which I, for my part, must acknowledge to have but loose and scattered notions.

Lewin's commission directed him to report upon the trade of all parts of the province, 'all parts and branches . . . certain and casual' of the duke's revenue, and the methods and results of taxation, to examine all official books and papers, and to detect possible frauds in the custom-house. These and other similar tasks he was to perform with a minuteness that a single quotation may sufficiently illustrate: he was to discover what quit-rent or tax 'every house at New York,

Esopus, Albany, Long Island' and elsewhere 'doth or ought to pay by the year.' To facilitate his work he was to be permitted to examine officials and private persons under oath.

Andros was at Boston dealing with Indian problems when, in October, 1680, Lewin reached New York. As soon as he got back he ordered that Lewin's commission be published in the city 'by ring of bell' and be communicated to the courts in other parts of the province, and proposed that he himself should set sail at once. Urged by the council first to put the government in such order that it would not suffer by his absence, he summoned all the justices to meet him in the city in November. All who could come at that season upon such short notice then reported to him upon the condition of their districts. To Lieutenant Brockholls, who was called the commander-general when in charge of the province, he issued a special commission as chief of the militia; to Lewin he rendered all the aid he could; and on January 11, 1681, he embarked. Perhaps he expected shortly to return, for he left Lady Andros in New York, giving her a power-of-attorney to administer his private affairs.

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CHAPTER XXI

A GROWING CITY; A CITY IN REVOLT

1674–1683

(GOVERNOR ANDROS; COMMANDER BROCKHOLLS)

Authority and magistracy is grown so low that it can scarce maintain the public peace and quiet of the government. . . . I shall never make a perfect good settlement 'till orders from his Royal Highness for the more strengthening and continuance or alteration of the government as established, which is much disliked by the people who generally cry out for an Assembly. — *Commander Brockholls to Sir John Werden. 1681.*

CITY and province had thrived under the care of Governor Andros and the city magistrates. The functions of the general and of the municipal government were by no means clearly differentiated, and the governor seems to have felt himself as responsible as the mayor for the right management of even the smallest local matters while the magistrates concerned themselves with commercial questions affecting the province at large. Ordinances of local or of wider bearing were issued by the governor acting alone, or by the magistrates, or by the governor in council, or by the governor and the magistrates together.

In the autumn of 1675, at the close of the term of the magistrates appointed by Andros on his arrival, he followed the precedent set by Lovelace, choosing their successors in the Dutch manner from a double number of candidates of their own nomination. In 1676 he enlarged the powers of the corporation, directing it to choose a city treasurer whose pay should be five per cent of the sums collected. Nicholas

De Meyer took office as mayor at this time with three English and three Dutch aldermen. One of the aldermen, Stephanus Van Cortlandt, succeeded him in 1677 — the first mayor who was native born.

The city was still rigorously guarded. The watch was set at eight in the evening, the gates were locked at nine and opened at daylight. Sea-captains and residents were obliged to report the arrival of any stranger, and every stranger had to give an account of himself. In 1675 the justices of the neighboring districts were called in to consult about fortifying the harbor.

The province, said Andros in the report he presented at London in 1678, contained twenty-four towns and villages. A merchant worth £1000 or £1500 was accounted 'a good substantial merchant.' All estates in the province might be valued at £150,000. This seems a rather low estimate if judged by a city tax-list of 1676 which names three hundred persons with property amounting to £99,695, Frederick Philipse still far in the lead with £13,000 and Cornelis Steenwyck standing next with £4000. The tax, one penny halfpenny in the pound, was laid to reduce the debt incurred for city improvements, and was the first direct municipal tax which was not disguised as a forced loan but based on a formal if rough valuation of property. The list of the assessed is alphabetically arranged according to the initials of their Christian names, showing how slowly surnames grew in importance. The list for another 'rate of taxation,' imposed for the same purpose in 1677 upon 'houses and vacant lands,' groups the names according to streets, forming a reasonably complete little city directory.

By 1680 the city of New York had more than 3000 inhabitants. Boston had between 4000 and 5000. According to Edward Randolph some thirty merchants in Massachusetts possessed estates of £10,000 or more. According to the agents of the colony in England not half a dozen were so wealthy.

London, it may be said in comparison, is thought to have held in 1666 almost half a million people but only four other

English towns held more than 10,000. Gloucester had about as many inhabitants as Boston, Derby as many as New York. Bristol, which stood next to London in size, was the chief focus of commerce with the colonies.

By the year 1675 New York's opposite neighbor, Breuckelen, had climbed up to the first place among the Five Dutch Towns, having sixty taxpayers. Its first weekly market was established at this time. An annual fair for cattle and produce was held in the autumn for three days at Breuckelen and for three in the city.

In 1676 the aspect of the heart of the city was greatly changed. The governor then directed the towns of the North and West Ridings of Yorkshire, twelve in number, to contribute 'stockados, posts, and timber work' as their share toward making ' a harbour afore this city,' an improvement which would be to the advantage of the whole province and particularly of all traders. The dock at the mouth of the Heere Gracht or Great Canal was then transformed into two large basins protected by a mole. The bridge where vessels discharged their cargoes was allowed to remain, but not so the Heere Gracht itself, now no longer needed. The property owners along its course were ordered to fill it in and to pave with stones the spaces before their holdings. Nothing was left of it but the sewer which still runs under Broad Street, and the testimony to its existence that may be read in the exceptional width of the street. Heere Graft as well as Heere Gracht it had been called, and for a time Broad Street was called Graft Street.

On the waterside near the bridge a market-house was built. The old burial ground on the Broad Way was sold at 'vendue or outcry' in building-lots each twenty-five feet in width, the size still considered normal for a New York lot. The office of vendue-master or public auctioneer, it may be noted, was of much importance. In 1677 Secretary Nicolls assumed it under commission from the governor, his securities giving a bond for £2000.

The new burial place lay outside the city wall covering part

of what is now Trinity Churchyard. Andros spoke of the sale of 'the five houses or old hospital'; no reference to a new hospital seems to exist. Until 1677 there was only one public well in the city, near the gate of the fort. Then it was ordered that six more be dug, each in the middle of a street. The water was brackish and not plentiful but was greatly prized for use in case of fire. Tanneries and slaughter-houses were ordered out of the city and settled in a marshy district back of the modern Peck Slip where a public slaughter-house was built. This region, once a part of Thomas Hall's farm, sold by his widow to William Beekman, and long called Beekman's Swamp, is still known as the Swamp and is still the centre of the leather trade of the city. Two tanners and one currier were given a strict monopoly of their trades and, with the butchers and shoemakers, were forbidden to encroach upon each other's privileges. Such, it was explained, was the law in England and the custom in New England.

A road known in modern days as Harlem Lane was laid out in 1676 between New Harlem and the ferry over Spuyten Duyvil Creek. The coach that Colve had bestowed upon Andros was the only one on Manhattan. In all New England also, says *An Account taken from Mr. Harris of New England*, there was only one, owned by a Mr. Thatcher who was 'amongst the fiercest' of New England's 'tyrannical ministers' — undoubtedly the Reverend Thomas Thacher, the first pastor of what came to be known as the Old South Church of Boston.

Epidemics had not ceased to afflict the city. In 1679 smallpox so raged in New York and Massachusetts that the Connecticut authorities ordered that no one should enter the colony by land and that without a special license no vessel should enter any of its harbors.

A list of the debts of the city compiled in 1677 shows that it owed to one hundred and nineteen creditors 25,505 guilders 'in wampum,' the largest individual sum being 6280 guilders owed to Governor Andros. The provincial government was also short of money. Little reason had the Earl of Stirling

to expect the annuity of £300 promised him, in exchange for Long Island, from the surplus revenues of New York. In fact, the revenue amounted in 1678 to not more than £2000 a year, and the duke was obliged to give Andros at this time £1100 to square their accounts. In 1679, when the king appropriated some £6000 for the support of Virginia, he promised the duke £1000 toward the maintenance of his 'garrison and forts.' In 1680 Andros reported that he had paid all debts before returning to England and left an 'overplus' in the treasury. Later records show that he had not reimbursed himself for moneys lent in the city and on Long Island for public purposes.

In 1676 an ordinance addressed by the governor to the mayor and aldermen said that both the 'Great Pacht or Excise' (*pacht* being the Dutch for 'duty' or 'tax') and the 'Little Pacht, Burghers', or Town Excise' were to be 'wholly taken off, remitted, and no more to be paid.' To prevent the 'irregularities or confusion' which might arise from 'disorderly retailers' it was ordered that only licensed houses should sell less than one gallon at retail, an amount soon afterwards increased to ten gallons. By the spring of 1679 the Great Excise, the proceeds of which fell into the provincial treasury, had been revived and was farmed out by the governor as before. In 1678 the Duke of York directed that the import duties on liquors be raised to equal the rate in the neighboring colonies as the 'excessive use' of them had 'many pernicious consequences' and was 'fatal to the health' of the king's subjects. Local ordinances fixed, as in earlier times, the prices of lodgings, meals, and drinks, and prescribed that 'ordinaries' (*tables d'hôte* as we should say) be kept in two of the six licensed 'wine houses' and in four of the eight licensed 'beer houses.' It was also ordered that if an Indian were found drunk and at large and the house where 'he or she' had got liquor could not be identified, every one living on the street in question should be fined.

From time to time the governor or the magistrates fixed the prices of different kinds of grain, as a justice of the peace

might then do in England, and the price of bread sold in the city. In January, 1676, Andros ordered by proclamation that as there was a great scarcity of grain and it stood at a great price in the other colonies whereas in New York it remained as cheap as in times of plenty, its value should be raised, and decreed that winter wheat should be five shillings a bushel, summer wheat four shillings and sixpence, barley four shillings, rye three shillings and sixpence, Indian corn two shillings and sixpence, and peas three shillings. No grain was to be distilled that was fit for the making of flour. In the following year the price of bread in the city was lowered because, said the magistrates, there had been a 'good and plentiful harvest' and the poor should 'reap the benefit thereof.'

Much the most noteworthy ordinances of this period related to the manufacture and exportation of flour and 'bread' or hard biscuit, articles which were growing in commercial importance as the beaver trade of the province declined and for some reason the cultivation of tobacco almost died out. It was essential that they should be kept at a high standard of excellence, difficult to exercise control elsewhere than on Manhattan. Moreover, Manhattan was entitled to some special privilege, for when Andros established the board of Indian commissioners at Albany he had reserved to the people of the place the right to traffic there with the Indians. Therefore in 1678, upon complaint of 'many abuses' in the export traffic, he decreed in council that no inland place should trade over seas and that no flour should be inspected except at New York, and in 1680 that nowhere except at New York should flour be bolted or packed for export.

The up-river people bitterly resented these Bolting Acts as they are called. But would the Albanians, it was asked in the council, consent that the Indian trade should be opened to all others? Upon this trade alone they lived throughout the colonial period. On the other hand the Bolting Acts so greatly benefited Manhattan through its millers, bakers, coopers, merchants, and shipowners that the flour barrels and windmill sails which figure on the city seal of to-day had

well earned their places when the seal was designed in 1686. By the time when the monopoly was broken, in 1694, it had set the city on a firm commercial basis and given its foodstuffs a wide and high repute.

Bakers, who were evidently tempted to export everything they could produce, were forbidden to export at all unless they would constantly keep 'biscuit and household bread' on sale at home, according to the laws of England. Sworn 'viewers or cure-masters' carefully inspected and set their stamp upon these main products, and a swarm of other official inspectors paid attention to every other article, natural or manufactured, that was offered for sale in the city or exported.

From ten to fifteen ships, said Andros in 1678, came across the sea to Manhattan each year. Its imports amounted annually to about £50,000. Annually sixty thousand bushels of wheat were exported, with furs, meats, peas, horses, 'pitch and tar lately begun to be made,' 'lumber,' and 'some refuse fish' — dried fish of an inferior quality fed in the West Indies to the negroes. Cattle and butter, which New England sent to the islands, do not figure on the New York list although the cows of the province had been so highly praised in the days of Governor Lovelace.

The word 'lumber,' used by Governor Andros, English dictionaries now define as an Americanism meaning timber sawed or split. In the seventeenth and eighteenth centuries it was current in England, appearing in many books to the entire exclusion of the word 'timber.' As our records show, the Englishmen of these earlier periods also said 'dry goods,' 'minister' for an Anglican clergyman, occasionally 'fix' in the sense of 'repair,' often 'fall' or 'fall of the leaf' for 'autumn,' and also 'summer leaf,' a pretty term now obsolete on both sides of the ocean. In 1736, for instance, the governor of New York wrote home:

> The summer leaf passed very quietly, and so would the fall have done had I not called the assembly together.

In 1581 the shipping of England had been estimated at 72,450 tons and in 1660 at 95,266 tons. By 1675, despite the wars at sea, the Great Plague of 1665, and the Great Fire of 1666, it had risen to a total of 190,533. This vast and swift increase was almost universally credited to the working of the Navigation Acts although a great part of it might well have been attributed to the development of the internal resources of the kingdom and to the effect of the wars upon the commerce of Holland and France. It was not desired that the Acts should work for the development of shipping in the colonies. In the view of the leading economist of the time, Sir Josiah Child, there was

> . . . nothing more prejudicial and in prospect more dangerous to any mother kingdom than the increase of shipping in her colonies, plantations, and provinces.

All that was desired of the colonies was a strict obedience to the laws which enhanced their value to the mother-country as purveyors of certain much-wanted raw materials and as 'vents' for manufactures. And for this reason restrictions had recently been laid on intercolonial traffic. It had been the colonial practice to send enumerated commodities from one colony to another, which was lawful, and then to ship them to foreign ports, which the authorities in England decided to be unlawful. Therefore in 1672 parliament decreed that if a colonial merchant would not give bonds to send such wares direct to England itself, export dues equivalent to the English import dues should be collected from him and paid into the exchequer not of the colony but of the kingdom. The colonists then assumed that enumerated commodities thus taxed might be carried to foreign ports. Not so, said the king's attorney-general in 1675; they must still be taken to some port within the dominions of the crown.

Thinking of these new general regulations, and also of the Duke of York's local custom-house regulations, Governor

Andros urged that the American colonists, 'not being different nations and people' but 'next neighbors' and subjects of the same king, might 'without distinction' supply each other with their own produce. Such a permission would remove the main 'obstructions' to progress and incline the colonies to mutual helpfulness. The duke's ideas were different. He had, indeed, permitted Andros to remove the import duty from Virginia tobacco and from all products of the English West Indies except rum, but had severely reproved him for allowing 'Bosteners' and other 'strangers' to go freely up Hudson's River to trade. When the governor thereupon restricted the up-river traffic to New Yorkers and, as Boston systematically ignored the Navigation Acts, forbade any goods to come in from that port without certificate that they had paid duties in England, the feeling between the two governments 'rose so high,' Edward Randolph wrote, 'that it came to a stoppage of trade.' Both Governor Andros and Thomas Delavall, who had had long experience in New York as a merchant and as the duke's auditor-general, advised that a few Dutch ships be permitted to trade with the province, either directly or by way of England where they might be 'thoroughly searched' by the customs officers for the payment of duties. Such a privilege, Sir John Werden replied, was 'not to be obtained'; nor, as he informed another energetic New York merchant, Margaret Philipse, if a Dutch ship were bought by a New Yorker could it be made 'free.' Trading continued, however, between New York and Holland for, in English or English colonial ships, unenumerated commodities could be carried to many foreign ports and foreign goods could be brought back after paying duties in the kingdom. Upon Dutch goods thus carried to New York the reconstituted West India Company still thought itself entitled to exact export dues which in 1676 stood at three per cent. In 1677 twelve Dutch merchants who described themselves as traders with 'New Netherland' complained to the States General of these exactions, and the States General ordered the Company to modify its demands.

To the collector at New York Werden wrote reprovingly because, contrary to his instructions, he had given 'credit in the customs.' Dyre excused himself by citing precedents and the want of ready money among the merchants. Of this want Andros also complained early in his administration, suggesting various remedies none of which seemed practicable to the duke. Greater than ever was the confusion in the currency. Even the authorities, as their tax lists show, reckoned sometimes in terms of pounds, shillings and pence, sometimes in terms of guilders (or florins) and stivers. In actual transactions these terms had usually to be translated into their fluctuating equivalent in 'beaver pay,' wampum, 'New England money,' or the Spanish and Portuguese money which, thanks to the West India trade, was more abundant than any other kind of specie. Wampum had greatly depreciated again since its sudden rise just after the surrender of 1664. Andros had soon tried to fix its value afresh; and, in an effort to keep in his province the most common coins, Spanish dollars or pieces-of-eight, he raised the rate at which they should pass well above that established anywhere else. Of course his fiats had no more effect than Governor Stuyvesant's.

When he went home in 1680 he reported that New York now had 'plenty of money, hardly seen there before.' But this was because the province had 'greatly increased in people and trade'; and even after this time wampum was still received for excise dues. With more money the province had also, said Andros, 'all sorts of goods at reasonable rates for our own and neighbors' supply.' 'Very few if any persons' had left it since his arrival in 1674 while 'many hundreds (I may say thousands)' had 'actually come, traded, and settled,' and 'navigation' had increased 'at least ten times to what it was.' Every settler was promised, in a proclamation circulated in England, sixty acres of good land and fifty additional acres for his wife and for each child 'according to the custom of the country,' and also the free admittance of his personal belongings.

Whatever his failings in other directions James Stuart, as duke and as king, always took an intelligent, patriotic interest in the development of the sea power of England; and, surrounded by a coterie of nobles and statesmen personally interested in the colonies, and advised by intelligent subordinates like Colonel Nicolls, Sir Edmund Andros, Sir John Werden, and Joseph Williamson who was secretary to the secretary of state and afterwards held the higher office, he learned more about colonial affairs and conditions than any other English sovereign or absentee proprietor of an American province learned at this or at any other time. It was characteristic, therefore, that he should especially desire that fisheries be encouraged in New York as 'the most likely thing to produce wealth and power at sea.' To further this desire Andros soon removed the import duty on salt, and in January, 1675, fathered a joint-stock company 'to promote and encourage a codfish fishery,' ordering that 'every fifteen beavers or the value be a share and have a vote,' and that 'by plurality of votes' the stockholders should 'make all orders, rules, and officers.' They were not granted a monopoly; other persons and possible companies were to fish 'as they may like best.' This was the first stock company established in any branch of trade in any of the colonies; and while they remained colonies it had only five successors as distinct from mere commercial partnerships on a large or small scale — two in Pennsylvania, two in Connecticut, and one in Massachusetts.

The first recorded labor strike in New York occurred in 1677. The licensed cartmen of the city combined to refuse full compliance when ordered to remove the dirt from the streets for threepence a load, but when threatened with discharge submitted and paid a fine.

The first trade union of New York was strangled, within a month of its birth, in January, 1680. The coopers of the city, twenty-three in number, say the minutes of the governor's council 'subscribed a paper of combination' not to sell casks except in accordance with rates established by themselves

'under fifty shillings penalty to the poor.' Accused of a breach of English law they were tried and found guilty, each was sentenced to pay fifty shillings 'to the church or pious uses,' and those in the employ of the government were dismissed.

Coopers, carpenters, and other artisans, it was ordered at this time, should serve five years before setting up in business for themselves. The 'best' workmen whom the governor employed in repairing the fort were paid two shillings a day but, he said, often got sixpence more, which meant, as the best wheat was valued then, the equivalent of half a bushel. In the report which the duke's agent, John Lewin, rendered in 1681 he said that the 'meanest' workmen got two shillings, carpenters and other artisans six shillings if paid in rum and goods. 'No beggars,' Sir Edmund reported, 'but all poor cared for' — a statement which must have sounded incredible in England; 'but few servants, much wanted, and very few slaves.'

The traffic in negro slaves was now a regular and recognized branch of English commerce with its main distributing centre at Jamaica. 'The very being of the plantations' depended upon 'the supply of negro servants for their works,' said the Royal African Company which had a monopoly of the Guinea trade, thinking especially of the West Indies but also of Virginia. In Connecticut there were scarcely any negroes. In Massachusetts there were not two hundred, but here and in Plymouth Colony Indian women and children were still held as slaves, Indian men, as less tractable, more commonly sold for export to the West Indies. After King Philip's War Rhode Island maintained its law that no person of any race should be held in bondage for more than ten years. Connecticut decreed that unless Indian captives were proved to have murdered white men they should not be sold away but should pay tribute and be quartered in villages under control, and that the children and youths should be bound out for ten years. Plymouth sold many into slavery, among

them a hundred and sixty who had surrendered after negotiation. Massachusetts exported, chiefly to Bermuda, many of its captives, including Philip's little son, a grandson of Massasoit the friend of the first settlers, and also hundreds of braves taken by stratagem in Maine when they were not upon the war-path.

On the other hand, in 1679 the governor of New York ordained in council that 'all Indians here are free and not slaves, nor can be forced to be servants' except such as had been brought from foreign parts, that any introduced in this way during the next six months should be 'disposed of' as soon as possible out of the province, and that any so introduced at a later time should 'be as others free Indians.' It is true that there had been disastrous war in New England, peace and friendliness in New York. But this very contrast was chiefly due to that difference in the general attitude of the white men of the two regions toward the red men which had begun to show itself when first the colonies were planted.

In 1677 it was ordered that 'pleading attorneys' should no longer practise in the courts of New York. The prohibition had brief effect but revealed a prejudice against the legal profession that was as long-lived in this province as it was in New England. In 1680 an appeal was taken to the king in council from a judgment of the court of assizes in New York which had reversed a judgment of the mayor's court. Referred to the Lords of Trade, they ordered that, as it was the first appeal of the kind, the Duke of York's patent be read. Then the parties were called in. Only the plaintiff, Captain Ward, and his counsel appeared. By letters from the defendant, Mr. Palmer, it was found that he confessed to the equity of the debt in question; and after reading the documents in the case the Lords of Trade upheld the original judgment of the mayor's court, ordering the defendant to pay his bond with interest at six per cent, amounting to £105 12*s.* or twenty-five per cent more 'if paid in beaver or wampum

or New England money,' and also the costs which were £30 10*s.* in New York and £20 in England.

The first English schoolmaster whose name appears on the city records, variously written as Hiller, Hillyer, and Hillard, kept a school at this time for children of both sexes, the parents paying him and the municipality aiding. In 1676 he was told that if he behaved himself 'for the future better than the time past' he would have 'a room provided for him' in the stead of the £12 a year previously allowed him. The old Dutch school lived on under the control of the church. At Albany in 1676 four Dutch masters were at work. On Long Island there were a number of schools, Dutch and English, although not as many as the people were asking for. Some were taught by women. In 1675 Andros licensed an Englishman to instruct 'gentlemen and other freemen in the use and exercise of arms.' In 1680 all except licensed physicians were forbidden to practise.

In 1679 the governor took a hand again in the affairs of the Dutch church but this time with its full approval. On petition of the people of New Castle in the Delaware dependency he authorized Domine Van Nieuwenhuysen, 'minister or pastor of this city,' and any three or more of the 'ministers or pastors within this government' to hold a classis and to ordain, should they find him 'fitly qualified,' Peter Tesschenmaeker who had been licensed in Holland. On October 9 four ministers ordained the candidate at Van Nieuwenhuysen's house; and the classis of Amsterdam, when informed, decided that considering the circumstances they had acted 'legally and wisely.' This was the first time and the last time that by ecclesiastics of any sect the ceremony of ordination was performed in the province of New York. The fact is noteworthy in view of after events. That all candidates for ordination had to make, at great expense and inconvenience, the long journey to Europe was the main reason given by the Anglicans in the colonies and their friends in England when they urged the establishment of an American episcopate. For many years this question figured in the

political struggles that never ceased in New York; and when the Revolution was imminent one of the loudest popular cries was a cry of 'No bishops!'

In 1679 one of Jacob Leisler's vessels, bearing to Europe its owner and some other New Yorkers, fell a prey to Turkish pirates. According to an English custom Andros empowered the church authorities to gather money for their ransom. Leisler ransomed himself, paying 2000 pieces-of-eight. As a surplus remained after the others were redeemed, it was reserved with the governor's sanction toward the proposed erection of a new Dutch church outside the fort. The old church was overfilled by its own congregation, which now embraced five or six hundred church members, and the worshippers who came in from New Harlem and Bergen where there were church buildings but for the time no pastors. Indeed, as Andros reported, of the twenty churches and meeting-houses in the province one-half had empty pulpits. In Connecticut at this time there were twenty-one churches, all supplied with ministers. The records of New York bear out the assertion of its governor that the Dutch as well as the Independents tried hard to obtain pastors. But it was almost impossible to satisfy in any instance what one domine called the 'hungry desire of these bleating sheep' although, when a shepherd did consent to come, the sheep paid his expenses and those that the classis of Amsterdam had incurred in securing him, and gave him a good salary. Four towns on Long Island were served by a single Dutch minister, and three at Esopus. Many of the country-folk, one of these hard-working domines wrote home, lived 'eight or ten hours' walking' from the church they regularly attended. The still more distant had to content themselves with the services of a *voorleser* or clerk.

Two interesting books portray Manhattan at this period. One is a *Two Years' Journal in New York and Part of its Territories* which the Reverend Charles Wolley, who came out as chaplain with Andros when he returned in 1678, caused to

be published at London in 1701, twenty years after he left the province. The other is the *Journal of a Voyage to New York and a Tour in Several of the American Colonies* which has already been cited as giving the experiences of two persons called Labadist Fathers.

Although Wolley brought a wife with him to New York he must have been very young for he had been graduated from Emmanuel College, Cambridge, only four years before. An official certificate given him when he returned to England says that he had 'comported himself unblamable in his life and conversation.' Nothing more is known of him except what his own preface says — that as he had been 'taken off from the proper studies and offices' of his profession for his 'unprofitableness' and therefore could not do what he ought, he felt that he ought to do what he could by publishing his American journal. A 'Charles Wolley, Merchant,' who was admitted a freeman of the city of New York in 1702 was evidently another person.

Many of the pages of the chaplain's genial little book are filled with accounts of Indians and wild animals and with rambling excursions into byways of history, philosophy, and mythology. The city on Manhattan was, he says,

> . . . a place of as sweet and agreeable air as ever I breathed in, and the inhabitants, both English and Dutch, very civil and courteous as I may speak by experience, amongst whom I have often wished myself and family, to whose tables I was frequently invited and always concluded with a generous bottle of Madeira.

Peaceable also were these citizens, at least in the chaplain's presence, for he observed little swearing and no quarrelling that was not 'easily reconciled' except on one occasion when two Dutch *boers* fell to fighting under his window and he ordered that a kit of water be poured on their heads. The only really quarrelsome New Yorkers who came in his way were 'the Domines, as they are called there,' Van Nieuwenhuysen and his Lutheran rival, who had not visited each other or spoken to each other 'with any respect' for six years but

whom Wolley reconciled, bringing them together unexpectedly at his table. While their temper shocked him, the fluency with which they spoke Latin, he confessed, caused him to blush for himself 'with passionate regret' and sadly to reflect upon the schools and universities of England where Latin was 'elegantly' written but badly spoken.

Of drunkenness as prevalent on Manhattan the amiable chaplain does not speak. Of tobacco smoking he speaks emphatically, saying that the Dutch were even more 'obstinate and incessant smokers' than the Indians. The chief diversion of the people was 'riding about in wagons,' especially in winter (when sleighs may be supposed):

> . . . and upon the ice it's admirable to see men and women as it were flying upon their skates from place to place with markets upon their backs.

The English as well as the Dutch observed the New Year festival by sending gifts, Wolley himself getting from one and another a sugar-loaf, a pair of gloves, or a 'bottle or two of wine.' There was, he says, 'one person of quality' in the town, a 'younger brother of the late Lord Russel.' The richest 'Miin Heer' was Frederick Philipse,

> . . . who was said to have whole hogsheads of Indian money or wampum; who, having one son and daughter, I was admiring what a heap of wealth the son would enjoy, to which a Dutchman replied that the daughter must go halves for so was the manner amongst them, they standing more upon nature than names. . . .

The custom of shared inheritances, the ease with which land could be acquired, and the healthfulness of the climate made New York seem to Wolley a very desirable place of abode especially for younger sons and persons in delicate health. Desirable, too, it appeared to a Dutch minister newly arrived at Kingston in the Esopus country, who wrote in 1681:

> We find ourselves in a country where everybody but the utterly discontented can obtain his every desire — a land flowing with milk

and honey. Here, everything that can be wished for in the Fatherland can be obtained.

Very different in temper from Wolley's book is the much more voluminous journal of the Dutch Labadists which Henry C. Murphy found in manuscript in Holland some fifty years ago and translated into English. The Labadists, named for Labadie, a Frenchman who founded the sect in Holland, were Calvinistic quietists practising a community of goods. The two who are remembered as the 'fathers' that visited America but were really 'preaching brothers,' Jaspar Dankers and Peter Sluyter, were sent out in 1679 to find a good place for the planting of a colony. Concealing their errand and travelling under assumed names they sailed from Amsterdam, as they relate, in a 'small flute-ship.' The ship was not Dutch nor was its master, or it could not have carried a cargo of merchandise to New York. It also carried the wife of Frederick Philipse and her little daughter; and 'Margaret,' as the Fathers call her, had 'the superior authority over both ship and cargo' being, in fact, 'the owner of both.'

The first part of the book, a true journal kept from day to day with much detail by Dankers' pen, contains what is probably the best extant description in any language of the dangers and squalid miseries of a transatlantic voyage in the seventeenth century. Other parts give equally vivid pictures of rural conditions in the young colonies and of the difficulties and hardships of intercolonial journeying by land and water. But those that speak of the colonists, as individuals or in the mass, are impaired in credibility if not in interest by the mood of sectarian self-righteousness, narrow conceit, and carping contempt in which they were written.

Landing at Manhattan in the autumn, the Fathers explored the island and its vicinity, went overland as far toward the south as Maryland and northward through the Hudson River country, and then by water from New York to Boston where they took ship for Europe. Their first view of the harbor of New York amazed them:

It is not possible to describe how this bay swarms with fish both large and small, whales, tunnies, porpoises, whole schools of innumerable other fish and a sort like herring called there *marsbanckers*, and other kinds, which the eagles and other birds of prey swiftly seize in their talons when the fish come up to the surface and, hauling them out of the water, fly with them to the nearest woods or beach, as we saw.

Unfortunately, some pages missing from the *Journal* seem to have been those we should most like to have, giving a detailed description of the city. Of the fort, however, we read that as in earliest Dutch days it had 'four points or batteries'; it was built of 'quarry stone' with an earthen parapet and no moat but a double row of enclosing palisades. Whenever a ship was seen coming up the harbor a flag was raised on a high flagstaff. The church had a small wooden tower with a bell (undoubtedly the old bell from Porto Rico) and a sun dial 'on three sides' but no clock. All ships were taken in winter from the harbor up to Deutel Bay 'to be out of the way of the floating ice' which was sometimes 'very great.'

Almost all the land on Manhattan was in the hands of private owners but not half of it under cultivation. On Coney Island, which was not inhabited, horses, cattle, and swine were turned out in winter, sheltering themselves well in the thickets and finding sufficient food. On Staten Island, whither the Fathers had to voyage in a rowboat, there were large herds of deer. A 'fine broad' road running southward from Bergen in East Jersey and another on Long Island attracted the travellers' attention although they were accustomed not to the rough and miry roads of England but to the excellent highways of Holland. Everywhere in New York they were astonished by the abundance and variety of its food supplies — its crops of wheat, its fish and oysters, its wild game, and above all its fruits: apples and pears of wonderful size and quality and still more wonderful peaches so plentiful that they were fed to the pigs. Striking indeed was the contrast between this province and Maryland where, as Dankers described it, the people bestowed 'all their time and care' on the cultivation of tobacco so that the country-folk, and especially slaves

and bond-servants, lived in penury on coarse, monotonous, and often insufficient fare. And heavy as are the strictures that the Fathers pass on the character and habits of the New Yorkers, still worse the southern colonists appeared to their eyes, no better the New Englanders. A few persons they praise but almost all they criticise or condemn. Those whom they liked best were the Dutch of the Hudson River settlements. Here the Bolting Acts which favored New York were so hated that it is not surprising to find that Dankers considered the merchants of Manhattan 'great usurers and cheats.' The people of the city, he says, not only drank to excess themselves but, being 'almost all traders in small articles,' always did their best to make the Indians drunk so that they might cheat them in trade:

> To this extent and further reaches the damnable and insatiable covetousness of most of those who call themselves Christians.

As for the Christians of other places, he says that the Quakers of New Jersey and the Delaware country were almost all persons of 'great pride' and 'miserably self-minded,' while at Boston:

> There was no more devotion than in other churches and even less than in New York; no respect, no reverence. . . . The auditors were very worldly and inattentive. . . . All their religion consists in observing Sunday by not working or going into the taverns on that day; but the houses are worse than the taverns. . . . Drinking and fighting occur there not less than elsewhere; and as to truth and true godliness you must not expect more of them than of others. . . .

Margaret Philipse is described by Dankers as the most parsimonious and covetous of women and of traders. The crew and passengers of both the ships in which he crossed the ocean he thought monsters of wickedness. Like Wolley he found a single 'person of quality' on Manhattan — not the same person but James Carteret, that son of Sir George who had made trouble in New Jersey in the early days of English rule and had married Thomas Delavall's daughter. Now he

was sunk so low that his wife had left him and he spent his time running about among the farmers, staying where he could find 'most to drink,' and sleeping 'in barns on straw.' So says Dankers; but it is known that when James Carteret returned to England in 1679 he was still a landholder in New Harlem and that his wife went with him.

It is upon Dankers' testimony that Jan Vinje is sometimes said to have been born on Manhattan before any settlement had been made in any part of the province. Of old Catalina Trico, the mother of the first daughter of the province, he writes:

> She is worldly-minded, living with her whole heart as well as body among her progeny, which now number 145 and will soon reach 150. Nevertheless, she lived alone by herself, a little apart from the others, having her little garden and other conveniences, with which she helped herself.

Giving names not their own and refusing to tell what had brought them to America, the Fathers naturally excited suspicion as well as curiosity. In New York, they say,

> The ministers caused us to be suspected; the world and the godless hated and condemned us; the hypocrites envied and slandered us; but the simple and upright listened to us and loved us; and God counselled and directed us.

It must have been a very simple soul that could listen to them patiently, for they constantly boast of the zeal with which they told people of their faults and their sins, even though 'according to the world's reputation' they were 'not bad people.' Of course Governor Andros kept his eye upon them, and of course they resented his scrutiny and wrote many hard things about him, believing the current gossip that he was clandestinely engaged in trade and even saying that he was a merchant who kept 'a store publicly like the others' where one might buy 'half a penny's worth of pins' — a thing which no governor bound by his oath of office not to trade in any fashion could have dared to do. The story of Sir Edmund's

dealings with Philip Carteret the *Journal* gives much as Carteret himself related it, adding that some persons believed that Andros had no animosity against Carteret but desired only 'to possess the government' of East Jersey.

With the manuscript of this book were preserved a map of the Delaware River, some small sketches of fish and of Indians, and four large views of New York and its harbor, all made by Dankers who had little skill of hand, as he himself confesses, but evidently an accurate eye. All are reproduced with the published translation. One of the views, showing the city from the East River with the new double dock in the foreground, is much the largest and most instructive picture of the city that remains from the seventeenth century.

The Fathers had made the journey to Maryland with Ephraim Herrman, a son of the Augustine Herrman once prominent in New Amsterdam. Persuaded by Ephraim, Augustine promised to sell cheaply for the Labadists' colony a part of his great estate, Bohemia Manor. In 1683 when they returned with a body of colonists he had changed his mind and grown very bitter against the Fathers and against his own son but was compelled by the courts to abide by his bargain. Several converts besides Ephraim Herrman came from New York to join the colony, among them Petrus Bayard, a brother of Nicholas. Herrman returned to New York and died soon afterwards — the effect, said the superstitious, of his father's curse. Bayard also returned, but his son Samuel remained with the Labadists, marrying Sluyter's niece and afterwards his stepdaughter. From him are descended the Bayards of Delaware, Pennsylvania, and New Jersey.

This Labadist settlement in Maryland was the first of a true communistic kind in America, for the earliest English settlers in Virginia and New England had temporarily practised a community of goods for merely utilitarian reasons. For some years Peter Sluyter ruled it with a heavy hand, paying small regard to the tenets of his sect. Soon it began to disintegrate, and as a religious community it disappeared after

Sluyter's death in 1722. The name of the 'Labadie Tract' still survives.

It is evident that the people of New York were profiting by one of the two sources which, says Adam Smith, must nourish the prosperity of colonies, 'plenty of good land.' They had still no chance to profit by the other source, 'liberty to manage their own affairs their own way,' but in 1681 they were in a mood to demand with emphasis at least the liberty to tax themselves.

In England the long-existent fear that the Protestant liberties of the kingdom were in danger had grown to terror, to frenzy, in 1678 when Titus Oates and his imitators professed to reveal the so-called Popish Plot to murder the king and to put the Duke of York on the throne. Charles was forced to accept an extension of the Test Act excluding from the House of Lords all Catholics with the sole exception of his brother and, as has been told, thought it needful to send his brother into retirement at Brussels. In 1679 what has been called the first Whig parliament passed the famous Habeas Corpus Act as a bulwark for personal liberty, a protection against administrative arrest. It also made an attempt to exclude the duke as a papist from the succession to the throne. Two more efforts to exclude him marked the two years that followed. In the meantime the king had sent him to Scotland, but he was in England again the summer of 1680 when he gave the new charters for East and West Jersey, sent Andros the order of recall, and commissioned John Lewin as his special agent to report upon the affairs of New York. The king, likewise determined to improve the management of his colonial revenues, appointed at this time a 'surveyor and auditor-general' for all his American plantations who was to act through deputies residing in the colonies. William Blathwayt, then secretary to the Committee for Trade and Foreign Plantations, was the first to hold this post and retained it for thirty-eight years.

Meanwhile the New Yorkers must have drawn hope for

themselves from Sir William Jones's decision about the rights of the duke in taxation and from its effect in regard to the Jerseys. On the other hand they were exasperated by the inquisitorial eye of Lewin, and were learning the weakness of the grasp into which had fallen the reins of government that Sir Edmund Andros had so firmly held. They were ripe for revolt. A pretext lay ready to their hand, and they soon seized upon it. With few exceptions the minutes of the council for the time between the autumn of 1678 and the autumn of 1683 are wanting, but a sufficient knowledge of what happened can be gathered from other sources, chiefly from the minutes of the courts and the correspondence of Commander Brockholls.

The customs rates which in 1674 the duke had established for three years, by an ordinance which had the force of law, had been renewed for three years more. When this second period expired, in November, 1680, the duke sent no instructions and Andros issued no orders. The duties were collected as before. When Andros left the province in January, 1681, he did not mention them, merely directing that 'all things' should remain as then 'settled.' Brockholls tells how the merchants unsettled them, writing on May 14 to Sir John Werden and in almost identical words to Andros:

> I have one thing of great moment to acquaint you with, which is the loss or at least wise a present cessation from payment of his Royal Highness's customs established here, the time to which they were limited being expired in November last . . . which being publicly known to the merchants, they all refuse to pay any customs or duties and . . . a pink from London hath unloaded her goods and carried them to their warehouses without taking any notice of the custom-house or officers, absolutely refusing to pay any customs.

The moment for revolt had been well chosen. Brockholls was at Albany. Captain Dyre, who was mayor of the city for the year as well as collector of customs and a member of the council, lay ill of a fever. Matthias Nicolls, the long-experienced, had gone to England. Andros had put in his place as secretary

John West, a lawyer who came out in the governor's company in 1678; but West seems not to have had a seat on the council although he filled the secretary's minor offices as clerk of the council and of the court of assizes while acting also as clerk of the municipality. The only councillors whom Brockholls could call upon for advice were three merchants — William Dervall, Stephanus Van Cortlandt, and Frederick Philipse. When they met with him at the council board after his return from Albany they decided that there was 'no power or authority' to continue the customs any longer 'without orders from home.' It was a foolish scruple said the duke when he heard about it.

Actively the New Yorkers pushed the advantage they had thus obtained. How Andros would have dealt with them may be guessed from the outcome of the revolt of the freemen of Ipswich in Massachusetts a few years later when the Bay Colony had lost its old liberties and Andros was ruling it as autocratically as he had ruled New York. Declaring in town-meeting that they would pay no taxes imposed without the consent of the taxed, they merely drew down swift punishment upon their leaders and provoked Sir Edmund to order that town-meetings should not be held more than once a year. Very different was Brockholls's attitude. Far from trying to coerce the merchants of New York he fell in with their contumacious proceedings. First they sued Collector Dyre for detaining their merchandise. The court ordered him to deliver the goods to their owners. On the same day, May 31, one Samuel Winder of Staten Island, of course with the other merchants behind him, accused Dyre of high treason as having collected duties after the expiration of the rates. This 'impeachment,' say the minutes of the mayor's court for June 2, was then 'remitted' to this court by the commander in council 'for further examination.' Not only Mayor Dyre but also the sheriff and two aldermen were absent. The four members present were two Dutchmen and two Englishmen — William Beekman the deputy-mayor, Peter Jacobsen, Samuel Wilson, and James Graham. By them it was:

Resolved that the Court never did nor have they any power to punish capital crimes. That the charge against Captain William Dyre is high treason in general which they find by the express law of the government to be punishable with death. And he, being of the Council, Mayor of this city, and chief member of this Court, they cannot further meddle therein or examine the same. And this is our unanimous opinion.

Thus compelled to shoulder the responsibility, the commander in council committed Dyre for trial before the court of assizes at its next regular session in the autumn but at Dyre's request convened the court at once. Its members, who assembled on June 29 and sat four days, were the commander-in-chief and his three councillors; the aldermen of the city, three of whom were Dutch; Stuyvesant's old enemy John Young, now high-sheriff of Yorkshire; twelve justices of the peace from the three ridings of Yorkshire, all but one of them English; Thomas Delavall, then justice of the peace of Esopus; and John West who sat as justice for Pemaquid and the other 'parts eastward' while also acting as clerk. The grand jury of twenty-four included only one Dutchman, Cornelis Steenwyck.

After twenty-one witnesses had been sworn the grand jury retired and found a true bill against Captain Dyre as a 'false traitor,' he having exercised regal power.

. . . for that he hath . . . many times since the first of November last past established and imposed unlawful customs and impositions on the goods and merchandize of his Majesty's liege people trading in this place, by force compelling them to pay the same, and hath employed and made use of soldiers to maintain and defend him in these his unjust and unlawful practises contrary to the great Charter of Liberties, contrary to the Petition of Right, and contrary to other statutes in these cases made and provided, and contrary to the honour and peace of our most sovereign Lord the King that now is, his crown and dignity.

The high sheriff was ordered to take the accused into custody and to inform him that he was the king's prisoner. As president of the court Commander Brockholls demanded that

he surrender his commission and the seal of the city — whatever seal it may have been that was then in use. Dyre refused to deliver them, saying that he had received them from Governor Andros.

On July 1, brought into court by the sheriff and the charge against him read, he pleaded not guilty but, when the prosecution had examined twenty witnesses and he was called upon for his defence, challenged the authority of the court, saying that its powers came from the same source as his own and that one part of the government could not proceed against another part. Thereupon the court ordered that as the pink *Hope*, George Heathcote master, was about to sail for London, Dyre be sent home to the secretary of state to be proceeded against as the king in council should direct, his accuser, Samuel Winder, giving a recognizance of £5000 to prosecute him in England. The court also directed a committee of five of its members — Delavall, Van Cortlandt, James Graham, John Pell, and Isaac Arnold — to put the proceedings against Captain Dyre in the shape of a letter to the secretary of state. This was duly drawn up, read in court, and approved. It explained that the members of the court had presumed to send the accused to England because, like themselves, he held his commission from the Duke of York, because the crimes charged against him had been 'aggravated to be high treason,' and because there were such 'confusion and discords' in the government of New York.

In the meantime the grand jury and the court which had been convened for a single definite purpose had concerned themselves with wider matters, much as Kieft's Twelve Men and Stuyvesant's Nine Men had done in earlier years. On the day when the grand jury indicted Dyre it presented the lack of a general assembly to the consideration of the court, in the customary English form as a 'grievance.' The court ordered Young the high sheriff of Yorkshire to draw up a petition to the duke, approved of it, and signed it by the hand of John West. It is a brief document including no such illustrative details or personal charges as swelled the appeals of

New Amsterdam to its fatherland. It bases its demands not upon the inalienable rights of man but solely upon the established rights of Englishmen. And it accentuates the fact that it speaks with the voice of all the superior officials of the province who were all appointees of the duke or of his representative the governor, beginning:

> The humble petition of the council of the province, the aldermen of New York, and of the justices assembled at a special court of assize. . . .

These officials urge as the 'only remedy and ease' for heavy burdens long endured the establishment of 'an assembly of the people.' For many years, they explain (identifying themselves with the people at large), they have been in a 'miserable and deplorable' condition, groaning under 'inexpressible burdens' by reason of the 'arbitrary and absolute power used and exercised over us.' A yearly revenue, they say, is exacted 'against our will,' trade is grievously hampered by 'undue and unusual customs' imposed 'without our consent,' and

> . . . the inhabitants wholly shut out and deprived of any share, vote, or interest in the government, to their great discouragement and contrary to the laws, rights, liberties, and privileges of the subject; so that we are esteemed as nothing and have become a reproach to the neighbors in other his Majesty's colonies who flourish under the fruition and protection of his Majesty's unparalleled form and method of government in his realm of England, the undoubted birthright of all his subjects.

Upon these grounds the petitioners humbly beseech the Duke of York that the government of his province may for the future consist of

> . . . a governor, council, and assembly, which assembly to be duly elected and chosen by the freeholders of this your Royal Highness's colony as is usual and practicable within the realm of England and other His Majesty's plantations.

Many historians explain that Dyre was arraigned on a charge which was palpably absurd, while Chalmers says that

he was indicted not for an offence against 'the statute of treasons' but for 'the ancient and exploded crime of encroaching power by collecting taxes without authority.' It is needless, however, to discuss the indictment from legal points of view for, like the revolt of which it formed a feature, it was intended simply to accentuate the verbal demands of the people of New York. It was merely the best object-lesson they could devise for the enlightenment of the Duke of York — an ingenious object-lesson, for it professed to defend while it really flouted the authority of proprietor and king.

The petition to the duke and the letter to the secretary of state were sent by the trading-pink *Hope* which carried Dyre himself. The skipper, Heathcote, was that rare thing among mariners, a Quaker, and was a freeman of the city of New York. He must have been pleased with his errand, for in 1676 he had been condemned to pay a fine of £20 with £61 costs for saying that he had not in New York the privileges of an Englishman.

The customs and all other 'public duties' were 'wholly destroyed,' wrote Brockholls to Andros on July 21. Nothing was left but the rates on Long Island which it was doubtful whether the people would pay. There was no income to maintain the garrison; to find food for it Brockholls had been obliged to disburse his 'particular estate' which he would not long be able to do. Dyre had been sent home because the question was 'too high for us to meddle in.' Since then the 'distractions' had 'much increased,' and those in authority were discouraged by the 'daring insolence of some scurrilous persons' who were daily bringing charges of treason and saying that things were acted contrary to Magna Carta, which had frightened many of the ignorant and produced 'such discord and confusion as the public peace of the government cannot be maintained without great trouble and difficulty.' To Sir John Werden the commander wrote that he could never make 'a perfect good settlement' unless the duke would either strengthen or alter the government, for it was

much disliked by the people 'who generally cry out for an assembly.' To that effect a petition had been sent to his Royal Highness 'from and in the name of the court of assizes.'

Long before the news of all this reached Andros, evidently still considered the governor of New York, he had signed a commission empowering Brockholls as receiver-general to collect the duke's revenues. When Brockholls received it in August he ordered that the excise be collected at Albany. An Englishman there refused to pay and demanded that judgment in the matter be pronounced, setting forth his reasons in a paper which, with much more to the same effect, asked whether the New Yorkers were the king's free-born subjects or, if not, when and how they had been 'made otherways,' and at what time the King, Lords, and Commons had invested any one in the province with 'the power to tax which belongs to all three.' The deputy-collector then bringing suit against the protestant, the jury decided:

> That they cannot find in the laws that are here that such excises shall be paid as are demanded, but if the orders of Governors must be esteemed as a law, then we find for the plaintiff.

The court pronounced that the power of interpreting this verdict belonged to itself but that it thought best to refer it to the 'high authorities in New York.'

In September one of these authorities, Councillor Philipse, complained to the city magistrates that John Lewin was taking depositions under oath without their authority. Summoned before them — William Beekman presiding as deputy-mayor — Lewin confessed the fact; and they then drew up an indignant *Declaration* saying that although they had been ready and willing to aid the duke's agent he had never asked their assistance but had received 'clandestine and private oaths . . . tending to the scandal, blemish, and disparagement of several of his Majesty's subjects,' which 'extrajudicial and illegal course' they judged to be the occasion of the 'great disorders and confusion' that had happened in the province since his arrival. At this time Brockholls deposed William

Dervall from the council for some sort of misbehavior, probably sedition, and was left with Van Cortlandt and Philipse as his only councillors. Not nominally but actually the duke's government had collapsed; it had no money and it had no power. Again Brockholls wrote to Andros:

> Nothing is paid in by any . . . the merchants taking advantage of Courts who, being scared, refuse to justify and maintain my orders . . . here it was never worse. A government wholly overthrown and in the greatest confusion and disorder possible.

On Long Island there were riotous meetings to resist the collection of the excise, and among the Dutchmen and the many Frenchmen who had settled in recent years at Esopus 'undue and unlawful gatherings.' The officials who composed the court of assizes which in the beginning had served as a willing mouthpiece for the spirit of revolt were now alarmed by the widespread insubordination. When the court met in regular session in October it tried to dam the current to which it had given impetus in June, ordering that persons should be proceeded against who presumed to question or to try to innovate upon the government as settled and established, and announcing that it was resolved to maintain this government and all inferior officers in the exercise of their duties and trusts until further orders should come from his Majesty. It also ordered that as several persons had presumed to exhibit in the courts throughout the province 'causeless and vexatious accusations and indictments' against magistrates and others concerned in public affairs, no one should thereafter offer any such accusation or indictment unless the grounds thereof had first been examined and pronounced sufficient by two justices of the peace.

What the court meant by vexatious indictments, what Brockholls meant when he wrote about charges of treason and alleged infringements of Magna Carta, may be read in the account of a case first brought before the court at the special session in June. The grand jury then returned a true bill against Francis Rombouts, recently mayor of the city, for

that with his associates then in office he had, 'as a false traitor' to his Majesty, plotted and practised innovations in government and the subversion of the known ancient and fundamental laws of the realm of England, denying trial by jury to John Tuder, a 'born subject' of the king and an attorney living in the city. Upon Rombouts's petition his trial was referred to the next session of the court. Then, in October, he pleaded to the insufficiency of the indictment, saying that it was founded on a judgment given against Tuder in the mayor's court of which he himself was but a single member. The court of assizes acquitted Rombouts, upholding the decision of the mayor's court against Tuder 'in restoring the money he got at play of Abraham Smith,' and pronouncing that it was 'not treason or any crime but justice done to the party concerned therein.'

While the government of the Duke of York was thus held back from disintegration not by his representative in the governor's chair but by the lesser officials who were of the people of the province, James himself was in exile in Scotland. The king had sent him there again in 1680, and in 1681 had appointed him lord high commissioner, the representative of the crown in its northern kingdom. He was concerned about the future of his American province. In August his secretary wrote to his treasurer in London that the effect of the recent grants to the proprietors of the Jerseys would be the 'certain loss of the trade and revenue at New York.' At the moment, Werden explained, this loss seemed 'a little hastened' by an oversight on the part of the customs officers or by the 'scruples' of the commander-in-chief. But in any case the 'inconvenience' could not have been long delayed, for even if in future the duke might lawfully impose customs —which in view of Sir William Jones's opinion Werden thought doubtful — it would ruin New York should he exert this 'legal authority.' It would drive out the inhabitants, who would merely have to cross the river to East Jersey where they could 'trade freely without being liable to any such public payments.'

Writing himself to Brockholls the duke reproved him for not renewing the customs rates, bade him continue them by 'some temporary order' as, he said, he had in mind 'several things' which should tend to the 'good and satisfaction' of the people, and directed him to continue all magistrates in their places even though their terms should expire.

As soon as Sir Edmund Andros reached London he had asked for a full inquiry into the charges against him. William Dyre had also asked at once for an inquiry, being accused not only by the people of New York through Samuel Winder of high treason but also by individuals of specified acts of maladministration in the custom-house. The absence of the duke caused delay. In September, 1681, nothing having been heard of Samuel Winder, Dyre was discharged from custody on bail. John Lewin returned from New York toward the end of the year with a report which, he averred, was unsatisfactory because important sources of information, including the city records, had not been opened to him. Some of the charges against Andros he confirmed. Item by item Sir Edmund refuted them in writing. It was at this time that Jacob Milborne successfully brought suit against him for false imprisonment in New York.

Both Sir Edmund's case and Dyre's were referred at last to the duke's solicitor-general, George Jeffreys who was afterwards the infamous chief-justice, and his attorney-general, John Churchill who became the famous Duke of Marlborough. Their report, prepared after an examination of Lewin, Matthias Nicolls, and other witnesses, carefully considered many charges against the accused and acquitted them of evil deed and intent, declaring that they had both behaved 'very well in their several stations.' Andros was not restored to his government but was made a gentleman of the king's privy chamber. His wife had followed him to England and probably he did not wish to go back to New York.

The chief charge against Dyre, however, had not been disposed of, for Winder had not yet appeared to prosecute him

for high treason. Winder's failure to appear has sometimes been attributed to a feeling among his backers in New York that it would be wise to let the prosecution drop. Certain papers in the Public Record Office make a different reason plain. More than once Dyre petitioned that, as Winder could not be found or heard of, he be released from his bond and wholly cleared from suspicion. Finally the Lords of Trade ordered that an advertisement directing Winder to give bonds to pursue his prosecution at the next term of the court be printed in the *Royal Gazette*, published at the Royal Exchange, and made public at Southampton where Winder was known to have landed. When this advertisement brought no reply Dyre secured from the deputy-mayor of Southampton a certificate stating that Winder, accused of infamous conduct toward 'a maid of repute' in that place, had promised her for satisfaction five pounds and, not having the money, was arrested but escaped and had not since been seen. Then, in September, 1682, Dyre was released from his bond, exonerated, and given permission to take 'legal remedy' against Winder in New York. Soon afterwards he was appointed an inspector of customs offices for the king's American plantations. In 1684 he reported from Boston that he was sending to England great quantities of 'piratical plundered gold,' having seized the privateer *La Trompeuse* 'of the first magnitude, famous in bloodshed and robberies,' whose captain was reputed a Frenchman while the crew of 194 men included 'French, Scotch, Dutch, English, Spaniards, Portugals, Negroes, Indians, Mullatoes, Swedes, Irish, Jersey men, and New Englanders.' In 1685 Dyre was appointed the king's collector of customs for Pennsylvania and the Jerseys. He then removed to the Delaware country and at the time of his death in 1688 represented Sussex County on the council of Pennsylvania. His will named Sir Edmund Andros as one of the trustees of his large estate, which embraced as a minor item Dyer's Island, still so called, in Narragansett Bay.

By 1683 Samuel Winder was again in New York. In June of that year Brockholls wrote to the justices of the peace at

Gravesend that he had heard that Winder intended to appear as attorney in their court but that they were not to suffer him on any account to speak 'unless when judicially constrained in his own case.' His 'false and malicious accusations' against Captain Dyre had put the country to great trouble and charge; he had behaved with 'baseness and scandal' in England, never appearing to maintain his accusations although pledged to do so; and therefore he was justly thought to deserve the 'ill opinion and disrespect of the whole country' and was unfit to appear in any court within the government, 'his contempt and abuse of the same having been already too great.' In 1684, when a new governor was in office and Staten Island had become Richmond County, Winder was appointed county clerk and register. Then marrying and moving to East Jersey he there became attorney-general and a member of the council by appointment of his father-in-law Governor Thomas Rudyard.

By the beginning of the year 1682 the fortunes of the Duke of York had notably improved. A reaction had set in when the agitation over the alleged Popish Plot died down. The tide of popular favor turned in the king's direction; and in this new channel it flowed strongly after the discovery of the Rye House Plot, a Whig conspiracy to bring about the king's death. The duke returned from Scotland. In February, 1682, his secretary and in March he himself wrote to Brockholls that he had decided to grant his subjects an assembly provided they would securely settle funds for the future support of the government and the garrison and would discharge all the public debts incurred by reason of the 'obstructions' they had put to the collection of the public revenue. Brockholls, said the duke, must urge those of 'best note and estate' to dispose themselves and their friends to 'a cheerful compliance in this point.' He was seeking, he declared, the good of the country before 'any advantage' to himself.

Yet he had his own advantage in mind. He was considering whether he might better yield to his people's demands or

sell his province. It was reported from London, Wait Winthrop wrote from Boston in the autumn of this year to his brother Fitz-John, that 'Major Thompson' and one or more others had offered the duke £13,000 for New York — meaning probably a Colonel Thompson of London who had long been an active friend of the New England colonies. The duke did not sell the province, but he did at this time lose other portions of it which were known to be almost as valuable as the Jerseys and were soon to prove of even greater worth.

In March, 1681, William Penn obtained in lieu of a great debt that the king had owed his father, Admiral Penn, the wide lands which in honor of the admiral Charles named Pennsylvania. The duke relinquished all claim to them. On June 21 Commander Brockholls announced in New York this disposition of a region 'formerly under the protection and government of his Royal Highness.' The agent whom Penn at once sent out reached Manhattan while the trial of Captain Dyre was going on. The charter was less favorable to popular rights than earlier proprietary patents, for, although it expressly renounced the right of the crown to lay taxes, as expressly it said that taxes might be laid by the proprietor or by the governor and assembly or by act of parliament. On the other hand the Frame of Government which Penn soon published gave the people exceptional powers, creating a council and an assembly both of which were to be elected bodies. Philadelphia was founded in 1682, fifty-six years after the founding of New Amsterdam.

Understanding that his province could not flourish, could hardly hope to live, without free access to the Atlantic, in 1682 Penn induced the duke to cede to him the Delaware dependency of New York. Embarking then to visit his vast domain he reached New Castle in October and took possession of the country. Governor Andros, building on foundations laid during the Dutch reoccupation, had administered it as three judicial districts. As the Three Lower Counties it was soon annexed to Pennsylvania; and to-day these three counties constitute the State of Delaware. When, a few months

after his arrival, the Quaker proprietor visited Manhattan to present his credentials to the representative of the king and the duke, Brockholls wrote home that what was left of New York, he feared, could not repay the cost of governing it.

Governor Carteret of East Jersey, which had now passed into the hands of twenty-four proprietors, died at this time. He had found a wife in New York, and his will directed that he should there be buried in General Stuyvesant's vault or, if this proved impossible, in the church in the fort.

In the summer of 1682 a curious case came before the city court, Captain Jarvis Baxter, an officer of the garrison, being arraigned for stabbing 'Mr. James Graham, one of the aldermen of this city, . . . by which he is dangerously wounded.' The two, it appears, had been drinking and conversing amicably together on the previous night at the house of Dirck Van Cliff — a tavern keeper from whom Cliff Street took its name — when Baxter, desiring Graham to walk aside a little and 'seeming to kiss the said Graham,' drew his sword and stabbed him under the collar-bone. In court he declared that he remembered nothing of the matter. He was bound over to appear if Graham should die. Graham did not die, both he and Baxter soon grew conspicuous in public affairs, and within a few years they were sitting together at the governor's council board.

This incident is not to be taken as a sign of a general lawlessness. In their personal and private affairs the people seem to have gone on pretty much as before. But if they knew of the duke's intention to give them an assembly it did not tempt them to surrender. They paid no customs dues and few taxes of any kind. Nor in other directions was there any rest for Commander Brockholls. The Iroquois were troublesome again, so harassing the Chesapeake country that Maryland was forced again to send agents to Albany. The Connecticut government protested when Frederick Philipse bought lands along the Hudson near the site of Tarrytown, saying that they were Connecticut lands as the persons who

had run the line agreed upon with Governor Nicolls had found that it passed to the south of the point in question. Brockholls refused to consider the complaint; it was ungrateful, he said, thus to try to cheat his Royal Highness whose acceptance of the twenty-mile line really accepted by Nicolls was so gracious an act. During the summer of 1683 he was obliged to send out an armed sloop to check 'several pirates and sea-rovers,' Englishmen from the more southerly coasts who were raiding the shores of Long Island. Later, he sharply reproved the commissioners at Albany for writing him as though they designed simply to affront himself and the councillors; and to Pemaquid he wrote in great anxiety about the reports he had received of 'debaucheries' and 'looseness and extravagancy' in the management of its affairs.

When the court of assizes met in October, 1682, say its minutes, the letter written by the Duke of York in March was read,

> . . . wherein was the promise of an assembly and such privileges and liberties as other plantations enjoy; only, a fund is expected to be provided for the necessary support of government, maintenance of the garrison, and payment of arrears, for which gracious promises the court return their hearty thanks to his Royal Highness.

Several persons previously bound over to good behavior, having lived peaceably meanwhile, were now 'acquitted by proclamation.' Several negroes charged with breaking jail and stealing a boat from the harbor were found guilty by a jury and sentenced to be tied to a cart-tail and to receive ten lashes on the bare back 'at each corner round the city and to be branded on the forehead with a letter *R*.' And during this session of the court that was a *quasi* legislature was issued the first New York ordinance in regard to the disciplining of slaves. As they met, it said, in great numbers on the Lord's Day and at other unseasonable times and engaged in rude and unlawful sports and pastimes, to the dishonor of God and the disturbance of the peace of his Majesty's subjects 'many of whom were drawn aside and misled to be spectators of their

evil practices,' it was ordered for all parts of the province that no negro or Indian slave should leave his master's house or farm at the indicated unseasonable times without the master's written license explicitly dated. Any slave found at large without such a 'ticket' should be arrested and brought before a magistrate or justice who was to order him to be severely whipped and to direct the master to pay such fees and charges as were proper. Persons entertaining slaves or trafficking with them without the knowledge of the master were to be fined five pounds.

As the time for the inauguration of new city magistrates was now at hand the commander in council, in accordance with the duke's general order, continued in office the actual incumbents. William Beekman, the deputy-mayor, thus kept his place as acting mayor.

Long before this Brockholls had learned, doubtless with satisfaction, that a new governor was appointed for New York. In fact, a commission to hold this place had been issued to Colonel Thomas Dongan in September, 1682, although his departure to take control of his province was postponed until the summer of 1683. One clause in the instructions prepared for him during this interval marks an epoch in the history of New York. It directs him to issue, as soon as possible after his arrival, writs informing the proper officials in all parts of his government and its dependencies that his Royal Highness thought fit that there should be 'a General Assembly of all the freeholders by the persons who they shall choose to represent them' and who were to consult with the governor and council

> . . . what laws are fit and necessary to be made and established for the good weal and government of the said Colony and its dependencies. . . .

It is said that the duke was influenced to this decision by the counsels of William Penn, and it is certain that he was influenced by the opinion rendered by Sir William Jones. Yet it is unlikely that, after ruling twenty years without an

assembly, he would have established one if his people had not demanded it in so emphatic a fashion, and if persons who knew them well — Andros and Dyre, Matthias Nicolls and John Lewin — had not convinced him that only with popular concurrence could he now raise money in a province already on the brink of bankruptcy. Nothing, wrote William Smith at a later day, could have been more 'agreeable' than his decision to the people of New York 'who whether Dutch or English were born the subjects of a free state'; and it was equally advantageous to the duke, for everywhere in the province and particularly on Long Island such a 'general disgust' had prevailed against the form of government set up by Colonel Nicolls that it 'threatened the total subversion of the public tranquillity.' Moreover, James Stuart was not fond of spending money for which he got nothing; and by granting an assembly he relieved himself of all pecuniary concern for his province.

The New Yorkers had won their victory in an interesting way. Their bloodless mutiny was not a revolt against the sovereignty of the English crown or a protest against the authority in general of the proprietor or of any of his deputies. It was not a little civil war like Bacon's Rebellion in Virginia. It was not a struggle for autonomy like the one in which Massachusetts, striving to retain its charter, had long been engaged and was soon to be defeated. It was the first colonial rebellion against taxation from England. It was the same in spirit as the greater struggle which in all the colonies, some eighty years later, prefaced the Revolution. But in method it was bolder. The little city of 1681 did not say at the same moment with many neighbors, 'We will not import.' Standing alone it said, 'I will continue to import but will pay no duties.'

In the earlier as in the later case the wrong resented was theoretical rather than actual. A matter of principle or sentiment rather than an immediate material interest was at stake. 'Grievous,' said the petition of 1681, were the burdens the duke laid upon New York, 'undue and unusual' the customs he exacted. But this was true only in the sense that they were

arbitrarily imposed. The rates that James had fixed in 1674 were lower than any that had ever been settled in New Amsterdam or New York; and on the other hand, in securing the right to tax themselves the people accepted a heavy burden never felt before — the whole charge of the provincial government.

The duke was wise to yield to his people without any attempt at a contest. But in doing so he closed the eyes of posterity to the importance of the incident. What history loves best is drama. The most fecund seed of tradition is a drop of blood. If James had tried by force to reëstablish administrative order and popular obedience on Manhattan, if he had caused the execution of a single citizen, or if his soldiers had killed one in a street brawl, then the two years and a half when his provincials maintained free trade in his despite would be better remembered. In one way they are more interesting than the highly dramatic years, soon to follow, of the so-called Leisler Rebellion. That is, they were typical, as Leisler's years were not, of the general course of the political development of New York. In 1681 New York took its first successful step upon that path of resistance to arbitrary government which New Amsterdam had opened in 1644 when its brewers refused to pay the tax laid by Governor Kieft. And along the same path the province passed by other gradual steps to the parting of the ways where, with its sister colonies, it arrived in 1776.

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CHAPTER XXII

THE FIRST ASSEMBLY

1683–1685

(GOVERNOR DONGAN)

No aid, tax, tallage, assessment, custom, loan, benevolence, or imposition whatsoever shall be laid, assessed, imposed, or levied on any of his Majesty's subjects within this province or their estates upon any manner of color or pretence but by the act and consent of the Governor, Council, and Representatives of the people in General Assembly met and assembled. — *Charter of Liberties and Privileges. 1683.*

THANKS to good judgment or good luck, the Duke of York sent his province a much better succession of governors than did any of the sovereigns who succeeded him as its proprietors. The fourth whom he chose, Colonel Thomas Dongan, was the first of the many Irishmen who have helped to administer public affairs on Manhattan. He was the younger son of Sir John Dongan, baronet, of Castletoun in the county of Kildare, and heir presumptive to his brother William who had been created Baron Dongan and Viscount Claine in the Irish peerage and in 1685 became the Earl of Limerick. He was born in 1634 and bred a Catholic and a soldier. For years he served in the armies of France, his name, which was pronounced 'Dungan' and spelled in various ways including 'Duncan,' sometimes standing in the French records as 'D'Unguent.' Colonel of a regiment of Irishmen when all the British troops were ordered home in 1678, he then refused the liberal offers with which the French king tempted him to remain in his service, and lost in consequence a great sum that Louis owed him for recruits and arrears of pay. The king of England, it is said, promised him as compensation an annual pension of

£500, which it is evident he never got, and appointed him lieutenant-governor of Tangier where he served for two years. With some experience in the management of a dependency and some knowledge of the Dutch and French tongues, he had an acquaintance with French ways and ideas which, at a time when the Canadians needed careful watching, was no less desirable in a governor of New York than military training. Doubtless it had counted in his favor that he was a Catholic, and also that he was nephew on his mother's side to 'lying Dick Talbot,' for many years the Duke of York's intimate friend and associate in the lowest phases of his private life and, after the duke became king, Earl of Tyrconnel and viceroy of Ireland.

This evil uncle, however, the nephew in no way resembled. Some fifty years later the distinguished New Yorker Cadwallader Colden wrote that Dongan was remembered as an 'honest gentleman,' an 'active and prudent governor'; and William Smith recorded that he was 'a man of integrity, moderation, and genteel manners,' who surpassed all his predecessors 'in a due attention to our affairs with the Indians' and, although a 'professed Papist,' might be classed 'among the best of our governors.' More than this was true. Dongan was the ablest of all the colonial governors of New York, and more than any other he helpfully influenced its fortunes.

Embarking in the midsummer of 1683 Governor Dongan landed near Boston, continued his journey by way of Long Island, and reached New York on Saturday, August 25. On Monday he published his commission at the City Hall and announced that he was directed to 'give and confirm' to the city all its existing rights and privileges 'and more if necessary.' The magistrates, their records go on to say, escorted him back to the fort, and on Tuesday his Honor dined with them at the City Hall, meeting also 'several of the old magistrates and ancient inhabitants,' receiving 'large and plentiful entertainment,' and giving 'great satisfaction' by his company.

His commission, dated in September, 1682, described the province in the words of the duke's patent and then expressly excluded East and West Jersey but said nothing of the alienation of Pennsylvania and the Delaware country or of the claims of Connecticut. His instructions, more carefully drawn than Andros's and more fully directing him how to develop the resources of his province, established a type pretty closely adhered to in after years for the guidance of governors of royal provinces. For the first time they laid stress upon the choice of the councillors who, appointed by the duke or in his name, were technically his councillors, not the governor's. And in this connection New Yorkers were for the first time named for office in England. To form 'my council,' as the duke called it, Dongan was directed to appoint Frederick Philipse and Stephanus Van Cortlandt with other 'eminent inhabitants' not exceeding ten in number. Named by the duke were also Anthony Brockholls who retained the office he had held under Andros, John Spragge who came to replace John West as secretary, and Lucas Santen who replaced William Dyre as collector and receiver-general. To these the governor added John Young and, a little later, Lewis Morris who was also a councillor in East Jersey.

Forty-nine years of age at this time, Governor Dongan had neither wife nor child to bring with him. Certain nephews of whom there is later mention probably did not come as soon as he did. As chaplain for the garrison there came the Reverend John Gordon, most likely the same person as the John Gourdon who had been commissioned in 1674 to accompany Governor Andros. An English priest, Father Thomas Harvey, brought by Dongan as his private chaplain, was the first Catholic ecclesiastic who is known to have visited the city excepting the French missionaries who had tarried there briefly in the days of the Dutch.

Domine Selyns, who had left his congregations on Long Island and at the Bowery village to return to Holland in 1664, had often been urged to come back to New Netherland. When Domine Van Nieuwenhuysen died he consented to take

charge of the church in the city. He had arrived in 1682. Now he wrote to the classis of Amsterdam that Domine Pierre Daillé, formerly a professor at the Huguenot college of Saumur in France, had come out to serve the French congregation. Daillé, it appears, had been in England and came to New York under the auspices of the bishop of London who was always regarded, vaguely at first, definitely in after years, as the diocesan of the Anglican churches in the colonies. The first regular pastor of the French congregation, Daillé assembled it in the Dutch church after Selyns's second service, the English chaplain officiating after his morning service — an amicable arrangement which must have interested a governor fresh from the seething sectarian animosities and fears of the England of Charles II. At one point Dongan's written instructions were less explicit than his predecessor's: they said nothing of freedom in religion or of religion at all. But Selyns reported that his Excellency, who was very friendly and 'a person of knowledge, refinement, and modesty,' assured him that the duke's orders were to permit 'full liberty of conscience.'

According to the duke's orders the members of the assembly, not to exceed eighteen in number, were to be elected by the freeholders of all parts of the province and its dependencies after thirty days' notice had everywhere been given. Freedom in debate was guaranteed to them. Their acts were to come before the governor for approval or veto. If approved they were to be 'good and binding' until passed upon by the duke. If disapproved by the duke they were then to 'cease and be null and void.' In the royal province of Virginia the practice prevailed of sending the acts of the legislature to be passed upon in England, but no provision to this effect had been inserted in any of the early colonial charters. It had figured for the first time in William Penn's.

Except by due process of law as aforesaid no 'customs or imposts' were henceforward to be exacted in New York. On the other hand the duke ordered Dongan to take 'effectual care' that there should be a 'constant establishment' for rais-

ing sufficient money to discharge all arrears and to support the civil government and the garrison. No money should be voted for public purposes except with 'express mention' that it was granted to the duke for the use of his government or for some particular object named in the act, and none at all should be expended except upon the governor's personal warrant. All laws save those 'for a temporary purpose' were to be 'without limitation of time.' Without his master's sanction the governor was to sign none that might lessen or impair the revenue. Upon the governor was bestowed that powerful weapon for coercive use which the sovereign held in England — the right to summon and to adjourn or dissolve the assembly as he might see fit. All these arrangements were intended to safeguard the interests of the ducal proprietor by limiting the power of the provincial government. Under the differing conditions that prevailed in the mother-country the provision that supplies granted by parliament were to be spent only for the purposes it might indicate — a provision which was established as a general principle in 1665 when the House of Commons voted Charles II his great subsidies for the war against Holland — had been devised for the protection of the nation, for the bridling of the crown.

In a brief letter addressed by the duke to the assembly-to-be he empowered it to 'consult and propose all such matters as shall be for the public good.' Nevertheless upon the governor he had bestowed all military power including the control of the provincial militia, and upon the governor in council the power to establish courts and to grant lands.

Just after Dongan's arrival one of the towns of eastern Long Island, Easthampton, drew up an address saying that it hoped he had been instructed to restore to the Long Islanders their 'birthright privileges'; if not, they would appeal directly to the king. Elsewhere no signs of distrust appeared. Nor, indeed, were they given time to develop, for, after a hasty visit to Albany, on September 13 the governor in council ordered the issue of writs instructing the sheriffs throughout the province and its dependencies in regard to the election of

representatives to meet in assembly at New York on October 17. Although the duke had said that there should be eighteen he had left their apportionment to the governor and his councillors. Four, they decided, were to be returned by the city including New Harlem and 'the bowries or farms' elsewhere on Manhattan, two by each of the three ridings of Yorkshire, one by Staten Island which Andros had set off from the West Riding, two by the Esopus country, two by Albany and Rensselaerswyck in common, one by Schenectady and the neighboring settlements, one by Pemaquid, and one by Martha's Vineyard and Nantucket. In the more thickly settled parts of the province they were to be chosen by a direct vote of the freeholders, in the eastern islands, Yorkshire, and Esopus by elected delegates, four from each town, who should meet at the 'sessions house' of each district.

Among freeholders were included, as in England, occupants of leasehold properties. In no colony did manhood suffrage then prevail. In Connecticut a property qualification of £30 was prescribed in 1659; in Virginia the franchise was limited in 1670 to freeholders, leaseholders, and tenants; in Pennsylvania the payment of taxes at least was required; and in Massachusetts, although the visit of the royal commissioners of 1664 had forced a technical change in its system of government, no one could vote in a general election who had not certified sectarian as well as property qualifications. In New York a property qualification was not abolished until 1826 and even then was still required of colored voters.

In October the new governor presided in the court of assizes met for its regular annual session. After it adjourned the sheriffs who had attended it drew up an address to the duke thanking him for sending Governor Dongan and for granting an assembly. Dongan, wrote John West to William Penn on the 16th, was 'very civil and obliging to all,' and:

> In the assizes though he showed himself *magis Mars quam Mercurius* yet his behavior was with discretion, patience, and moderation, showing in himself that principle of honor not wilfully to injure any, and had a regard to equity in all his judgments.

The assembly convened as ordered on October 17, a day to be remembered as the birthday of representative government in New York. It met in the fort where Kieft's Twelve Men had met forty-two years before, when representative government drew its first faint breath of life in New Netherland. The journal of the assembly is lost, no list of its members survives, and there is nothing to show which one of the eighteen was missing — for only seventeen assembled. But West wrote to Penn that 'the greatest number' were 'of the Dutch nation' and, he believed, would 'fully answer expectation.' It is known that the most experienced official in the province, Matthias Nicolls who had recently returned from England, was chosen speaker; and although he is described as 'of the East Riding' where he had a large estate, he is said to have been and undoubtedly was one of the four representatives of the city. From local records it may be gathered that a Dutchman and an Englishman, Henry Beekman and William Ashford sat for Esopus, Giles Goddard for Pemaquid, and Samuel Mulford of Easthampton in one of the two seats allotted to the East Riding of Yorkshire. As a few years later John Lawrence was granted a sum of money by the city 'for his services as an assemblyman' he was one of the city members of this house or of its successor, elected in 1685, and probably of both. And as William Nicolls — a son of Matthias, who had been educated as a lawyer in England — is said to have boasted in after years that he framed the principal act passed by the first assembly, he also may plausibly be counted among its members. As its clerk there served so important a functionary as John Spragge — secretary of the province, member of the council, and clerk of the court of assizes.

The fact that this was the initial assembly in a proprietary province may well be forgotten in reading its record. During its first session, which lasted three weeks, it passed fifteen acts. The first calls itself, boldly assuming that the duke would ratify it, 'The Charter of Liberties and Privileges granted by his Royal Highness to the Inhabitants of New

York and its Dependencies'; and its leading paragraphs read:

> Be it enacted by the Governor, Council, and Representatives now in General Assembly met and assembled and by the authority of the same,
>
> That the supreme legislative authority under his Majesty and Royal Highness James Duke of York, Albany &c, Lord Proprietor of the said province, shall forever be and reside in a Governor, Council, and the people met in General Assembly.

At two points this form of words deserves notice. In the first place the assembly divided its legislative power with the executive, as a similar body would not do to-day. To-day its successor says:

> The People of New York represented in Senate and Assembly do enact as follows. . . .

Yet the phraseology was not like that employed in England where since the time of Henry VII the form has been virtually unchanged:

> Be it enacted by the King's Most Excellent Majesty and by and with the advice and consent of the Lords spiritual and temporal and Commons in this present Parliament assembled and by the authority of the same as follows. . . .

The second noteworthy point is the mention of 'the people.' 'The people' had, indeed, occasionally been referred to as the source of political power. In 1649, for instance, shortly before the execution of Charles I, the Rump Parliament declared that 'the people are under God the original of all just power'; and in Virginia during the time of the Commonwealth the burgesses called themselves 'representatives of the people' and in Nathaniel Bacon's time his partisans put forth a declaration 'in the name of the people.' But 'the people' had never been mentioned by the crown in a colonial charter, never by a colony in an address to the crown, and never in a legislative definition of powers in government. The Duke of York had

said 'a general assembly of all the freeholders' by their chosen representatives; and phrases like this, or with 'freemen' in the stead of 'freeholders,' were those to which Englishmen were accustomed on both sides of the sea. The New York assembly, however, used the unfamiliar locution more than once, affirming by statute both the general rights of 'the people' and, in the paragraph about taxation, the rights of 'the representatives of the people.'

The Charter guarantees the right to vote freely for members of assembly to 'every freeholder' according to the interpretation of the term in England, where it meant in regard to the county franchise an income of forty shillings from freehold, and to every freeman in any corporation — that is, as things then stood, to every holder of burgher-right in the city of New York. It claims for members of assembly the personal privileges enjoyed by members of parliament as well as the right to appoint their own times of meeting during their sessions and to adjourn their house as might seem convenient. It says that 'a sessions of a General Assembly' must be held 'once in three years at least' according to the practice of 'the realm of England.' It does not say from whom the governor must derive his powers but forbids him to take any action without the advice of a quorum of his council. It names twelve counties — a term never used before in New York — as constituting the province and its dependencies, and specifies the number of their representatives in assembly. And then it becomes in its latter clauses a bill of rights framed to secure for the province in fullest measure all those safeguards for life, liberty, and property which Englishmen had been able to wrest from their sovereigns, and one important right — religious liberty — which except in Cromwell's time Englishmen had never even thought of securing by legislation.

The four great abuses of power against which the Petition of Right, assented to by Charles I in 1628, had safeguarded his people were arbitrary taxation, arbitrary arrest, martial law, and the billeting of soldiers and mariners in times of peace. Upon these four points the Charter speaks as em-

phatically as the Petition, and it also assures to the people of the province such major rights, long enjoyed by Englishmen at home, as the right to trial by jury and to the services of a 'grand inquest' in capital and criminal cases. Every point is explained in detail, for the New Yorkers could not, like the Englishmen of the time of Charles I, make their meaning clear by referring to written guarantees given them at an earlier day. Yet their Charter plainly shows an acquaintance with the words as well as the principles of the Englishman's guarantees. The Petition of Right set the pattern for a number of clauses, and the famous 39th and 40th articles of Magna Carta were paraphrased in the words:

> No freeman shall be taken and imprisoned or be disseized of his freehold or liberty or free customs or be outlawed or exiled or any other ways destroyed nor shall be passed upon adjudged or condemned but by the lawful judgment of his peers and by the law of this province. Justice nor right shall be neither sold denied or deferred to any man within this province.

On the other hand, it should be noted, the Charter framed in New York drew no inspiration from the famous Bill of Rights which set for all future time the liberties of Englishmen on a firm foundation after repeated infringements at the hands of Stuart kings. By six years it antedated this bill, framed when William and Mary were seated on the Stuarts' throne. It is also noteworthy that it does not imply, as do all English documents of the kind, a compact with the crown or its representatives. Everywhere, if its title be excepted, it consistently preserves the form of a simple legislative enactment.

For one section of the Charter, the last, there were, as has been said, no precedents in English or English-colonial law or custom. It declares that all churches within the province were to be considered, as before, 'privileged churches' independent in forms of worship and church government, provided that all thereafter introduced should have 'the same privileges,' and:

That no person or persons which profess faith in God by Jesus Christ shall at any time be any ways molested, punished, disquieted, or called in question for any difference in opinion or matter of religious concernment who do not actually disturb the civil peace of the province. . . .

Thus the Charter did not discriminate even against Catholics. But it perpetuated the curious connection which the Duke's Laws had effected, not between church and state in the Old World sense, but between churches and the state. Each town, it was now decreed by statute, might establish by a two-thirds vote whatever communion it pleased, but all inhabitants were then to contribute towards the support of this communion whether they should choose or should not choose to set up others in the town. Or, as a Dutch domine soon afterwards wrote, the regular pastor of a town was to be paid by obligatory contributions from 'John Everybody.'

Two memoranda were appended to the original copy of the Charter of Liberties, preserved in the local archives:

New-Yorke, Oct. 26, 1683.

The Representatives have assented to this bill, and order it to bee sent up to the Governo'r and Councell for their assent.

M. Nicolls, Speaker.

After three times reading, it is assented to by the Governour and Councell this thirtieth of October, 1683.

Tho. Dongan.

John Spragge, Clerk of the Assembly.

These memoranda are the only direct proof we have that the first legislature of New York sat as a bicameral body, as did the legislatures of New England and New Jersey, as did not the legislature of Virginia until near the end of the seventeenth century. The Charter of Liberties implied that such must be the practice in future, saying that all bills agreed upon by the representatives should be presented to the governor and council for their approbation and consent and then should 'be esteemed the laws of the province.'

This Charter of Liberties and Privileges is the bill which,

it is believed, was drawn up by William Nicolls. He may well have boasted of the fact even in years when he had long been a leader in public affairs. In no other colony, says Dexter North, writing about the constitutional development of the province, had the doctrine of taxation only by consent, 'upon which alone the American Revolution can be justified,' been more explicitly put forth than in this New York bill of rights. The day when it was signed, says Charles Z. Lincoln in his history of the constitution of the State, should be remembered as one of the 'golden days' in the life of New York, and the bill itself may properly be called the 'original constitution' of New York, so many are those among its clauses which, in form or in substance, were reproduced in 1777 in the first State constitution and still stand in the one that is now in force.

While there was no mention in the Charter proper of any obligation owed by the people to their transatlantic rulers the assembly at once attached to it a revenue act — a 'Continued Bill' granting to the duke and his heirs without limitation of time the proceeds of excises on liquors, wines, cider, and beer sold at retail, and of export taxes on furs and import taxes on all save certain indicated articles mostly the products of the neighboring colonies. The tariff rates thus prescribed were chiefly specific and were in general higher than those that the duke had imposed. They did away with the distinction between commodities of English and of foreign origin but renewed the additional rates on those carried up Hudson's River. These grants, says the bill, were made to defray the necessary charges of the government and 'in consideration' of the duke's 'bountiful confirming and restoring' their 'rights and liberties' to 'the inhabitants of this province' and their posterity.

On October 31, say the minutes of the common council, the Charter 'granted by his Royal Highness' and 'confirmed by act of assembly' and the revenue bill were solemnly published at the City Hall in the presence of the governor, the

council, the representatives, and the city magistrates, 'the inhabitants having notice by sound of trumpet to hear the same.' On November 1 the governor by proclamation put the revenue act in force; and now no man made trouble for the Duke of York's collector.

The next thing that the assembly did was to create by statute the twelve 'shires or counties' mentioned in the Charter of Liberties. The County of New York included the city (the island of Manhattan) and the East River Islands. Staten Island and a few little neighbors formed Richmond County, named for an illegitimate son of the duke, Nooten Island, now Governor's, being left outside county lines — perhaps by oversight, more probably because it was one of the tracts reserved for the use and benefit of the duke's representatives. Long Island was divided into three counties: King's which included, with Gravesend, the Five Dutch Towns of Stuyvesant's time; Queen's which embraced their English neighbors to beyond Oyster Bay; and Suffolk covering the rest of the island with those adjoining it at the east and Fisher's Island off the Connecticut shore. Thus Yorkshire was wiped out and so were two of its ridings; and, while the East Riding became Suffolk County, in King's and Queen's were revived the judicial districts formed by Stuyvesant and Colve. On the mainland east of the Hudson River lay Westchester County and, north of this, Dutchess County. West of the river lay Orange, which adjoined East Jersey and was named for the duke's son-in-law Prince William, and Ulster which embraced the Esopus country. Albany County lay at the north on both sides of the river. Duke's County included Martha's Vineyard and Nantucket, Cornwall County the Pemaquid dependency in Maine.

Cornwall and Duke's were soon lost to New York but still bear their New York names. Otherwise the counties of 1683 remained unaltered, except for some changes in their boundary lines, until 1766 when Albany was divided. In 1897 a portion of Westchester which had previously been annexed to New York, the whole of Richmond, the whole of King's,

and a part of Queen's retaining the county organization, were brought within the limits of the greater city of New York, the remainder of Queen's being organized as a new county and called Nassau in memory of the name which after 1693 was the legal though never the customary appellation of Long Island. The four counties thus included within the limits of the city, giving it a total area of 325 square miles, are as counties independent of each other. As parts of the municipality they are administered as five boroughs: the Boroughs of Brooklyn, Queen's, and Richmond, coterminous with King's, Queen's, and Richmond Counties, and the Boroughs of Manhattan and the Bronx, both contained in New York County.

For each county, said the assembly in 1683, a sheriff was annually to be appointed. In his hands lay the conduct of elections. By the Charter of Liberties representatives were apportioned according to facts of territory and facts of population. That is, none was apportioned to either Dutchess or Orange County as neither of these had as yet any appreciable number of inhabitants; four were apportioned to New York County, two to each of the other counties; and an extra one was granted to Schenectady which lay at a distance from the other settlements in Albany County. Thus the Charter of Liberties provided for twenty-three representatives; and, it said, the duke might increase their number. He himself had said that there should not be more than eighteen. To the House of Commons the counties and, excepting London, the cities and boroughs entitled to representation sent each two members. London sent four; and this was undoubtedly the reason why in the duke's province four members were allotted to the county that was virtually coterminous with the capital city.

After repealing the existent laws relating to local taxation the assembly enacted that, for the defraying of local public charges and the maintenance of the poor, each 'city, town, and county' should annually elect assessors to determine the local rate and a treasurer to make disbursements under the order of commissioners appointed 'for supervising' local pub-

lic affairs. Here and in the grant of an assemblyman to the town of Schenectady was foreshadowed that system of mixed township-county government which, as already told, developed in the province of New York and has spread from the State of New York widely into the Western States.

The assembly also passed another general revenue act, appointing for each county a board of commissioners to collect a tax, to be paid in 'money or other specie,' of one penny in the pound on all estates real and personal, 'by the word money . . . to be understood the produce of the country valued at the current price for money.' The proceeds of this direct property tax were not granted, as were the customs and excise dues, to the Duke of York but as a 'free and voluntary present' to the governor, and not in perpetuity but for one year only.

Thus the first assembly of New York set the whole system of taxation upon a statutory basis. And so it did with the judicial system. Its Act to Settle Courts of Justice established tribunals of four kinds: town or justices' courts for the trial of small causes and cases of debt or trespass not exceeding 40 shillings, without a jury unless demanded by plaintiff or defendant; county courts or courts of sessions with civil and criminal jurisdiction, to be held four times a year in New York, three times at Albany, and twice in the other counties by three or more justices of the peace specially commissioned; a court of oyer and terminer and general jail delivery with original and appellate jurisdiction, to be held twice annually in New York and once in each of the other counties, the judge to be assisted by four justices specially commissioned; and a court of chancery, the supreme court of the province, to consist of the governor and council with power in the governor to depute a chancellor to serve in his stead. An appeal to the crown might be taken in cases involving £100. The long-existent mayor's court of the city of New York was, of course, its town court while the mayor and a certain number of aldermen, duly commissioned, served as justices in the higher courts of New York County.

Another important measure was a general naturalization law providing that all free inhabitants, 'of what foreign nation soever,' professing Christianity and taking the oath of allegiance should stand on the same footing in the province as the king's natural-born subjects, and that any who should thereafter come in and settle might be similarly naturalized by act of assembly. No general naturalization law had ever been passed in England. But as parliament provided no method for the naturalizing of aliens in the colonies until the year 1740, until then each colony did as it pleased. Pennsylvania, for instance, in 1683 gave all aliens full rights who would take the oath; South Carolina passed a general retroactive law in 1696, and New York a second one in 1715, a third in 1730; but colonial New England never framed a general naturalization act of any kind. Theoretically, a naturalized colonial had not, under the Navigation Acts, the right to trade as an English subject; and sometimes the right was actually denied him although in general it was not, as the history of the many foreign-born merchants of New York makes plain. As, however, the laws of each colony were valid only within its own borders, a naturalized resident who moved elsewhere lost all his acquired rights.

Another enactment, distinctly non-English, decreed that all deeds, mortgages, and other land papers mentioning property worth £50 or more must be recorded in the office of the register of the county and in that of the secretary of the province. The other acts of this session were to regulate executions and returns of writs, to prevent 'wiful perjury,' to confirm 'the fees usually taken by officers etc.,' to reward wolf-killers, 'to prevent damages done by swine,' and to settle 'the allowance to representatives' — ten shillings a day for each day of service and for sixteen days of travel, to be paid by the respective counties. Only in much earlier years had members of the House of Commons been paid, but under colonial conditions the restriction of legislative service to men of means would not have been practicable even had it seemed desirable.

Such were the enactments of the first legislature of New York at its first session — the fifteen laws which formed the beginning of the statute law of the province and State. Certainly they justified the belief, once expressed by the Duke of York to Governor Andros, that assemblies were apt to assume more power than was granted them.

All the bills except the two which had been published on November 1 were published before the City Hall six days later. Early in December all fifteen were sent by a special messenger, Captain Mark Talbott, for the duke's consideration. Until the time when, perchance, the duke might disapprove one or more of them, all of them, the Charter of Liberties included, were 'good and binding.'

As soon as the assembly adjourned, the city magistrates, William Beekman still acting as mayor, showed their eagerness to take advantage of the duke's order that Dongan should confirm the rights and privileges of the city and grant it 'more if necessary.' They petitioned the governor to intercede with the duke for a municipal charter which should confirm all existing rights, including those conferred by the Bolting Acts, enlarge the powers of the magistrates, and set the municipality upon a more popular foundation. The city, said their chief requests, should be divided into six wards; in each ward the freemen should annually elect an alderman, a common councilman (or assistant alderman), a constable, assessors, overseers of the poor, and other minor but 'useful and necessary' officers; the corporation should appoint its own treasurer; the governor in council should appoint a recorder as well as mayor, sheriff, coroner, and town clerk, and should choose the mayor from among the elected aldermen. To most of these desires Dongan acceded until the duke, to whom he sent the petition, should make his pleasure known; but he did not promise to choose the mayor from among the aldermen, and he refused so to enlarge the powers of the magistrates that the town government of New Harlem would be blotted out.

Pending the time when the first city election would take place he appointed six aldermen, renewed the commission of John West as clerk of the city, and named as mayor Cornelis Steenwyck and as recorder James Graham, who had been one of the aldermen when Dyre was indicted and had been stabbed under the collar-bone by Captain Baxter. This first recorder of New York was a Scotchman who had been for some years in the province and owned property on Staten Island and in East Jersey. The oft-repeated story that he was a son or near relative of the Marquis of Montrose has no shred of foundation. Dongan wrote home that he was a person of 'understanding in the law,' this being 'his whole business.' A later governor, Lord Bellomont, declared that he had been bred to a trade — neither to learning nor the law; and Graham's career supports Bellomont's rather than Dongan's verdict upon his qualifications. In itself the fact that he was appointed to a judgeship tells nothing, for not until a much later period was legal training thought essential for an occupant of the bench in any of the colonies. The recorder — in New York as in London where also he served during pleasure while the mayor served for a single year and was seldom conversant with the law — was the chief legal officer of the municipality. He sat on the bench of the mayor's court at the mayor's right hand and was responsible for the proper keeping of the court records.

At once the new magistrates asked for further privileges, begging that as the revenue of the city was 'lost and destroyed' it might be confirmed in 'the benefits of the dock, wharf, and bridge-market and bridge-house' and of the Long Island ferry and all others that might be established, as also in 'the benefit of granting licenses' to public houses, and in the possession of all the vacant lands on Manhattan to low-water mark. Dongan expressed his surprise that he should so 'suddenly' receive a new set of demands. Most of them he granted but not the request for the vacant lands or for the power to grant licenses which, he said, belonged to the governor.

In December the magistrates divided the city into six

wards: the South Ward and the Dock Ward covering the extremity of the island, the East and West Wards, the North Ward extending to beyond the Fresh Water or Kalck Hoek Pond, and the Out Ward embracing the rest of the island with the Bowery village and the town of New Harlem. To each ward was assigned one of the aldermen.

As Governor Dongan approved all the acts of the assembly, and as nothing remains to show that he then objected to any of them, it may be supposed that he regarded as permissive, not mandatory, the words in which the duke had conferred upon him and his councillors the power to erect courts. Yet it seems that he was not wholly pleased with the assembly's arrangements. As the time to open the new courts approached he doubted the power of the city magistrates to hold, as justices of the peace, the court of sessions of New York County. Finally he ordered them to do so until the duke should decide, but directed that members of his council might also sit as justices. A little later he said that if a councillor were present he should act as presiding judge and, still later, that members of the council should have the powers of justices of the peace in all the counties.

In February, 1684, the new supreme court, composed of the governor and council, convened for the first time, sitting of course in Fort James. In February also convened the new court of sessions or, to give its full title, the Court of Quarter or General Sessions of the Peace of the City and County of New York. It sat in the City Hall. Its minutes, covering the period down to 1762 but showing a break at the time of the Leisler interregnum, are preserved in the office of the clerk of the county — three folio volumes beautifully written. At the first term of this court the grand jury, which was sworn in words almost identical with those in use to-day, presented only one criminal, a burglar.

As judges of the court of oyer and terminer Dongan appointed two lawyers, Matthias Nicolls and John Palmer. Palmer, who was also high sheriff of Richmond County, had come from Barbadoes and had married a sister of Samuel Winder, and it

was at this time that Winder became clerk of Richmond County. As attorney-general of the province Dongan appointed another lawyer, Thomas Rudyard, who had been governor of East Jersey and was Winder's father-in-law. He held the post only until 1685 when Dongan gave it to James Graham who nevertheless continued to serve as recorder of the city. The chief duty of the attorney-general was to protect the interests of the king and the duke. He was never assisted in New York, as he was in England, by a solicitor-general. Indeed, no distinction between lawyers of different kinds was recognized in the colonies.

Not everywhere had the grant of an assembly pacified the people, and not only among the English of eastern Long Island did discontent express itself. Early in 1684 sixty-four residents of Esopus, with a single exception bearing Dutch or French names, were indicted as rioters by order of the governor and fined because they had petitioned that 'by charter to this county' they might be permitted to elect their own magistrates and to export all their own products, including the flour which the Bolting Acts forbade them even to manufacture. Some months later they were pardoned upon confessing that their action had been ill-advised.

In May Dongan renewed the Bolting Acts by proclamation, Werden having again instructed him to care for the 'interests and advantages' of the city as it was 'the staple of your trade and indeed the key to your country.' So said the city fathers also, explaining that the manufacture of flour and bread was 'the chief support of the trade and traffic to and from this city' and that the city was 'the main support of the province.' No part of the province would profit if trade in the chief articles of export were dispersed; the farmer would gain less than he now did from his corn, the price of which was kept up by the industry of the inhabitants of the city 'who first made it a commodity abroad, gained it repute, and are only proper to continue both.' Maryland and Virginia, said the magistrates, had the same advantages in the fruits of the earth as New York, yet they could not get 'that

benefit in trade and husbandry' which New York enjoyed 'by the means and industry of this city only.'

While thus comprehensively settling upon lines new and old the internal affairs of his province, Governor Dongan did not forget that his instructions directed him to establish if possible the boundary between New York and Connecticut. Even before the assembly met he charged the Connecticut authorities with designs that 'abused' the contract made with Nicolls. This charge they denied. But, Dongan explained, Nicolls and the other royal commissioners, being strangers and relying upon the envoys from Connecticut, had been assured that the indicated line would everywhere keep twenty miles away from Hudson's River, and now Connecticut was claiming to within sixteen or seventeen miles of Manhattan and, for all he knew, Esopus and Albany also. If it would not abide by the true line he would assert the rights of the Duke of York as far as his patent extended, which was 'to the River Connecticut,' and the rulers of Connecticut would have no cause to feel injured should the charter of their colony thus be brought in question. Thereupon Governor Treat and three others were commissioned to settle the question at New York, with instructions to induce Dongan 'to take up with as little as possible.' Aided by the testimony of John Lawrence, John Young, and others personally cognizant of the intentions of Governor Nicolls, Dongan made plain beyond dispute the rights of his province. But as to insist now upon a straight line twenty miles from the Hudson would have been to cut off from Connecticut several towns that it had planted on the shores of the Sound, New York agreed to surrender all these excepting Rye and to begin the line between Rye and Greenwich, only about eight miles from the Hudson. As an equivalent Connecticut surrendered a strip of its territories two miles in width and running northward from the aforesaid towns for more than fifty miles — a strip, afterwards called 'The Oblong,' which figured prominently in land speculations in the eighteenth century. The contract was signed in November,

1683, and the line, giving the southwestern corner of Connecticut its singular zigzag shape, was surveyed a year later and ratified by both governors early in 1685. When it was confirmed in England in 1700, the basis of the present boundary between the two States was legally established although the line was somewhat altered by agreement in 1731 and was not settled in every detail until 1880.

To prevent the New York Indians from carrying their furs into East Jersey it was especially desirable that the boundary running westward from the Hudson should be settled; but here nothing was accomplished until a later day; and almost a hundred years went by before either this line or the one between New York and Massachusetts was definitively drawn. East Jersey, said the city magistrates petitioning the duke through the governor in March, 1684, should be reunited to New York as the 'unhappy separation' had drawn away both foreign commerce and the Indian trade; and Dongan supported the prayer, pointing out the 'great inconveniencies' of having two governments 'upon one river.' Always the Jerseymen had coveted Staten Island and for several years they had claimed it, hoping thus to get undisputed control of the channels — the Kills as they were named by the Dutchmen and still are called — which, running between the island and the Jersey shore, led up into Newark Bay and around the northern end of the island into the Bay of New York. The island had always belonged to New York, the government of New York contended; and in Dongan's time the claim of East Jersey was finally disposed of. The channels also New York claimed as being merely branches of the Hudson, the mouth of which was at Sandy Hook. This, in fact, had always been the assumption since early Dutch days. When Michiel Paauw registered his claim to the lands he called Pavonia, including a stretch of the Jersey shore and Staten Island, they were described as lying 'on both sides of the North River' northward from Hamel's Hoofden (the Narrows). One of the documents relating to Cornelis Melyn's sale of the island to the West India Company describes it as 'in the

mouth of the North River.' Governor Andros, ordering two buoys laid off Sandy Hook, said that they should be placed 'to the coming into Hudson's River at Sandy Point.' Dongan also implied that his jurisdiction extended as far as this, once asking the duke's permission to build on Sandy Hook a small fort with twelve guns. And for a time the authorities in England indorsed the claim of New York to the Kills, directing Dongan to allow no vessels to come in by them without touching at Manhattan.

In March, 1684, the duke's advisers began to consider the acts transmitted by the New York assembly in the previous December. They wished, Werden wrote to Dongan, for some amendments in the revenue act, and they hoped that he would secure the repayment of 'public debts' owing to Sir Edmund Andros for 'moneys lent to the inhabitants of New York and Long Island.' The last instalment of the debt owed Andros by the city, it may be noted, was not discharged until the year 1695.

If the Charter of Liberties should be amended, wrote the duke himself in August, the changes would be 'equally or more advantageous' to his subjects while 'better adjusted' to the laws of England. In the event the Charter was in no way altered; and a memorandum preserved in the Public Record Office says that on October 4, a year after the laws were enacted:

> His Royal Highness signed and sealed the Charter of Franchises and Privileges to New York in America; which was countersigned by Sir John Werden in the usual form and sent the same evening to the Auditor (Mr. Aldworth) to be registered by him and then to be delivered to Captain Talbott to carry to New York.

A similar paper, giving a list of the New York bills as delivered to be engrossed on November 7, shows that the duke had accepted them all. Nevertheless, even the Charter was not returned to New York, there to be promulgated and to become the established law of the land. It was held back, ap-

parently, because the duke believed that Rhode Island and Connecticut would soon be deprived of their patents and hoped that they would be added to his province which then would need reorganization.

By this time the reaction in favor of the crown which had followed in England upon the frenzy excited by the supposed Popish Plot had been turned into a passion of loyalty by the discovery of the Rye House Plot, a Whig conspiracy to assassinate both the king and the duke. King Charles — his popularity regained, his love of absolutism encouraged, and his worst designs supported by a servile crew of legal functionaries headed by Jeffreys who had been the duke's solicitor-general and was now chief-justice of the realm — was destroying the liberties of Englishmen on both sides of the sea. In 1683 the city of London was deprived of its charter, and scores of other cities and towns in the kingdom were forced or persuaded to surrender theirs or to accept such a remodelling of their constitutions as gave control to the Tory faction, changes which meant that the crown could reconstruct the House of Commons to please itself. And in 1684 the Company of Massachusetts Bay lost the charter that Charles I had bestowed upon it in 1629. This was the most important colonial event of the period, more important than any that had happened since the Dutch province had been added to the king of England's domain. Slowly but surely it had come about. What the crown demanded Massachusetts could not yield without sacrificing the liberties to which it felt itself entitled by its charter. What it assumed and claimed the crown felt that it could not sanction without losing control of the colony and abandoning the effort to execute the laws that crown and parliament thought essential for the welfare of the realm. The most galling to the mother-country of the many offences charged against the Bay Colony, although not the most loudly complained about by the spokesmen of the crown, was insubordination in the paths of trade. Massachusetts uttered truth when it boasted that it had never put the mother-country to a penny's charge,

and the merchants of England grossly exaggerated when they affirmed that year by year it defrauded the king's custom-house of some £60,000. Nevertheless, it had not rightly acknowledged the validity of the Navigation Acts, nor had its people respected their provisions. The Acts were not enforced, Governor Leverett explained in 1675, because they were thought unconstitutional, parliament having no authority over the colony; and in a similar strain the general court wrote to its agents in England. Afterwards, driven to compromise, the general court explained that although the laws of England reached no farther than the confines of the kingdom there was a difference between such laws in general and some that were 'proper to foreign plantations.' But the fact that, recognizing this difference, the general court directed all shipmasters to obey the Navigation Acts under the penalties therein imposed, implied that no law of parliament need be obeyed in the plantations unless reiterated or indorsed by their own legislatures. James Otis remembered these early contentions when he made his famous speech about writs of assistance in 1761. Franklin seems to have forgotten them when he affirmed in 1766 that in America the authority of parliament 'was never disputed in laying duties to regulate commerce.'

All the colonies infringed the laws of trade, said Edward Randolph; all would yield to them if Massachusetts were subjected to them. Many times it was warned that its resistance in this and in other directions would cost it its liberties. Several times steps were taken to overthrow these liberties. On one point and another Massachusetts gradually yielded, but by the time that it was alarmed enough to yield what would have sufficed in earlier years, the crown had grown so strong again that it would make no terms. In October, 1684, the charter of Massachusetts was cancelled by a decree of the court of chancery. Bermuda also lost its charter at this time, and Connecticut and Rhode Island were threatened with the same fate.

Thus the free Bay Colony became a royal possession with

absolutely no secured rights, liberties, or privileges — a province in worse estate than was New Netherland when, shielded by its Articles of Surrender, it fell under the power of the same king. Now no man within the borders of Massachusetts had even a legal title to his lands. Not even the name Massachusetts had a legal existence.

At the elbow of King Charles during these latter years had stood his brother James. Partly to reward the duke for consenting to the marriage of his second daughter, Anne, with a Protestant prince, George of Denmark, the king had violated in his favor the provisions of the Test Act, seating him again on the privy council and virtually restoring him to the office of lord high admiral by himself assuming full power in naval matters and conducting them with James's assistance. In fact, says their contemporary, Bishop Burnet, by the year 1684 James had got 'the whole management of affairs,' English as well as Scotch, into his own hands. The reason why he was 'admitted as formerly' to the council which is given by another contemporary, Narcissus Luttrell, applies with equal truth to most of the occurrences of this time of reaction — 'his Majesty thinking it fitting.'

It is known that the duke urged the king toward tyranny at home, approved of coercion for Massachusetts, and worked to destroy the liberties of Connecticut and Rhode Island so that he might add these colonies to New York. Yet it was just at the time when the cities of England and the Bay Colony in America were shorn of their rights and privileges that the duke ratified the Charter of Liberties which his own province, through its first assembly, had conferred upon itself.

This fact, however, merely illustrates a contrast which appears when the general character and course of James Stuart as heir-presumptive to the throne of England and as proprietor of New York are compared. To make the contrast striking one need not believe all that was written of James by the Whigs of his own day with Burnet at their head or by the great Whig historian of a later day, Lord Macaulay. It suffices

to take the obvious facts of his administration of Scotland, where he consistently fathered iniquitous laws, sanctioned nefarious judgments, and encouraged, for the benefit of a church not his own, the fiercest campaigns of religious persecution in the history of Great Britain, and to set them beside the obvious facts of his treatment of New York, where he was known, indeed, as an autocratic ruler but not as a tyrannical, irascible, or greedy master, where he permitted religious liberty and pardoned without rancor even the welcomers of the Dutch invaders of 1673. It suffices to compare his most trusted associates and agents in England, Judge Jeffreys and 'lying Dick Talbot' among them, with the decent gentlemen whom he sent out to govern New York — Nicolls and Lovelace, Andros and Dongan. His government was hated in New York, as any arbitrary government would have been. But that he himself was not feared as immovably tyrannical or cruelly revengeful is shown by the mutineering boldness of his handful of subjects in 1681, by their boldness in legislation in 1683. When historians of America refer to the Duke of York as a harsh, rapacious, bigoted tyrant they echo judgments framed from very different data by historians of Scotland and England. With the whole course of his life in mind it is impossible, of course, even to half-believe his admiring biographer Clarke when he writes of the mildness of James's nature, his unvarying tendency to 'overlook' the mistakes of his friends and even of his enemies, and his natural inclinations 'ever bent to mercy.' But with nothing in mind except his conduct toward New York between the years 1664 and 1685 it is easier to believe Clarke than to believe Macaulay when he paints James Stuart as unvaryingly 'dull and narrow,' 'obstinate, harsh, and unforgiving,' 'obdurate' and 'revengeful' — obstinate in all things and 'especially obstinate in revenge.' More impartial historians than these have found insoluble problems in his character and conduct while confining their study to the records of the two kingdoms. Had they given a side-glance at the records of New York they would have found the same problems still more complicated.

When the duke first acquired his province, it may indeed be said, he was neither the convinced Catholic nor the determined absolutist that he afterwards became; for many years he was so unpopular in England, and his position as heir-presumptive was so precarious, that he may well have thought it wise to walk carefully even in the by-path of colonial administration; doubtless he gave up the Jerseys and the Delaware and Pennsylvania regions because he dared not make enemies of men as influential as Carteret and Penn; and it has been argued that, as he was biding his time to become more powerful in America, he felt that it was politic to deal mildly meanwhile with his subjects in New York. But such explanations would be more explanatory if another than James Stuart were in question; for no one was ever more impatient and impolitic than he in years when he was playing for much greater than colonial stakes — when he was wearing the crowns of Great Britain, losing them, and trying to regain them. In fact, it seems impossible really to understand how such an 'unintelligent absolutist,' as Lord Acton calls him, could deal with his province for so many years in many ways so intelligently, why so selfish, avaricious, and parsimonious a prince felt so genuine an interest in its current affairs long after he had lost hope of any immediate profit from it, or why the cruel administrator of Scotland, the revengeful king of England, turned so benignant a face to his subjects in America even when their smouldering discontent passed into open defiance. Many more passages than have here been cited from his letters and instructions and from those of his secretary might be added to show that from the beginning to the end of his twenty-one years as the ducal proprietor of New York James constantly urged upon his deputies impartial justice, patience, clemency, and even a sympathetic blindness. From the same sources no words of an opposite tenor can be gathered.

It was in October, 1684, that the first election for aldermen, assistants, constables, and assessors took place in the capital

of the duke's province. One of the aldermen chosen was Nicholas Stuyvesant, the second son of the old governor. As written by the English clerk his name appears as 'Stevenson.' From among seven nominees presented by the magistrates Dongan selected as mayor the French merchant Gabriel Minvielle, who was a son-in-law of John Lawrence. A city ordinance of this time decreed that citizens refusing to accept municipal offices should pay specified fines, the heaviest being £20 for declining the mayoralty. It was also ordered in this year that, as many strangers who bore no part of the public charge drew benefit from their stay in New York, all such after a residence of one month should share with the citizens in the duties of 'watch and ward' and pay the same taxes and assessments.

Writing in December Dongan told the duke of a report, started according to some by William Penn himself, that Penn was to purchase the province. 'For the extent of it,' the governor thought well to explain, it was 'the most flourishing and most improvable' of any in that part of America, and its inhabitants were 'very industrious' and increasing much 'in people and shipping.' A few months later he wrote that a promising scheme to form a stock company to manage the fishing and the Indian trade in and about the Pemaquid dependency had been wrecked by reports from Boston and Pennsylvania saying again that New York had been sold to Colonel Thompson.

Meanwhile in October of this same year 1684, just when the duke was giving his approval to the laws enacted by the assembly of New York at its first session, it had convened for its second session. Matthias Nicolls continued to serve as its speaker; one Robert Hammond replaced John Spragge as its clerk. Thirty-one acts received the governor's signature. Some related to minor matters of law and court practice, but some altered the Duke's Laws at major points and in one of these the assembly again assumed a share in a power that had been granted to the executive. This was an Act for Settling

the Militia which made the county instead of the town the unit of organization and prescribed that the governor must select all officers from among the freeholders of the places where they were to serve. Another act abolished the old supreme court, the court of assizes — useless now, for the legislature itself had absorbed such law-making functions as it possessed while the new courts took over its judicial functions. In the new as in the old supreme court the secretary of the province served as clerk. Until the Revolution the lesser office remained, as Governor Tryon said in a report rendered in 1773, an 'appendage' of the greater office.

Several acts of this session throw light upon social conditions. One provided against the hasty private burial of 'servants and others' which had given rise to 'much scandal' and sometimes, 'not undiscernedly,' to suspicions of murder. A similar law had been enacted in Virginia in 1662. Another prescribed that no surgeon, physician, or midwife should treat patients 'contrary to the known approved rules of art in each mystery or occupation,' or exercise any 'force, violence, or cruelty' (meaning, use physical force or perform an operation) without the consent of 'such as are skilful in the said arts' or 'at least of some of the wisest and gravest present' and of the patient himself if of sound mind. No persons, the assembly also thought it needful to enact, should brew beer for sale except those 'known to have sufficient skill or knowledge in the art or mystery of brewing.'

A bill to regulate marriages reiterated the old ordinances requiring that a license be taken out or the banns be published three times. It also said that if a married person departed for foreign lands whence the voyage could be performed in one year or less and was not heard of for five years, the spouse might remarry; should the absent one return and prove that he or she had tried to open communication, a decree of the court of chancery might restore such person to his or her marital rights; but if neither party should ask for such a decree both might remain 'free from their former obligations' by signing 'a release to each other.' Quakers were permitted to

use their own marriage ceremony. Still another act, the first legislative recognition of slavery in New York, strengthened the ordinance of the court of assizes, forbidding slaves and bond-servants to traffic in any fashion, laying penalties on persons who should trust them for drink or other commodities, and authorizing justices to make 'diligent hue and cry' for any who might escape, impressing if needful 'men, horses, and boats.'

Furthermore the assembly provided for an annual salary for the judges of the province, the respective counties to pay their quotas into the hands of the treasurer of the city of New York. It provided for the collection of arrears of the general property tax of the previous year but did not renew the tax. It passed a supplementary revenue act laying a duty of ten per cent on all foreign goods and on all brought from the English West Indies which were not of their own production, and directing all exporters of whale oil, whalebone, and wheat to give bonds that these wares, although not by the law of England 'enumerated commodities,' should nevertheless be carried only to English or English West Indian ports. This last enactment was intended to prevent the people of eastern Long Island from sending their products to Boston and bringing back European goods without passing through the custom-house at New York. It proved notoriously ineffectual. The people of the eastern part of the island, Dongan once reported, were 'refractory' like the New Englanders and were 'very loath' to have any commerce with Manhattan, which was greatly to the detriment of the king's revenue and the 'ruin of our merchants.'

Dongan wished to send these laws of 1684 to England by the hand of Secretary Spragge, but he wanted also to send the accounts of the collector of customs, Lucas Santen, with whose conduct he was by no means satisfied, and these he could not get. Not until late in the year 1685 were the laws transmitted. They were never confirmed. Probably they were not even considered, for great changes had come about in the mother-country.

At the opening of the year 1685 Charles II was in a fair way to make himself as absolute as, for a time, Charles I had been. On February 6, after a brief illness, he died. Without opposition the Duke of York succeeded to the throne as James II. His delegated rights as proprietor of an American province then merged in the rights of the crown. New York became a royal province as had doubtless been intended when it was given to the heir-presumptive. Thus it came for the first time under the direct supervision of the Committee for Trade and Plantations. The records relating to it were ordered sent to the Plantation Office, but many seem to have been retained by James with his private papers and were perhaps among those that were sent to France when he lost his throne and were destroyed during the French Revolution.

On the very day of the king's death the Lords of Trade in session with the new king prepared letters and a proclamation for the foreign plantations. On February 28 it was ordered that the Charter of Liberties of New York, now needing confirmation by the proprietor of the province in his new estate, be compared with the commissions under which the governments of the other colonies had been settled.

In a series of *Observations* then drawn up the advisers of the king of England displayed a much more critical spirit than those of the Duke of York had shown. They found more or less fault with each and all of the clauses of the Charter of Liberties except the one that secured religious freedom. Sometimes quoting the document incorrectly but not misinterpreting its tenor they explained that the privilege of being governed 'according to the laws of England' was not granted to any of the colonies 'where the Act of Habeas Corpus and all other such bills do not take place.' In other colonies, they said, sheriffs and other officers of justice were not given 'like power as in England,' frequent sessions of the assembly were not prescribed, nor was the governor restrained from acting without a quorum of the council. The provision that all bills must be presented to the governor and council for their assent seemed to take away from them the power to orig-

inate laws, which elsewhere they held. The securing of all legislative power to governor, council, and assembly seemed to 'abridge' the power of parliament to legislate for the province. And,

> The words *The People* met in a General Assembly are not used in any other Constitution in America; but only the words General Assembly.

In addition to these and other special faults in the Charter it had acquired a general technical defect: the proprietor whom it named was the Duke of York, the actual proprietor was now the king of England.

These *Observations* were dated March 3. On the same day the king, in session again with the Lords of Trade, pronounced that he did not 'think fit to confirm' the Charter but was pleased to direct that in due time the government of New York 'be assimilated to the constitution that shall be agreed upon for New England.' This did not mean that the Charter was vetoed, simply that it was left unratified. It remained 'good and binding' until further orders.

On March 5 the king in council wrote to Governor Dongan directing him to proclaim the accession, to make the people of New York certain gracious promises, which were very vaguely worded, and to correspond in future not with Sir John Werden but with the secretary to the Lords of Trade, the William Blathwayt who was also auditor-general for the foreign plantations of the crown. Like other governors of royal provinces Dongan also corresponded with the secretary of state for the southern department in which the colonies were included until, in 1768, a secretary for colonial affairs was appointed.

Whether by accident or by design James II was proclaimed in New York, the militia parading in honor of the event, on the day when he and his queen, Mary of Modena, were crowned at Westminster, April 23. On May 12 the governor in council drew up a loyal address to the king. With it Dongan sent a

personal letter of congratulation in which he said that as his Majesty must have 'a whole crowd of importuners' he himself would ask for nothing. On behalf of the city its mayor, Gabriel Minvielle, was less modest. Writing to Werden he urged that, as the city had lost one-third of its trade by the alienation of the Jerseys and the Delaware dependency, James would now reunite these territories to New York, would also 'enlarge' it to the eastward, and would grant the city such privileges as might 'make it flourish' as in earlier days. Very soon the people of New York were to learn how complaints and prayers like these worked not for but against the aggrandizement of their province. Meanwhile a proclamation sent to all the colonies informed them of another limitation set to colonial trade: only members of the East India Company and of the Royal African Company were henceforward to trade in the regions reserved to these associations.

Rebellion in arms in Scotland and in England forced James II to think for a while of nothing but the defence of his throne. Before the end of July it was secure. The Earl of Argyle had died on the scaffold at Edinburgh, the Duke of Monmouth at London. 'Kirke's lambs' had been quartered on the people of the western counties. Judge Jeffreys at his 'Bloody Assizes' had swept hundreds of Monmouth's actual or supposed adherents into their graves, hundreds into slavery beyond the seas; and James in his gratitude made him lord chancellor and a peer of the realm. Yet as late as September, Dongan wrote home, it was reported at Boston that Monmouth had triumphed. A governor, he added, should at once be sent out for Massachusetts. Since the cancelling of its charter, eleven months before, the Bay Colony had been theoretically in an inchoate condition. Actually its old government had gone on but showed, to quote Hutchinson's words, 'symptoms of an expiring constitution': the legislature was indifferent, 'expecting every day to be superseded.' Naturally the people were restless and excited. New York, in Dongan's belief, was in no such dangerous state. He once described his people as 'generally of

a turbulent disposition,' but now he declared that his province was

> . . . composed most of strangers, and there are few of ill principles. If any English be so they have the wit to conceal it.

It was soon after the accession of James II that the question whether the Delaware counties had belonged first to the Dutch, then to the Duke of York as their heir through conquest, and by his cession to William Penn, or had always belonged to Maryland, was brought to an issue and Stuyvesant's arguments spoken in 1659 by his envoy Augustine Herrman played a chief part in determining the result. Taking testimony with regard to this question in New York, Governor Dongan secured from old Catalina Trico the affidavit regarding the arrival of the first settlers in New Netherland which has already been cited. The Lords of Trade decided in Penn's favor, dividing by a north and south line the northern part of the peninsula and giving him the eastern half, Maryland the half that bordered on the Chesapeake. Only unpeopled lands, they said, had been granted to Baltimore, and those in dispute were then already occupied and planted by Christians. Maryland afterwards reopened the controversy but the decision of 1685 stood firm.

For ten years at least Charles II and his advisers had had it in mind to bring the American plantations into closer connection with the crown and, as a step in this direction, to consolidate all or some of the New England colonies under a single governor. They might not untruthfully have said that the New Englanders themselves, when they formed their confederacy in 1643, had indicated such a step as needful to ensure safety in case of war. And it was also looked upon in England as a necessary first step toward the establishment of a system of commercial administration which should enforce respect for the Navigation Acts and put an end to the intercolonial disputes that, as Sir Edmund Andros had once pointed out, were chiefly trade disputes. This scheme for

consolidation lay at the root of the long-considered plans for annulling not only the charter of Massachusetts but also those of Connecticut and Rhode Island, colonies which had given the crown much less cause of offence. James adopted it when he no longer had a personal reason for wishing to enlarge New York; as soon as his throne was safe he began to put it into execution; and, a much more industrious person than Charles when any business was in hand, he pushed it more energetically than, it may be believed, his brother would have done.

In the summer of 1685 writs of *quo warranto* were issued against Rhode Island and Connecticut, and also against the proprietors of the Jerseys and the Delaware counties for, said the Lords of Trade, it was to the 'great and growing prejudice' of the plantations at large that such governments should exist without a 'nearer dependence on the crown.' This, there is evidence to show, was a direct first fruit of the petition of the mayor of New York. No action immediately followed, for the writs did not reach Boston until the time within which they could legally be executed had arrived. Nevertheless Edward Randolph, who had brought them over, assured the colonies that the king would certainly unite all New England under one government.

Toward this end the king made the first move in September, establishing a provisional government to embrace Massachusetts, New Hampshire, Maine, and the Narragansett country which in 1665 King Charles's commissioners had set apart from its covetous neighbors and called the King's Province. Full power, legislative and executive, over the domain thus consolidated was bestowed upon a president, a deputy-president, and a council of sixteen members, all appointees of the crown. The attorney-general of the crown had declared that the colonies were entitled to a voice in the making of laws and the laying of taxes, and even Randolph, who was named secretary of the new province, had pleaded for an assembly. But James had struck the words that provided for one out of the president's commission; and, another bitter blow for

Massachusetts, this president was Joseph Dudley, a native of its own soil, a son of its old governor Thomas Dudley, a graduate of Harvard College, and one of the agents whom the colony had charged to fight for the life of its charter at Westminster. Randolph once described him as 'a man of base, servile, antimonarchical principle' but at another time as one who 'wind-miller-like' would turn 'to every gale'; and the gale now blew from the monarchical quarter. A traitor many people called him, a turncoat many more. He was not a traitor although he had gone over to the 'moderate party' which by the compulsion of events had grown strong in Massachusetts. He professed a great attachment to the interests of the colony, says Hutchinson, but the people 'were not so charitable as to believe him sincere.' He was soon to figure in the history of New York.

In New York Dongan had thought best to dissolve the assembly because in England a parliament expired with the demise of the sovereign. But at once he issued writs of election to the sheriffs of the counties in accordance with the act of assembly of 1683; and in October the second assembly met and chose as its speaker William Pinhorne, an English merchant who had been in the province ten years or more. Again no list of members survives. The governor approved a few laws relating to the courts and prescribing penalties for Sabbath-breaking, drunkenness, and profanity. Three he vetoed, including one about the collection of quit-rents. One which was passed by the council the house rejected — a bill declaring that in cases affecting the king's revenue the testimony of a single witness should suffice. Then the assembly adjourned. Its laws, like those passed during the second session of the first assembly, were never considered in England. It held no other session and it had no immediate successor, for very soon the new-born liberties of the province were altogether swept away.

In this month of October Nicholas Bayard took office as mayor of the city. December 30 the governor appointed as a day of thanksgiving for the triumphs of the king of Eng-

land over his rebellious subjects and for the success of the allied Christian armies against the Ottoman Turks. The bloodthirsty way in which the rebellion in England was suppressed, writes Burnet, had given 'a general horror to the body of the nation.' It must have tempered the spirit of thanksgiving in New York. Taken with the news of the arrangements made for New England it must have awakened a reasonable fear that James the king would prove a much less tolerable master than James the duke had been.

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CHAPTER XXIII

THE DONGAN CHARTER

1684–1687

(Governor Dongan)

Know ye therefore, That I, the said Thomas Dongan, by virtue of the commission and authority unto me given, and power in me residing, at the humble petition of the now Mayor, Aldermen, and Commonalty of the said city of New York, and for divers other good causes and considerations . . . for and on behalf of his most sacred majesty aforesaid, his heirs, successors, and assigns, do give, grant, ratify, and confirm unto the said Mayor, Aldermen, and Commonalty of the said city, all and every such and the same liberties, privileges, franchises, rights, royalties, free customs, jurisdictions, and immunities, which they by the name of The Mayor and Commonalty, or otherwise, have anciently had, held, used, or enjoyed. . . . — *The Charter of the City of New York. 1686.*

Governor Dongan had been instructed to give especial attention to the matter of quit-rents and to call to account any owners of large tracts who had not begun to improve them. When he took office, he reported, scarcely any quit-rents were coming in, the existing grants being almost all renewals of older ones stipulating at the most for nominal rents. Therefore he ordered that all titles, including town patents and those for city lots, should be brought in again for renewal. This the people did, he said, without the least murmuring. They were convinced that for the sake of themselves and their posterity it was wise to get clear titles lest they fall 'under the lash of succeeding governors.' Moreover, in townships where Dongan discovered that certain tracts of land, never having been bought of the Indians, lay at the royal proprietor's disposal the people preferred to pay larger

quit-rents rather than have the tracts pass into other hands than their own. Nevertheless, there seems to have been some murmuring when towns and individuals found how hard it was to settle boundaries to every one's satisfaction. Especially in eastern Long Island the episode was remembered as a great grievance against Governor Dongan. The work went slowly but was almost finished by the end of the year 1686. In this year New Harlem got a confirmation of its town patent upon which its rights rested until they melted away in the processes of modern municipal reorganization. As late as 1823 Harlem was recognized as a town in acts of legislature, for some years longer in real estate conveyances. A contention that its water-front was never legally acquired by the city of New York but still belongs to the multitudinous heirs of the original patentees was ineffectually opened a few years ago.

Although the quit-rents imposed by Dongan would have been considerable in the aggregate had they all been regularly paid, none was individually burdensome. Breuckelen, for example, promised annually twenty bushels of 'good merchantable wheat,' New Harlem the same, Newtown £3, 4*s*. in money 'at colonial rates.' The rents were paid to the king's collector until after the Revolutionary War when the State of New York, taking the place of the crown, provided by act of legislature for the extinguishing of past and future obligations. Accordingly Brookland, as Brooklyn was then called, paid in 1786 £105, 10*s*., says the treasurer's receipt, 'in full for the arrears of quit-rent and commutation for the future quit-rent'; and, to give another example, in 1815 Newtown paid upon the same terms $347.18.

In 1686 Dongan found it needful to establish a 'court of judicature' (exchequer), with himself and his councillors as judges, to try questions arising between the king and his subjects concerning his lands, rights, and revenues. The 'country jurors' to whom they must otherwise be submitted, he explained, were 'ignorant enough,' swayed by their own 'humors and interests,' and 'linked together by affinity.'

Very closely linked by affinity were the owners of most of those landed estates which were now beginning to assume importance in the way of size although in other ways few of them had appreciable value before the second quarter of the eighteenth century.

Frederick Philipse was so enlarging by successive purchases the estate he had acquired from the heirs of Adriaen Van der Donck that before the end of the seventeenth century it covered a great triangular tract with the base line running along the Harlem River from the Hudson to the Bronx and the apex at the point where the Croton River enters the Hudson. North of his lands lay those of Stephanus Van Cortlandt, including almost all the northern part of Westchester County and stretching for ten miles along the Hudson and eastward for twenty miles to the Connecticut border with an additional tract west of the Hudson. Neither Philipse nor Van Cortlandt secured a manorial patent until after Dongan's day, but the house then known as the Van Cortlandt Manor House, which still stands at the mouth of the Croton River and is still owned by the family, was built most probably in 1683, a fort-like structure with thick stone walls pierced by loopholes. Philipse's two manor houses, one of which as altered and enlarged in 1745 now serves as the City Hall of Yonkers while the other, as solid as Van Cortlandt's and called Castle Philipse, stands at Sleepy Hollow, are said to date from 1682. Probably they are not quite so old; but the Dutch church which Philipse built at Sleepy Hollow was begun, it is believed, in 1684. This also is still standing.

Dongan renewed the manorial patents given by his predecessors and in 1685 erected into a manor the one old Dutch patroonship, Rensselaerswyck, which then embraced a good deal more than 700,000 acres or 1150 square miles, stretching back from the Hudson twenty-four miles toward the east and the west and covering virtually the whole of what are now Albany, Rensselaer, and Schenectady Counties, almost all of Columbia County, and part of Greene, an extent that it preserved throughout the colonial period. By Dongan's time

the last of the heirs of the co-partners of the first patroon had sold out their rights. After the death of Domine Van Rensselaer there was question again as to who should have control of the property. Dongan bestowed it in common and in trust for the 'right heirs' of the first patroon upon two cousins who were both named Kiliaen, one the son of Jan Baptist Van Rensselaer, the other the son of Jeremias. The first-named, as son of the elder brother, ranked as the third patroon of Rensselaerswyck and the first lord of the manor until his death in 1687; then his cousin became the fourth patroon, the second lord of the manor. Kiliaen the third patroon was the first who came to America. Through Kiliaen the fourth patroon and his brother Hendrick all the American Van Rensselaers trace back to Jeremias and the daughter of Oloff Stevensen Van Cortlandt.

In Dutchess County, below the present site of Hudson, Robert Livingston had acquired from the Indians more than 160,000 acres which stretched twelve miles along the river and, widening out toward the east, some twenty miles along the Massachusetts border. In July, 1686, Dongan erected this great tract of untouched wilderness into the Manor of Livingston upon the promise of an annual quit-rent of twenty-eight shillings. Like his other manorial patents this one conferred on the 'lord' the power to erect courts but ordered that his tenants should elect assessors and pay taxes to the general government as did the freemen of other parts of the province.

Robert Livingston was the son of a prominent Scotch minister who after the Restoration was banished for non-conformity and retired to Rotterdam where he had charge of a Presbyterian church. Born at Ancram in Scotland in 1654 but brought up and educated in Holland, Robert spoke Dutch and French as fluently as English. He came to New York in 1674 and settled at Albany. Marrying Alida Schuyler, the widow of Domine Van Rensselaer, he allied himself to two families which, with the one he himself founded, so grew in wealth and influence that they dominated for a long period of time the northern parts of the province. After vainly urg-

ing Governor Andros to order a division of the patroonship so that he might obtain the share which, he said, was his wife's by virtue of her first marriage, Robert agreed to take instead an allowance in money from the Van Rensselaers. It was many years before his own estate, so magnificent in size and dignified in name, had any inhabitants. But Andros had made Livingston secretary to the board of Indian commissioners which he established at Albany as well as clerk of the local court, and these offices opened a profitable career to a man who was able, industrious, thrifty, unscrupulous within the limits of the law, and eager above all things to amass money and lands. All through his life he was prominent in public events and undertakings, never holding high office but always exerting great influence as a patient, time-serving politician who made his wealth useful to the government in ways which eventually increased it for himself.

Most important of all the patents defining new grants or confirming old ones that Governor Dongan bestowed was the charter which, in April, 1686, he gave to the city of New York — the first true charter it secured although it had been a city for thirty-three years.

On the copy of the city magistrates' petition for a charter which Dongan had forwarded to the Duke of York in 1683 are certain indorsements indicating that the duke's advisers were considering whether a new charter should be given 'with the desired additions' to one which, they believed, the city already possessed and which, they said, it must surrender lest in getting new privileges it should claim old ones that might prevent the governor from exercising proper control over 'the regulating, confirming, or discharging of officers.' But there are no other proofs that the matter was then considered; and there are none to show that, as king, James authorized the governor to bestow the charter, always called the Dongan Charter, which New York still regards as its most precious documentary possession. In 1684, however, the duke had again instructed Dongan to be strict in keeping the

benefits of trade for the inhabitants of the city; and presumably the governor thought that the capital was well entitled to a charter at a time when he was renewing those that many lesser towns had possessed for many years.

Drafted by the mayor and recorder, Bayard and Graham, the charter was carefully considered by the higher authorities. The minutes of the governor's council show that it was under examination in the latter part of February but was not 'read and allowed' until April 26. On the 27th it was completed by the addition of Dongan's bold signature. A copy of it was sent of course to the king. Another was incorporated in the minutes of the common council in the year 1693. The original, long confided from year to year to the keeping of the mayor in office, the Public Library now guards for the city. Beautifully engrossed on five very large and thick sheets of parchment, it is so massive, so imposing to the eye, that it seems to have been prepared as a guaranty of the liberties not of a little colonial capital of some four thousand inhabitants but of a city like the New York of to-day. Once pendant from it but long ago detached by the hand of time is an impression of the large provincial seal bestowed when Lovelace was governor in 1669, protected by a silver box bearing on its cover the inscription: 'N. Bayard Esq^{r} Mayor, 1686.' Three indorsements may be read on the charter itself. One notes that it was duly recorded in the Book of Patents in the office of the secretary of the province; another, signed by Queen Anne's collector in 1713, says that he had received from the city treasurer 'twenty-seven beaver skins in full for twenty-seven years' quit-rent of the within charter to the 27th of April last'; and the third, dated in 1729, bears similar witness to the payment of sixteen skins.

The charter explains that as New York was an 'ancient city' having many privileges, emoluments, and immunities secured to it 'as well by prescription as by charter, letters patent, grants, and confirmations' from the governors of the province of New York and from those of 'the Nether Dutch

nation' while the province was 'under their power and subjection,' and as it owned much property in lands and buildings including a 'City Hall or Stathouse,' for these and other reasons and upon petition of the magistrates Governor Dongan was pleased to confirm, in the name of the king and his heirs, all the existing rights of the city and all prior grants of property to individuals. In addition the charter gave the city all existing and future ferries, docks, and wharves, all streets with the power to lay out new ones provided it would not take any man's property except with his consent or by 'some known law' of the province, and — what Dongan had previously denied to it — all the 'waste, vacant, unpatented, and unappropriated' lands on the island of Manhattan 'extending and reaching to the low-water mark,' with all coves, ponds, rivers, and lesser water-courses. For these rights and privileges old and new the city was to pay to the king and his heirs and successors a 'quit-rent or acknowledgment' of one beaver skin or the value thereof in current money of the province on the twenty-fifth day of March 'yearly forever.'

As the property of the crown the charter reserved Fort James and a house adjoining it; a house next to the City Hall, undoubtedly the one that Governor Lovelace had built for an inn; the 'governor's garden' by the gate in the wall, once Governor Stuyvesant's; and 'the land without the gate called the King's Farm' with the swamp between it and the Fresh Water or Kalck Hoek Pond. The King's Farm was of course the tract, previously called the Duke's Farm, which included the West India Company's Farm and the Domine's Bowerie sold to Lovelace by the heirs of Annetje Jans.

Adopting with some alterations the arrangements made in 1683, the charter established a municipal corporation consisting of a mayor, recorder, and town clerk, six aldermen, and six assistants. The other city officials it named were a treasurer or chamberlain, a sheriff, a coroner, a clerk of the market, a marshal or sergeant-at-mace, a high constable, and seven petty or sub-constables — seven because

one of the six wards, the Out Ward, was now divided into two parts, the Bowery Division and the Harlem Division.

Continuing the actual incumbents in their offices, the charter shows that the mayor, three of the aldermen, and five of the assistants chanced just then to be Dutch while the recorder, the clerk, three aldermen, and one assistant were English or Scotch. For the future, it prescribed, annually on Michaelmas Day (September 29) the governor in council should appoint the mayor and sheriff, and the freemen of each ward should elect an alderman, an assistant, and a petty constable. October 14, the birthday of the Duke of York, had usually been chosen for the installation of the city officials. Now the birthday of the king, it was named in the charter as the day when, annually, mayor and sheriff were to take their oaths before the governor in council.

The corporation was to appoint its own treasurer, the mayor to appoint the high constable. The governor, representing the king, was to appoint the recorder, town clerk, and clerk of the market who were all to serve during his pleasure but to take their oaths before the mayor and aldermen.

The term 'common council,' as the charter shows, meant the municipal corporation as a whole in its legislative capacity. But in ordinary parlance the assistant aldermen were called specifically 'common councilmen,' or sometimes even 'the common council,' because they shared in the legislative duties of their associates but not in their judicial duties; they had no place on the bench of the mayor's court. The charter also calls the common councilmen 'the commonalty'; in fact, it decrees that the style and title of the corporation shall be 'The Mayor, Aldermen, and Commonalty of the City of New York.' To the mayor's court it gives its modern name, a 'court of common pleas.' Both these names were currently used, sometimes in the same document. The mayor, the recorder, and not less than three nor more than five aldermen were to be sworn as justices of the peace to form the court of sessions of the county. The town clerk was also the clerk of the courts.

The provisions of the Bolting Acts were not incorporated in the charter although the magistrates had asked that they should be. The mayor was given the power, which Dongan had recently said belonged to the governor, to grant licenses to liquor sellers. They were not to cost more than thirty shillings each. And the mayor, recorder, and aldermen were empowered to make 'free citizens' or 'freemen of the city,' as holders of burgher-right were called in English, at a price not to exceed £5. Only those persons could become freemen of the city who were natural-born subjects of his Majesty, who had been naturalized by act of assembly, or who held letters of denization from a governor — denization being a kind of semi-naturalization well known in England and also in New York from its earliest English days. It conferred the right to trade and to hold real property but might at any time be revoked. In having no trade guilds, it may be remarked, New York escaped an influence which for generations restricted the admission of freemen in London and in many other English cities and boroughs.

Thus the Dongan Charter assimilated the government of New York to that of an English city with some appointed and some elected officials. It did not grant the request, preferred three years before, that the mayor should be chosen from among the elected aldermen. It tacitly abolished the office of deputy-mayor, and, as it failed to provide for the filling of any office that might fall vacant during the year, this was soon felt as a serious defect. A technical defect was the fact that the charter was sealed with the ducal seal of the province, rendered obsolete by the duke's accession to the throne.

At the time, the charter was especially prized as confirming property rights. The liberties it granted were not as great as those that New Amsterdam had enjoyed during its latter years. No longer, as in these years and during many of the years since the English had come in, did the magistrates nominate candidates from whom the governor chose the

mayor. They were permitted to lay no taxes except by special authority of the assembly. And their independence was limited furthermore by the provision that a municipal law or ordinance should remain in force for only three months unless confirmed by the governor in council. Yet the elected municipal officers had more power in certain directions, especially over the number and functions of subordinate officials, than they have to-day.

Taken as a whole, wrote the great New York jurist Chancellor Kent in 1836, the Dongan Charter 'may be said to have laid the basis of a plan of government for a great city,' a plan the 'broad foundations' of which were in after years 'built upon, enlarged, and improved'; and, he added:

> When we consider the time when, and the power from whom, this charter emanated, we cannot but admire the enlightened sense which it displays of the sanctity of corporate and private rights, the cautious manner with which they are treated, and the provident guards enacted for their security.

Until modern times this city charter of 1686 remained almost unchanged. Two others were given in colonial days but each of them reiterated the whole of the Dongan Charter and then proceeded to enlarge rather than to modify it. The second of them, bestowed in 1730, withstood, says Kent, 'the shock of the American Revolution, which suspended its functions'; it was confirmed by the State constitution of 1777 and again by that of 1821; in Kent's own time it preserved 'much of its original form' as well as substance and spirit; and it has been the foundation upon which more recent and elaborate municipal charters have been constructed.

Until the Revolution all the mayors of New York except one who was elected during the Leisler period were appointed by the governor of the province, thereafter and until 1821 by the governor of the State and the council of appointment, and then by the common council until 1834, when the power passed into the hands of the people. Executive power was not transferred from the common council to an independent

department until 1849. Assistant aldermen existed until 1870. Throughout colonial times the mayor and sheriff took their oaths on October 14, the birthday of the first English proprietor of New York, and until 1800 September 29 remained the date for municipal elections.

The corporation of the city, said the Dongan Charter, should have a 'common seal.' It is sometimes said that the city seal thereupon put in service was bestowed by James II, but very certainly the city bestowed it upon itself. There is no mention of it in the documents of the period preserved in England and none in the minutes of Dongan's council. On the other hand, the minutes of the common council say that at the session of July 24, 1686, 'the mayor presented the new seal of the city' which was 'agreed upon and ordered to be the common seal of this city' and to remain, like the charter, 'in the custody of the mayor for the time being.' The supposition that it was ordered, designed, and made in New York is borne out by the fact that a few months later the governor in council directed that seals should be made for the courts of exchequer and oyer and terminer, and that the courts of sessions in the several counties should likewise provide themselves with seals. Moreover, the rude drawing and cutting revealed by early impressions of the city seal help to prove that it must have been of local origin. It has been thus described:

> Sable, mill-sails in saltire, a beaver in chief and base, and a flour-barrel, proper, on each side, surmounted by a coronet; supporters, two Indian chiefs proper; the one on the dexter side holds a war club in his right hand; the one on the sinister holds in his left hand a bow. In the dexter corner over the Indian's head is a cross patriarchal, as emblematic of the gospel to which he is subject. On the scroll, SIGILL. CIVITAT: NOV. EBORAC. The whole is surrounded by a wreath of laurel.

The charter gave the corporation power to 'break, change, alter, and remake' its seal when and as often as might seem convenient — a further proof that the seal was not the gift

of the king. Despite this permission the seal of 1686 has never been broken and remade. It is still the seal of the city, and in its design it has been little changed. One of the Indian supporters and the cross that arched over him were replaced at a later colonial day by the figure of a sailor. After the Revolution the shape of the shield was changed, the legend was differently disposed, and the surmounting royal crown (not a 'coronet' as is said in the technical description) was superseded by an eagle rising from a demi-globe, a device taken from the State arms adopted in 1777. The arms themselves have not been altered. They still show the beaver, chosen by the Dutch as the main emblem for the seal of New Netherland and as the crest for the seal of New Amsterdam, grouped with the windmill sails and flour barrels that typified the commercial development of the city under its English rulers. There was never any motto.

The seal in its later colonial form, with a sailor as one of the supporters, may be seen, printed in its proper colors, in the first volume of the published *Minutes of the Common Council*. But so generally has its history been forgotten that the accompanying text calls it the seal in its original form and says that it was bestowed by King James.

Albany, inspired by the success of New York, also asked for incorporation as a city and, largely through the efforts of Robert Livingston, obtained a charter similar to that of the capital. Signed by the governor on July 26, 1686, a few days after he signed the patent for the Manor of Livingston, it remained the constitution of Albany until after the Revolution. From the Van Rensselaers Dongan had secured a release of their claim to Albany itself, which some years before the legal advisers of the Duke of York had pronounced valid, and to an adjacent strip of territory which he gave the city, making its area as defined by its charter thirteen miles in length along the river and one mile in width. The city was organized and was to be administered in the same way as New York except that it was divided into three wards instead

of six. It was given the same right to make 'freemen of the city'; these freemen were entitled, of course, to the suffrage rights that had been secured by the assembly to 'freemen in all corporations'; and to them was strictly reserved that right to traffic with the Indians 'living within and to the eastward, northward, and westward' of Albany County which Andros had thought a fair offset to the rights conferred upon Manhattan by the Bolting Acts and which, said the charter, the men of Albany had anciently possessed, even since the days of the Dutch governors.

As the first mayor of Albany Dongan appointed Peter Schuyler, a son of the immigrant Philip Pietersen, and as town clerk, which meant clerk of the mayor's court too, Schuyler's brother-in-law Robert Livingston. He also continued Livingston in office as deputy-collector and receiver of the king's revenues for the northern parts of the province. These posts, Dongan hoped, might afford Livingston a 'competent maintenance.' The hope was more than fulfilled. Combined with the secretaryship of the board of Indian commissioners they gave their incumbent not only much power in public affairs but also many chances to profit personally by the Indian traffic and the purchase of Indian lands.

In 1691, it may be noted, Philadelphia obtained a municipal charter which seems to have been inoperative as it was renewed in 1701. More numerous in the colonies were incorporated boroughs, like Annapolis in Maryland which was governed by 'commissioners and trustees.' But, cities and boroughs together, only nineteen were created in the colonies, most of them during the eighteenth century and, excepting one or two which existed only on paper, all of them in the central provinces — New York, New Jersey, Pennsylvania, Maryland, and Virginia. Although New York's little satellite Brooklyn grew rapidly after the Revolution, it was not incorporated as a city until 1834.

After the granting of the Dongan Charter the sources of the revenue of the city of New York appear more plainly than

before, and the approximate amount they yielded can better be estimated. As the higher officials received no salaries, the main regular outlays were for the city watch (about £150 a year), for the pay of the clerk, sergeant-at-mace, and public whipper, and for repairs to municipal property. They were usually defrayed by the receipts from licenses, freedoms, and the dock and ferry, and from local taxes authorized by act of assembly. To meet special outlays not thus provided for, the city sold portions of its lands; and this practice it began at once. On May 11 the mayor reported to the common council that he had paid Governor Dongan £300 and Secretary Spragge £24 in return for the charter and had 'taken the same up at ten per cent interest to be paid in a year.' Without delay the common council discharged the debt by selling fourteen lots on the water-front between the docks and the City Hall for £470, a rate of more than £1 per front foot, and sixteen acres on the North River shore near the present Gansevoort Street for £15.

The fact that the city gave and the governor took money for such a service as the grant of a charter has sometimes been dwelt upon to show that the officials of New York were as corrupt in 1686 as in their most shameless modern days. It has been called a flagrant example of extortion, of bribery, and even of blackmail although this word means the price of silence and nothing could have been more open and above board than the way in which Dongan received the grant from the city and the sums of money or parcels of land given him by Albany and by other places and various persons when he bestowed or renewed their land patents.

To speak in this manner is to ignore not only the frank testimony of Dongan himself but also the fundamental general facts in regard to the administration of public affairs in seventeenth century New York and seventeenth century England. The fees that many officials were entitled to in New York, usually in the stead of salaries, sometimes as their supplement, were tabulated, it will be remembered, in the Duke's Laws and confirmed by the first assembly.

And these measures merely established for the province the current unquestioned customs of England where, in the time of Charles II, even the highest courts of justice were chiefly supported by fees.

Modern criticisms of Dongan's conduct are based partly upon ignorance of these clear facts, partly upon accusations made in the governor's own day by a subordinate who was soon afterwards dismissed from the king's service. In 1686 Dongan was accusing the collector of customs, Lucas Santen, of gross malfeasance in office and partially excusing him by the supposition that he was not in his right mind. In return Santen was bringing various charges against the governor, among them the charge of extortion. But, answering him in a report written in 1687, Dongan said that it was not true that Albany had given him £700 for its charter; it had promised him £300; and this was not 'near' what his perquisites would have amounted to, for, as fixed by a committee appointed by the assembly to establish all fees, they were 'ten shillings for every house and the like for every hundred acres patented by me.' Santen himself had sat on the council when the renewal of all land patents was decided upon and, moreover, had been chairman of the committee on fees. Van Rensselaer, the governor also explained, had paid him £200 for his manorial patent, and this again did not nearly equal his lawful perquisites, the patroon having a 'vast tract of land.' In general, he pledged his word, he had not got from his people a fourth part of his perquisites, preferring 'rather to want than take from the poor people who cannot spare it.'

Undoubtedly Dongan had hoped to profit and actually tried to profit by his administration of New York. Except in the case of Governor Nicolls this was the main idea whenever a proprietor of New York bestowed and one of his friends or dependents accepted the governorship. Nor was a governor forbidden to acquire lands as he was forbidden to trade. It has been shown that the Duke's Laws directed that a governor should be given two lots at the 'seating' of every new town, and nothing prohibited him from getting more lots or

lands except such general precepts as bound him to care for the interests of his master and his people.

The whole tenor of Dongan's official life supports his statement that he used his rights and privileges with moderation; and his moderation was all the more laudable because the depleted state of the provincial treasury constantly obliged him to meet public needs from his private purse. He had come from England, he explained, in a 'time of disorder' before a revenue was settled. He had been compelled 'to disburse all that little stock' which he had, to engage his credit to carry on the king's affairs, and even to pawn his plate; and the perquisites he had since obtained he had likewise been obliged to spend.

It is not known just when or how he acquired on Staten Island a large estate, named the Manor of Castleton after the Dongan estate in Ireland, which on March 31, 1687, he conveyed to Judge Palmer and which on April 16 Palmer conveyed to 'Thomas Dongan' for a 'competent sum of money.' As these transactions have never been clearly explained it has sometimes been assumed that there was something illegal or underhand about them. But there is nothing to support this assumption, and it is possible that the conveyance was from the governor to Palmer, who acted as his land agent in his personal dealings and in his dealings on behalf of his royal master, and from Palmer not back to the governor but to a nephew of the same name. The limits of the Manor of Castleton cannot now be accurately traced, but it is known that they embraced the site of the present town of Castleton and much of the adjoining country where the names Dongan Hills and Dongan Street also exist. It is said that the manor house was built in 1688 and that the original oaken frame still survives within a modernized exterior.

Three months after the few liberties and the many privileges of the city of New York were secured to it by charter those that the province had acquired were wholly swept away.

Although Joseph Dudley had received his commission as

president of the provincial government framed for Massachusetts and the districts annexed to it in September, 1685, he did not set up his government until May, 1686. As soon as the writs issued in the previous year were served, Rhode Island thought best to make its submission to the crown, surrendering its charter, while Connecticut continued to instruct its agents in England to defend its charter and implored the king to recall the writ. Governor Treat of Connecticut urged Dongan to second its prayers. Dongan advised submission and, sending Secretary Spragge in November as a special messenger to the king, explained again that New York could hardly exist without the annexation of the adjacent colonies. It might indeed be as easy, Treat wrote him, to fall westward as eastward. Should such a thing happen, Dongan answered, the change would be made as easy as possible for Connecticut, adding:

> I shall say nothing of Boston or any other place. You know what this is; and I am sure we live as happily as any in America — if we did but know it. The condition of our neighbors will best commend us.

Dudley soon knew that his government was to be short-lived, for in June the king had issued a commission as governor-general of the 'Territory and Dominion of New England in America' to Sir Edmund Andros. This new dominion embraced Dudley's government and Plymouth Colony which had never had a royal charter; within a few months Connecticut and Rhode Island were added to it; and it then included everything between the French frontier at the east and the boundary of New York proper at the west, even the Pemaquid dependency of New York. Thus the vision of a united New England that Sir Ferdinando Gorges had cherished in the early days of colonization was realized at last; and no one can have foreseen that the reality would prove scarcely more substantial than the dream.

All power, legislative and executive, was conferred upon the governor of the great province and a council appointed by

the crown and responsible only to the crown. The one kind of liberty that was guaranteed was the kind which the ruling class in Massachusetts had abhorred: liberty of conscience. And the one qualification of this grant was a peculiarly obnoxious qualification: adherents of the Church of England were to receive special countenance and encouragement.

Then without delay James II did with New York as he had said he meant to do. He 'assimilated' its government to the 'constitution' framed for New England. On June 10 he issued to Colonel Dongan a new commission which named him not again 'Lieutenant and Governor' for an absentee proprietor but 'Captain General and Governor in Chief' of a royal province — the title that continued in use throughout colonial times. As nearly as the conditions with which it was concerned permitted, the commission was like the one given to Andros. Like Andros's also were the voluminous new instructions that came at the same time, with a special set relating to the Navigation Acts. All power in government was lodged once more in the hands of the governor and not less than seven councillors, the governor to take no action without the consent of a quorum of the council. The 'Bill or Charter of Franchises' passed by 'the late assembly of New York' — the Charter of Liberties and Privileges of 1683 — was now, said the instructions, 'repealed, determined, and made void.' But the 'duties and impositions' mentioned in the revenue bill that had been attached to it were to continue until the governor should settle others; and thus it was to be with all other 'laws, statutes, and ordinances already made within the said province' in so far as they did not conflict with the governor's new commission and instructions. The style of enacting all future laws was to be 'by the governor and council . . . and no other.' All were to be transmitted to the Lords of Trade within three months. All the principal officials of the province, it was ordered, must be well affected to the royal government and 'men of estate and abilities and not necessitous people or much in debt.'

Dongan had asked some time before for an increase of his

salary of £400. Now he was permitted to take for himself £600 a year 'out of the revenues arising in the province.' As governor of New England Andros received £1200. The governor of Connecticut had been getting only £80. In England at this time, it has been computed, the average income of members of parliament was less than £800 and of peers of the realm £3000 while the greatest estates yielded hardly £20,000. New York, however, was a more expensive place to live in than England. The judges, Dongan wrote, ought to have salaries or it would be 'impossible they should live in so expensive a city,' and so ought Secretary Spragge whose perquisites were scarcely able to maintain him.

The probating of wills (in England a part of the royal prerogative) and the granting of marriage licenses were reserved to the governor, insuring him a small harvest of fees, as was also the collation of ministers to vacant benefices although a general ecclesiastical jurisdiction over the province was vested 'as far as conveniently may be' in the archbishop of Canterbury. The bishop of London, who should have been named in this connection, chanced to be out of favor with the king. All peaceable persons were to enjoy full liberty of conscience, but the services of the Church of England were to be duly and regularly performed. This command was supplemented by others which, referring to parishes and the clergy as though an Anglican establishment already existed, would have had meaning in Virginia but had none in the New York of 1686. Thus by a Catholic king was the Anglican church not established but for the first time officially recognized and encouraged in a province where it had only a scanty handful of adherents. And for the first time a censorship of the press was decreed for a province which had as yet no printing office: without the governor's license no one was to print books or papers of any sort.

Again nothing was said of education. Much was said of the conversion of negroes and Indians, and of the suppression of drunkenness and kindred sins, piracy, and inhumanity to slaves and servants. All possible care, it was ordered, should

be taken so to 'encourage virtue and discountenance vice' that the example of New York would lead 'infidels' to desire to 'partake of the Christian religion.'

The councillors, all named by the king and now technically the king's councillors, were Brockholls, who retained his rank as commander-in-chief to succeed the governor in case of his death, Philipse and Van Cortlandt, Santen and Spragge, John Young of Long Island and Jarvis Baxter; but Dongan thought best not to swear in Santen the collector as he was subject to fits of hypochondria and unable to attend to business. On September 14, when the governor and the councillors took the oaths necessitated by the new commission, the Charter of Liberties enacted three years before was read aloud in public and formally pronounced by the king's decision null and void. On December 9, the governor and council, holding their first legislative session, ordered that 'all the branches of the revenue' and all other laws that had been made 'since the year 1683' should remain in force until further consideration, excepting such 'as his Majesty has repealed' — which meant all but the Charter of Liberties.

It can hardly be believed that the people cheerfully accepted the blotting out of their new-born powers coupled with the continuation of the taxes which they had voted as an equivalent for these powers. Yet the records speak of noticeable disturbances at only two places. On Staten Island the militia mutinied; and at Easthampton there were riots, provoked by the governor's orders regarding land patents, which led to the arrest of the minister and others for seditious utterances tending to disturb the peace.

The new order of things was set in train in New York sooner than in New England, for Sir Edmund Andros did not reach Boston until near the end of December when Dudley's government had stood for six months. With him came Captain Francis Nicholson as lieutenant-governor and two companies of regular troops, the first ever sent to New England and chiefly Catholic Irishmen. Andros appointed Joseph

Dudley chief-justice. Randolph retained the secretaryship of the province now so greatly enlarged; but with the governor's sanction he soon leased it, except as Connecticut and Rhode Island were concerned, for four years to John West for £150 a year. West seems to have been on friendly terms with Andros when he was governing New York and to have moved to Boston to enjoy his favor again.

More than once Dongan had prorogued the assembly elected in 1685. In January, 1687, in deference to his new instructions he dissolved it by proclamation. The city magistrates now wrote again to the king urging that he would confirm the new municipal charter and would enlarge the province at the east and the west. The governor in council passed a new revenue act, and, pursuant to the king's orders, issued a warrant for the surrender of Pemaquid to the government of New England. Thus Cornwall County was lost to New York. Judge Palmer and Nicholas Bayard were added to the council; a committee was appointed to settle the fees of all officials; and Lucas Santen was removed from his post as collector of customs, a partial auditing of his accounts having shown that he was in the king's debt to the amount of some £3000. Dongan soon sent him a prisoner to England, sending also Secretary Spragge and Major Baxter to explain matters to the Lords of Trade. As collector *pro tem.* he appointed Peter Delanoy but soon confided the management of the customs, provisionally also, to Stephanus Van Cortlandt and James Graham, both 'very just persons'; and to the king he wrote:

> It is my opinion that it were best to farm the revenue, the paying of so many hundred pound yearly to officers and vessels being vast charges, but if it should not please your Majesty to do it, I humbly beg that I may have the naming of a collector here, those who come out of England expecting to run suddenly into a great estate, which this small place cannot afford them.

This was good advice, but when Santen's commission was revoked in England one Matthew Plowman, a Catholic, was sent out in his stead.

Although Governor Dongan felt himself competent to order on his own responsibility new seals for special uses, a provincial seal had to come from the hands of the proprietor of the province. Soon after the accession of James, the governor had written him that a new provincial seal was very much wanted, the people being 'extraordinarily desirous' of having a royal seal to their patents and other papers. In August, 1687, the king sent out such a seal by Major Baxter with a letter which says that it was

> . . . engraven on the one side with our Royal Effigies on horseback in arms over a landskip of land and sea, with a Rising Sun and a Scroll containing this Motto: *Aliusq. et Idem.* And our Titles round the circumference on the said seal; There being also engraven on the other side our Royal Arms with the Garter, Crown, Supporters, and Motto, with this inscription round the circumference: *Sigullum Provinciæ Nostræ Novi Eboraci &c. in America.* . . .

This seal, the third that the province received, was in use only a couple of years; no impression of it is known to exist, and no later colonial seal bore the device of a landscape of land and sea with a rising sun. Yet in 1777 the same device was chosen for the first seal of the State of New York, and with the motto 'Excelsior' it figures on the State seal of to-day.

The main reason why Dongan was so bent upon enlarging the borders of New York has not yet been indicated. It was also the main reason why his exchequer was so bare, and it was bound up with the main task to which he had addressed himself from the moment of his arrival in 1683. While he was aiding his people in their first essays in legislation, organizing their city governments, settling one intercolonial and scores of local boundary lines, attending to the financial work that the collector mismanaged, and fighting a gallant fight for such an extension of his province as might have set it in the way to win first place among the colonies, his chief concern was to keep the Iroquois true to their allegiance at a very critical time and, so doing, to block the ambitions of Canada and to extend the Indian traffic of New York. His energy

and sagacity saved New York from a conquest at the hands of the French which would almost certainly have overtaken it within a few years had there sat in his place a weak, a careless, or an imprudent governor. If his advice had been heeded and his arm had been strengthened he might have done more. He might have settled at this early day the great question whether the French or the English were to dominate in North America.

The struggle for the mastery of the west was now beginning in earnest, as a struggle not yet for territory but for control of the fur trade which New York needed and which Canada could not live without. The Iroquois had subdued all their nearer rivals, had crippled the Illinois, and were ready and eager to go against the farther tribes of the fur-producing regions around the Great Lakes who, like the Illinois, had long been friends of the French. Therefore the French grew more and more determined to win them over or to shatter their power; and Louis XIV was often advised that the best first step toward this end would be to buy New York or to take it by force. Never did the Canadians separately consider the Iroquois confederacy or the province of New York; always they felt and said that to conquer either, to render either innocuous to Canada, they must conquer or permanently humble the other. And Dongan was as well aware of the importance of the friendship of the Five Nations who, he explained, being the 'most warlike people' in America, going 'as far as the South Sea and the Northwest Passage and Florida to war,' and holding all the other tribes 'as tributaries,' were an invaluable 'bulwark' between New York 'and the French and all other Indians.'

While Dongan saw this more clearly than any of his predecessors, he was the first to anticipate danger in the remoter west. La Salle had set a trading post on the Illinois River and had descended the Mississippi to its mouth, and Dongan had more faith in the future value of his discoveries than the French themselves. It would be inconvenient, he wrote home, if a chain of French posts were established back of Virginia

from 'our lakes' to the 'Bay of Mexico.' If the Lords of Trade saw fit he could send a sloop or two from Manhattan to find La Salle's river where French possession would be detrimental to England as well as to Spain.

He did not get this permission; and he did not get anything else, not even encouraging words, until his term as governor was almost at an end. Canada was very weak at the time of his arrival, but Louis XIV soon gave it effectual aid while Charles and James gave none to New York, fearing much more to displease their good friend of France than this friend feared to displease them. And, although the cause of New York was the cause of all the other colonies, they all held aloof.

During Dongan's first hurried visit to Albany in the autumn of 1683 he frustrated the plans of William Penn to tap the northern fur trade by buying from the Iroquois lands along the upper Susquehanna which commanded the Indian trails. Again the tribes placed these lands under the government of New York. But the establishment of Pennsylvania, Dongan felt, was a grave menace to the fur trade of his own province. A wide strip of land between the Delaware and the Susquehanna, he thought, should be taken from it and given back to New York, and here a couple of forts should be built for the protection of the inland traffic.

Le Febvre de la Barre, who had succeeded Frontenac as governor of Canada, said that the Senecas and Cayugas must be crushed if the English and Dutch were not to capture all the western fur trade. Moreover, these tribes were continually attacking the trading parties of the French and were threatening their Indian allies, especially the Illinois. He asked Dongan to prohibit the sale of firearms. All the Iroquois, Dongan answered, were English subjects, and for their misdeeds he would make recompense if the French had any to complain about. The governor of Virginia, Lord Howard of Effingham, also wanted to attack the western Iroquois, for in spite of their promises they kept up their raiding at the south. The English believed that the Canadians encouraged them in this

raiding, while the Canadians believed that Dongan encouraged them to make war not only upon the far-western tribes but also upon the French themselves. Such was not Dongan's policy. What he wanted was to keep things quiet in his province and at the north so that he might win a way toward the northwest for the traders of New York. More than once he wrote home how much trouble he had had in preventing the Iroquois from attacking the French settlements or the French missionaries; and more than once he told the savages that he would give them no ammunition to be used against Christians.

Urging La Barre not to molest the Indians of New York he persuaded Lord Howard to treat with them again; and in the summer of 1684 the Iroquois sachems assembled at Albany for the first conference in which the governor of another colony sat beside 'Corlaer.' Stephanus Van Cortlandt, acting as the agent of Massachusetts, then ratified its earlier treaties with the Mohawks. All the Five Nations promised with a solemn burial of hatchets to keep bright the covenant chain with Maryland and Virginia. With much formality they made submission to King Charles and promised to sell their lands to no one except his brother the Duke of York. With their consent Dongan ordered the arms of the duke to be set upon their 'castles' and, forbidding them to make any treaties without his sanction, promised them aid should the French attack them.

Thus Dongan secured from the Iroquois an acknowledgment of the claim that Andros had been the first to put forth, the claim that they were subjects of the English crown. It is probable that they did not understand the full meaning of the compact that was inscribed, says one of their harangues, 'upon two white dressed deer skins' which were to be sent to the 'great Sachem Charles,' so that he might also write upon them and put 'a great seal to them.' Certainly they did not feel it binding in the way that Dongan meant they should, for at once they told him to explain to the king that they were a 'free people' uniting themselves to whomsoever they chose.

It is certain also that they had yielded to Dongan's demands chiefly because they dreaded the French; and this dread disappeared when, in September, 1684, an expedition which La Barre undertook in the hope of chastising the Senecas collapsed through mismanagement resulting in famine and disease. La Barre concluded with the westerly Nations a disgraceful peace, leaving the Illinois at their mercy. In return they assured him that they were brothers alike to the English and to the French and, in spite of both relationships, an independent people. Throughout colonial days the Iroquois continued in this fashion to play off the one rival power against the other and to assert their independence of both; at one time as at another all dealings with them were complicated by the looseness of the tie that united the Five Nations; and at all times personal influence was a more compelling force with them than their own promises or pledges or even their own material interests. Nevertheless the agreement with them that Dongan secured in 1684, giving the English solid ground upon which to base a claim to their allegiance, proved of great and lasting value.

As renegade Frenchmen were leading trading parties from New York into the western wilderness, all Canadians were at this time forbidden under pain of death to emigrate to Albany or Manhattan. In the summer of 1685 the Marquis de Denonville came to replace the discredited La Barre, bringing hundreds of soldiers and orders to humble the Iroquois and to treat the New Yorkers as enemies should they support them but to attempt nothing on the territories of the English crown. The voluminous correspondence which then began between Dongan and Denonville was at first very friendly, for they had made acquaintance in earlier years under the standard of Louis XIV and, as Catholics, they were both desirous to Christianize the savages. But neither could accept the main contentions of the other. The Iroquois owed allegiance to Louis XIV, said the Frenchman; French territory embraced the Mohawk Valley and much of the country to the south of it; and the New Yorkers must not trade with the allies of the

French in the northwest. The New Yorkers, said the Irishman, had as much right as the Canadians to trade in the northwest; the territories of New York stretched to the Great Lakes; the Iroquois were subjects of the king of England; they must bring all their disputes to Albany for settlement; and the Frenchmen must not attempt to deal or to treat with them except through the governor of New York. Therefore the long letters, so amicable at first, gradually grew heated, acrimonious, almost insulting; and if one writer tried for a moment moral arguments or civil words the other refused to respond in kind. It was wrong to debauch the poor savages with rum, wrote Denonville. Rum did no more harm than the brandy of the French, Dongan replied, and in fact was more wholesome. Once Dongan sent the French governor a gift of oranges which he had heard were scarce in those parts. It was kind of him to send the oranges, Denonville wrote, adding: 'Tis a pity they were all rotten.'

The French, Dongan explained to his superiors, had the advantage in the beaver trade 'by their industry in making discoveries in the country before us.' On the other hand they were hampered in their trading by the fact that the St. Lawrence was frozen during the long months of winter; the savages especially wanted the coarse cloth, not made in France, that they could get at Albany; and they preferred New York rum to French brandy not because it was more wholesome but because it was cheaper. So, with good hopes of immediate and of future profit, in 1685 and 1686 Dongan sent large parties of New York traders far up into the Lake regions which the Canadians had long frequented although never before had New Yorkers, he said, gone beyond the Senecas' country on the hither side of the Niagara River. They were to bring back peltry, of course. They were also to try to form a triple alliance between the tribes of the upper Great Lakes, the Iroquois, and the English. This design so enraged Denonville that, he said, he felt inclined to go straight to Albany, storm the fort there, and burn the whole place; at the least a sharp blow must be struck against the Iroquois

or Canada would be lost to France; and it would be well for the king of France to buy New York from the king of England.

In the autumn of 1686, the year when Dongan was busy with land patents and city charters, he warned the Iroquois chiefs, who had come to Manhattan to take counsel with him, that Denonville meant to attack them and to build a fort at the mouth of the Niagara River which was certainly within the domain of the English king. One of the promises that he made them was that he would get for them English priests to take the place of the French missionaries who had labored so long among them. A wise measure this would have been, and Dongan urged it upon the king, asking also for leave to build forts at Niagara and on the spot where Detroit now stands. But when in the autumn of this year he got his new commission from James II, he heard again the old vague and contradictory commands: Encourage the fur trade, give the Frenchmen no cause of offence. They were commands as hard to obey as those that the West India Company had sent to Van Twiller, Kieft, and Stuyvesant: Keep the English out of New Netherland, make no use of force.

Alarmed by the reports from America, for there was trouble in the Hudson Bay region as well as in New York, Louis XIV sent agents to England to try to settle boundary lines. This proved impossible, but in November a pact called a 'Treaty of Peace, Good Correspondence and Neutrality in America' was signed at Whitehall. Henceforward, it said, there should be firm peace, union, and amity as well by land as by sea between the two nations in North and South America and their islands. Neither nation should assist with men or victuals the 'barbarous or wild Indians' with whom the other might be at war, or aid or protect them in their 'depredations.' Neither should trespass upon the waters or territories of the other to fish or to trade. And even if 'any breach should happen' between the two sovereigns in Europe 'a true and firm peace and neutrality' should continue between their subjects in America 'in the same manner as if such breach in

Europe had not happened.' Few historians say much about this curious treaty which, indeed, had small practical effect; Parkman, for example, barely mentions it. King James appears to have thought it noteworthy. The quotations from his autobiographical notes which are given in Clarke's *Life* and in Macpherson's *Original Papers* include only two references to American affairs — the one already quoted in regard to the capture of New Netherland in 1664, and one which describes the treaty of 1686.

The treaty said nothing of the claim of either king to sovereignty over the Iroquois, nor had Charles or James at any time made this claim. But Louis was aware that it had been asserted on their behalf by two of the governors of New York, and he seems to have favored the treaty for the purpose of undermining it. In truth, it was greatly to the advantage of the French to secure such a treaty, for they knew on the one hand that Canada could not stand if New England, just then united under Governor Andros, should be aroused against it and, on the other hand, that they might hopefully deal with the Five Nations if the governor of New York were securely fettered. James meant what he said when, sending a copy of the treaty to Dongan, he bade him observe its provisions. But when Louis sent a copy to Denonville he also sent more troops, much money in cash and supplies, and instructions to proceed against the Iroquois. Should Dongan assist the Iroquois, the fact was to be reported so that the French king might demand his recall.

In July, 1687, Denonville raided the Senecas' country, crossing Lake Ontario from Fort Frontenac with a force of some 3000 white men and Indian allies; and although he did not follow the savages, who fled toward the east, he seized the chance to declare the sovereignty and to set up the arms of the king of France on their own soil, and on his homeward way he built the long-talked-of fort at Niagara. Thus he exasperated without really injuring the Senecas; and he roused all the Iroquois to fury by sending some two score of

them as captives to France to be worked in the war-galleys of the king. Louis had ordered that Iroquois prisoners be thus utilized, but most of those whom Denonville sent had been treacherously captured while not under arms. He could not have committed a more blundering crime. The tribes would no longer receive the French missionaries who had been so useful to the French cause, and more earnestly than ever before they turned to the governor of New York for support. Meanwhile Denonville's lieutenants had captured some of the traders whom Dongan had sent to the far northwest, and Denonville had hanged one of them, a Frenchman, and had ordered that the others be kept under arrest at Montreal. All this Dongan felt as a great affront; and after another conference with the Iroquois sachems at Albany he consented to aid the Senecas with arms and ammunition although not with men.

Of course each governor accused the other of infringing the Treaty of Neutrality. In August Dongan sent Judge Palmer with urgent despatches to England. The French, he wrote, were encroaching more and more; boundary lines should be established; there should be forts on Lake Champlain, at Niagara, and between Schenectady and the Onondaga country; and English priests should at once be sent out. Again he wrote that, 'peace or war,' it would be necessary to send out men and to build the forts, adding, prophetically, that

> . . . a little thing can prevent now what will cost a great expense of blood and money hereafter.

The French meanwhile were urging Dongan's recall; so, it appears, was William Penn who had not forgiven the blocking of his plans to secure the Susquehanna lands; and in the autumn Dongan heard from his uncle Richard Talbot, now Earl of Tyrconnel, that he was to come home at once. Writing in October he explained to the king that by the terms of his commission he could not come without more formal orders; moreover, the king was much in debt to him, and he was much in debt to his people; if the king would send him

£3500 these obligations could be discharged; otherwise they could not be unless Connecticut were added to his province; and without Connecticut no future governor would be able to meet the expenses of governing New York.

In the previous April, when the status of Connecticut and Rhode Island was still undetermined, Dongan had tried to induce Connecticut to consent to come under his government. Employing Graham and Palmer as his envoys he promised that all lands should be secured to the posterity of their owners by general or special patents; the clergy should have sufficient support, taxes should be no greater than elsewhere in the province, Connecticut should have a port to trade as before with Boston for corn and provisions, and it might send two or three persons to England to have the agreement confirmed by the king. When his envoys returned after visiting all the towns between Hartford and New York they reported that the Connecticut people were 'obstinate not to surrender to the king.' But their assembly, so Dongan wrote to the Earl of Sunderland, now secretary of state, had so far consented to give up their charter and be annexed to New York that a letter to this effect was written and ready to be signed when some of the clergy came in and overthrew all that Graham and Palmer had accomplished. This was in May. In June the king had directed Andros to bring Connecticut and Rhode Island within the Territory and Dominion of New England, but Andros had not yet done so when Dongan sent his letter to the king in October. The Canadians, he also wrote, would never live easily with the English until 'one good blow' was given them, which might readily be done if four or five hundred troops were sent out and the other colonies were ordered to give aid, for the English would then be 'twenty to one of the French.' But, knowing the expense, he wished that peace might be settled in Europe if Denonville would abandon the new fort at Niagara and leave things 'as they were.'

Governor Andros was now completing the consolidation

of the king's great New England province. Visiting Hartford he took over the government of Connecticut on November 1, and its charter, says the famous story, was hidden away in a hollow oak tree to be brought forth again on a more fortunate day. Robert Treat the deposed governor and John Allyn the secretary accepted the seats on Sir Edmund's council which by the king's command were offered them. Still Dongan did not understand the situation. The terms of Sir Edmund's instructions must have been unknown to him, for he wrote that it was owing to 'fraud' on the part of the governor and secretary, without the knowledge of the rest of the assembly, and against the wishes of ninety-nine to one among its people that Connecticut had been added to Massachusetts and not to New York. The Jerseys New York still hoped to acquire.

It was known in New York that the Canadians had been strengthened and instructed to attack the Iroquois, and it was believed that they meant to descend upon Albany as soon as Lake Champlain and the lesser waterways should be frozen into roadways. Dongan decided to spend the winter at Albany, and for the defence of the border he ordered a draft of one man in ten from the militia of all the counties, excepting such men as 'were out last year a-whaling.' As this meant only a draft of some four hundred men he earnestly besought the aid of New England, asking Andros to send him two hundred of the youngest and lustiest of the Massachusetts militia, fifty horsemen, and two hundred and fifty militiamen from Connecticut, to all of whom he would give the same pay as the king's soldiers received. Furthermore he wanted a hundred of Andros's 'red coats' — a term, afterwards very familiar, which thus appears for the first time in the records of New York. Andros answered that he would willingly give aid and asked for more information, reporting at the same time to the secretary of state that Dongan had informed him of the 'French aggression,' that he was putting the military in as good order as possible, and that he desired the king's instruc-

tions. Dongan wrote directly to Connecticut also. But the New Englanders, as may be read in a letter written to Andros from Hartford on December 5 by Colonel John Talcott, were still too near in time to the horrors of King Philip's War to think of another without dismay or to believe that a war on the borders of New York might be needful for their own ultimate security. Referring to the 'last Indian war' in which Andros himself had 'very honorably and wisely' prevented the New York savages from 'drawing the sword,' Talcott urged that Dongan should be counselled to negotiate for a truce of eight or nine months so that the sovereigns in Europe might decide the disputes between their American subjects:

> And that we may not be engaged in a bloody war for the maintaining litigious boundaries twixt English and French (I desire to speak without reflection upon the meanest man, much less upon any gentleman or person of honor) for the sake of a beaver-trade to be upheld by the point of the sword for the enriching a few mercenary spirited men.

At last Governor Dongan's explanations and appeals had aroused some spirit in his royal master. In November James put forth a formal claim to sovereignty over the Five Nations, issuing a warrant which authorized Dongan to protect them and, if the Canadians should continue to annoy them and should invade New York, to support them by force and to ask the other colonies for aid. He also instructed Andros to give such aid to the uttermost of his power. In case of need the French were to be pursued into their own territories.

By the time these instructions reached America the immediate danger had passed. Denonville's forces had melted away; the climate had destroyed them, Dongan explained. So the Frenchman grew more timid and the Irishman grew bolder. Denonville sent back the captured New York traders and showed a wish for peace at any price with the Iroquois. Dongan would not sanction peace until his demands were met: Fort Niagara must be demolished and the Iroquois braves who had been sent to France must as English subjects be surrendered to the English government. But he could

not press these demands. Again instructions from England stayed his hand. Peace for America had again been decreed, the commissioners of the two sovereigns compacting that for a year from the first day of 1688 no acts of hostility should be committed in the colonies. The French commissioners, however, did not neglect the chance to protest against the 'entirely novel' claim of the king of England to sovereignty over the Iroquois, saying that he had mentioned no such claim when the treaty of 1686 was drawn up and that more than once the Iroquois had made submission to the king of France. Nor, it may be added, did the advisers of the king of France cease to urge him to acquire New York so that he might be master of 'all America.'

These were the long and serious troubles that inspired Dongan's determination to strengthen New York by an enlargement of its borders and that depleted his own purse as well as the treasury of the province while the collector of customs was embezzling a great part of the public revenue. Truly, as Dongan said, the governors of other colonies, whose salaries were larger than his and whose perquisites were 'infinitely larger,' had no such great expenses as he. Not so much of the revenue, he explained, had passed through his hands in Santen's time as would meet the cost of the civil establishment. He had himself supported the garrison for a year before any money at all came in. In his compacts and intrigues with the savages he had used a little bribery as well as many hard words and fair words. He had paid them well for ceding the Susquehanna country. As obliged by his instructions he had bought lands for his master whenever good occasion offered. He had been 'at great expense on the Assembly at their first sitting — when they gave the revenue,' a statement which suggests a little bribery again but probably means no more than a diplomatic hospitality, for the next words read: 'and on Lord Howard of Effingham when here with his train,' as also 'on' Governor Penn, Governor Treat, and commissioners from Boston and other places

who had likewise visited New York intent upon their own advantage. The council had laid special taxes of a penny in the pound at New York, Kingston, and Albany, and of a penny and a half on Long Island and elsewhere as the people there did not 'advance the king's revenue neither by excise nor customs £150 per annum'; but the province was 'too poor of itself to help our Indians.'

At this time Robert Livingston of Albany began the practice of aiding the government with loans or advances in money or kind which kept his hand at work in public affairs for many years, sometimes to his temporary discomfiture, in the long run to his great advantage. Between August, 1687, and June, 1688, as an account presented to the government set forth, he had disbursed £2067 for the maintenance of the king's forces, gifts to the Indians, and the relief of French prisoners.

Another reason why Dongan wanted to enlarge New York was that, as things stood, the greater part of his people were Dutchmen who, if occasion came, might not show themselves 'very fit for service.' There should be more of the British-born to 'balance' them. More than once he had asked in vain for a ship to run regularly between New York and Ireland, to bring over subjects of the king who would put the king to no charge after their arrival. The council, he thought, should consist of more than seven members, for one had to be always at Albany and two, meaning Van Cortlandt and Philipse, had 'such great business and trade' that they could not possibly attend all council meetings. Subject to the king's approval he added to their number Nicholas Bayard, then serving a second term as mayor of the city, Judge Palmer, and James Graham who thus became a colleague of the Major Baxter who had once stabbed him under the collarbone.

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CHAPTER XXIV

A TIME OF CHANGES

1684–1689

(GOVERNOR DONGAN, GOVERNOR-GENERAL ANDROS)

We therefore . . . do by these presents constitute and appoint you the said Sir Edmund Andros to be our Captain General and Governor in Chief in and over our Colonies of the Massachusetts Bay and New Plymouth, our Provinces of New Hampshire and Maine, the Narragansett country or King's Province, our Colonies of Rhode Island and Connecticut, our Province of New York and East and West Jersey . . . to be called and known as formerly by the name and title of our Territory and Dominion of New England in America. — *Commission of Governor-General Andros. 1688.*

'THE men who are here have generally lusty strong bodies,' wrote Colonel Dongan in 1687, answering in a long report twenty-five 'heads of enquiry' addressed by the Lords of Trade to colonial governors. He had heard of one woman who had three hundred and sixty living descendants. The Dutch were 'great improvers of land.' The militia of the province included about 4000 foot and 300 horse besides one company of dragoons. At New York and at Albany the buildings were mostly of stone and brick. All other places excepting Kingston were mere 'country villages.' On Long Island the people were increasing so fast that they complained of a lack of land. Within the last seven years, the governor believed, not twenty English, Scotch, or Irish families of immigrants had arrived:

But of French there have since my coming here several families come both from St. Christopher's and England, and a great many more are expected, as from Holland have come several Dutch families. . . .

New York, it may be explained, was getting no British immigrants because Pennsylvania, with its wider lands and freer form of government, was more attractive. By the year 1685, when this province was only four years old, it had a cosmopolitan population of eight thousand souls while New York, sixty-two years old, had not more than eighteen thousand. Dutchmen and Frenchmen, however, liked best to come where their compatriots predominated; and many Frenchmen were seeking new homes at this time, for it was in 1685 that Louis XIV revoked the Edict of Nantes which in 1598 had secured to the Protestants of France religious toleration and many material privileges. Within the next few years scores of thousands of Huguenots left the kingdom although their departure was soon forbidden upon pain of death. Those who first reached New York petitioned that, as King James had promised them special privileges, they might have the same rights in trade as his own subjects; and from the king or the governor many received letters of denization. Among them there arrived in 1686 the founder of a prominent New York family, Etienne (Stephen) De Lancey a native of Caen in Normandy.

In 1688 the French congregation of the city, organized in the previous year as the *Eglise des Réfugiés Français à la Nouvelle York*, built itself a church near the fort. Afterwards it changed its name to *Eglise du Saint Esprit*. As such it still exists, and although in 1704 it joined itself to the Anglican communion its services are still performed in the French tongue. Only three other churches founded by Huguenot immigrants survive in the United States. Two are in New York — at New Rochelle in Westchester County and at New Paltz near Kingston, a town settled by Frenchmen from the Palatinate to which Governor Andros had given a charter. The third is at Charleston, South Carolina.

The Lutherans of the city had built themselves a church to replace the one torn down by Governor Colve's orders, and the people of Harlem laid the foundations for a new Dutch church in 1685. The building of a new one for the city con-

gregation was much discussed but not achieved. Soon after the return of Domine Selyns in 1682 he wrote home that his congregation was building for him 'on the foundation of unmerited love' a large house wholly of stone and three stories high. Cornelis Steenwyck, dying in 1684 or 1685, bequeathed the Manor of Fordham, which he had bought of John Archer, to the Dutch congregation of the city for the support of its ministers. More than this he contributed to the support of one among them, for in 1686 his widow married Domine Selyns who described her as 'rich in temporal goods, richer in spiritual.'

In 1686 Selyns compiled a list of the members of his congregation arranging the names, more than 550 in number, according to streets and thus adding another to the incomplete but interesting little city directories that have come down to us. He also preserved for posterity the early records of the church on Manhattan, collecting everything in regard to it that he could find, notably baptismal and marriage records beginning with the year 1639, arranging them in due order, and transcribing them in a beautiful script. In 1688 he joined with his consistory in petitioning the governor that they might be incorporated under the name of 'The Ministers, the Elders and Deacons of the Reformed Dutch Church in New York.' The prayer was not granted but the petition is a landmark; it is the first document in which we find the name so long revered as that of the oldest communion in New York, so unfortunately changed by the elimination of 'Dutch' in 1869.

As Anglican chaplain Josias Clarke succeeded Gordon in 1684. In 1686 when Dongan got his new commission Alexander Innis succeeded Clarke. He brought with him a 'table of holy-days' in accordance with which it was ordered that the custom-house be closed on thirty-four specified week-days during the year as well as on Sundays. Dongan himself worshipped privately in a chapel he had fitted up in his residence in the fort. Although two Catholic priests besides his chaplain, Father Harvey, are known to have been in New

York at this time there was no public performance of Catholic rites.

In 1683 Dongan told the city magistrates to leave to him the question of giving Jews the freedom of the city, yet in 1685 he referred to the magistrates a petition asking that Jews might worship publicly. This the magistrates denied, construing strictly the act of assembly which had granted the right to all Christians. In 1686 a Jew received from the governor letters of denization; another was elected one of the petty constables of the city; and the names of two stand upon the roll of freemen admitted in 1688.

Governor Hinckley of Plymouth, writing to Blathwayt in 1687 and remarking upon the similarity in the ecclesiastical arrangements of his colony and New York, said that Governor Dongan showed

> . . . a noble and praiseworthy mind and spirit, taking care that all the people of each town do their duty in maintaining the minister of the place, though himself of a differing opinion from any.

The property of all the churches was free from taxation. Of the number of churches and sects and the temper of the people in such matters Dongan himself reported:

> Here be not many of the Church of England; few Roman Catholics; abundance of Quakers preachers men and women especially; Singing Quakers; Ranting Quakers; Sabbatarians; Antisabbatarians; some Anabaptists, some Independents; some Jews; in short of all sorts of opinions there are some, and the most part, of none at all. . . . The most prevailing opinion is that of the Dutch Calvinists. . . . It is the endeavor of all persons here to bring up their children and servants in that opinion which themselves profess; but this I observe, that they take no care of the conversion of their slaves. Every town and county are obliged to maintain their own poor which makes them be so careful that no vagabonds, beggars, nor idle persons are suffered to live here. But as for the King's natural-born subjects that live on Long Island and other parts of the government, I find it a hard task to make them pay their ministers.

It was impossible to make the Quakers in the province serve in the militia. Early in the year 1686, before the

Charter of Liberties had been formally abrogated, they petitioned the government, saying that, in spite of the promise in this Charter that no person professing faith in Jesus Christ who did not 'actually disturb the civil peace of the province' should be molested for any difference in matters of religion, they had been thus molested by having their goods distrained because they refused to bear arms 'upon no other account than that they conscientiously dare not in obedience to God and not out of any contempt to authority.' Therefore they begged they might be 'relieved in the damages already sustained and prevented from like sufferings hereafter'; but the governor in council decided that no man could be exempted from the duty of military service. A list, drawn up by the Quakers themselves, of what had been taken from them up to 1687 on Long Island and in the city because they refused to serve and, in one or two instances, to pay 'priests' wages,' — that is, to contribute toward the support of ministers — gives many items ranging from three pieces of Holland linen worth £15, 13*s*., 4*d*. and 'one fat cow valued at £4, 10*s*.' to one swine worth fifteen shillings and a broad-axe worth six.

One reason why slaves were not taught religion was the belief, prevalent in New York as in other colonies, that a slave embracing Christianity would thereby acquire his freedom. To allay this apprehension the governor in council ordered in 1688 that slaves should be 'instructed and bred' in the Christian faith and that the property of their owners in them should thereby be 'nowise altered.'

In 1685 a master for a classical school was accidentally discovered. Several members of a Quaker-like sect called the 'Sweet Singers,' who were condemned to transportation as schismatics by the Duke of York in Scotland, were sent out to be sold in East Jersey as 'redemptioners' — a term applied to penniless persons who signed no contracts as did indentured servants but, emigrating willingly or perforce, were sold when they landed to serve as bondsmen for a term of years, the cost of their passage being thus defrayed. One

of these Scotchmen, named David Jamison, came into the service of Mr. Clarke, then the chaplain at New York. Some of the principal men of the city, learning that he had had a college education, bought his time of Clarke and set him up as master of a Latin school which he kept for a time with good success. Afterwards he studied law and rose to positions of public prominence.

Governor Lovelace's project for a postal service Governor Dongan revived, setting up an office in New York and fixing the charge at threepence for distances not exceeding a hundred miles. In 1687, when Edward Randolph had been named deputy-postmaster for New England under the lord treasurer of England, Dongan appointed for his own province William Bogardus, a notary public. These appear to have been the first officials of the kind in the colonies. The first English physician who can be identified as practising in New York, Dr. Matthew Taylor, died in 1688. Among his possessions were a parrot valued at £2, and a negro girl valued with her baby at £5.

Near the northern confines of the little city there had long been a row of scattered houses facing the transinsular wall but at some distance from it. In 1685 by Governor Dongan's order a street thirty-six feet in width was laid out in front of these houses from Pearl Street westward as far as New Street, now for the first time mentioned, and was called Wall Street, the old name of the locality, the Cingel, dropping out of use. Most of the vacant land lying along the northern side of Wall Street had come into the governor's possession. Buying now the strip between it and the wall, he secured a number of good building lots one hundred and twenty-five feet in depth. One of them, twenty-five feet in width, he sold in 1688 to George Browne, a maltster, and here the first house of the north side of Wall Street was built. In 1689 it was sold for £60. The wall itself stood until the end of the century. Dongan also owned a garden of about two acres covering the area bounded in after years by Park

Row, Nassau, Ann, and Beekman streets. It was long called the Governor's Garden, afterwards the Vineyard, and until 1762 remained in the hands of Dongan's heirs.

In 1684 the market was transferred to a new market-house on the plain or 'green' in front of the fort where the annual fairs for live-stock were held. City ordinances tried to prevent middlemen from raising prices and monopolizing profits, forbidding any one to buy privately provisions that were being brought in to market, to buy in the market with intent to sell there at retail again, or to purchase in bulk from the farmer before his crops were gathered. These offences, called 'forestalling,' 'regrating,' and 'engrossing,' had been penalized in England at least as early as the days of the Tudors. Like many other minor ordinances issued in New York these about the markets show, as clearly as do the major ordinances of its governors, the Duke's Laws, and the enactments of the first assembly, that while the governors themselves were untrained in civil administration some of their English advisers were thoroughly conversant with the laws and customs of the mother-country and exercised good judgment in deciding when it might be well to introduce them and when it would be better to preserve the old Dutch ways and rules.

Stringent ordinances still regulated the cleaning of the streets, the prices to be charged by the official cartmen, the registration of strangers, the conduct of slaves, and the selling of liquor. Fire-buckets were to be kept at convenient places. The petty constables were to take turns in patrolling the streets and visiting the tap-houses during service-time on Sundays to see that the laws were obeyed. No one was to build a house within the wall except with the advice of the city surveyors. All houses were to be 'uniform' and built with party walls. This ordinance, probably like many others, was framed by the governor's direction; and he himself ordered that trees near highways should not be cut down or girdled but should be preserved for protection against the weather. In August, 1685, a day was appointed when the inhabitants might hunt and destroy wolves on Manhattan.

A list of the vessels owned in the port, compiled in 1684, named three barks, three brigantines, twenty-six sloops, and forty-six open boats. In the same year eighty-six clearances for Esopus or Albany were issued to sloops and boats during the months when the river was free from ice — between March 7 and November 8. The average length of the round trip to Albany, including the time consumed in loading and unloading, was about one month. In 1687 Dongan estimated that his New Yorkers owned nine or ten vessels of eighty or a hundred tons, two or three ketches and barks of about forty tons, and some twenty sloops of twenty or twenty-five tons, all of which traded with England, Holland, and the West Indies except six or seven sloops employed in the Hudson River traffic.

Exports to the West Indies were, as in earlier years, flour, biscuit, pease, salted meats, and horses. The returns were chiefly 'rum which pays the king a considerable excise,' said Dongan, and 'molasses which serves the people to make drink and pays no customs.' Transatlantic trade was very limited, for the troubles on the border had reduced the exports of beaver from thirty-five or forty thousand skins in the year to not more than nine thousand, and the loss of the Delaware country had deprived New York of the tobacco it needed for traffic with the Indians as well as with England. There had been very little trading at Albany for the past three years, wrote Nicholas Bayard from that place in 1689. Boston, said Dongan, could load thirty or forty ships a year for Europe. This was largely the result of its prolific fisheries. New York could not load more than three ships, and these with whale-oil from Long Island; and the Bostonians grew angry if they could not get the oil themselves. New York needed exports wherewith to buy in England the linens and woollens which, said its governor, the Bostonians made for themselves and which his people would also make if they were permitted.

In 1687 Dongan reported that the people of East Jersey, disregarding the order that no vessels should come in from Sandy Hook through any channel without touching at Man-

hattan, brought ships into Perth Amboy, a port on Raritan Bay which was then the capital of the province. More goods, said the governor, had thus been introduced than both the Jerseys could consume in two years; many of them must have been smuggled into New York. Even New York ships sometimes broke bulk at Perth Amboy with the same result, notwithstanding the oaths of their owners who salved their consciences 'by this evasion, that that place is not in this government.' On the very day when he was writing, Dongan said, 'an interloper' had thus landed five tons and a half of 'teeth,' meaning elephants' tusks. Therefore it was that he begged for permission to build a fort and mount twelve guns on Sandy Hook. Not only was the king's revenue suffering. East Jersey had better land as well as more freedom in trade than New York, and many New York merchants, Dongan now affirmed as Werden had once predicted, meant to settle there if it were not 'annexed to this government.' Yet the Jerseymen prevailed when they demanded that Perth Amboy be made a port of entry wholly independent of New York. In 1687 the privy council so decreed. Of course the Navigation Acts were to be respected, and the same customs dues were to be collected as were 'usually paid' at Manhattan. This rival port, so insignificant to-day, continued to be a detriment to New York and a temptation to smugglers until 1702 when the Jerseys were permanently united into a royal province and trading practices were more strictly supervised than before. The controversy about the Staten Island Kills, revived by the establishment of the new port, was not settled until 1834 when the line between New York and New Jersey was run through the middle of these channels.

Dongan easily refuted the charges that he had joined in the ventures of various merchants that were brought against him by Santen the discredited collector. Many reputable citizens testified on his behalf, the merchants in question were as indignant as he, and one of them brought a suit for slander against the collector.

New York was 'very honest,' Dongan averred, in obeying the Navigation Acts. Some ten years before, the captains of English men-of-war had been authorized to seize vessels transgressing these Acts. One such captain, named Allen, charged both Dongan and Lord Howard with complicity in the illegal traffic of the Virginians who, he said, were in the habit of sending small vessels laden with tobacco to New York and Newfoundland, whence the cargoes were reshipped to Holland, and bringing back foreign goods. Both governors denied the charge, and Lord Howard wrote to Samuel Pepys, who was again secretary to the admiralty, that Captain Allen was merely trying 'to cloak his own oppressions.' He thought himself 'more governor' than the governor himself and in other ways was disgracing the king's service, as when, his mistress being delivered of a son on board of his ship, on board of the ship he had the child christened with 'great solemnity.' Such tales as this are entirely credible, fitting in with the pictures often painted in England of the condition of the naval service at this period. For example, Macaulay says that it was well known that when Admiral Torrington was in command of the Channel fleet, at the critical time that followed the accession of William and Mary, he went to bed drunk every night and kept on his ship not merely one mistress but a whole harem. And they are tales that need to be told, for arrogance and ill-conduct on the part of English naval officers played their part in exasperating the colonials against the English trading laws and in making the paths of illegal traffic seem almost lawful.

At the opening of the year 1688 there was little prospect of any end to the border disturbances which had so greatly depressed lawful trade. Peace for the colonies for the space of a year had indeed been prescribed, but by virtue of the king's orders Dongan now felt himself doubly bound to protect the Five Nations. Until March he remained at Albany negotiating with Denonville's agents, still demanding the demolition of Fort Niagara and the return of the Iroquois

braves who had been sent to France, and in his letters to England still begging for the addition to New York of both the Jerseys and even of lost-and-gone Connecticut.

Soon after he returned to Manhattan he proclaimed, in obedience to a royal order, a day of thanksgiving for the pregnancy of the queen who, it was hoped, would give the king a son. Small cause for thanksgiving must have seemed to the Dutch New Yorker, to any Protestant New Yorker, the prospect of an heir-male to the crown of England who would be brought up a Catholic and would shut out from the succession James's daughters by his first wife, Protestant princesses the elder of whom was married to William of Orange the great champion of the Protestant faith. And of other causes for thanksgiving there were few to be noted in New York. This province, said the council resolving so to say in a petition to the king, was 'the bulwark' of all the rest, yet it had been so diminished by the loss of the Jerseys, the Delaware counties, Pennsylvania, and Pemaquid that the revenue was very small while the charges remained great; and, as the French war had stopped the beaver trade, without some 'speedy help' New York would be 'ruined.' Connecticut, it was again affirmed, had been 'added to Boston' by the 'contrivance' of its governor and secretary 'and unknown to the major part of the colony.'

Eight thousand pounds, Dongan told the council, would be needed for the cost of an expedition against the French during the current year; and it must have seemed an immense sum, for Andros estimated the annual revenue to be gathered from the whole of populous and rich New England at no more than twelve thousand pounds. He had promised New York aid with men. The other colonies, Dongan directed, must be asked for money. Meanwhile it was ordered that the militiamen who had served at Albany should be given an 'allowance' ranging in amount from eightpence a day for a private to ten shillings a day for a 'captain of horse.'

The records show that at this time some disturbances attended the collection of the taxes, yet in May the council

ordered a special levy of £2556, 4*s*. 'to defray the expense about the Indians and the French.' It was assessed after a manner introduced in England during the time of the Commonwealth as a new plan for raising subsidies and continued after the Restoration: that is, it was apportioned among the counties according to the reputed resources of each. Thus for the first time we get a clear idea of the relative standing of the different parts of the province in estimated population and wealth. New York County was to raise £434, 10*s*., Suffolk (the eastern half of Long Island) the same amount, Ulster £408, King's and Queen's each £308, 8*s*., Albany £240, and the other counties smaller sums, Orange standing last with only £10 to pay. It will be noticed that the Van Rensselaers' great estate with its system of tenant farms had not helped Albany County to prosper as the small holdings in the Esopus country had helped Ulster.

In answer to Dongan's appeals for money the assembly of East Jersey passed an act to raise £500 'for his Majesty's service for the affairs of Albany etc.' Maryland said that it would obey any direct commands from the king. In Virginia the assembly refused to give anything, saying that it had spent much to protect its own frontiers against the savages and that New York was not in great danger. It was in very pressing danger, said Lord Howard, and at his solicitation the council voted it £500 to be paid from the king's quit-rents. Nothing came from any other colony, nothing from the king himself.

Nothing from the king, that is to say, except the most unwelcome news that could have come from this or from any other source: the province of New York was to be joined to the Dominion of New England. James had decided that the charters of all colonial proprietors and corporations in America must be cancelled excepting only the one held by William Penn who was his personal friend. Maryland and Carolina escaped the threatened fate, but the proprietors of the Jerseys accepted it, resigning their rights to the crown.

And in April the king issued to Sir Edmund Andros a new commission and a new set of instructions which said that East and West Jersey and New York were 'annexed to New England.'

Dongan had once written home that if Connecticut were added to Massachusetts then New York might as well be added also. He seems to have heard no rumor of the actual change unwittingly predicted by his ironical words. Yet the fact that he was deposed from the governor's seat was not a punishment, a rebuke, or even a sign of dissatisfaction. Although James was willing enough to let the French king think that his wishes had prevailed to disgrace the energetic adversary of Canadian ambition, neither the complaints of Louis nor the enmity of William Penn had brought about Dongan's dismissal. It was simply the result of the king's belief that New York no longer needed a governor of its own. Choosing whether Dongan or Andros should remain in the consolidated Dominion, even James II could not doubt that the Protestant was preferable to the Catholic as a governor whose seat was to be at Boston, while the experience Andros had gained in both New York and New England gave him another advantage over one who had merely served for five years in New York. Dongan's authority, the king informed him, would cease when Andros should publish his commission in New York. Then, as speedily as his private affairs might permit, Colonel Dongan should return to England to receive assurances of the king's 'entire satisfaction' with his good services and 'marks of our royal favor.'

Two hundred pounds, it was ordered, should be added to Sir Edmund's salary from the six hundred allowed for the support of the governor of New York, the remainder to go to the lieutenant-governor, Captain Francis Nicholson, who was to reside at New York. Forty-two councillors, representing all the parts of the great Dominion and all named by the king, were now to give Andros their aid. Seven were chosen from New York — a fair share if tested by facts of population, a small share if judged by the importance of this

province as the 'bulwark' of all the others. The seven were Major Brockholls and Major Baxter, Stephanus Van Cortlandt, Frederick Philipse, Nicholas Bayard, John Young, and John Spragge, all of whom had been councillors to Governor Dongan. Among their colleagues from other parts of the Dominion were Edward Randolph and Joseph Dudley, Thomas Hinckley who had been the last governor of Plymouth, Fitz-John and Wait-Still Winthrop — sons of the one-time governor of Connecticut, grandsons of the one-time governor of Massachusetts — Treat and Allyn of Connecticut, and John Palmer.

This was John Palmer of New York, and Hutchinson counts him among the New York councillors. But, sent by Dongan with despatches to England, he had there received his councillor's commission and, returning not to New York but to Boston, had been named an associate justice of the supreme court of the new Dominion. Nevertheless he retained his judgeship in New York. So too James Graham remained attorney-general of New York and recorder of the city although, like his friends West and Palmer, he removed to Boston and Andros there appointed him attorney-general. Sir Edmund, wrote Edward Randolph to John Povey, an official in England, was now 'safe in his New York confidants, all others being strangers to his councils.' West and Graham, he declared with truth, had worked much harm and confusion when sent by Dongan on official business to Pemaquid, unjustly taking for themselves and Palmer tracts of land already granted to the settlers there. In Boston, he also said, they had done much to make Sir Edmund's government seem 'grievous,' especially John West who used the secretaryship that he had leased from Randolph himself as an engine of oppression, exacting exorbitant fees. One of the many New England pamphlets of the moment, written by Nathaniel Byfield, likewise says that the people were 'chiefly squeezed by a crew of abject persons fetched from New York to be the tools of the adversary.' But a friendly correspondence which passed between West and Allyn reveals nothing in

support of such charges; rather, it shows that it was largely to the good offices of West that Connecticut owed its comparative exemption from those results of arbitrary government that Massachusetts more painfully felt. A few years later Sir Edmund, West, Graham, and Palmer all lay in jail in Boston. In an able pamphlet defending Sir Edmund's government which Palmer then wrote he protests that the New Yorkers deserved from honest men better words than they had got in Boston, and predicts that it will one day appear that their greatest crimes were their fidelity to their duties, their loyalty to the laws and the church of England. A committee of the council, he says, had fixed the fees to be taken by all officials. And West swore, when afterwards examined in England, that no charge of extortion had been brought against him at the time of his imprisonment in Boston.

On July 28 the royal orders regarding the consolidation of the colonies were published in New York. On the 30th the council resolved that because of these orders the collection of the new tax of £2556 should be postponed. On August 2 was dated the last legislative act of the old government — an Act to Prohibit Shoemakers from Tanning Hides; and on the same day Dongan issued the last of his land patents, to the town of Huntington on Long Island.

On August 11 Sir Edmund Andros, governor-general of a Dominion embracing what had been seven colonies or provinces, the regions called New Hampshire and Maine which had once been under Massachusetts, and the Narragansett lands called the King's Province, entered the city on Manhattan where from 1674 to 1681 he had borne rule over one province only. He came through New London — that far in the saddle, and the rest of the way by sloop or partly by sloop and partly in the saddle across Long Island. He brought with him the acting secretary of the Dominion, John West, and a number of the New England councillors. Outside the city he was received by its militia, a regiment of foot and a company of horse. At once his commission was read in the

fort and in front of the City Hall. By proclamation he announced that all taxes were to continue as before and that all officials were to hold their places who had not been removed by the king, which seems to have indicated all except Governor Dongan and, presumably, the secretary of the province.

As instructed by the king Andros caused the seal of the province, the seal that the king had given it only two years before, to be broken in the presence of the council. Henceforward the Great Seal of New England was to serve in its stead — as the event determined, for an even shorter period. This was described in the receipt that Andros had given for it in 1686:

> Engraven on the one side with His Majesty's effigies standing under a canopy, robed in his royal vestments and crowned, with a sceptre in the left hand, the right hand being extended towards an Englishman and an Indian, both kneeling; the one presenting the fruits of the country, and the other a scroll, and over their heads a cherubim holding another scroll, with this motto — *Nunquam libertas gratior extat*, with his Majesty's titles around the circumference; there being on the other side the King's Arms with the Garter, crown, supporters, and motto, and this inscription round the circumference: — *Sigillum Novæ Angliæ in America.*

Nunquam libertas gratior extat was a truncated quotation from Claudian's panegyric on Stilicho which, when completed by the words *quam sub regio pio*, informed the Protestant Americans whose liberties the Catholic Stuart had just taken away that 'Never is liberty more agreeable than under a pious king.' A search made some fifty years ago among the archives in England, at Boston, and at Albany revealed no impression of this seal, but there is one, unfortunately broken, in the keeping of the New York Historical Society. It is appended to a commission signed at Boston in August, 1687, by John West as deputy-secretary and constituting Joseph Dudley and others a court of admiralty. The general design of the seal was followed when later provincial seals were bestowed. All those given to New York showed on one

side the royal arms, on the other the monarch receiving tribute.

New York was now also to use the flag recently bestowed upon New England. The English flag bore at this time only the cross of St. George, the diagonal St. Andrew's cross of Scotland being added when the legislative union of the two kingdoms was effected in 1707; and the colonial ensign was a square flag with a St. George's cross, red on a white ground, in the centre of the cross a royal crown and the cipher "J.R." Another order, which not only afflicted sentiment but also presaged much practical inconvenience, said that the public papers of all the colonies now united should be removed to Boston and that all deeds and wills should there be registered.

On August 15 Sir Edmund took over the government of East Jersey, authorizing the governor, Andrew Hamilton, to act as his deputy, and on the 18th the government of West Jersey. Thus the name New England was extended from the St. Croix River at the northeast to Delaware Bay at the southwest. In no part of this wide Dominion had the people any secured political rights or liberties except the right, always understood in regard to the colonies, to be governed by laws not repugnant to those of England, and the liberty, specially bestowed by their Catholic king upon all excepting Catholics, to worship God in Jesus Christ as their consciences might counsel. The New Englanders were, indeed, permitted to elect their local officials in town-meeting, but merely by grace of the governor-general and his council; and upon these officials it depended whether or not the cities and towns of New York should retain their charters.

The pride of New York was deeply outraged by these changes, its political aspirations were blighted, its material prosperity was thought to be seriously threatened. Sadly Colonel Dongan, the city magistrates, and the people must have regretted their loud and frequent lamentations over the weakness of the province, their reiterated outcries that it would perish were its borders not enlarged; for they can

hardly have understood the ideas and aims of James Stuart well enough to feel that the result would have been the same had they never spoken; and, indeed, there is evidence that their pleadings actually hastened although they did not determine the course of the king.

Some years later the city magistrates, addressing the governor of the time, spoke of

> . . . the unhappy annexation to New England whereby our traffic not only drooped but all that was dear and valuable among us wholly destroyed.

And the conservative party in New York laid all the troubles of the so-called 'Leisler Rebellion,' which began in 1689 and lasted for two years, to the charge of this 'miserable union,' this 'cursed' and 'abhorred' connection, saying that it had enabled the people of the eastern colonies to poison with seditious and anti-monarchical doctrines their neighbors of New York who until then had been quietly loyal. Such words showed little appreciation of what had been the real temper of New York in 1689, but their very exaggeration gives a measure of the anger and dismay that had prevailed in 1688. Exaggerated were also the laments uttered at this time — laments that New York had been 'swallowed up' by the unhappy annexation, that its 'absorption' into New England had brought it into an 'unmerited state of degradation.' It was necessary to select a capital for the great Dominion, but otherwise no part of it was exalted over any other part. Wherever the governor-general might choose to meet with a quorum of the councillors chosen from all parts, there legislation for all parts could go on. Nor were old names or old boundary lines of geographical and other kinds wiped out. Each colony, as appears from a letter written by Dongan to Andros, was to bear its own charges out of its own revenues. Each retained its own judiciary, a fortunate fact for men like Graham and Palmer who found office and profit both in New York and in Massachusetts. On the other hand, while New York was to have its own military estab-

lishment — by the king's order, two regular companies of foot — it appears, somewhat ambiguously, that their pay, to be 'as in England,' was to come from the revenues of 'New England.' In short, each colony, so far as can be read in initial arrangements necessarily incomplete, remained as before a unit in respect at least to its individual civil affairs. Nevertheless, in a broad sense New York was now identified with New England, a name and a region that its people had detested since their early Dutch days. It was under a government in which the voices of the aliens on the council, the voices of rivals who had often been covetous aggressors and sometimes avowed enemies, greatly outnumbered its own. The city on Manhattan was no longer in the old way a capital city; and it can scarcely have had foresight enough to be comforted by the thought that, should the union endure, geographical facts would probably bring about the removal of the capital of the Dominion itself to Manhattan.

When circumstances were lifting Jacob Leisler toward the seat that Andros and Dongan had occupied he declared that there had been 'great joy' in New York over the return of Andros in 1688 because 'we were delivered from a Papist's governor, Thomas Dongan.' While this was in some degree true, as the records of the Dutch church help to prove, no one felt anything but hatred for the union of which the return of Andros was a sign except the eastern Long Islanders who had always wanted to be New Englanders in name and fact as they were in blood and feeling. It has been imagined that the councillors also rejoiced who had gained in dignity and could now help to legislate for the New England colonies as the New England councillors could help to legislate for New York. It is more probable that even these officials were not pleased. Some of them were again members of the council in 1691, when the government had been reconstructed under William and Mary. The council then wrote to the home authorities that the union of 1688 had been 'evidently ruinous and destructive to these parts,' for it had 'obstructed' relations with the Iroquois who were not willing to obey or

to deal with any of the king's subjects except those at Albany. And this unfortunate and dangerous result any one familiar with public affairs must have foreseen when the change was made.

When James II thus consolidated many of his American plantations he was almost at the end of his tether as king of England. Aided, like his brother in his latter years, by a servile judiciary he had so outraged law and public sentiment in matters political and ecclesiastical, and had so moved his people to apprehension of further outrages, that they were close to the point of rebellion. Although he did not debase himself before Louis of France as Charles II had done, the friendship between the two monarchs threatened to strengthen James in such a degree that he would be able to deal with his kingdom as he might choose; and how he would choose had plainly been presaged, it was thought, by Louis XIV when he revoked the Edict of Nantes. Of course the voice of public sentiment in England found its echo in the colonies whenever it murmured against royal tyranny or predicted danger for the Protestant faith.

On the long catalogue of the sins committed by James II against liberty, law, and justice one of the blackest, to the mind of most of his colonial subjects, was the consolidation effected in 1686 and 1688. It should not, however, be placed upon this list without many qualifying words. Arbitrary though it was, unjust from many points of view, and distressing and disheartening to the colonies involved, it was not actually illegal, for New York and Plymouth had no chartered rights and the other colonies or their proprietors had in one way or another exceeded the powers that their charters gave them or at least, as was the case with East Jersey, had constantly and openly transgressed the Navigation Acts. Nor, of course, was the consolidation in all respects unwise even from the American point of view. There are good reasons for believing that James intended to establish Catholicism in America as well as at home, and this would indeed

have been both tyranny and folly. But, as Blathwayt wrote to Randolph, it was generally believed at the time by those concerned with colonial affairs that the union 'besides other advantages will be terrible to the French.' Certainly the tale of the long after years when the colonies, independent of each other, were by no means terrible to the French proves that some sort of union which would secure administrative concert in military affairs was highly desirable; and Englishmen at home could not understand that in regard to military matters a union might be too close, that actual consolidation would have its own element of danger. They could not picture to themselves the great extent of the colonies, the difficulty and tediousness of their means of communication — facts which meant, as the reconstructed government of New York explained to the Lords of Trade in 1691, that in case of war one end of the Dominion of New England 'might have been destroyed before the other end have notice of it.'

The 'other advantages' referred to by Blathwayt — concord, economy, and strength in the conduct of all civil affairs and especially in the administration of the Navigation Acts — would have been disadvantages from any colonial point of view under a king as despotic as James II meant to make himself. It is hard to say whether under a king who would have permitted government by assembly they would or would not have outweighed certain attendant evils: for example, the loss of the local pride, local ambition, and local spirit of initiative which are highly desirable in young communities. It is hard, indeed, to imagine the consolidation of 1688 persisting successfully under any conditions when we remember those radical differences between the colonies, those mutual rivalries, suspicions, and jealousies which, again, English statesmen did not fully understand in the days of James II but which even a hundred years later, when the Thirteen States had passed together through the fiery furnace of the Revolutionary War, made their fusion so difficult to effect. As a matter of fact the Dominion of New England did not last long enough to be looked back upon as

even an experiment in administration; and the chief result of its brief existence was a deepening of the dislike of the colonists to the very idea of any sort of administrative union.

On August 21 the common council of the city of New York directed the recorder to draw up an address congratulating Sir Edmund Andros and begging him to confirm the privileges of the city. On the 29th Sir Edmund, in session with the New York councillors and nine others, ordered that the act for raising £2556 which Dongan had suspended be duly executed, renewed the special impost which the assembly of 1683 had lifted from European goods not of English origin, and to encourage the bolting industries of Manhattan forbade the exportation of grain.

To the Lords of Trade Andros reported that the 'happy news' that in June a son had been born to the king had been long in reaching him but (by his order) had been 'solemnized' on September 2 'with all demonstrations of joy and gladness for so great a blessing.' At a banquet which formed a feature of the celebration the mayor of the city, Stephanus Van Cortlandt, it was affirmed at a little later day, grew so exuberant that when his hat and peruke caught fire from a candle he held them over the table all ablaze 'on the point of his straight sword.' A letter to the classis of Amsterdam in which, in 1698, some members of the Dutch church reviewed the events of recent years says that the heads of this church likewise displayed 'altogether too much joy' at the news of the birth of the prince,

> . . . for every man of intelligence . . . could have easily seen that the pretended birth of such a prince was nothing else than a deathly stab at the Protestant religion in England and consequently of our religion over here too. . . .

This meant that intelligent New Yorkers believed what nine Protestants in ten throughout England then believed but no one believes to-day — that the queen had not been pregnant, and that the Prince of Wales, whom Dryden

greeted with an 'awful joy' as a 'miraculous son of prayers,' was really a supposititious child supplied by the Jesuits and smuggled into the queen's bed in a warming-pan. These suspicions, says Hutchinson, came over the ocean with the news and were 'very easily received by the people in general.'

Even their new municipal charter cannot have seemed safe to the people of Manhattan, for no city magistrates were appointed or elected in this autumn of 1688. All were continued in office according to the general edict recently issued by the governor in council. In November the assessors brought in a valuation of the property owned in the city. The total for the six wards was £78,231. The South Ward was the richest, its inhabitants possessing £29,254; the Dock Ward stood next with £16,241; for the West Ward as for the East Ward the amount was about £9600, for the North Ward £7625, for the Bowery Division of the Out Ward £4140, and for its Harlem Division £1723.

As soon as possible Andros took up Dongan's important work at the north. Starting for Albany by the end of August he there convoked in the City Hall a great council which sachems of all the Five Nations attended. 'Brother Corlaer,' they called him. 'Father Corlaer' was the term he would rather have had them use; for he told the sachems, as he had already told Denonville, that they were subjects of the king of England and upon pain of deprivation of all supplies must make no treaties without his own sanction. Fort Niagara, Denonville sent him word, had been demolished and abandoned. This was a triumph for Dongan. And Dongan's spirit, Denonville wrote home, had entered into the heart of his successor who, although 'less passionate and less interested,' might by his 'suppleness and smoothness' be quite as dangerous as Dongan by his 'violence.'

When Andros returned to Manhattan he ordered a careful examination of the defences of the city. A phenomenal building Fort James must have been in its proneness to rapid decay. In 1674 Governor Colve finding it in a wretched had left it in an excellent condition. Andros had written in 1679

that he had again repaired and 'impregnably fortified' it, Dongan in 1687 that he had found most of its guns dismounted and had been forced to repair it in almost all its parts. And now in 1688 a report twelve pages in length drawn up by Mayor Van Cortlandt, Nicholas Bayard, and three others said that even the stone wall of the fort was in no more than 'indifferent good condition' while the stockade was gone and the rest of the fabric and the military buildings were almost in ruins. The battery in front of the City Hall had been 'mostly washed away by the sea,' the gates and half-moon batteries of the city wall were 'ready to fall down,' guns and carriages were out of repair, and of military stores there were practically none. The cost of 'fortifying the city anew' could not be computed unless some 'artist' should make a careful survey, and no such person could be found in the city.

A number of the troopers who had been drafted from the militia of the several New York counties for service at Albany petitioned Andros at this time, saying that they had had only fivepence a day for their food and begging that, as expenses in America were so great, they might receive, not the sum that Dongan had designated, but two shillings and sixpence a day.

In October, called back to Boston by reports of Indian troubles in Maine before he had had time to set the affairs of New York wholly in order, Andros put Lieutenant-Governor Nicholson in control of the province as his commission prescribed. All or a great part of the public papers of New York Andros carried with him to Boston where they remained until 1691. Many of the gaps now to be deplored in them were doubtless due to this migration.

After this month of October no sessions appear to have been held by a 'court of lieutenancy' which, composed of the officers of the militia with its colonel, Nicholas Bayard, as president, had been charged with the regulation of its affairs.

During all these changes Colonel Dongan was living in retirement on Long Island, on a farm given him by the towns of Hempstead and Flushing in return for the renewal of their

patents. It appears from letters which he wrote to Andros and others that he meant to depart in September but remained because, in answer to his appeals that his accounts might be audited, the new government declared itself incompetent in the matter.

Before the end of the year Governor Andros went from Boston with some eight hundred men to Maine where the Indians were dangerously active. There he received news which, when it was spread among the people, shattered in pieces the Dominion of New England.

Once at least Charles II displayed the gift of prophecy. If his brother James, he then told the Prince of Orange, should come to the throne he would not hold it 'four years to an end.' In fact, when James II was driven from the throne he had held it three years and less than eleven months.

He had perceived the danger that his people might rebel and seek the aid of William of Orange, his nephew and the husband of his eldest daughter. And, although he did not regard it as a peril serious enough to be allowed to check his progress toward his goal of absolutism, he had recalled the troops lent to the United Netherlands and, with the help of French money, was preparing a fleet to be used against them. The belief of his people that he had foisted upon them a prince who was no prince brought on the crisis which in any case could not have been long delayed. In July seven of the chief men of England, belonging to more than one political party and encouraged by other Tories as well as Whigs, secretly sent to the Prince of Orange an invitation to come as a leader in arms to defend the liberties of Great Britain and the Protestant faith. The great aim of William from the beginning to the end of his life was to crush the power of Catholic France. In no way was he so likely to accomplish this as by securing so much power in England as might enable him to bring into a great coalition against France the island kingdom which under the Stuarts had been its tacit ally. With the sanction of his country he now undertook the dangerous task that had

been offered him. Aided by English refugees he prepared a fleet and an army. On November 5 he landed at Torbay. On the 28th, when great numbers of Englishmen had joined his standard, the king's army retreated before him from Salisbury. On the 18th of December he entered London. With his connivance James fled from the kingdom, to find a welcome with Louis XIV and a stately asylum at St. Germains. And thus the way to the throne was opened to the Prince of Orange who but for the flight of James could scarcely have hoped for more than a regency.

Provisionally, the direction of affairs was at once confided to him. Early in February a Convention Parliament, so called because of the irregular manner in which it was summoned, framed the famous Declaration of Rights which, enacted before the end of the year as a Bill of Rights by a parliament regularly constituted, then became part of the law of England. Accepting its provisions, on February 14 William and his wife Mary were proclaimed King and Queen of England and all the territories thereunto belonging — equal in rank and dignity but unequal in power, for to William alone was intrusted the administration of the government. On March 1 a great majority of the Lords and Commons and of the clergy throughout the kingdom took the oaths of allegiance. On April 11 the new sovereigns were crowned, the king but not the queen seated in the chair of St. Edward. On May 11 they took the coronation oath as sovereigns of Scotland.

Echoes of this great revolution rang all along the American coast, but not at once for news crossed the Atlantic seldom and slowly in the autumn and winter months. In Massachusetts and New York the conditions were most favorable for an imitative revolutionary outbreak; and, as it chanced, Massachusetts was late, New York was still later, in receiving from the new government in England instructions that should have prevented or quickly ended any public disturbance.

In January, before he was offered the crown, the Prince of Orange had issued a circular letter to colonial governors

directing that, until further commands were sent out, all officials who were not papists should continue at their posts and obey the orders that might recently have come from the mother-country, that all persons should yield them obedience, and that justice should be administered as before. This letter justified colonial officials in continuing to govern in the name of James II, for there had been no demise and as yet no transference of the crown. It was sent at once to the governor of the royal province of Virginia but not to the governor-general of the Dominion of New England. Increase Mather had been for some time in England urging upon James the restitution of the New England charters; William Phips had recently been sent out to his aid; and they induced the Prince of Orange to delay the despatch of his instructions. Should he get the crown, they believed, New England would get back its charters; but any confirmation of the powers of Sir Edmund Andros would mean delay and obstruction.

On February 14, the day of the accession, the new king by proclamation confirmed in office all persons being Protestants within his kingdom and appointed his privy councillors. Two days later he selected from among these councillors, as Charles II had done, the members of a Committee for Trade and Plantations, directing them to draft at once for publication in the colonies a proclamation announcing the accession and continuing for the present all incumbents, civil and military, in their offices. This command, it should be noticed, made no distinction, as did the one issued in January and the one relating to the kingdom itself, between Protestants and Catholics. Probably William now understood that no such distinction could lawfully be drawn for the colonies, where the Test Act had never been in force. Again he directed that no instructions should yet be sent to New England; and to the new Lords of Trade he referred a petition from Mather and Phips asking for the removal of Andros and for the restoration of the ancient privileges of Massachusetts, Connecticut, Rhode Island, and Plymouth. The Lords of Trade decided that a governor should be sent to replace Andros

with a provisional commission and directions that no money be raised by act of the governor and council only; and that as soon as possible there should be framed a lasting form of government which would preserve the privileges of the people and yet secure their due dependence upon the crown. The agents from Massachusetts again prevailing upon the king to delay, on February 26 he directed that a draft of a new charter for New England be prepared and that two commissioners be sent to proclaim their Majesties and to administer the government temporarily. Thus William and his advisers showed a desire to respect the liberties of his colonial subjects and at the same time to secure the benefits implicit in James Stuart's policy of consolidation.

Consolidation was not what the New Englanders wanted. In March, largely through the exertion of their agents, parliament passed a bill restoring all corporations, in the kingdom and in the colonies, to their condition before the accession of Charles II in 1660. This bill William vetoed as an infringement of the royal prerogative. Mather then secured from him two promises: Andros should be removed and called to account for his alleged misconduct, and the accession might be proclaimed in New England by the 'former magistrates.' In April Phips set sail for Boston bearing these promises and the delayed instructions for Governor-General Andros. Much had happened in Boston before he arrived.

Before anything at all had happened in England, rumors and more than rumors that great events were impending crossed the sea. Increase Mather advised his friends to prepare the minds of the people for 'an interesting change.' In December a ship from England brought news of a probable invasion by the Prince of Orange and a Dutch army. King James issued to all colonial governors a proclamation warning them to be on their guard against a possible Dutch attack and to summon all the subjects of the crown to unite in defence of king and country. And the words of this proclamation Andros embodied in one which he issued from Pemaquid in January, 1689.

The news that William had actually landed in England on November 5 reached New York by way of the West Indies sooner than it reached Boston yet not until February 5; and not until it came again, from another source, on March 1 did Lieutenant-Governor Nicholson send it on to Andros. Meanwhile on February 23 John West wrote from Boston to Fitz-John Winthrop that he had recently come from Pemaquid leaving Sir Edmund there. Winthrop, he supposed, had 'long since heard of the invasion intended from Holland' as announced in the proclamation which King James had sent out for publication and which West now enclosed. Seven days before he wrote, news of the landing of the Prince of Orange had come from Barbadoes and it had since been confirmed by another vessel from the West Indies. All was well in Boston, he added,

> . . . save that some ill spirits appear in scattering and publishing seditious and rebellious libels, for which some are in custody.

Very different persons were soon to come into custody. When Sir Edmund, summoned by Nicholson's letter from New York, returned to Boston late in March he wrote to Brockholls, whom he had left in command at Pemaquid, that he found 'a general buzzing among the people, great with expectation of their charter or they know not what.' Before the end of the month they knew that James had fled from his kingdom. On April 4 a ship from the West Indies brought copies of a declaration in which the Prince of Orange, immediately after he landed at Torbay, had explained his purposes to the people of England. Signs of disturbance grew so evident that Andros retired to the fort. On the 18th the Bostonians rose in arms and seized the 'castle' on an island in the harbor and a royal frigate that lay there; and their leaders, members of the old colonial government, published a declaration setting forth the reasons for the uprising. Andros surrendered and was put for safe-keeping in the town jail with thirty or more of his chief supporters. Some were soon released. Others were voted unbailable as public offenders

guilty of misgovernment, and among these were Andros himself, Randolph, Dudley, West, Palmer, and Graham. It was assumed that the declaration of the Prince of Orange and the changes in England had made King James's commissions null and void.

Thus decapitated, the Dominion of New England died and disintegrated. In Massachusetts a council of safety managed matters until May 24 when by act of an elected convention the old government was revived as it had existed under the old charter, the delegates from forty out of fifty-four towns so voting. Then the officials chosen at the last election, in 1686, resumed their places with Bradstreet in the governor's chair. Plymouth Colony also restored its former constitution and its former governor, Thomas Hinckley; and Connecticut and Rhode Island, reviving their cherished charters, reinstated their old magistrates, with Treat as governor in Connecticut and Allyn as secretary.

All this happened before the news of the accession of William and Mary or any official despatches came. On May 26, however, the seating of the new sovereigns was announced, and on the 29th Phips arrived with the despatches addressed to Andros. They were not delivered to him. They were opened by Phips, and on the same day their Majesties were jubilantly proclaimed — the most joyful news, as Hutchinson recorded almost seventy years later, that had ever been published in New England. Articles of impeachment were drawn up against Andros, Dudley, Randolph, Palmer, West, Graham, and two others, and the bail that was offered for them was refused. It was believed that if given his freedom Sir Edmund would try to hold the Dominion of New England for James Stuart; indeed, his Pemaquid proclamation was construed as an order to this effect.

In Virginia and in Maryland as well as in New York and New England any excuse to upset the existing state of things would have been welcome at this time; for Lord Howard, who was a Catholic, was on bad terms with his Virginians, and

although there were many Catholics in Maryland the larger part of the population, of Puritan stock, hated the rule of the Romanist proprietor, Lord Baltimore. All the colonies, moreover, had been alarmed by the rapid progress of James II toward absolute power; all lay open to attack by the French of Canada or by the Indians whom the French might excite; and these disparate sources of alarm became in the popular mind a doubly dangerous single source when, after the fall of James, Louis sheltered and befriended him. It was more than probable that if James should try with the help of Louis to retain or to regain his colonies he would begin with New York which was their geographical centre and for so many years had been his own property. Nevertheless every port along the coast feared the advent of a French fleet. Distrust and dread of Catholics naturally developed even where such feelings had not been known before, and in more than one place they took fantastic shape. In Boston, for example, it was widely believed that Andros was himself a papist and that he meant to bring in the French and Indians to fall upon the New Englanders. And Dudley wrote from his prison to Cotton Mather that some persons had declared that his religion was 'tainted or shaken with popery,' he having hoped thereby to obtain the favor of James Stuart. How the same overcharged dread worked in New York will be told with more detail.

Only in one colony to the southward of New York did the news of the changes in England provoke serious disturbance. This was in Maryland where a belief in a Jesuit plot between the French and the savages for the destruction of the Protestants caused a wild terror during the latter months of 1688. In the spring of 1689 the Protestants, not knowing that a messenger sent by Lord Baltimore with orders to proclaim their Majesties had died on the journey, alarmed by the delay, and fearing an immediate attack by sea, organized under the leadership of John Coode a league in arms to defend their own faith and the rights of William and Mary. By September Baltimore's governor was overthrown without bloodshed, a

new assembly was elected, the new sovereigns were duly proclaimed, and trouble was at an end.

The same unfortunate messenger had carried the orders addressed to Pennsylvania. Consequently this province was governed in the name of James II until November when William and Mary were recognized. In Virginia it was thought for a time that neither king nor government existed in England and, as in Maryland, there was great fear of a French fleet and of Catholic treachery. Yet here, the orders sent by William himself arriving promptly, his accession was proclaimed sooner than anywhere else on the American mainland — on April 29, just a month before the ceremony took place at Boston. In Carolina also the change was recognized quickly and quietly.

The delay in sending instructions to New England which permitted if it did not occasion the uprising at Boston worked diversely in those parts of the Dominion which had not, like the colonies of New England proper, old forms of government that could be resuscitated to the people's satisfaction. The Jerseys were without a general government of any kind from the summer of 1689, when Andros's deputy, Governor Hamilton, returned to England, until the summer of 1692, but their town and county officers kept their places and, although some persons made a weak effort to join in the uprising in New York, there was so little disturbance that Samuel Smith, who in the eighteenth century wrote the first history of New Jersey, did not even mention this episode. In New York, on the other hand, the disturbance lasted longer than in any other colony and came much nearer to civil war.

It is hard to find an exact name for the troubles in New York. They were not, as was affirmed at the time by the conservative faction and has often since been said, the result of a mere 'conspiracy,' a 'Dutch plot,' or a 'usurpation' of power by a man or a faction intending if possible to remain in power. To call them the 'Leisler Rebellion' exaggerates the share that Jacob Leisler played in their inception. Indeed,

although they soon passed into a revolt, they can hardly be considered either a rebellion or a revolution in the same sense as the movements in Massachusetts and in Maryland, for the branch of his government that Andros had established on Manhattan proved too weak to deserve the name while, on the other hand, the New Yorkers were not inspired by a desire to restore antecedent political conditions or by a wish to construct new conditions for themselves. A majority among them believed that their province was in danger from internal and external foes and determined to defend it on behalf of the new sovereigns whom they hailed with a passionate loyalty as its saviors. Their uprising, prolonged by the delay of orders from William and by the vagueness of those that first arrived, developed as its initiators had not foreseen. Opposed by a strong minority, in the words of William Smith it 'threw the province into convulsions.' It ended in a tragedy. And it so planted and watered and fostered political animosities, personal hatreds, and the feuds of cliques that for many after years New York constantly tasted of its bitter fruits.

While it is hard to name this troubled period it is not easy to disentangle an impartial account of it from the mass of official records, reports, protests, petitions, affidavits, letters, and controversial pamphlets written while it lasted and from the similar papers of later dates which refer to it, among them the records of an enquiry conducted in 1695 by the parliament of England. In spite of its bulk this material is fragmentary. Although the greater part of it has been published or calendared no part has been helpfully edited. Almost all the documents are strongly partisan and many might serve as object-lessons in the arts of misrepresentation and vituperation. The voice of the people at large does not make itself heard in them as it does in the documents of Governor Stuyvesant's time. And — a great hindrance to the student — very few comments upon Jacob Leisler's personal character or specific acts have come down to us except from the pens of violent adversaries. William Smith's history gives valuable evidence regarding those matters of general sentiment, of

public temper, which hearsay or tradition may faithfully preserve, but it cannot be trusted in its statements of fact. Nor do modern historians help us much. They have never told the story of Leisler and his enemies in full detail and very seldom without a bias that reflects the passions of a peculiarly passionate time.

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CHAPTER XXV

THE UPRISING IN NEW YORK

1689

(Lieutenant-Governor Nicholson)

Our only design and intention was to secure ourselves and country to be wholly devoted to your Majesties' will and pleasure in disposing of our government, to which we are ready with all loyalty and obedience to submit. — *Address of the Militia and Inhabitants of the City of New York to William and Mary. June, 1689.*

In 1689 Jacob Leisler, as described in affidavits taken a few years later, was a merchant of 'very great dealings' and 'very good reputation.' He must also have been widely esteemed for good judgment, for in 1686 the people of eastern Long Island had empowered him to petition Governor Dongan on their behalf with regard to their trading rights and practices, and soon afterwards a number of Huguenots intending to come over from England employed him as their agent in the purchase of lands. Under every governor from Stuyvesant to Dongan he had held minor appointments as a member of a commission, a committee, or a court; but he had never been appointed or elected to municipal office; it is as certain as negative proof can make it that he was not a member of the assembly of 1683 or of 1685; and his name had stood on none of the lists indicating men who might well be raised to the council which from time to time the governors sent to England. There is nothing to show that before 1689 he had any political ambitions, or that he had ever taken part in public affairs except when he attacked Domine Van Rensselaer during the first year of Andros's first administration. There is, indeed, a letter written by Fitz-John Winthrop to

John Allyn of Connecticut which, as it stands in print, is dated in October, 1682, and says:

> 'Tis monstrous and unmanly to suffer that cursed yoke of Leislerism to be tied about our necks by the appointment of such trivial instruments where the poorness of the persons makes the yoke the greater.

But the word here printed as 'Leislerism' or, more probably, the date of the letter, must have been wrongly transcribed from the manuscript, which is not now to be found among the many letters written by or to the Winthrops that are preserved by the Massachusetts Historical Society. Such a protest might well have been written in 1690. It could not have been thought of in 1682, for nowhere else can any hint be read that there was even a dim presage of 'Leislerism' in New York at this time, a time when Governor Dongan had not yet arrived and when no feud had yet originated on Manhattan to spread in Connecticut antagonism to any New Yorkers.

Closer than any one else to Leisler during his most difficult days stood the Englishman, Jacob Milborne, who had aided him in the attack upon Van Rensselaer. After bringing suit against Andros in London in 1681 Milborne soon returned to New York and there lived peaceably and prosperously. In 1683 he was admitted a freeman of the city and in 1684 was appointed one of the trustees of the Harlem property of Thomas Delavall who had died two years before. Later he bought lands in East Jersey and married the daughter of a well-to-do Englishman, Samuel Edsall. In 1687 and 1688 he appears in the records as a partner with a high official, Major Brockholls, in various trading ventures. In one of Edward Randolph's letters to the Lords of Trade he mentioned Milborne's brother William, the Anabaptist preacher, with Cotton Mather and three other ministers as leaders of the revolutionists at Boston and 'authors of some of their printed papers.'

Samuel Edsall, who also became one of Leisler's most ardent supporters, had come from Boston to New Amsterdam

in Stuyvesant's time, married a Dutch wife, and claimed the Small Burghership when the right was conferred in 1657. Removing to Bergen in East Jersey he sat for a time on Governor Carteret's council and afterwards in the assembly. In 1689 he was living on Long Island, but wherever he lived he always kept up in New York his business as a hat-maker and Indian trader.

The leaders of the opposition with which Leisler and his party struggled for two long years were, on Manhattan, the three councillors, Nicholas Bayard, Stephanus Van Cortlandt, and Frederick Philipse, and at Albany Peter Schuyler and Robert Livingston. With Bayard and Van Cortlandt Leisler was connected by marriage but not by friendship. There had been a long quarrel about the estate of Govert Lockermans who had died intestate in 1671. Lockermans' sister was Stephanus Van Cortlandt's mother, his daughter by his first wife had married Balthazar Bayard, a brother of Nicholas, and his stepdaughter, the daughter of his second wife, had married Leisler. His own family claimed all his property in which much that belonged to his second wife had been merged. The acrimonious proceedings at law that ensued were still in hand in the year 1689, but meanwhile Leisler and his wife had secured such part of the property as lay in the city of New York.

Whoever was on bad terms with the Van Cortlandts and Bayards could hardly be on good terms with the other leading families of New York and Albany, for most of them were connected not only by community in race and in interests but also by the repeated intermarriages which, continued into modern times to the almost entire exclusion of other strains of blood, had an influence upon the history of the province that was often almost as conspicuous as it was in Leisler's day. Stephanus Van Cortlandt's wife was Peter Schuyler's sister; one of his own sisters had married another brother-in-law, Brandt Schuyler; one was the widow of Jeremias Van Rensselaer; and a third became, after the death of Margaret the commercial, the second wife of Frederick Philipse. A brother of this second Mrs. Philipse, Jacobus Van Cortlandt, married

Philipse's stepdaughter, the daughter of Margaret by her first husband. Peter Schuyler married a Van Rensselaer; and his sister Alida (sister also to Mrs. Van Cortlandt and widow of Domine Van Rensselaer) married Robert Livingston.

Another active anti-Leislerian was the William Nicolls who is believed to have drafted for the first assembly its admirable Charter of Liberties and Privileges. His father, Matthias Nicolls, had died in 1687 leaving a large estate embracing lands on Long Island and part of Shelter Island. Dongan had made William Nicolls attorney-general. After the Leisler troubles were over he also allied himself to the prominent Dutch families, taking a wife who was the daughter of Jeremias Van Rensselaer and Catherine Van Cortlandt and the widow of her cousin Kiliaen Van Rensselaer, the third patroon.

These leading New Yorkers and their friends were self-made men or the sons of such. The fortunes they were building up came from traffic with the Indians, shop-keeping on Manhattan, and trading over seas. Only one or two of the great estates that some of them had acquired were as yet more than estates in a wilderness. They had not by any means the prestige or the influence that their descendants acquired in the eighteenth century; and the community in which they lived was still markedly democratic. No one in New York could have thought of saying to James II what the agents of Massachusetts said — that there ought to be in their colony a council composed exclusively of large landowners. There was still no upper class in New York, and there was still no 'court' or 'crown' party. Nevertheless the differentiation was beginning which gave rise to such a party. There was an upper group of what William Smith in speaking of this period called 'gentlemen of figure,' of what were called at the time 'persons of quality'; and some of these persons stood in close relationship to the provincial government.

To this upper group Leisler did not belong and would not have belonged had there been no quarrel about an inheritance.

Although his standing in the community was such that in certain documents the infrequent honorific Dutch 'Sieur' precedes his name, his chief adversaries, says Smith, considered him 'inferior in his degree' as well as 'mean in his abilities.' He scoffed at them as 'grandees'; their words show that they despised him as a plebeian; and a plebeian he undoubtedly was in his breeding and his ideas of life. He seems never to have been touched by that desire to own broad lands which was one conspicuous mark of the budding aristocracy of New York.

It is clear that he was not a man of much education although he had probably learned something more than a hatred and a dread of Catholics from a father who was a German clergyman. When he wrote in English his results were so much worse than those of his semi-Dutch associates that they afford a clew in deciding whether or not he himself set down the things which have been attributed to his pen. But this is no proof of gross illiteracy. He had come as a grown man to a place where for the purposes of daily life and trade it was more needful to know Dutch than English; and there were persons in New York, certainly not illiterate, who after many years' residence knew less English than he, for he seems to have had no difficulty in understanding or in speaking it. Moreover, although English spelling had by this time pretty well settled into the forms of to-day, many Englishmen of 'quality' as well as native-born colonials failed to respect the fact. Sir Edmund Andros wrote many other words in as personal a fashion as 'emidiatly' and 'perticuler'; Plowman the collector, who was well enough born to have married a lady of noble birth, wrote 'sudinly,' 'sivill powar,' and 'hole famelies'; and John Allyn, who was town clerk of Hartford or secretary of Connecticut for half a lifetime, often made strange work of the public records, as when he wrote that taxes might be paid 'a fowerth part in beife well repact.' Nor in the construction of English sentences did persons not professedly scholars show much more skill than they did in spelling.

As far as can be discerned Jacob Leisler, although by no means a boor, was distinctively a man of the people. He was courageous, tenacious, self-confident, and obstinate; not devoid of self-control even when sharply tested, but seldom willing to temporize or to compromise; sincerely religious, fanatically Protestant; ardently liberal in his political faith yet often convinced of the need to be arbitrary in his own conduct. Enthusiastic and narrow-minded, he was as sure of the folly and heinousness of his opponents' aims and actions as of the wisdom and rectitude of his own. He was sometimes rough, passionate, and overbearing in manner, word, and deed, yet more than one anecdote proves his kindness of heart, his sympathy with the poor and afflicted; and the way in which he rose to power and kept his power shows that more than any man in New York he had won the people's confidence. While the conservative party could not have hated him more intensely, no man in his own party, even when its fortunes seemed most desperate, spoke of setting any one else above him. All his harsher traits were intensified by the intensifying difficulties of his public position and, as is clearly to be read, by the growing influence of Jacob Milborne. Yet on paper at all events his language was less violent than that of some of the gentlemen of figure; and he never thirsted for their blood as they thirsted for his.

There were reasons both of sentiment and of need why New York should welcome the revolution in England even more joyfully than the other colonies. No other could see in the fact that a Dutch prince had replaced a Stuart a special cause for pride and for confidence in the future; and no other had been so endangered by the friendship between James and Louis whose treaties and agreements, instead of safeguarding New York, had merely hampered the efforts of Andros and Dongan. Moreover, the revolution, the fall of King James, meant a special peril for New York. It increased the probability of a French invasion. The cloud that had hung over the province for a generation, and was to darken it for gen-

erations to come, seemed eminently dreadful in 1689, for in the early part of this year Louis XIV listened for the first time with approval to the advice that he should in some way possess himself of New York. The Chevalier de Callières, governor of Montreal, who had often urged the way of conquest, now presented a definite plan; and Louis accepted it when, in May, England under its new sovereigns declared war against him. Recalling Denonville he ordered back to Canada the vigorous old soldier, Count Frontenac, who had once before governed it, and instructed him to drive the English from the Hudson Bay region and to possess himself of New York. The fleet that should land him in Canada was then to sail southward to Sandy Hook; and Frontenac was to coöperate with it, taking French troops and Canadian volunteers across Lake Champlain and, after reducing Albany, down Hudson's River. To consider defeat seemed needless. Careful directions were written out for the treatment of the province which was to be captured, said Callières, by an enterprise easier than would be the destruction of a single Iroquois canton. Only the Catholic inhabitants of New York should be left undisturbed. Officers and wealthy folk who could pay ransoms should be thrown into jail. Protestant laborers and mechanics might be kept 'as prisoners' to cultivate the soil and to work on fortifications. All Frenchmen and especially those of 'the pretended Reformed religion' must be sent back to France. Callières was to govern the conquered territory in dependence upon Frontenac; and to secure himself he was to destroy 'all the English settlements adjoining Manathe, and further off if necessary.'

The details of these instructions, as clear as they were cruel, cannot have been known in New York. But enough was known to make the people think even more of the security than of the liberty that the new government in England should provide for them. And it was as a cry for security in the face of a great and pressing peril that a cry against papists was for the first time raised in the Dutch province. It did not express a new-born desire to oppress Catholics but a fear lest a

Catholic king might make himself an oppressor and destroyer, a fear that New York might suffer as, during the early weeks of 1689, the Palatinate was suffering from the swords and torches and brutal passions of the soldiers of Louis XIV.

Before 1689 there was neither fear nor hatred of the few Catholics in the province. The assembly of 1683 did not exclude them from the grant of religious liberty; scarcely a document of the time refers to them except two or three letters written home by the Dutch clergymen; and these mention them without alarm. As to papists, wrote Domine Selyns on his arrival in 1682, there were none, or if there were any they attended Protestant services. In 1687 he wrote that Domine Dellius, who had recently been sent out to aid old Domine Schaats at Albany where French traders and renegades were familiar figures, had resolved to be a 'light bearer' in warning his church 'against the Papacy and its abominations.' And a year later Domine Varick of Long Island reported that some persons had 'come over' to his church 'from Popery' as well as from Lutheranism.

But while no danger was feared from the actual presence of a few inconspicuous Catholics until after the great changes in England came about, foundations for the feeling that then displayed itself had been laid during many years by the aggressive rivalry of the Canadian French, during four years by a well-grounded distrust of James II and a groundless distrust of the Catholics whom he had appointed to office in New York. It was known 'with great dread' in 1689, says a pamphlet called *Loyalty Vindicated*, published in 1698 in defence of the Leislerian party, that James II felt bound in conscience to try 'to damn the English nation to popery and slavery.' Governor Dongan, although a person of 'large endowments of mind,' had obeyed his king without reserve and accepted a commission empowering him and his council 'to make laws and taxes as the French king doth,' whereby he and they became 'tools to enslave their country.' This 'French government' being introduced, it was natural that papists should be employed in 'the highest trusts such as the

council, the revenue, and the military forces.' So New York lay under 'slavery and popery,' and therefore those concerned in the uprising were moved 'to be early in shaking off their tyrants and declaring for their deliverer.'

Although Governor Dongan, it will be remembered, had impartially befriended all Protestant sects and had never obtruded his own religion upon public notice, he had introduced Catholic priests. He had started in the city, so Jacob Leisler wrote to a New England correspondent, a 'Jesuit college . . . under color of a grammar school,' and Graham and Palmer had sent their children to it. Probably this meant that he had put a priest in charge of the Latin school when David Jamison gave it up. Furthermore he had advised the king to set Jesuits at work among the Iroquois; and to the excited populace of 1689 this safe and statesmanlike plan, which even a Protestant governor might well have favored, seemed fraught with the utmost peril.

It may be added that when Domine Varick wrote home of an increase in the French Protestant congregation of the city due to 'daily' arrivals from Carolina, the Caribbean Islands, and Europe, he indicated what must have been another source of anti-Catholic feeling. Two hundred families of recently arrived Huguenot refugees were now living on or very near Manhattan. Driven into exile by the persecutions of Louis XIV they had a much more vivid hatred for Catholicism than the earlier immigrant or the native-born New Yorker; and without doubt they vigorously fanned such embers of Protestant fear and fanaticism as they found smouldering in their new home. 'Fresh material for banditti,' said Denonville when he heard of them.

Here are reasons enough to explain why in 1689 'the whole body of the people,' as William Smith recorded, 'trembled for the Protestant cause,' why every Catholic seemed certainly dangerous, every Protestant affiliated with the government of James Stuart possibly dangerous, and especially to be dreaded every person who was both a Catholic and an office-holder. Although Lieutenant-Governor Nicholson was an Anglican it

was known that he had taken part in King James's church services and had permitted Dongan's priests to continue their worship in the chapel in the fort and to preserve the images that adorned it. Actual Catholics holding office were two of the councillors, Majors Brockholls and Baxter, who were also the chief military officers of the province, one of the ensigns under them, and Matthew Plowman the collector of customs. Moreover, although Dongan was out of office he was still in the province where, in a time of disturbance, he might perhaps try to assert or to gain some authority on behalf of the deposed king.

More briefly put, these were the elements of suspicion, fear, and discord which, allowed to ferment for two years in a province without a regularly established government, threw it into convulsions and almost brought it to the suicide of civil war: the fear that the king who had deprived it of its liberties would try to regain dominion, a still greater fear of French invasion, a consequent dread of Catholics and of Protestants whom the papist James had placed in office, and a long-existent personal antagonism between Jacob Leisler, who became the standard-bearer of one party, and those who fell into place as the leaders of the other. There must also be added the antagonism between men naturally inclined to affirm and men naturally inclined to deny the right of a community to think and to act for itself, always latent in every community and now forced to the surface in New York as it had not been since the early days of Stuyvesant's administration.

Although the news of the great events in England reached Manhattan sooner than Boston an uprising did not so quickly follow. Lieutenant-Governor Nicholson, warned by the proclamation that Andros had issued from Pemaquid in January, was once more repairing the oft-repaired fabric of Fort James when, on February 5, a skipper arriving from Virginia called to inform him that the Prince of Orange had invaded England. Such news must not be repeated, Nicholson ordered, adding — so afterwards deposed two citizens named

Greveraet and Brewerton — that the Prince of Orange had an example before him in the Duke of Monmouth and that Salisbury Plain would be burying place enough for him and his people or else the 'prentice boys of London would suffice to drive him out. On February 16 Nicholson wrote to Fitz-John Winthrop at New London:

> We have a flying report from Virginia that the Prince of Orange was landed in Tarr Bay and had dined at Exeter; his Majesty had set up his standard upon Salisbury Plain. But this news I want to have confirmed.

On the first day of March the news was confirmed by a letter from the governor of Pennsylvania. Major Brockholls was at Pemaquid with Governor-General Andros, Major Baxter was at Albany in command of the garrison, and all the other king's councillors were at a distance from New York except Nicholson himself, Frederick Philipse, Nicholas Bayard who was colonel of the city militia, and Van Cortlandt who was mayor of the city and deputy-auditor, under Blathwayt in England, of the king's revenues. Five councillors were needed to form a quorum but, forced to take action, the four decided to send the news at once to Andros both by land and by sea. That it might not be divulged in New York they opened the private letters that the same messenger brought. One which confirmed the report they transmitted to Andros; another they suppressed. Fearing that a fund of some £770 intended for military use at Albany was not safe in the collector's house they desired Plowman to bring it to the fort to be kept there, sealed up in a strong chest, until directions from Sir Edmund should come.

The people heard the great news long before the councillors received, on April 26, a copy of the declaration which had been published at Boston to explain why, on the 18th, Sir Edmund and his associates had been taken into custody. It was startling and embarrassing news for a lieutenant-governor whose chief could no longer direct him yet whose commission empowered him to act on his own initiative only if his

chief should be dead or absent from the Dominion. He was simply the governor's deputy. Should he decide to act as governor in New York might not this imply that he ought to assume authority over the whole Dominion? On the day after the bewildering facts were known he and his three colleagues wrote to such other members of the king's council as lived on Long Island and in Connecticut and Rhode Island urging them to come

> . . . with all expedition to advise and consult with us what proper is to be done for the safety and welfare of the government, this city and part of the province being resolved to continue in their station till further order.

Only two or three councillors answered; not one of them came. Then the magistrates of the city and the principal officers of the six militia companies — the captains, the lieutenants, and one or two ensigns — were called in to decide what might best be done 'for the quietness of the people and security of the government'; and thereafter Nicholson, Bayard, Van Cortlandt, and Philipse frequently sat and acted with these lesser officials while they continued to sit and to act by themselves as the council intrusted with the conduct of public affairs. The minutes of the proceedings of both bodies are preserved, the one set called 'Proceedings of the Council,' the other 'Proceedings of the Council, Magistrates, and Officers &c.' Bayard wrote about this larger body as a 'convention,' Van Cortlandt as an 'assembly,' and its own minutes call its sessions 'general meetings.' But, says the pamphlet called *Loyalty Vindicated*, its members 'forgot the English constitution of calling the representatives of the people.' It was even affirmed that at the first 'general meeting' the members were put under oath to reveal to the people nothing of what they might determine upon.

At once this convention, to use the most convenient term, resolved that the city be 'forthwith fortified as formerly it was' and undertook to supervise the work. As most of the

soldiers of the garrison were with Brockholls at Pemaquid and some with Baxter at Albany, and as those who remained, about twenty in number, were mostly 'infirm and old,' the six militia captains of the city were permitted to take turns in guarding the fort with some of their men but not to set sentinels at the most important points. These six captains were Jacob Leisler; Nicholas Stuyvesant, a son of the governor and Colonel Bayard's cousin; Abraham De Peyster, also a native of New York, a son of the immigrant Johannes; Charles Lodwyck who was an Englishman with a Dutch name; Gabriel Minvielle the French merchant who had been mayor of the city; and Johannes De Bruyn who was also called John Browne. Leisler has been described as the senior captain, but Minvielle and Stuyvesant bore commissions of the same date as his, September, 1684.

News now came, premature but accepted as true, that France was at war with England and Holland. In instant fear of an attack by sea, the councillors summoned the civil and military officers of the counties near New York, those of Bergen County in East Jersey, and the deputy-governor in charge of this province, Andrew Hamilton. Duly appearing they promised to keep the people quiet and to prepare for the defence of the country. Lookouts were set at Sandy Hook and on Coney Island. Ulster and Albany Counties were warned to be on their guard and to exercise their militia.

On May 1 the councillors wrote to Governor Bradstreet of Massachusetts and his associates that, in their belief, the surprising 'confusions' occasioned by the people of Boston could not 'proceed from any persons of quality' but must have been 'promoted by the rabble'; undoubtedly the present authorities had imprisoned Andros and his officers simply to insure their safety and, as soon as the 'fury' should subside, would restore them to their stations or at least give them liberty to come to New York. Such a letter could bring no acquiescent reply. Another, making use of the same expressions, carried condolences to Andros and asked him to send back the public papers of New York.

Early in May some of the towns of Suffolk County, declaring that like the New Englanders they had groaned under the extortions of an arbitrary power, sent delegates to Manhattan to demand that, pending orders from parliament, Fort James be put into such hands as the people should choose. In Westchester and in Queen's as well as in Suffolk the people elected new civil and military officers or confirmed those in office. Some eighty Long Island militiamen gathered in arms at Jamaica intending, it was said, to march to New York and seize the fort to keep off popery, slavery, and a French invasion. The whole of Queen's, it was reported to the council on May 9, was in an 'uproar,' the men who had been at Albany with Dongan clamoring for the pay now long overdue. When they were promised it the same cry spread among the militia of New York. The malcontents, Van Cortlandt afterwards wrote to Andros, 'came before the Town Hall in a great uproar,' but when the magistrates decided to pay them 'it was pretty quiet all about.'

Among the many things soon to be charged against Jacob Leisler was the enkindling of Long Island. In reality it had been effected by the Boston declaration, widely circulated in printed form. The revolution in England, said the four councillors reporting on May 15 to the secretary of state and the Lords of Trade, proved how 'fatal' had been that consolidation of the colonies which if long continued would have wrought the 'total ruin' of New York. Actually, it was interfering even with the 'free course of justice'; that is, two of the New York judges, Palmer and Graham, were in jail with Andros. Sir Edward's subordinates on Manhattan, the councillors explained, lacked definite knowledge about the 'unparalleled' changes in England. Nevertheless their province would have remained quiet if the 'seeds of sedition' had not been 'blazed' from New England to some of its 'outward skirts.' In this they deceived themselves. When they added that they did not know how much longer they might be able to resist the efforts of some 'ill affected and restless spirits' to stir up the citizens to sedition and rebellion, they used words

which recall with exactness words that Governor Stuyvesant and the West India Company had spoken in 1649.

At the moment when the militia of the city were crying out for their pay alarming reports about the temper of the Indians were coming from Albany. Moreover, several of the merchants of Manhattan were disputing the payment of customs and other duties as being 'illegally established.' Therefore the convention decided that the whole of the public revenue accruing after the first of May should be applied to the works of fortification. Here Jacob Leisler comes visibly on the scene. He refused to pay the duties on a cargo of wines because the collector, being a papist, was not qualified to act for the Prince of Orange, but made the proper entries at the custom-house and promised to pay to such as should thereafter be legally empowered to receive.

On May 10 the convention framed a resolution to defend the city against all foreign enemies and to suppress 'mutinous persons nigh us,' Captain Leisler signing with his colleagues. On the 11th they decided to ask all the counties to send representatives, two or three from each, to sit with the convention. To this, their first recognition of the people, apparently not one county responded. On the 18th the council received from Andros, who was not permitted to write, verbal instructions which his messenger delivered under oath. Two officials, he directed, should be sent to Boston to demand that he and his fellow-prisoners have liberty to come to New York. Both whom he named, Colonel William Smith of Long Island and Governor Hamilton of East Jersey, said that they dared not go lest rioting break out behind them, and that further action might throw New York into open revolt. The people of his own neighborhood, Smith explained, had already 'shook off this government.' Therefore, say the council minutes, it was decided to 'forbear acting in the premises' till the minds of the people should be 'better satisfied and quieted.'

Wiser or less timid councillors might well have begun the

quieting by saying some word to show that they meant, at all events when duly instructed by the triumphant party in England, to accept the verdict that had there been passed upon James Stuart. The letter, already referred to, which was written in 1698 by some members of the Dutch church in New York to the classis of Amsterdam, giving a summary of what happened at this period, says that while the example of Boston so inspired the New Yorkers that they 'could not be held back' the councillors exasperated them by refusing their request to declare for the Prince of Orange, which would have been a more appropriate act on Manhattan than in New England as the ancestors of the prince had 'delivered our forefathers from the Spanish yoke.' To the official mind the delay was justified by the lack of orders and of news of any kind from an official source. But the excited minds of the people daily remembered, discovered, or imagined things old or new which turned impatience into suspicion and fear. All the councillors had been intimate with Andros, and Van Cortlandt was acting as his attorney for his affairs in New York. The correspondence with him looked as though some scheme for maintaining King James's authority were in hand. As Innis the Anglican chaplain was still praying that James might prevail over all his enemies he was no better than a 'mere papist.' Nicholson's words comparing William to Monmouth were cited to prove him also a papist. He had furthermore said, so Captain Lodwyck declared under oath, that as the New Yorkers were a conquered people they could not expect the same liberties as Englishmen. Papists too, it was affirmed, were the other councillors, although all were members of the Dutch church and two were deacons; even so farcical an incident as the burning of Van Cortlandt's wig in honor of the birth of a Catholic prince seemed a darkly confirmatory fact. Dread of popish plots increased to the point of unreason. It was believed that the Protestants on Staten Island were running about in the woods or sleeping in boats, afraid to go to their homes because their Catholic neighbors had threatened to cut their throats. Half a dozen

disbanded regulars from Boston being well received by the government, it was cried about the town that a band of their Irish-Catholic fellows were to follow and to be given control of the fort. Some of the militiamen petitioned that all Catholics be disarmed and that Colonel Dongan, who was then tarrying in East Jersey near Sandy Hook, should be brought back to the city and kept there, as a ship which he was preparing to take him home was said to be meant for 'some warlike design.' In default of a printing-press all these rumors and suspicions were circulated by means of written 'pamphlets' as well as by a thousand eager tongues.

In Albany the papist Baxter who commanded the garrison was distrusted, and even the Iroquois suspected Nicholson. So Mayor Schuyler informed him, explaining that they had heard that his chief, Sir Edmund, had given the Canadians permission to extirpate them, an idea which, if not corrected, would work great mischief. On May 18 Captain John Bull of Connecticut arrived with commissioners from Massachusetts to aid the Albany officials in making a new league with the Iroquois. He brought papers telling of the course of events in England and at Boston. Baxter and Schuyler refused to publish them, saying that such news would make the people 'run all mad.' If the mayor did not disclose the news, Bull replied, he would give the people cause to doubt his faithfulness; and so said one or more of the chief militia officers. Schuyler kept the papers, Bull spread the news, and the people vowed that no Catholic should be allowed to stay in the fort or to keep his arms. Major Baxter departed for New York, the other officers set twenty-five townsmen on guard in the fort, and then the people were 'much satisfied.' When Baxter reached New York his fellow-councillors, yielding to popular sentiment, suspended him, permitted him to join Colonel Dongan in East Jersey, and also suspended the Catholic ensign.

Lieutenant-Governor Nicholson now supplied the touch that was needed to turn the currents of a hundred fears into

one tempestuous channel. Disputing with Henry Cuyler, a Dutchman and a lieutenant in De Peyster's militia company, about the placing of a sentinel in the fort he flourished a pistol, drove from the room a sergeant who had come to interpret for Cuyler, and, according to the affidavits of Cuyler, exclaimed

> . . . that there were so many rogues in the town that he was not sure of his life nor to walk the streets, and that . . . before it would go longer after this manner he would set the town in fire.

These hasty words were everywhere repeated as meaning that Nicholson had actually threatened to burn the town. Soon it was rumored that he and his colleagues, papists in disguise, were preparing for the coming Sunday another Bartholomew's Day. Now for the first time Leisler's name was loudly spoken. Although many citizens continued to work on the fortifications under Colonel Bayard's orders, the streets were full of excited militiamen declaring that the flight of King James from England had destroyed the authority of his appointees in New York, and calling for Captain Leisler to lead them. They had not intended, says the Dutch letter of 1698, to ignore the governor and the magistrates but only to get such control of affairs that if 'outside forces' should appear they might not be 'forced into any arrangement' against their will; but finding that 'nothing could be accomplished with the magistrates' they had 'looked earnestly about for a leader' and had at last induced Captain Leisler 'to begin operations among the citizens.'

On the morning of the following day, May 31, Nicholson informed the council that most of the militia were in rebellion, heeding no commands from himself or their colonel, and that some of their officers, he was credibly informed, were the instigators. At a meeting of the convention called for the afternoon of the same day three captains appeared, Minvielle, De Peyster, and De Bruyn. Leisler, it may be noted, had attended no meeting since the 20th of the month. Nicholson denied that he had spoken as Cuyler asserted. Cuyler repeated the

story. Nicholson said he would cancel Cuyler's commission, and thereupon had such hot words with Cuyler's captain that De Peyster angrily left the room. Drums were beating outside and the town was full of noise. Then, says Van Cortlandt in a long journal-like letter which he sent to Andros some weeks later:

> Seeing the people rise and run together in arms, Mr. Philipse and I went to Jacob Leisler's door where the people met, and endeavored to allay them but in vain; they marched to the fort where Henry Cuyler received them, and in a half hour's time the fort was full of men, armed and enraged; no word could be heard but that they were sold, betrayed, and to be murdered; it was time to look for themselves.

When the mayor reported this to the convention, say its minutes, it formally protested, upon motion of John Lawrence, another alderman, and Captain Minvielle, against such 'factious and rebellious people,' and declared that to the uttermost of its powers it would stand up for the good of the government and the crown of England. It did not say whether or not it considered this crown to be still on the head of James II. In the evening it met again; and the minutes of this session relate that 'the inhabitants of New York' had risen during the afternoon, taken possession of the fort, and disarmed its little garrison of regulars. Cuyler was on guard at the time. Later in the day when Captain Lodwyck was on guard the people, forcing him to accompany them, had come to the City Hall 'with a squadron armed' and demanded that the keys of the fort be delivered to Lodwyck. The 'squadron,' it appears from other accounts, consisted of about twenty men led by Sergeant Joost Stoll of Leisler's company whom his antagonists always called the 'dram-man' or the 'Dutch dram-man.' To quiet the fears of the people and to 'hinder and prevent bloodshed,' say the minutes, the convention thought best that Nicholson should give over the keys. Then he asked what means could be found 'to reduce this people from their rising' or otherwise bring them to their former obedience, and the convention replied:

This board are of opinion that there is no way to reduce them by force, but their advice is, since they are rise on their own heads without any aid, that they be let alone for some time.

The public money which had been deposited in the fort, said the board, should be removed to the house of Mr. Philipse. The new guardians of the fort would not surrender it. No officers, Nicholson urged, should head the rebellious militiamen. Nevertheless the captains agreed to take daily turns in defending the fort, and with most of their men signed a brief paper which, written in parts in imperfect English, has often been attributed to Leisler's pen but was more probably the work of another. It called itself *A Declaration of the Inhabitants Soldiers Belonging under the Several Companies of the Train-band of New York.* Referring to the 'popish governor,' Dongan, and his 'wicked creatures and pensionaries' now under Governor Nicholson's authority, and to Nicholson's threats and his reception of Catholic soldiers from Boston, it said that the signers had unanimously resolved to live no longer in such danger but better to secure the fort, which had been done without resistance or bloodshed,

. . . and we declare to be entirely and openly opposed to Papists and their religion, and therefore, expecting orders from England, we shall keep and guard surely and faithfully the said fort in the behalf of the power that now governeth in England, to surrender to the person of the Protestant religion that shall be nominated or sent by the power abovesaid. These are our most sincere intentions that we are glad to manifest as well to the power abovesaid . . . as to other persons, to avoid their reproaches that they could otherwise unjustly lay upon the abovesaid inhabitants.

An endorsement on the declaration noted that it was signed by six captains and about four hundred men and that one of the same tenor was signed 'at Eastchester and thereabouts' by one captain and seventy men.

On the following day, June 1, the militiamen besought Colonel Bayard to take command of them against the lieuten-

ant-governor, in vain but somewhat to Captain Leisler's alarm. On the 2d, it being then Leisler's turn to stand guard, he entered the fort with forty-nine men and resolved not to leave it until he had brought all the train-bands 'fully to join with him.' This he wrote two days later to 'The Governor and Committee of Safety at Boston' in the first of his extant letters. On the 3d, when Captain Lodwyck brought alarming news of suspicious-looking ships inside Sandy Hook, Leisler 'took occasion to alarm the town,' firing the guns of the fort and beating drums. Some of the captains urged Colonel Bayard to give orders. He answered, say the council minutes, that officers as well as men had often disobeyed him, the government could not support him while it had not control of the fort, and he did not think it 'safe to appear in arms' except as a private soldier. Nevertheless his colleagues directed him to give 'suitable orders.' The most of the militiamen, he reported on the following day, disobeyed their officers and 'in a rebellious manner' went into the fort 'to side with Captain Leisler and committed insufferable insolences.' And while he was about some business in the custom-house Leisler came in, called him 'a colonel of a tyrannical power,' used other 'filthy and scurrilous expressions,' and so excited the rabble because he would not take their part against the governor that he was 'in danger to be devoured and his house pulled down etc.'

In the Dutch letter of 1698 we read in regard to these same events that Leisler was 'compelled by the people' to enter the fort. The militia companies then gathered in front of the houses of their captains and, some of these being absent, 'led by certain inferior officers marched off to the park about the fort.' Colonel Bayard tried with threats to prevent them from joining Leisler. But one of the ensigns 'had the audacity to march into the fort with his company.' All the others followed and then the captains followed. 'Although some were rather reluctant' all the captains and about four hundred men had signed the declaration in favor of the Prince of Orange. Bayard refused to join with them although the militia 'very

courteously' entreated him, some of his personal friends tried to make him 'see his duty,' and he himself confessed that 'if he would but follow, all would follow.'

On June 3, the day of the alarm about the supposed French ships, Leisler and his adherents put forth a brief 'public proclamation' in order to prevent the 'rash judgment of the world' upon their 'just design.' As, it said, orders for the government of the country were daily expected from the Prince of Orange it was well to announce that

> . . . as soon as the bearer of the said orders shall have let us see his power, then and without any delay we shall execute the said orders punctually; declaring that we do intend to submit and obey, not only the said orders, but also the bearer thereof committed for the execution of the same.

It is certain that these words, which were constantly repeated with little variation for two years, faithfully expressed the temper and the intentions of the insurgent party and its leaders. It is less certain that at this early day the king's councillors, true Protestants though they also were, contemplated with real satisfaction the overthrow of the Catholic sovereign whose favor they had so conspicuously enjoyed. If they did, they were timid in action beyond the average of their fellow-Americans. This, indeed, seems the more plausible supposition: they doubted whether William's success would be permanent. So says the Dutch letter of 1698: they were too timid to risk anything, thinking it might all be 'a Monmouth affair.' And so said Cadwallader Colden, writing before the middle of the eighteenth century:

> . . . the gentlemen of the king's council, and some of the most considerable or richest people, either out of love, or what they thought duty, to King James, or rather from an opinion they had that the Prince of Orange could not succeed, refused to join in the declaration the people made in favor of the Prince, and suffered the administration to fall into different hands, who were more zealous for the Protestant interest, and who were joined by the far greatest number of the inhabitants.

Leisler wrote to New England that the second declaration, meaning the 'public proclamation' of June 3, discouraged the 'adverse party.' With the first, Cuyler's deposition about Nicholson's threat to burn the city, and sundry other papers it was sent to Boston to be put in print. Hourly the split between the two factions widened. Shut out from the official residence, the 'Great House' in the fort, Nicholson took up his abode with Frederick Philipse. Distrust of him and of his predecessors deepened when the people discovered the deplorable condition of the fort and of many of its guns and the uselessness of half of its small stock of powder. The next move of their leaders Leisler reported in his letter to Boston of June 4 which, although badly spelled and punctuated in the original, seems too well expressed to be accepted as his unassisted work:

> The most part of the country have invited the rest to appear as a council of safety, two men out of each county, the 26th of this instant. In the mean time the fort is guarded by five companies, two watches, ½ company per night, and the captain whose watch it is is for that time captain of the fort. The collector in the custom house is a rank papist; I cannot get the captains to resolve to turn him out. The mayor meddles with no civil affairs and discourages constables to keep the peace expecting some sedition for to make the inhabitants odious. There is none acts others than in quality of a single captain. . . .

The authorities at Boston should carefully preserve, Leisler asked, the public papers of New York, which Andros and his 'wicked crew' had carried away, until such time as the committee of safety might take 'some prudent care' about them.

It was true that Mayor Van Cortlandt was finding little time to attend to ordinary civil affairs. For a while longer the mayor's court continued to sit, but as a common council the magistrates did not meet between the latter part of March and the latter part of September.

It was known in New York that there had been introduced in parliament an act to revive, in the colonies as in England,

all charters antedating the restoration of Charles II in 1660 — the act that King William eventually vetoed. And it is possible that, as Nicholas Bayard affirmed, many people, believing that the right of Holland to its province would thus be recognized, were expecting orders from William simply as the chief magistrate of the Republic. As soon, however, as the insurgents knew that William was king in England, with loyal enthusiasm they addressed him as such.

In a shape not to be questioned this news was brought on the afternoon of the eventful third of June by a ship from Barbadoes. In Barbadoes and in Virginia as well as in England the king and queen had been proclaimed; and also in Boston although so recently that the fact can hardly have been known in New York. Still the councillors in New York did nothing. They 'resolved to be passive,' Bayard soon afterwards wrote, because they saw the 'eminent danger' and the evident impossibility of 'stopping the fury and current of the rebellion' — a lame excuse beneath which may be divined a genuine fear that if William of Orange were driven from England all who had acclaimed his advent might suffer.

The popular leaders did not rest passive. Without delay they prepared an address to their Majesties — a verbose and in parts ill written paper which seems to show the work of several hands and at one point echoes words of the Boston declaration. As we have it, it bears no more exact date than 'June,' but Leisler mentioned it in a letter of June 16. In no way referring to William's connection with the Dutch Republic but expressing profound joy at his accession and that of 'our most gracious Queen Mary,' it explains that New York, like England, had long been oppressed by arbitrary and papistical rulers. It says that the militia would not have presumed to take possession of the fort but for 'most just fears' of being betrayed to the enemy, the 'most in command' being 'bitter papists' and Lieutenant-Governor Nicholson having uttered 'rash, hasty, and furious expressions and threats' which the address duly quoted. For these reasons the writers had felt it their bounden duty to take precautions against their Maj-

esties' enemies but now humbly awaited their orders, imploring their favor and protection, and praying that they might long and happily reign and leave 'a succeeding issue to sit on the throne of their ancestors whilst the world endureth."

This paper, entitled *The Humble Address of the Militia and of the Inhabitants of the City of New York in America*, was signed by five persons — five of the captains. The sixth, Gabriel Minvielle, refused to add his name and resigned his commission. With corroborative documents the address was sent to certain Dutch merchants in London for transmission to the king and queen. It was at this moment that some of the affidavits already quoted were secured. Evidently it was hard to find a New York justice who would take them, for one or more were attested by a justice from Easthampton, the Samuel Mulford who had been a delegate from Suffolk County to the assembly of 1683.

Two or three travellers now coming by land or sea were stopped by the sentries set by the insurgents and were brought to the fort where the letters they carried, some of them addressed to Nicholson and his friends, were opened and read. One who came from Barbadoes brought a copy of the *London Gazette* of February 18 in which was printed the proclamation of the accession. This Nicholson with some difficulty obtained. Still he ordered no proclamation in New York. On the following day the council, declaring that the militia captains were responsible for many 'insolencies and injuries' and illegal acts, including the seizure of the fort and the public moneys therein, summoned them before a court composed of the councillors themselves and the city magistrates. Minvielle said that he would come were he not ill. Four made excuses or sent no reply. Leisler answered that he would not come before either councillors or magistrates 'nor had not anything to do with them.' Thereupon it was resolved that a protest be drawn up against all the captains excepting Minvielle. And with this entry end the minutes of the general meeting or convention.

It had failed in the work it was created to do; it had not

kept order in the city. Nor had the lieutenant-governor, and now he also abandoned the task. He 'departed . . . without taking leave' on the night of June 3, wrote Leisler. Leave of his people, in fact, he did not take; but he did not go as soon as Leisler said, and he did not exactly 'abscond' as the historians Smith and Colden believed. On June 6 the council decided that it was 'most safe' for him to go to England by the first ship, to give an account of the 'desperate and deplorable' state of the government in New York and to pray for 'some immediate release.' On the 10th he took leave of his three colleagues, committing to them the burden which even with his assistance had proved too heavy, and instructing the collector also to perform his duties as his commission prescribed. With the entry of these proceedings the minutes of the council end. Attested by its secretary, Van Cortlandt, they were given to Nicholson, as were likewise the minutes of the convention which were attested by the town clerk. Both sets are now in the Public Record Office.

Nicholson also bore letters from the councillors to the secretary of state and the Lords of Trade, a number of affidavits relating to recent events, and a certificate from the Dutch church attesting the Protestant orthodoxy of Van Cortlandt and Bayard — no letter or address to the new sovereigns. On the 11th, in company with Mr. Innis, he secretly left the city. Three ship-masters who were about to sail for Europe — one of them the Quaker, George Heathcote, who had carried William Dyre and the charges against him in 1681 — now refused to carry the lieutenant-governor and the chaplain whom the people distrusted. Colonel Dongan had recently embarked with a cargo of pipe-staves and flour destined for Madeira but, dreadfully seasick, had come back declaring that he would rather die on land than on the sea. Nicholson bought a half-share in his brigantine, unloaded it, thriftily procured a cargo of log-wood for himself, and on the 24th set sail. Dongan returned to his farm at Hempstead.

As a long and varied after-career in America showed Francis

Nicholson to be, if not a man of discretion, yet a man of courage, energy, and much personal ambition, his flight from his post in 1689 can be interpreted only as meaning that he doubted the permanence of the changes in England and wished to be where he might most easily trim his sails to the wind of the hour. At the same time, and giving the same reasons for going, Governor Hamilton of East Jersey returned to England. Lord Howard of Virginia soon followed. Nicholson had a brother in New York who remained until the following December. Then Leisler wrote that after he was on board ship, it was reported, he had 'drunk the king's health with a letter J.'

The letters prepared for Nicholson by the councillors said that all government had been overthrown in New York by some disaffected and dangerous people 'in like manner as in Boston,' and that the fort had been seized by the 'rabble.' Now the writers were in daily hope of getting orders to proclaim their Majesties but, they predicted, no orders would be obeyed by the people, adding:

> We cannot learn that hardly one person of sense and estate . . . do countenance any of these ill and rash proceedings except some who are deluded and drawn in by mere fear which do hope that a general act of oblivion will salve all. . . . But it will be most certain in case no exemplary punishment be established, in future time at every act of government not agreeing to the tempers of such ill-minded people the same steps must unavoidably be expected.

Thus began, to be reiterated with ever growing violence, a series of exaggerations and flat falsehoods which hopelessly confused the minds of the authorities in England. Of course none of the revolutionists in New York was counting upon an 'act of oblivion'; all were looking for praise and encouragement from the sovereigns to whom they had so plainly shown their loyalty. The fort had not been seized by a 'rabble' but, as the councillors themselves recorded in their minutes, by the train-bands and their captains and the 'inhabitants' of

the city. To the best of his judgment all the citizens except 'not above forty persons' had joined in the act, said under oath in 1692 Isaac De Riemer, a reputable burgher and in after years mayor of New York. Certain by-laws drawn up for Captain Lodwyck's company and signed by his men show that at least this company accepted strict discipline. And, indeed, it is impossible to picture a rabble dominating a city where, as Andros and Dongan had testified, all poor were cared for and there were no beggars and very few servants or slaves — none of the material out of which a rabble forms itself.

Again, things had by no means gone 'in like manner as in Boston.' No new form, or revived old form, of government had as yet been set up, and no officer of the old government had been thrown into jail or even threatened. Dongan had been permitted to set sail in an armed vessel, and Nicholson had been permitted to depart in it although any one could foresee what sort of testimony he would give at Whitehall. As a deposition made by ten Dutch citizens in 1694 explained, Nicholson 'went unmolested out of the city,' was allowed to remain several days longer in the neighborhood, and then, 'uncompelled and unconstrained, left the government and withdrew from the execution thereof.'

More and more heated grew the letters, reports, summaries, and petitions of the one faction and the other as the months wore away in New York. Chief among these conflicting documents are Leisler's letters and despatches; a journal kept by Nicholas Bayard to be sent to Nicholson, which we have in an abstract beginning with June 11, 1689, and continuing for about three weeks; a *Brief Deduction and Narrative* of the 'disorders, abuses, enormities, and insolencies' committed by Leisler and his associates, also written by Bayard but in the third person for the eye of the king; a long letter that Van Cortlandt sent to Andros in July; and a pamphlet written in whole or in part by Bayard which was called *A Modest and Impartial Narrative of Several Grievances and Great Oppressions that the Peaceable and most Considerable Inhabitants of their*

Majesties' Province of New York in America lie under by the Extravagant and Arbitrary Proceedings of Jacob Leysler and his Accomplices. The imprint on this pamphlet says that it was published at New York and at London in 1690. Really, it was first printed at Boston; there was no printing-press in New York.

Chief among the similar documents of later but not distant years are a pamphlet called *A Letter from a Gentleman of New York to Another Concerning the Troubles which happened in that Province in the time of the late Happy Revolution,* which, it is believed, Bayard, William Nicolls, and one of their friends, Chidley Brooke, either wrote or employed David Jamison to write; the letter sent by Leislerian members of the Dutch church to Amsterdam in 1698; and the Leislerian pamphlet called *Loyalty Vindicated by a Hearty Lover of King William and the Protestant Religion.* This answers the *Letter from a Gentleman* page by page. It is not known who wrote it, but certainly not a Dutch-American unless he had a very capable editor, for in correctness of form and vigor of style as well as in power of invective it equals any of the controversial pamphlets written in England at the time.

Some of the statements repeated over and over again in these papers and in others of their time are patently false. It was not only the 'lesser and meaner part of the people' that followed Leisler — 'poor, ignorant, and senseless folk,' as Bayard said, suffering themselves to be 'ruled and hectored by about twenty or thirty ill-drunken sots.' Every man of 'sense and reputation' was not from the first opposed to Leisler. He was not a 'vile usurper' prompted by the spur of 'desperate fortunes,' nor were his chief associates likewise of 'mean birth, sordid education, and desperate fortunes.' Neither his religion nor their religion was 'as unaccountable and obscure as their birth and fortunes' until they made Protestantism a war-cry in 1689; Leisler as well as Bayard and Van Cortlandt had served as a deacon in the Dutch church, and his attack upon Van Rensselaer had made his preferences plain in as early a year as 1675.

These evident slanders cast something more than a doubt upon other assertions, as that Leisler, his fellow-officers, and their men were usually drunk and that they violently attacked and injured many persons. The people were not 'drunk or mad,' *Loyalty Vindicated* protests; the fact that in the 'very convulsion of changing the government' no man, woman, or child was hurt — not even, except 'by the fright their own guilt had occasioned,' the officials who were most distrusted and hated — proved that the 'Revolutioners' must have been either 'very sober or loving in their drink.' It is clear, indeed, that at this and at later moments there was often loud brawling in public places, much scuffling and threatening, some drawing of weapons, and at times a nearer approach to a dangerous riot. But these disturbances are credited with equal plausibility now to the one faction, now to the other; and no serious consequences followed them. No one was killed, no one seems to have been grievously hurt. There was no burning, no looting, no murdering on Manhattan as there was in London and at other places in England when the revolution there was young.

On the other hand *Loyalty Vindicated* shows that the 'revolutioners' also slandered their opponents. The papists in office, it says, were 'justly' suspected of designs to betray the country to King James's 'faithful ally, the French king;' and with the same sort of justice Protestants were called papists, and officials whose chief fault at first was timidity were charged with the will to commit all kinds of tyrannical and cruel acts.

The councillors, says Bayard's journal, were now hoping to get an actual copy of the proclamation of the accession so that they might publish it 'with all speed.' None was brought by Major Brockholls who, coming on June 14 by way of Boston from Maine where the garrisons set by Andros had been disbanded or reduced, was intercepted by the sentries and ordered to go to the fort without speaking to any one. On June 13 the insurgent — or resurgent — government of Con-

necticut had proclaimed their Majesties and framed an address to them. Soon afterwards it sent two envoys, Major Gold and Captain Fitch, to advise with the insurgent leaders on Manhattan and to get an account of their actions. The major seems to have been the same Nathan Gold, or Gould, who, then a prisoner on one of the Dutch ships, had witnessed the surrender of New York in 1673. Bayard and Van Cortlandt tried in vain to intercept these envoys in Westchester. They brought a copy of the much-desired proclamation. The mayor and his associates asked for it that they might publish it with due 'honor and splendor.' This, as Van Cortlandt wrote to Andros, was on June 22, and so says Bayard's journal although letters written to England by Bayard, Van Cortlandt, and Philipse say, mistakenly, that it was on the 17th. Captain Leisler asked the use of the paper for an hour or two, Van Cortlandt continues, and then, at the fort in the forenoon, had the drum beat and the king and queen proclaimed. About three o'clock he and his partisans sent to ask the mayor to be at his house, and,

> . . . the two Hartford gentlemen and our captains came with their halbardiers; being set down Leisler asked me whether I would not proclaim the king and queen. I told him it was done already. He answered if I would not do it he would do it at the Town Hall. I told him he might do what he pleased. They fell out, called me a papist or popishly affected, and several abusive words in my house.

Gold and Fitch then desiring the mayor to go with them to the City Hall, where they would make the proclamation, he and the aldermen consented:

> When they came to the Town Hall Leisler comes and would have me to proclaim the king. I answered, He that read it before the fort can read it here; I have no clerk. Upon which he falls into a rage saying, If it was to set up a tyrannical king, a Prince of Wales, he would do it; you're a traitor, a papist; and made the people just ready to knock me in the head. Others said, Take hold of the rogue. So I was forced to answer for myself, saying that Leisler told a false untruth, I did not hinder the reading of the paper of proclaiming of their Majesties etc.

According to the oddly named *Modest and Impartial Narrative,* after the proclamation was read Leisler invited the magistrates to go to the fort to drink the king's health, but when they got there told them that the people were so incensed that it would not be safe for them to stay. This was doubtless because of an incident which Van Cortlandt did not mention in his report to Andros, an incident which had in truth incensed the populace. On this same day of the proclamation, fire had been set in three places to the church in the fort which was also the store-house for powder, supposedly by a papist who had been seen within the fort.

A Leislerian account of the day says that the 'former council' and the city magistrates were asked to join in the proclamation at the fort in the morning; they desired an hour's time to consider, 'which being expired and no compliance yielded but on the contrary an aversion discovered thereto,' Captain Leisler and 'the committee of safety and most part of the inhabitants' celebrated the event. This witness, it will be noticed, mentions a committee of safety which had not yet been formed; and others, of both factions, likewise forget at times the actual sequence of hurried happenings.

On the 24th, Mayor Van Cortlandt recorded, he received from a friend a printed proclamation dated February 14 and continuing in office, in the king's name, all minor officials 'being Protestants' — all 'sheriffs, justices, collectors etc.' He did not add that this referred to the colonies, and the date he names shows that it did not. What he held was the proclamation concerning officials within the kingdom itself. Nevertheless he and the aldermen published it, greatly, he said, to the anger of their adversaries; and then, in deference to it, they removed with his own consent Plowman the collector whom Leisler had vainly tried to oust, and appointed Bayard and four others, provisionally, to administer the custom-house. The popular leaders turned out these appointees and installed as collector Peter Delanoy, the Dutchman who had held the post temporarily after Santen was suspended

and before Plowman arrived, and who was still the treasurer of the city.

On this occasion there was certainly a riot. With 'a party of men in arms and drink,' says the anti-Leislerian *Letter to a Gentleman*, Leisler came to the custom-house and tried 'to massacre some who were saved by Providence.' Bayard says that 'Stoll the dram-man' would have murdered him 'unless by Providence prevented'; that he was rescued in Delanoy's house but, this being attacked, made his 'further escape'; and that during the 'fury' the people had the drum beat an alarm and cried '*Verraet, verraet*, or treason, treason, the rogues will kill Captain Leisler.' According to Van Cortlandt, Bayard safely stayed under Delanoy's roof over night; and *Loyalty Vindicated* also says that this adversary sheltered Bayard although otherwise it gives a different account of the tumult. When Leisler, it relates, questioned the authority of the new incumbents in the custom-house, they threatened to turn him out by force:

> On which tumult (made by three Jacobites) a guard of inhabitants from the fort came to defend their captain. And the people in the streets were so enraged at Colonel Bayard (who they knew was as inveterate as any papist against the revolution) that they certainly had tore him to pieces had not the good temper of Captain Leisler been his protector, who was the only person capable of saving him in that extremity. . . . No man was hurt, not so much a skin broke of those who deserved the halter.

Colonel Bayard, it grows apparent, was not a lion for valor. He now went up to Albany, as he explained, 'to shun the trouble and hazard of being destroyed' in New York. Van Cortlandt, whose fears prescribed only a two days' seclusion in his own house, was thus left to do what he could as mayor and as virtually the only councillor; for Philipse was playing a strictly follow-my-leader part which seems to justify the tradition that calls him the dullest as well as the richest man in the province.

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CHAPTER XXVI

THE RISE OF LEISLER

1689

(Jacob Leisler, Commander-in-Chief)

The eighth of this instant arrived by the way of Boston a messenger with two gracious letters, the one from their Majesties with orders to do and perform all things which to the place and office of his Majesty's Lieutenant-Governor and Commander-in-Chief of New York doth or may appertain until further order. — *Jacob Leisler to the Governor of Barbadoes. December, 1689.*

Little was known in New York of what had happened in the mother-country, but rumors had come by one channel or another and any acceptable half-truth was welcomed as a fact. It had been proposed in England to send out two commissioners to administer provisionally the affairs of the northern colonies. Hearing this, both factions daily expected and heartily hoped for their arrival. They did not come nor did any orders. All authority, Van Cortlandt wrote, was 'overthrown.' More exactly, it had crumbled away. Yet, says the Dutch letter of 1698, all would have remained quiet if only the officials who had 'already given up the administration of affairs' had not tried to disturb everything and to expel from office those who now held 'the power of arms in their hands.' From the pulpit Domine Selyns supported the cause of the old officials and 'with the greatest bitterness and partiality' accused the people of rebellion and riot. This made the breach 'incurable'; and the people began 'greatly to hate' their magistrates, feeling that they ought to have been the leaders in what had been done wholly 'in uprightness for a good cause.'

Truly, in June, 1689, no one except the militia held any authority on Manhattan; and it was of their own motion that they then shared it with others. Leisler exaggerated when he wrote that 'the most part of the country' had asked the rest to send representatives, two from each county, to form a committee of safety. It was the leaders of the insurgents, who comprised the most part of the people of the city and its vicinity, that had sent out circular letters containing this invitation by the hands of Captain De Peyster and Captain De Bruyn, explaining that it was especially needful to prepare an address to the new king and to consider the repairing of the fort.

On the 26th delegates from six New York counties and from one place in East Jersey assembled in the fort. Two of them, it has often been written in our day, soon withdrew because they saw that the intention was to make Leisler commander-in-chief, ten remained, and these appointed themselves a committee of safety. But Leisler's letter shows that the counties were expected to return the actual members of such a committee; the town of Newtown, it is recorded, sent delegates to Jamaica for the purpose of electing two persons to represent Queen's County on the committee of safety; and an *Abstract of the Proceedings of the Committee of Safety of New York* which covers almost two months from the time of its assembling says that the delegates from the respective counties at once presented their credentials as committeemen.

It is not so easy to be sure who all these delegates were. Their names are usually given as Peter Delanoy, Samuel Edsall, Richard Panton, Thomas Williams, William Lawrence, Matthias Harvey, Daniel De Klercke, Teunis Roelofse, Johannes Vermilye, and Jean Demarest; and these are in fact the names, denoting five Englishmen and five Dutchmen or Huguenots, signed to the two commissions which the committee soon issued to Captain Leisler. The *Abstract*, however, gives a longer and somewhat different list. It does not mention Vermilye and Demarest who were old and respected

residents of New Harlem; it says, and so Van Cortlandt said, that Edsall and Delanoy represented the city and county of New York, although the histories of Long Island, where Edsall was then living, say he was sent by Queen's County; and it names as the other committeemen Williams and Panton of Westchester; Harvey and Richard Betts of Queen's; Gerardus Beekman and Myndert Coertens of King's; Jacques Puillon of Staten Island (Richmond County); William Lawrence and Teunis Roelofse of Hackinsack (in Orange County); and Henry Lyon and John Curtis of Elizabethtown (in East Jersey). At all events Englishmen predominated on the committee which proceeded to organize the movement that the other faction called a 'Dutch plot.' The most notable of the Dutchmen, barring Delanoy, was Gerardus Beekman, a native-born son of William Beekman the early settler. As he held a physician's diploma he had undoubtedly studied in Holland. He and Nicholas Stuyvesant had married sisters. He was living at Flatbush where Dongan had appointed him a lieutenant-colonel of militia and a justice of the peace.

Three important counties, it will be noticed, stood aloof: Albany and Ulster, and Suffolk which hesitated but decided to try again to annex itself to Connecticut. Dutchess County was also unrepresented but it had scarcely an inhabitant. Cornwall had been lost to New York. And no one at this period seems to have remembered as a part of New York the islands of Martha's Vineyard and Nantucket which composed Duke's County. In the counties that were represented, says an opposition letter of the time, some towns had voted, some had not; and the committeemen were the 'greatest Oliverians' in the province, more than one of them openly declaring that since Oliver's day there had not been a lawful king in England.

As its moderator the committee elected Delanoy. As its clerk it appointed not one of its own members but Abraham Gouverneur, a young man familiar with the three languages of New York. He was the son of Nicholas Gouverneur, a French merchant who in Dutch and English times had passed

his life partly on Manhattan, partly in France and Holland, and had been one of the three commissioners that signed for the merchants of Amsterdam their appeal on behalf of New Netherland when it passed for the second time to the English crown. Nicholas had married a Dutch New Yorker, a sister of the lady who married first Cornelis Steenwyck and then Domine Selyns; and it was he who carried to the West India Company the message which secured for Steenwyck in 1676 his commission as governor of Acadia. Abraham, born at Amsterdam in 1671, was only eighteen years of age when as secretary to the committee of safety of New York he began a long public career of many vicissitudes.

On June 26 the envoys from Connecticut, Gold and Fitch, addressed to 'Captain Leisler and the other Captains' who had been active in securing the fort in New York for his Majesty's service and the preservation and security of his territories, a letter of approval and advice, counselling them to remember the 'hellishly wicked and cruel' popish attempt on the powder magazine, to disarm all known papists, and to repair the fort and the guns. The writers promised the aid of Connecticut should it be needed, urged the captains to wait patiently for the orders and commands of the 'never equalled, commended, and admired King William, the very best this lower world knows,' and declared that justice required them to acknowledge the good service already done this sovereign by

> . . . noble and loyal Captain Leisler, whose loyalty, courage, prudence, pains, and charge hath been great, and you the other noble, courageous and loyal Captains, Lieutenants, Ensigns, Sergeants, and good soldiers in the train bands that hath been active in this affair, as also loyal Mr. Samuel Edsall and other good and worthy loyal gentlemen. . . .

This letter was dated from the fort — called no longer Fort James but for a while simply 'the Fort in New York' and then Fort William.

As soon as the committee of safety organized, on June 27

says the *Abstract* of its proceedings, it resolved to enlist a new militia company as a garrison for the fort, the men to be raised and paid 'in proportion' by the several counties represented on the committee. The newly arrived Frenchmen who had established the town that they called New Rochelle in Westchester County sent word that they would contribute toward the outlays for defence. On the 28th the committee resolved to send an address to the crown and to appropriate the king's revenues received since June 1 toward the repairing of the fort. And, continuing the commissions of all the militia captains, it issued to Leisler a special commission declaring:

> . . . Captain Jacob Leisler shall be captain of the said fort . . . till orders shall come from their Majesties, and the said Captain Leisler shall have all aid and assistance, if need be and demanded by him, from city and country to suppress any foreign enemy and prevent all disorders which evidently may arise.

This was Leisler's first step above the heads of his fellow captains. As captain of the new military company — the first raised on Manhattan as a paid garrison — he had as his lieutenant William Churcher, as his ensign his quondam sergeant Joost Stoll. At once enlisting recruits, he summoned the people to notify him if they thought any of the men unfit to be trusted with the fort. Describing them in a letter to a friend at New Haven he said:

> There is seventeen born in New York, eight in old England, two French, known Protestants, two Swiss, four Hollanders, and I a German, all known Protestants.

Connecticut promised to send ten men to strengthen the garrison. Massachusetts also expressed its sympathy with the insurgents. After confirming Delanoy as collector of customs and receiving a report on the condition of the fortifications the committee of safety adjourned. On July 1 Leisler began to exercise his newly conferred powers, signing custom-house passes and military orders as 'the Captain ap-

pointed to secure the fort in New York for their Majesties William and Mary, King and Queen of England etc.' Neither Van Cortlandt nor the aldermen who sat with him in the mayor's court would recognize his authority. He told them, Van Cortlandt wrote, that the people were ready to 'hale them by the legs from the Town Hall' and that he would not interfere to prevent; and so the court adjourned for a month, hoping that in the interval the 'fury' might be allayed.

July passed more quietly on Manhattan than the month of June. Its most dramatic incident was the drowning, on his way back from Amboy, of one William Cox whom Leisler had sent to proclaim their Majesties in East Jersey. He was buried in great state wrote Van Cortlandt to Nicholson in England, — the whole town invited, gloves given to every man and woman, the flags at half-mast on the fort and on all the ships in the harbor, the drums beating 'mournfully,' and the guns all firing 'till he was in his grave.' There was 'a good rich widow left,' says another account. She soon remarried, thrice; and as her third husband she chose a man destined to go to his grave in a very different way from the first, — William Kidd the pirate.

Meeting, after its adjournment, on July 22 the committee of safety called before it the former collector of customs; and, Van Cortlandt reported, Plowman 'as a madman gave them an account of the money in the fort, upon which they opened it.' This fund of about £770, says *Loyalty Vindicated*, was thereafter spent 'with great prudence' for the 'safety and defence of the revolution.' By order of the committee Abraham Gouverneur and another made a list of the books, parcels, rolls, and papers in the secretary's office. It showed more than a hundred items including two copies of the acts of the late assembly. Colonel Bayard now recognized the authority of the committee in so far as it might serve, he hoped, his private interests, presenting to it a claim for money he had spent on the fortifications. Of course he asked in vain. Most of the work had been left undone.

Leisler completed it. Acting at first as captain of the fort, afterwards as appointed with Henry Cuyler by the committee to superintend the task, he put the walls of the fort and the buildings within it in good condition and opened a well which for some reason Dongan had filled up — a well which must have been dug since the surrender of 1664 as there was then none in the fort. Also, Leisler renewed and extended the other defences of the city, inspiring the people to long-continued diligence and even, says one of his own letters, enlisting the children who in a single day collected more than a hundred loads of stones. Some of the cut stone intended for the fort, he also said, Dongan had used for a pigeon-cote, some James Graham had used in enlarging his house. Much of his own work was finished in August, including the chief of his innovations — a semicircular redoubt bearing six guns and built 'behind the fort on the flat rock to the westward' where, he wrote, it defended 'the landing of both rivers' and was itself defended by the fort. Long known as Leisler's Half-Moon, it was the first of the works which afterwards gave the locality still called the Battery its name.

Thus, says the affidavit of a New York seaman, Leisler provided for the 'safety and defence' of the country much better than the deponent had ever known done in the time of the three preceding governors. He put the city in such 'full posture of defence,' declares the Dutch letter of 1698, that his name was respected everywhere in the West Indies, and New York had no need to fear any attack from abroad.

Meanwhile, on August 2, Andros escaped from his prison, the castle in Boston harbor, but was soon apprehended at Newport and brought back. As all the colonies were in danger from the Indians, wrote Edward Randolph to the Lords of Trade, the governor had intended to try 'to moderate the minds of the people.' In New York the people thought that he had designs on their city; and they believed that, hoping to meet and to aid him, Colonel Dongan had gone as far as New London while Mayor Van Cortlandt and several others had started on the same errand.

Van Cortlandt and Philipse wrote to Blathwayt in England that the people were now very unruly and insolent, every thing was in confusion, no one paid duties save those who chose to, and the king should be urged to prevent, by sending speedy relief and orders, the 'utter ruin' of the province and city whose trade and revenue were now 'wholly destroyed.' The captains, Van Cortlandt wrote to Nicholson, could no longer control their men, and the self-constituted authorities were seizing and opening all letters, imprisoning whomsoever they saw fit, and releasing imprisoned debtors.

The Leislerian papers say nothing of disorder at this time or of insubordination. But Leisler and the committee of safety had in fact arrested a number of persons — among them Brandt Schuyler, a brother of the mayor of Albany, a brother-in-law of Van Cortlandt — because they spoke against the committee, refused to take their turns in standing guard, or otherwise showed what were considered signs of disloyalty to their Majesties. Even the anti-Leislerian *Modest and Impartial Narrative* does not assert that the prisoners were harshly treated. One was quickly released because his wife and son were sick. Another, sick himself, was sent home in a sedan-chair 'by order of the gaoler Leisler.' Others were kept in confinement for as much as three weeks. Eight, wrote Leisler to Governor Treat on August 13, had just been set free upon taking the oath of allegiance, 'and about us we are now, God be thanked, very quiet.' A letter written at this time to Nicholson by a Captain McKenzie indicates that Leisler's roughness and insolence were exaggerated by his enemies. To the great surprise of McKenzie, who had been arrested because he had landed on Manhattan secretly at night, Leisler and the committeemen treated him courteously, speaking 'with as much smoothness and civility' as ever he had heard.

According to the *Abstract* the members of the committee had again 'adjourned to their several counties' on July 25 after appointing seven of their number to be for the future a quorum. Nevertheless the others did not then disperse.

With the entries for August 15 the *Abstract* ends, for it was prepared to accompany an address which the committee then resolved to send to their Majesties by the hand of Ensign Stoll. But on the 16th all the ten committeemen who had signed Leisler's commission signed a second one extending his powers. Because, it says, the members who lived at a distance feared that they might not be able to stay in the city through the winter and no one knew when orders from England might come, therefore:

> . . . to direct all necessary matters touching the ruling and ordering of the inhabitants in the province . . . Captain Jacob Leisler is hereby appointed to exercise and use the power and authority of a Commander-in-Chief of the said province, to administer such oaths to the people, to issue out such warrants, and order such matters as may be necessary and requisite to be done for the preservation and protection of the peace of the inhabitants, taking always seasonable advice with militia and civil authority as occasion shall require.

This second promotion of Captain Leisler, say various affidavits, met with popular approval. But, as William Smith wrote at a later day, his 'sudden investiture with supreme power' and the prospect that King William might approve of his course,

> . . . could not but excite the envy and jealousy of the late council and magistrates who had refused to join in the glorious work of the revolution, and hence the spring of their aversion both to the man and his measures.

The quiet of which Leisler boasted was soon broken. Four young men, coming from Boston without passes and in company with John Perry the postman, a suspected person, at once despatched a mounted messenger out of the city. This, Leisler wrote to Governor Bradstreet, excited a fear of a 'bad design,' the people still thinking that Andros was at liberty and in or near New York. Therefore he sounded an alarm and arrested the strangers; and when he released them, finding that they were harmless students from Harvard College travelling for pleasure, the act provoked 'great dis-

content.' If he did not exaggerate when he added that five hundred men in arms had responded to the alarm, evidently almost the whole population of the little city was on his side. But many Englishmen, his opponents said, were now leaving Manhattan; soon there would be few of any reputation left.

The address to the king and queen, signed on August 17 by Edsall and Delanoy for the committee of safety, declared the loyalty of the province and described the forming of the committee and its determination to defend the fort, which it had thoroughly repaired, against all their Majesties' enemies. With the *Abstract* and various affidavits and other confirmatory papers it was confided to Ensign Stoll and Matthew Clarkson, a brother-in-law of Captain Lodwyck. Leisler himself sent to their Majesties a long personal letter describing in detail the work on the fortifications, reciting the occurrences of the past months, and painting the loyal temper of the people. His commission as captain of the fort he mentioned but not the recent one as commander-in-chief; probably when this was issued the letter had already been drafted. No one, he explained, now remained in the fort except the committee and the soldiers who had all taken the oath of fidelity. To administer the oath he had had to make use of a justice from Long Island — Gerardus Beekman — as the justices of the city refused their services and had not had the 'zeal' to tender the oath to the citizens. From other papers it appears that the city magistrates, when asked to swear the soldiers, said that they would do so if the men would come one by one to the City Hall. The men demanded to be sworn as a body.

Before the end of August Jacob Milborne returned from a voyage to Holland. Having recently been in England he assured the insurgents that the course of events there would certainly be held to justify their course in New York. From this time on he was Leisler's chief adviser, often his mouthpiece, unquestionably the instigator of many of the words and deeds for which the commander was most severely blamed.

The up-river New Yorkers were managing their own concerns with small regard to what was passing in the lower counties. On July 1 William and Mary were jubilantly proclaimed at Albany. Nicholas Bayard, fleeing from the threats of the New Yorkers, arrived there on the 5th. It may easily be imagined how his account of what had happened to him and his colleagues was received by his friends in a place which, because of the Bolting Acts, regarded Manhattan with a jealous antagonism. Although messengers sent by Leisler had tried to start a revolutionary movement in Albany and Ulster Counties, the people decided to maintain their old magistrates; and these magistrates declared, so Bayard wrote, that they were in no wise subordinate to the city of New York nor to the power then exercised therein.

On August 1 the Albany magistrates, justices, and militia officers formed themselves into a convention to manage all public affairs in their Majesties' interests. There was great fear of an instant attack from Canada; and there was great reason to fear, if not exactly this, at all events a border war into which New York would be drawn. The savages were again threatening the northeastern settlements of New England where the eleven garrisons set by Governor Andros had either disbanded because they distrusted their officers or been greatly reduced because the revived colonial governments had no money to spend upon them. The New York Indians would not listen to the desire of the eastern tribes that they should lift the hatchet against all Christians of whatsoever nation; but at a time when Callières, the governor of Montreal, was absent in France and Denonville suspected no danger they struck the French a terrible blow. In the night of August 4 fifteen hundred Iroquois braves fell upon Lachine on the upper point of the island of Montreal, burned the place, killed its sleeping inhabitants, spread over the island almost to the gates of Montreal itself, and when they retired to the mainland left two hundred Christians dead behind them and carried off more than a hundred to be slain by torture. It was the worst disaster that ever befell the French province.

It paralyzed the people and so demoralized Denonville that he forbade his lieutenants to pursue the Iroquois and, yielding to their haughty demands, ordered that Fort Frontenac, the invaluable frontier post on Lake Ontario, be demolished and abandoned.

It was not true, as the Canadians asserted, that the advice of Governor-General Andros, given at a time when France and England were at peace, had provoked this fierce onslaught. It was as false as the counter report, believed for a moment by the Iroquois, that Andros had given the Frenchmen leave to extirpate their tribes. Nor had the Albany authorities encouraged the Iroquois. There was nothing they wanted less than a war for which they were so ill prepared. The Iroquois themselves soon assured the New Englanders that they had not been incited to war by their 'brethren' at Albany. They had determined of themselves to revenge their injuries and had not even told their brethren of their plans until their braves had been for a fortnight on the march. But by the time when they sent a report of their success to Albany the magistrates knew that France and England were at war and that the eastern Indians, instigated by the French, had taken the fort at Pemaquid and killed or captured some forty persons. So, congratulating the Iroquois on their great victory, they urged them to follow it up without delay; and, they added, if the French attempt anything, warn us as we shall warn you.

Robert Livingston had lent some money to the convention. It promised to repay him six months after orders should come from England, and, laboring to raise more funds, to put the fort in good condition, and to enlist men for the frontier, it also sought aid from Manhattan. On September 4 it sent an express with a letter to 'Captain Leisler and the rest of the militia officers' asking for ammunition, money, and a hundred men. Returning on the 17th the messenger reported that Leisler had said he had nothing to do with the civil power; he was a soldier and to a soldier would write. Addressing, in fact, two of the militia officers at Albany he explained

that there was no public money to give and that no volunteers could be raised in New York, for the people felt that Albany had slighted them. He sent, however, some powder which belonged to Albany merchants with four small cannon and the advice that Albany should choose two representatives to join the government at New York.

Disappointed in this quarter the convention, speaking for the Mohawks as well as the white men, asked Massachusetts and Connecticut to send two hundred men to remain through the winter. Overburdened by the troubles on its own frontier Massachusetts could only promise that, with Plymouth, it would contribute some soldiers toward a company to be raised in Connecticut. Connecticut notified Leisler that the ten it had sent him would be transferred to Albany but that it would instantly give aid should New York be attacked. The Five Nations, refusing the request of the New Englanders that they would join with them against the eastern Indians, declared that they would stand with their lives by the men of Albany should the French come against them.

Writing at this time from Albany to Randolph at Boston Bayard averred that only Edsall and Delanoy were now advising Leisler; as even Delanoy would put his name to nothing, Leisler took everything upon himself; and many believed that, even if the arrival of a new governor were delayed, nevertheless the rebels would soon and suddenly fall. In reality the committee of safety was still acting in concert with Leisler, and Jacob Milborne was advising him. And it was Milborne, some of their adversaries affirmed, who in September prompted a new and important move. The city records mention only its outcome, but the anti-Leislerian *Modest and Impartial Narrative* describes it. By the commander-in-chief and the committee of safety the Protestant freemen of all the counties represented on the committee were directed to hold the annual elections at the usual time and to elect not only such officials as the laws of previous years had permitted them to choose but also the justices and militia officers who should have been

appointed by the governor. In the city they duly voted on Michaelmas Day, September 29, the day appointed by the Dongan Charter. And, early in October, another city election was ordered for the choice of the higher officials, mayor, sheriff, and town clerk, whose appointment also had rested with the governor of the province.

On the day of the first election in the city its results were laid before the common council — the old magistrates who were then holding in the City Hall their first meeting since the month of March. The six newly elected aldermen were John Spratt (not to be confounded with John Spragge the former provincial secretary), Captain De Bruyn, three others with Dutch names, and Robert Walters, an Englishman and a son-in-law of Leisler. Leisler, says the *Modest and Impartial Narrative*, forced Walters' election by challenging the vote of Major Brockholls on the ground that he was a papist, and by proffering with his own vote those of his son Jacob and of Walters himself. All the six assistant aldermen and all but one of the constables bore Dutch names.

The revolutionists must now have got possession of the City Hall, for three common council meetings over which Van Cortlandt presided early in October, before the new magistrates took office, were held at the house of one of the old aldermen. They were devoted wholly to the consideration of the treasurer's books and of outstanding accounts. After the minutes of the third, on October 7, stands in the same book an entry saying that, the committee of safety having ordered the election of such officers, Peter Delanoy had been returned as mayor, Johannes Johnson as sheriff, and Abraham Gouverneur as town clerk. And then follows an entry signed by Leisler on the 14th saying that, as specially empowered by the committee of safety, he confirmed the election of all the new officials and required all inhabitants of the city to yield them due obedience. Meanwhile the old mayor's court had met, after its adjournment for a month, on October 8. Failing of a quorum it once more adjourned

for a fortnight. It did not meet again. So died out in 1689 the last remnant of the government that Charles and James Stuart had established on Manhattan in 1664.

According to Bayard the revolutionists had at first set up in New York without any commission or authority, 'an illegal and arbitrary power ruling by the sword,' and there was nothing to which Captain Leisler was more 'averse . . . than a civil government.' Again he did not speak truth. The chief things that Leisler and his friends had done after securing the fort they had asked in vain the councillors or the magistrates to do; and they were under no compulsion to organize a civil government. This proceeding Bayard now made the ground for fresh complaints against them, saying that those who had issued the writs did not seem to know that all inferior officials had been confirmed by royal proclamation, and that they had violated the royal prerogative. In fact, so far as can be read, no royal proclamation had yet reached New York except the one that related to the kingdom, not the colonies; and although the elections did violate the prerogative there was no other way in which the insurgent leaders could secure a civil government except by a more flagrant violation — by themselves assuming powers of appointment.

This 'undue election,' wrote Bayard, had seated 'several malicious, senseless, unfit, and mean persons and some of very ill lives and conversation.' Knowing it to be illegal, says the *Modest and Impartial Narrative*, 'far the greatest number' of the inhabitants of the city did not appear; for no other reason did they object to it; nor would the writers of the *Narrative* themselves be 'offended' if it should please King William to add unto their former privileges the right to elect all their magistrates. It would be interesting to know just how large a proportion of the citizens really joined in the election that seated Peter Delanoy as mayor, for no mayor was again seated in New York by a vote of the people until 1834. Then they elected Cornelius W. Lawrence, a descendant of the William Lawrence who, with his brother Thomas

and the more conspicuous John, had settled in New Netherland at an early day.

The William Lawrence who was serving on the committee of safety, it may be noted, was of the second generation, a son of Thomas. His wife was a daughter of Samuel Edsall. He himself, his father, and his brother, John by name, adhered to the popular party. His uncle John stood with the conservatives both before and after he was turned out of his office as alderman by the election of 1689.

Evidently 'our Masaniello,' as the *Narrative* calls Leisler, and the 'unsafe committee' had not banished all papists from New York as William's adherents in England banished them from London. Brockholls, who had married a Dutch New Yorker, had ventured to return and to try to vote at an election to which only Protestants had been summoned; and Plowman also was in or near the city, writing to England requests for another appointment and advising that two hundred soldiers should be sent out 'to awe these rebellious Dutchmen.'

It was at this time that Leisler bought lands for the Huguenots intending to come over from England. Those of their compatriots who had started the settlement at New Rochelle had bought small properties from John Pell, the second proprietor of Pelham Manor. And this seems to have been the reason why Leisler decided to buy of Pell six thousand acres, two-thirds of the manor, paying a price unusually large for that period, £1625 sterling 'in current money of the province,' and promising a yearly rent of 'one fat calf.' The deed, signed on September 20, names none of Leisler's military titles; it calls him simply 'Jacob Leisler of the city of New York, merchant.' During the year 1690, while his hands were overfull of public work and trouble, he sold off the whole of the tract to incoming Frenchmen. It now forms the township of New Rochelle.

The new magistrates were sworn in on the day when Leisler certified to their election — October 14, the birthday of James Stuart but the day set by the Dongan Charter for municipal

installations. At once they appointed a high constable and a marshal and ordered that to the constable the late mayor should deliver the seal of the city, its charter, and all other public papers in his keeping. The constable reported that he had presented this mandate to Mrs. Van Cortlandt who 'did throw it out the doors.' Van Cortlandt should be constrained to do his duty, the magistrates soon reported to Leisler, for he always absented himself, and his wife declared that if they wanted the charter and seal they must take them by force. According to Bayard their emissaries had used force, trying to constrain 'Mrs. Mayoress' and 'grossly abusing, assaulting, and battering' her in her own house; and 'the mayor,' meaning of course Van Cortlandt, had been so threatened that he had to leave the city secretly. He and Bayard, William Smith explains, finding it 'impossible to raise a party' against Leisler at New York turned their attention to 'fomenting the opposition' to him at Albany.

At Albany also elections were held at the proper time but in accordance with the terms of the city charter, the appointive officials holding over. The oath of allegiance to their Majesties was administered to magistrates and militia-men, and also to the citizens at large because 'divers persons' had falsely spoken as though the people of the city were more affected to King James than to his successors.

Bayard now wrote from Albany to some of the militia captains in New York directing them as their colonel and as a king's councillor to cease abetting Leisler and the others who had subverted the government without any shadow of authority from their Majesties, and to submit themselves to the commands of the civil government which had been established by law; for even though a governor were imprisoned, 'yea, dead,' he was but an inferior officer while the commissions were 'matter of records.' Of course the only effect of these orders was to deepen the suspicion with which the Leislerians looked upon Bayard. It had been discovered, Leisler said, that he was engaged in a plot to retake Fort William. In the hope of securing the ringleaders in this plot several houses

in the city were searched including those of Bayard, Van Cortlandt, and Domine Selyns. Some of the country folk came in to aid the citizens in watching the fort. And the oath of fidelity to the king and queen was again administered to all who would take it, together with an oath of obedience to the committee of safety 'as the supreme authority' and to Leisler as commander-in-chief. Nevertheless the New Yorkers were not too much alarmed to disport themselves in loyal fashion, lighting bonfires and roasting whole oxen on November 4 and 5 — the one day being the anniversary of King William's birth and of his marriage, the other a customary holiday, Guy Fawkes' Day, and the anniversary of William's landing in England.

Toward the end of October it was reported at Albany that Leisler meant to send armed men to turn its government upside down and to make themselves masters of the fort. This, it was felt, would create divisions and so alarm the Iroquois that they would be tempted to make friends with the French. The convention sent an agent to New York to investigate and if needful to protest, saying that it would gladly receive reënforcements if put under its own control but could not pay the men and would not yield to anybody the control of the fort. Returning, the messenger confirmed the reports. The convention then summoned the people to the City Hall — as the old magistrates on Manhattan had never had the will or the wit to do. Forty of them signed a paper indorsing the course of the convention. And with less formality than had attended the promotion of Leisler to a similar post of responsibility, Mayor Schuyler was now appointed to the chief command in the fort.

On November 9 three sloops arrived from Manhattan flying the king's flag and bearing some fifty soldiers under command of Jacob Milborne. Refused admittance to the fort but invited to explain himself at the City Hall, and there welcomed by some members of the convention, he addressed himself not to these but 'with a high style and language' to the 'common'

people who thronged in, telling them that, as everything done during the reign of James II had been illegally done, even the charter of Albany was null and void, its magistrates had no right authority, and the people should proceed to a 'free election.' He was asked for his credentials. The mayor had thought best to remain on guard in the fort. To the recorder acting in his stead Milborne presented a letter which showed that Leisler certainly was not, as Bayard had asserted, taking everything upon himself. It was signed by twenty-four persons calling themselves the committee chosen by the freemen and a council of war. The first names appended to it were Edsall's and Delanoy's. Among the others stood Leisler's as undistinguished by any title or sign of official superiority as the accompanying name of his young son. And so also stood the names of the militia captains De Peyster and De Bruyn and of some of the members of the committee of safety.

The signers of the letter, it said, were sending fifty men in arms who, they felt sure, would be useful, for they believed that all willing to be thought 'of the Reformation' would agree in the measures which, following the example set in England, they had taken in New York to prevent the 'raging interest of the Roman Catholic party,' and the fruits of which New York was now reaping in 'tranquillity and peace.' To Jacob Milborne they gave 'full power to consult, order, do, and perform' all that might be requisite for the king's service; and they desired that he might be amicably treated so that there would be no occasion for the enemy to take advantage of any disputes especially at a moment when they were 'upon such good terms of breaking the papist and arbitrary yokes from our necks forever.'

Although Albany was just as well pleased as New York to be free from the yoke of James Stuart, its magistrates saw no reason why they should bend their necks to what they considered the yoke of the larger city. Nor was Jacob Milborne the man to persuade them. Whatever verbal instructions may have supplemented his letter of credence he assumed

a tone which the letter itself hardly warranted. Writing to the people of Schenectady and the other settlements in the county he advised and required them to repair at once to Albany to secure their rights and liberties 'in such manner as if the government of King James the Second . . . or any of his arbitrary commissions' had never existed; and this, he said, he did by virtue of his own commission 'to arrange and settle the affairs of the city and county of Albany according to the constitution of the other counties of the province.' With the letter to Schenectady went one from Henry Cuyler which promised, apparently on no authority except his own, that the people of that town should have wider trading rights — meaning that right to trade with the Indians which had been reserved to the people of Albany — and would undoubtedly 'be preferred to those of Albany in the approaching new government.'

Meanwhile on November 10 Milborne, invited by Mayor Schuyler to explain himself again before the convention, showed his commission signed by the signers of his letter of credence. The recorder informed him that a commission granted by a 'company of private persons' was of no authority. Milborne again addressed the 'common people' in the same strain as before. There had been a free election according to the city charter, he was told; with his 'smooth tongue and pretended commission' he aimed at nothing but to raise mutiny and sedition; if he should have his way everything would 'run into confusion' especially as concerned the Indians; therefore he should desist from such discourses, for the magistrates would no longer dispute with him. Nevertheless the convention decided to meet again on the following day to discuss methods of quartering the men sent for its assistance who were suffering hardship by lying on board their vessels.

On the following day the City Hall was so full of a multitude of people gathered 'in an illegal manner,' largely country folk, that the convention had to meet at the recorder's house. Thrice it ordered the people to disperse; but about a hundred

of them, 'most youths and them that were no freeholders,' chose Lieutenant Jochim Staats of the Albany militia to be captain of the soldiers from New York. Staats was a relative of Dr. Samuel Staats, a prominent Leislerian at New York. 'Contrary to the order of the convention of which he was a member' he accepted the proffered post. So 'raging and mutinous' were the people that some members of the convention withdrew in fear of their lives, 'all which was occasioned by the instigation of Jacob Milborne' who had come 'with no other design than to overthrow all.'

So reads the record of events kept for the Albany magistrates by Robert Livingston. Unfortunately it cannot be checked by any account written from Milborne's point of view. It is evident, however, that Milborne was exasperatingly aggressive, probably much more aggressive than those who sent him had intended, while the magistrates showed a praiseworthy desire to compromise, to preserve harmony, and to restrain popular excitement. After various conferences they said that if the New York troops would recognize the authority of eight designated members of the convention, one of them being Mayor Schuyler, the convention would recognize Staats as their captain, would take them into service until March, 1690, or until orders from the king should come, and would feed and lodge them and treat them well. Milborne's ultimatum was that some one unconnected with the civil power should have control of the fort and that an account of its munitions and stores should be rendered to himself. Bringing his soldiers into the town where 'the burghers of that faction' received them in their houses without 'lawful authority,' he marched them to the fort and demanded admittance. Schuyler bade him depart with his 'seditious company.' A band of Mohawks, gathered near by, threatened to fire upon the strangers should they disturb their friends in the fort. After much parleying and reading of papers Milborne led his men away. The next day he signed a contract regarding their support with certain 'private but extreme active men in these revolutions.' Then he departed for New

York leaving his men in 'confusion,' for only after much persuading had they consented to accept Staats as their captain. On his way down the river Milborne stopped at Kingston but there also 'accomplished nothing,' the people knowing of his ill success at Albany. The chief thing he had accomplished at Albany and at Schenectady was to foster into open outbreaks dissensions which before he came the magistrates had been able to keep in hand.

A few days later Captain Bull of Connecticut and eighty-seven men marched into Albany and were received by the magistrates with much honor, 'orderly quartered in the city, and extremely well accepted.' These reënforcements from New England were put under command of the convention which promised to pay the officers. To Bull and to Staats it now presented the needs of the 'out plantations' like Schenectady where the foe from the north might first be expected. After much discussion Bull detailed thirty of his men for their protection. Staats refused to divide his smaller force but pledged himself to act in no way against the orders of the convention.

Nothing, William Smith explains, could have been more 'egregiously foolish' than the conduct of both parties in New York in 1689. Leisler should have been content when Albany declared for King William, but he was 'inebriated with his new-gotten power.' On the other hand the Albany magistrates ought 'in prudence' to have given their fort into his hands rather than sacrifice peace and concord to 'the trifling honor of resisting a man who had no evil designs,' but they could not 'brook a submission to the authority of a man mean in his abilities and inferior in his degree.' The reader of to-day, with much more contemporaneous evidence before him than Smith can have had, sees excuses for both sides. The men of Albany knew that the Five Nations trusted them as they trusted no one else; and they understood, much better than Leisler and his friends, the vast importance of keeping the savages faithful and the consequent need to keep them in

a confident and an amiable temper. The excuse for the Leislerians is that they rightly felt that to consolidate the province and its military and pecuniary resources was the only way to prepare it for an attack from the north or from the sea, and the best way to enlist the sympathy and the aid of the other colonies. It would be easier, however, to weigh the justifications of the one party against those of the other were it known in how far Milborne's manners and methods misrepresented the intentions of those who had sent him.

During these autumn months Leisler was corresponding on friendly and equal terms, as the commander-in-chief of his Majesty's forces in New York, with the governors of Connecticut and Massachusetts, of Pennsylvania and Barbadoes, and with the new assembly of Maryland and its new governor, John Coode. From Philadelphia he got much-needed supplies of powder, from Maryland and Barbadoes much-desired European news. Lieutenant-Governor Nicholson's adversaries in New York had believed, since the time of his secret departure, that he would not dare to show his face in England but would turn privateer or, as Leisler wrote to Barbadoes, would join with other persons 'popishly and evilly affected' in some plot against the Protestants of New York. With such fears the Marylanders sympathized. While Leisler wrote to Coode that he had heard that some of the 'papist grandees' of Maryland were at Philadelphia and meant to come nearer to confer with those of their kind 'for some bad design,' Coode assured him that three popish priests who had fled from Maryland with three small vessels certainly had 'a design towards' New York, and asked for any further information about them which might lead to a discovery of the great scheme that was evidently on foot. Such confirmations of Leisler's worst fears, coupled with the general acknowledgment of his new station and responsibilities, go far to explain why he felt it both necessary and proper to do whatever he could to bring all parts of the province together under his own control.

Late in November Coode wrote that a packet-boat had

arrived from England bringing the formal announcement that the king had declared war against France and the promise of a 'great squadron of ships' to protect the West Indies and the other English plantations. Then, early in December, the voice of the king speaking directly to New York was heard at last, but in such a way that it merely deepened discord.

An almost unsupportable burden lay upon William III. He had to contend with the distrust and the misunderstandings which the rule of a foreigner, and of one who was the military head of a rival state, naturally aroused in the minds even of those Englishmen who had most deeply felt the need to ask his aid. He had to guard against the intrigues and to suppress the open assaults of a large minority in England and Scotland, of a great majority in Ireland, and to try to win over multitudes of the wavering, to hearten multitudes of the lukewarm. He had to care for the interests of the United Provinces as sedulously as for those of England while in each country soothing or overriding jealousies of the other and of its claims upon his attention. And all this was but part of the preparation he was making for the great effort to which his life was vowed — the effort to destroy or effectually to cripple the power of Catholic France. The other part was the task of bringing together and holding together not only monarchical England and republican Holland but also as many as possible of the other major and minor powers of Europe, individually selfish and shifty, mutually envious and jealous.

In September, 1688, Louis XIV had moved his armies upon Alsace and Lorraine, impelled, it seems, less by the reasons he published than by a wish so to absorb the attention of the Prince of Orange that he would be unable to go to the aid of England. When later in the year he heard that the prince had landed in England, he declared war against Holland but attacked the borders of Germany, sanctioning that dreadful devastation of the Palatinate which is one of the blackest blots upon the name of war. In March, 1689, a month after

William assumed the crown of the exiled James, James landed in Ireland with a French army; and, joined by his lord-lieutenant, Dongan's uncle Tyrconnel whom William had not yet tried to displace, he entered Dublin on the 24th. Thus began in Ireland a struggle between the supporters of the old king and the new which lasted for two years and a half. For the crushing of an insurrection that broke out in Scotland a few months sufficed.

Two months after the soldiers of Louis entered Ireland, on May 7, William as king of England declared war against him. This was the time when Louis decided to attempt the conquest of New York and gave his cruel instructions to Count Frontenac. By the end of the year William as stadholder of Holland had formed against France an alliance, defensive and offensive, which included almost all the princes of Europe, Catholic as well as Protestant; and into this Great Alliance England soon entered. The great war thus initiated continued until the peace of Ryswick was signed in 1697; and it spread into America where it is remembered as King William's War, a name that it might well have borne in Europe. It was the first European war in which the colonies were involved.

William might be held excusable if, during the years when the destinies of all Europe depended more upon him than upon any one else, he had paid scant attention to the colonies on the other side of an ocean wider in that day than is half the circuit of the earth in our own. From the beginning, however, he gave them much attention. He professed for them, says Chalmers, 'a particular care.' The same is true of his advisers. It is one of the most curious facts in the history of the writing of histories that Lord Macaulay's long and laudatory record of William's reign scarcely indicates that the king or his councillors knew that English colonies existed.

In April, when Phips was carrying to Boston the orders so long delayed that they found Governor-General Andros

fast in jail, the privy council had directed that those most interested in colonial affairs should present the names of persons suitable for the offices of governor and lieutenant-governor in the plantations. On May 2 the king, upon the advice of the Lords of Trade, instructed them to frame at once such a government for the northern colonies as would enable them to present a united front to the French with whom war was then imminent. In June the packet-boat whose arrival Coode in due time announced to Leisler was despatched with letters to the governors of Virginia, Maryland, and Pennsylvania. By the middle of July the first prayer for instructions from the councillors at New York, the testimony of the messenger who brought them (one John Riggs who had served as an ensign under Andros in New England), a petition from Andros himself, the constant pressure from New England, and the counsels of its Nonconformist sympathizers in England had worked together to decide the king and his advisers not to try to perpetuate the great Dominion created by James II. Lists of the names of persons thought suitable to govern one colony or another were submitted to the king — for New York at first the names of a Colonel Slingsby and a Colonel Sankey but in a 'final list' drawn up by the Lords of Trade those of Colonel Henry Sloughter and of Captain Nicholson, no one yet knowing that Nicholson had quitted his post. Before, however, a choice was made, the secretary of state on behalf of King William signed on July 30 a personal letter of instructions addressed:

> To our trusty and well-beloved Francis Nicholson, Esquire, our Lieutenant-Governor and Commander-in-chief of our Province of New York in America. And in his absence to such as for the time being take care for preserving the peace and administering the laws in our said Province of New York in America.

As the king, he wrote, understood from the letters of Nicholson and the 'principal inhabitants' of New York that they were ready to receive his orders, he now informed them that he was taking such resolutions concerning their province

as would insure the welfare of its inhabitants. Meanwhile he authorized and empowered the addressee

> . . . to take upon you the government of the said province calling to your assistance in the administration thereof the principle freeholders and inhabitants of the same or so many of them as you shall think fit. Willing and requiring you to do and perform all things which to the place and office of our Lieutenant-Governor and Commander-in-Chief of our Province of New York doth or may appertain as you shall find necessary for our service and the good government of our subjects according to the laws and customs of our said Province until further orders from us. . . .

With these instructions the privy council sent an order to proclaim their Majesties at New York if this had not already been done, addressing it, except for a necessary change in pronouns, as the instructions were addressed.

Another royal letter, also dated July 30, authorized those who had taken upon themselves the government of Massachusetts to continue in the same until the king should give directions 'for the more orderly settlement of the government.' With this went a requisition that Andros, Randolph, and the other officials then in confinement at Boston be sent to England by the first ship, to answer before the king what might be charged against them. And on these papers the superscription read:

> To such as for the time being take care for preserving the peace and administering the laws in our colony of the Massachusetts Bay in New England in America.

Increase Mather, still acting as agent for New England, was content with the king's orders, believing that the bill to revive all charters that had been valid in 1660 would soon become law. In fact, it failed to become law before the letters were actually despatched. On December 4 they reached Boston. Those for New York had been intrusted to John Riggs. Before he started, Nicholson had arrived in London. Nevertheless Riggs was not detained nor were the instructions altered even by a change in the superscription. Coming by way of Boston Riggs reached New York on Sunday, De-

cember 8. What then happened may best be told in words that Nicholas Bayard wrote to Leisler a few weeks later when he was begging for his release from jail and therefore wrote respectfully. At the time in question, he explained, he had come secretly from Albany to New York to see his son who was very ill. Riggs, believing that in Nicholson's absence the packets should be delivered to the other councillors, notified Philipse of his arrival. Philipse took him to Bayard's house where the matter was discussed. Riggs said that he did not believe Leisler would receive the packets even if they were tendered him, and promised to give them to the councillors when Van Cortlandt should join the others. But the next morning, before they could meet, Bayard was informed that upon Leisler's demand the packets had been delivered to him.

At the moment Bayard did not content himself with so simple a statement as this. On December 10 he dated and a few days later he finished letters to Andros, to Nicholson, and to Shrewsbury, William's secretary of state, all of which he sent by the hand of John Riggs to Sir Edmund at Boston, sending also the *Deduction and Narrative* that he had prepared for Nicholson to use in England as evidence against the Leislerians. In one or another of these papers he said that Riggs had suffered himself to be 'overhectored by the grand robber Leisler,' had been 'cajolled' by 'that villain Leisler.' In consequence the condition of himself and his friends was much worse than ever, for the rebels were now 'as proud as Lucifers,' pretending to 'some glimpse of authority from their Majesties' though in reality usurping powers which their Majesties had meant to bestow upon the councillors. Had the councillors secured the packets they would undoubtedly have 'resettled the government,' for most of the people had grown sensible of their errors. Now, however, Leisler was entitled 'Lieutenant-Governor and Commander-in-Chief by command from their Majesties.' He had already seated himself in the governor's pew in the church 'with a large carpet before him.' Henry Cuyler 'that betrayed the fort, a silly fool and coward,'

was made major of the soldiers. Moreover, Leisler had formed a council, and the committee of safety was 'laid aside.'

Other documents show that Van Cortlandt, who was evidently not far away, had hurried to the city when he heard of Riggs's arrival. Leisler had sent a lieutenant and two sergeants to bring Riggs to the fort. By Riggs's desire Philipse and Van Cortlandt accompanied him or met him there. Whether or not Bayard was asked and refused to go can only be conjectured. Although all who were present knew what the king had written to Boston none knew what he had written to New York. The councillors claimed the packets, believing that William was aware that Nicholson had left the province in their charge. Leisler also claimed them, believing that the king understood that, here as in New England, James's appointees had been cast down and that he therefore intended to sanction, here as at Boston, the people's provisional arrangements. After the matter had been debated, says the affidavit of Isaac De Riemer who was present, Riggs said that he would deliver the packets to Leisler if Leisler would give him a receipt for them, which was done 'without any force or compulsion used to the said Mr. Riggs.' Another affidavit says that just after Riggs had landed in Massachusetts he told the deponent that 'he knew not better' than to give his packets to Mr. Leisler 'being he was governor in New York.'

A sworn statement signed by Philipse and Van Cortlandt tells how they had tried in vain to get the packets, adding that Leisler had called them papists and used many other opprobrious words. But when the question was settled, say Bayard's letters, Philipse submitted to all the 'irregularities' imposed upon him by 'those villians'; and thus leading them to think that his colleagues should be 'regulated by his scandalous submission to avoid a little trouble and charge' he was doing the other councillors and the old magistrates 'much hurt.' The rebellion, Bayard now averred, had been first contrived by Leisler and some few others not only out of ambition but chiefly in the hope of destroying the revenue

and thereby reaping personal advantage. The most part of the inhabitants of New York, King's, Queen's, and Westchester counties and of Bergen County in East Jersey were 'concerned in the rebellion' while the rest of the people in both provinces abhorred it. Orders from England, Bayard hoped, might reach New York before his letters could reach England — orders 'for the subduing and punishment of the chief rebels' and for the 'relief and reward of all their Majesties' loyal and suffering subjects that have done their duties.' Meanwhile, he explained, he thought it best for himself to 'abscond' again.

It cannot now be divined whether, when the king's instructions were sent unchanged although Nicholson's flight from New York was known, it was intended that they should reach the hands of the councillors or of the revolutionary leaders. Probably the question was not even debated, the precise fate of the orders was thought unimportant. The desire of the king, based on the advice of the Lords of Trade, was simply to have things go as quietly as possible in the northern colonies until he could make for them permanent arrangements. The contingent form of address devised as well for the letters to Massachusetts as for those to New York shows that he and his advisers did not wish to indorse any local faction to the exclusion of a possible rival faction. Any, they may well have thought, might have fallen from a dominant to an opposition party before the king's instructions could arrive; and in such a case a definite superscription might provoke the very troubles they wished to prevent. To this neutral policy they adhered until a new governor set sail for Manhattan, making no response to the conflicting reports and appeals that were pouring in from the province. But, owing to the long delay in sending the governor, a policy which seemed the wisest and safest proved for New York the worst that its sovereign could have adopted.

Although the three councillors so affirmed, it is not probable that if they had secured the packets from the king they would

have been able to 'resettle' a government which they had been powerless to maintain. They had not shown the courage or the intelligence needed to master a populace which, while really willing to submit to the king's commands, would not easily have believed that he meant to support officials who, in New York as in Massachusetts, had been set aside by the popular hand. It seems possible that if the councillors had secured the letters, and even if Leisler had then recognized their authority, civil war might have broken out.

On the other hand no one who believed that Leisler was justified in retaining the letters could doubt his right to assume the title, duties, and powers of a lieutenant-governor, not as by mere force of circumstances Nicholson's successor but as King William's actual if unknown and provisional appointee. William had ordered those who might be in power in Massachusetts to 'continue' the conduct of public affairs. But he had directed the recipient of the letter to New York to 'take upon' himself the conduct of affairs and to consider himself for the time being lieutenant-governor and commander-in-chief. Leisler's only logical course, his only possible course, was either to acknowledge that the instructions were not meant for him and to yield all authority into the hands of Frederick Philipse as the senior councillor or else to assume at once the new titles and the full powers that they implied. This he did, all testimony indicates, with the entire approval of the committee of safety which he had thus far recognized as being the 'supreme authority' in the province until royal commands should come.

In deference to the commands that now had come, and speaking as their Majesties' appointee, on December 10 he caused them to be again proclaimed according to the form that had been enclosed with the king's letter. On the 11th he proceeded to call to his aid some of the principal inhabitants. Summoning in consultation a number of his immediate supporters, upon their recommendation, so the record runs, he accepted and established eight councillors. Three were of English origin, five of Dutch. From Queen's County

Samuel Edsall was selected, from King's Dr. Gerardus Beekman, from Westchester Thomas Williams, from Orange William Lawrence, and from the city and county of New York Peter Delanoy the new mayor, Hendrick Jansen Van Veurden one of the newly elected aldermen who was as often called simply Jansen, Dr. Samuel Staats a New Yorker by birth who had studied medicine in Holland, and Johannes Vermilye one of the original patentees of New Harlem. Most of them had been members of the committee of safety. Before the end of the year three more councillors were putting their names to public papers: Johannes Van Couwenhoven who was another alderman, Hendrick Cuyler, and Captain Blagge an English-born shipmaster of long transatlantic experience. In after years Edward Antill, a prominent merchant who was always an anti-Leislerian, declared that when Leisler was brought to trial in 1691 he asked him to act as his counsel. Because of the careless orthography of the time this has sometimes been read to mean that Antill was once offered a place on Leisler's council.

Many orders issued by Leisler and his council are preserved but only a few fragments of the minutes of their proceedings. The first of these is the record of a resolution that Jacob Milborne be appointed secretary of the province and clerk to the council and that Mayor Delanoy be commissioned as collector. A goodly family party was thus gathered at the council board, for four who had seats there — Milborne, Delanoy, Lawrence, and Blagge — were sons-in-law of another, Samuel Edsall.

Up to this time Delanoy had merely taken from the merchants, in the stead of customs dues, notes to be paid when required; now he began to collect the dues in the king's name. And now in the king's name Leisler began to issue civil and military commissions — to high sheriffs, justices, and militia officers for all the southern counties including Suffolk. They said that the appointees were 'thus to continue until I receive further orders from his Majesty King William.' English names are many on the civil list but appear only once or twice

on the list of the twenty-one militia officers of the city. Among the six captains who had been elected by the people in September were only two of those who had led the uprising, De Peyster and De Bruyn. One of the new captains was Leisler's English son-in-law Robert Walters.

Leisler did not publicly proclaim his appointment as lieutenant-governor and, his enemies declared, would not show the royal instructions to any except his own partisans. To the governors of other colonies, however, he announced that he had received the king's commission, giving no sign that he felt the slightest doubt of the legality of his course. All the southern parts of the province accepted his authority except the eastern half of Long Island; and even here in Suffolk there was no preference for his opponents — only a desire for annexation to Connecticut.

The feeling of the opposition leaders need not be imagined. It is plainly recorded. Leisler was 'an incorrigible brutish coxcomb' and a 'villainous usurper.' The godmother in the bestowal of his new title, says the *Modest and Impartial Narrative*, was ambition, the godfather was Mr. Milborne, and both promised on his behalf that he would faithfully serve and 'cleave to the Infernal Prince and his works' as long as 'the many-headed beast the multitude' would stand by him. William Nicolls, justifying the Leislerian epithet 'passionate Mr. Nicolls,' wrote:

> Out of hell certainly never was such a pack of ignorant, scandalous, false, malicious, impudent, impertinent rascals herded together; they are the shame and infamy of all that may be called government.

And Matthew Plowman did not confine himself to words, for an order of arrest issued at this time charged him with using scurrilous language about the king's officials and with beating a justice on Staten Island.

Writing on the 12th to Randolph, still in jail at Boston, Van Cortlandt said that Leisler had sent for the seal of the province. This meant the old one given by James as duke, for the later one Andros had broken when the province was

gathered into the Dominion of New England. After altering the ducal coronet it bore into a royal crown Leisler used it in signing commissions and land patents, evidently in ignorance that he was thus infringing the royal prerogative.

On December 14 the new government, in insistent need of money, directed that the customs and excise dues be collected according to the revenue act passed by the assembly of 1683. The order was torn down from the door of the custom-house and a contemptuous paper affixed in its stead by persons signing themselves English freemen of the province. As the revenue act of 1683, they said, had never been approved by James either as duke or as king its imposition violated Magna Carta and the liberties of English subjects. Those who thus spoke, said Leisler's government, falsely construed 'the wholesome laws of England' and ignored that act of the freemen of New York which had declared that supreme authority should forever reside, under the crown, 'in a Governor, Council, and the people met in General Assembly.' He might have added with truth that James as duke had approved both this act, embodied in the Charter of Liberties, and the revenue act, and that he had let the revenue act stand when, as king, he repealed the Charter.

In accordance also with the acts of the assembly of 1683 Leisler ordered the erection in the several counties of local courts to try small cases. On December 28 he issued to Captain Staats at Albany an order to take possession in the king's name of the fort there, to discipline his soldiers strictly, and to consult upon all occasions with the civil magistrates 'in what may concern them' regarding the interests of the king and the welfare of the people. As he informed Staats, he had directed the magistracy to order a free election for new magistrates, and he was willing that certain persons, whom he named, should be chosen 'if the people will elect them.' Furthermore he directed all persons in the province who held commissions from Andros or Dongan to deliver them to the justices of their respective counties upon pain of being considered ill-affected to the existing government.

While he was thus trying to consolidate his own authority he was thinking of broader colonial affairs. To one Nicholas Rust he issued a commission to attempt with twenty-five volunteers the reduction of 'Kaderockqua,' the far-distant Fort Frontenac, not knowing that it had already been abandoned. The fort was to be 'razed down to the ground' to insure so far as possible that it would never be rebuilt, the Frenchmen were to receive 'Christian quarter . . . if desired,' and none were to be given to the Indians 'to exercise their cruelty over them.'

It was the desire to possess the wide rich lands in the valley of the Ohio that eventually precipitated the war between French and English for continental dominion. Leisler and his generation had long passed away before either Englishmen or Frenchmen seriously thought of exploiting these lands; but there is in existence a paper attributed to the month of December, 1689, which shows that certain individuals already coveted them, for reasons which in part were sensible although in part fantastic enough. The paper is headed: 'Account of a country for which a patent is desired in North America.' The country is described as lying in the centre of the continent between thirty-six and a half and forty-six and a half degrees of north latitude and between the western skirts of Virginia, Maryland, and Pennsylvania and 'the Pacific or South Sea.' In it there were two vast lakes, the lesser six thousand miles in circumference and as navigable as the ocean. Between them ran a great river, navigable for great ships almost fifteen hundred miles from the sea but barred by many great falls. To annex this country would deprive the French of some of the richest branches of their commerce, for the fur trade, worth to them at least £50,000 a year, would be cut off should the English settle on the hither side of 'the cataract.' Moreover, there was great mineral wealth, the iron being better than in England. There were cinnabar and several kinds of dye-woods. Silk-worms and the cochineal fly could be raised. There were vast quantities of cotton and flax growing wild, fruits and timber, innumerable birds and beasts. And among

the beasts were 'infinite numbers of Pesikions or Sibils,' a species, unknown till recently to Europeans, which had hair of the nature of Spanish wool and fit for many manufactures. May this be thought an early glimpse of the bisons of the West?

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CHAPTER XXVII

LEISLER'S ADMINISTRATION

1689, 1690

(JACOB LEISLER, ACTING LIEUTENANT-GOVERNOR)

What we now propose is not merely for our own safety but the general good of all New England since we are all embarked in one bottom and, though they who are nearest the fire burn first, yet if Albany be destroyed, which is the principal land bulwark in America against the French, then there is not only an open road for the French and Indians to make incursions into your Honours' territory but the Five Nations who are now for us will be forced to turn their ax the other way. — *The Agents of Albany and Ulster Counties to the Government of Connecticut. March, 1690.*

As the year 1689 had opened, so it closed — amid fears of the French. The allies in the great struggle in Europe, declaring their purpose to destroy the commerce of the French, forbade even neutral nations to trade with them. This carried the war at once into the West Indies. Despite King William's promises he could as yet spare no ships to protect the mainland colonies or even properly to defend the islands then thought so much more important. St. Christopher's, as Leisler knew by August, was taken by the French; the other English West Indies were in imminent danger; and far at the north French privateers were capturing New England fishing-smacks while the royal frigate that the insurgents at Boston had dismantled in the spring was still lying a prisoner in their harbor. It seems to have been owing to Leisler's good preparations for defence that there was no great dread in New York of any one who might come by sea.

Border dangers were another matter. Nothing had as yet been heard of Frontenac, but the Five Nations were restless, and alarming news of raids by French Indians came up from Maryland. New York was in great peril, Lord Howard reported from Manhattan where he was intending to take ship for England. And the weakness of New York greatly increased the peril of New England. Each of the northern colonies, all formerly 'under protection of New York,' now stood 'on its own bottom,' said a Bostonian writing to England; the New Englanders having stirred up 'the Yorkers,' 'up jumps hot-brained Captain Leisler into the saddle and has his hands full of work'; and New England, recently 'united and formidable,' was now divided into 'about ten little independent kingdoms' each of them acting as if it knew no superior power. The Indian troubles, wrote Randolph to the Lords of Trade, proved the value of the union of the colonies; now, down to Carolina, they were all in peril of being overrun by the French. It was dangerous, Andros soon afterwards explained in England, for Massachusetts to send to Albany to treat with the Iroquois or to invite them to Boston; it revealed the disunion of the colonies. The colonies, it may be added, were as penniless as they were disunited. The whole expense of defending the borders of New England was borne by a few private persons, for no public funds and very little ammunition had been found at the time of the revolution and the resources of taxation could not be invoked to much purpose. Moreover, it was a year of great drought and consequent scarcity and of much sickness. Smallpox carried away hundreds of people in Massachusetts. One-third of the people of Connecticut, it was said, were confined to their beds or houses.

The king and his counsellors were not forgetting New York. Nicholson must have regretted his flight from the province. Had he remained to receive the king's orders, doubtless he would soon have received a commission as governor. Now, after he had given his testimony and the Lords of Trade had

again advised that a governor be sent out at once in a 'ship of strength,' he tried for the appointment but failed to get it — for 'lack of interest' it was said. Early in September it was decided to appoint Colonel Henry Sloughter to New York, to raise two companies of foot for service there, and to appropriate £1000 for presents for the Indians of the Five Nations.

Ensign Stoll and Matthew Clarkson, who had left New York in August with the address from the committee of safety and Leisler's personal letter to the king, did not reach England until the beginning of November. Nicholson and the Reverend Mr. Innis had then had ample time to imbue the Lords of Trade with their own ideas; and thus Leisler and his party, says William Smith, 'missed the rewards and notice which their activity for the revolution justly deserved.' Furthermore, their envoys had been ill chosen. Matthew Clarkson had made the voyage in his own interest: bringing with him a certificate of his business ability, he used it to support a petition for appointment as secretary of New York. The Lords of Trade indorsed his request, possibly because he was the son of a prominent Nonconformist minister of Yorkshire; and in December he obtained the post. He neither helped nor hindered Ensign Stoll, who, with the energy of a stupid, conceited ignoramus, loudly burlesqued his mission. After being admitted to kiss the king's hand and present his despatches, to which he added a paper of his own that described him as the chief agent in effecting the revolution at New York, he drew up for Shrewsbury, the secretary of state, an explanatory document which he called a *Cathological Brief Information.* It said that the other papers would show why he now urged that the king should grant certain boons which he proceeded to enumerate and define. The first was explicit approbation for the course of the committee of safety and the militia officers of New York, 'as also that of himself Joost Stoll in particulars.' The second was a charter for New York which should resemble the charter of 'the city of Boston' — a phrase which, taken with its context, shows that Stoll did not know the difference between Massachusetts and Boston

or between a colonial patent and a municipal charter. Equally clear and equally wise were the other suggestions which he begged the secretary to consider with all possible speed because of the peril that threatened New York from 'the roaring state and spite of his Majesty's public enemy the French king.'

Just before he presented them to Shrewsbury, on November 14 the king approved the draft of the commission prepared for Colonel Sloughter and ordered that a frigate be prepared to transport him and his household to New York. Nicholson was appointed lieutenant-governor of Virginia, which meant its acting governor as Lord Howard remained in England.

Colonel Sloughter is said to have been a Protestant refugee from Ireland. However he may have got his colonial appointment he was familiar, or at once made himself familiar, with colonial conditions. In October he had presented to the Lords of Trade a long and sensible paper setting forth the needs of New York especially from a military point of view. Pennsylvania, the Jerseys, and Connecticut, he said, should be added to his government. This suggestion was not considered; and although in the first draft of Sloughter's commission Plymouth Colony was annexed to New York, Increase Mather made plain the inconvenience of such an arrangement.

In the Public Record Office there is preserved from this period a list of New York councillors, actual or proposed, with comments against all the names except those of Van Cortlandt and Philipse. As Nicholas Bayard, it is written, had been secretary under 'the Dutch government' he was the fittest person to resume this office. Charles Lodwyck whom, it was supposed, the secretary would wish to make his deputy was 'a leader of the faction now in power.' Palmer and Graham were in custody at Boston. Brockholls and Baxter were papists. Matthias Nicolls was superannuated (in fact, by this time he was dead). His son William was a lawyer and an 'understanding man.' William Smith, described as 'the late mayor of Tangier,' was a 'good man.'

Good men or understanding men, and some of them 'rich also,' were Peter Schuyler of Albany and his brother Brandt who lived at New York, Van Cortlandt's brother Johannes, John Lawrence, Paul Richards, Gabriel Minvielle, and one Paulin of Esopus. Nicholas De Meyer was very old and ill and had once been indicted for extortion, and Francis Rombouts was 'unsteady' and not 'well affected.' Nevertheless, both Rombouts and De Meyer figured on a list of members proposed for his council by Colonel Sloughter, undoubtedly with Nicholson's advice, and approved by the Lords of Trade. It included also Philipse, Van Cortlandt, and Bayard, Minvielle and William Nicolls, William Smith and Thomas Willett of Long Island, and an undistinguishable John Haynes. This William Smith, it should be said, was not the father of the historian, also named William, but the Colonel Smith already more than once mentioned. Before he came to New York he had been governor of Tangier, and so he was commonly called 'Tangier Smith' and his family, which grew rich and influential, the 'Tangier Smiths.' Even to-day some of his descendants use 'Tangier' as a middle name.

Late in December twenty-one English merchants, traders with the colonies, thanked the king for the appointment of so excellent a governor as Colonel Sloughter and begged that ships of war and a considerable armament might also be sent to New York because, if this 'centre of all the English plantations in North America' should be lost, so too would all its neighbors be lost or ruined, and then the West Indian islands would starve. The French certainly had designs upon New York, said likewise Peter Reverdye, a Huguenot who sometimes figures in the writings of the time as Pieter Rieverdingh or Roberdie. He had been one of the seventy merchants who in 1667, before the Treaty of Breda was concluded, petitioned that Holland would insist upon retaining New Nêtherland. Now on the point of sailing to rejoin his family in New York, he wrote from shipboard to the bishop of London that there were two hundred French families in or near the city who would be put to the torture should it fall, and urged the

bishop to get at once a royal order encouraging Captain Leisler, 'now governor there,' to secure the place until Colonel Sloughter should arrive.

As the year 1690 opened, Leisler established in New York County and in Queen's courts of oyer and terminer, and in New York a court of exchequer, composed of Samuel Edsall and four others, to compel recusants to pay the customs and excise dues. None of these appointees, defendants naturally protested, held a commission from the king as baron of his exchequer.

Unaware of the way in which his enemies were gaining ground at Whitehall, on January 7 Leisler wrote to the king, seemingly by Milborne's hand, that he had received and acted upon the royal instructions. Two members of Andros's council, he said, had 'pretended' to the king's letter, but his own course had been 'to the great satisfaction of the generality of the people.' With much detail, in a letter which some of his councillors also signed, he explained to Burnet, formerly William's chaplain and now bishop of Salisbury, the course of the revolution in New York — not omitting to say that Van Cortlandt had burned his wig in honor of a papistical princeling — and his own course since his accession to the chief command. He told how he had altered and was using the old seal of the province. He intended, he said, to defray 'contingent expenses' out of the revenue, which he was determined to collect although 'sensible of great opposition.' He declared that Dongan was holding 'cabals' at his house on Long Island, designing to retake the fort. And he asked that twenty-five cannon might be sent him, with small-arms and ammunition and 'some small vessel' in case the French should visit New York in the spring.

The anti-Leislerian *Modest and Impartial Narrative* tells how at this time John Tuder, the English attorney who some years before had unsuccessfully brought suit against Mayor Rombouts for illegal use of judicial power, tried to obtain the freedom of a young man named Philip French who had been

arrested for threatening to tear down proclamations. When bail was refused, Tuder

> . . . applied himself to the mayor of the city with the king's writ of Habeas Corpus returnable to the next mayor's court which was the 7th of the same month. This writ so signed by the mayor was safely conveyed to Mr. French and by him delivered to his keeper who forthwith acquainted the head gaoler Leisler therewith. . . .

Leisler simply ordered that French be more strictly guarded. When the mayor's court met and Tuder found that his client was not present he explained the nature of the writ of habeas corpus. 'Our usurper's oracle Milborne' replied, untruthfully, that Philip French was not a subject of the king. Then the bystanders hissed and some charged Milborne with being 'the principal actor of our present troubles.' Thus, says the *Narrative*, the usurpers showed how small a regard they had for that 'pretended act of assembly' (the Charter of Liberties of 1683) which they had cited to defend their own measures, for they transgressed the clauses that safeguarded the liberties of the individual. It was a point well taken. The Charter of Liberties, it is true, had not mentioned the Act of Habeas Corpus, but there can be no doubt that those who framed the Charter intended to affirm the right of the people of New York to the protection of this as of all other English statutes of the kind. So the advisers of James II had understood, for when they commented adversely upon the Charter they took pains to explain that the Act of Habeas Corpus did not extend to the colonies.

Before Leisler despatched his letter to Bishop Burnet he added a postscript telling why he had just imprisoned two of his chief opponents. Believing that a 'hellish conspiracy' to subvert his government was on foot he had issued a warrant for the examination of all letter-carriers and all travellers who had no passes. Thus there fell into his hands letters that had been given secretly to Colonel Morris of Westchester and by him to Perry the postman as he went by on his way to Boston. One from Bayard to John West accused Leisler —

'our Masaniello' — of various criminal intentions besides complicity in a plot to 'massacre' on New Year's Day Bayard himself, Van Cortlandt, and three or four other conspicuous persons, and lamented that there was not force enough available to suppress the 'arch-rebel and his hellish crew.' Another letter, from William Nicolls to George Farewell who, like West, was one of the officials in confinement at Boston, contained the passage already quoted which declared that out of hell there was nothing to match Leisler's government, and urged Farewell to show himself, when he should get to England, 'a mortal, diligent, inveterate, and unreconcilable enemy' to Leisler and his adherents, and to use all possible influence to get 'those rogues removed and left to the severity of the law' so that for all future time they might be an example to all other rebels. There was also intercepted a letter of a similar kind from Bayard to Brockholls and one from Brockholls to Edward Randolph. Therefore the Leislerian leaders had ordered the arrest of Bayard, Van Cortlandt, Brockholls, Nicolls, and two or three others as having committed 'high misdemeanors against his Majesty's authority.' All escaped except Bayard and Nicolls. In Nicolls's pocket was found an anonymous letter threatening Leisler and his posterity with annihilation by 'poinard, poison, or pistol' should he injure a hair of any of his prisoners. Both Nicolls and Bayard, Leisler explained to Burnet, denied writing the letters, which he enclosed to the bishop to show their 'horrible devices.' After the arrest, so Livingston wrote from Albany, Leisler caused Bayard 'to be carried in a chair through the fort by porters, with irons on, in triumph.' Still fettered, says another account, Bayard was thrown into the 'noisome dungeons' of the fort where Nicolls also was secured. Meanwhile, one of Leisler's own letters to Governor Treat having been broken open and misrepresented by his adversaries, he sent a messenger to inform the people of Connecticut by word of mouth what was happening in New York.

With the account of these arrests the *Modest and Impartial Narrative* comes to an end. As printed at Boston at some

time during the year 1690 and soon afterwards at London it includes a prefatory note saying that it had been prepared to be presented to the mayor's court of New York on January 25 but that, when the time arrived, it was not considered safe to present it because on the 'previous day,' January 24, several persons of note were seized and confined by order of that 'insolent man Leisler.' Not, however, in the vehement and vituperative shape it wears in print can the *Narrative* have been meant for use before a Leislerian court. And just how it was put in this shape is a problem. If by Bayard, as internal evidence supports tradition in affirming, he must have done the work while imprisoned in Fort William, where he spent the whole of the year 1690, and therefore cannot have been as rigorously treated as was commonly believed.

Leisler refused to accept the bail that was offered at once for Bayard and Nicolls. Nicolls, so far as appears, bore his fate with dignity, neither begging for release nor trying in any way to placate Leisler. Bayard immediately collapsed. On the 24th — a proof that the arrest must have taken place sooner than the *Narrative* says — he prepared this petition, forgetting for the moment that he was addressing an arch-rebel and his hellish crew:

To the Honourable Jacob Leisler Esq., Lieutenant-Governor of the Province of New York and the Honourable Council.

The Humble Petition of Nicholas Bayard

Humbly Showeth — That the petitioner and prisoner since this two days hath been taken with an extreme sickness in body, and humbly craves your honour's honorable commiseration, the petitioner acknowledging his great error in disgrading the authority which he humbly owns and craves pardon for — Praying that he may be relieved from his dismal detention, promising to behave from henceforth with all submission and perform whatever your honours shall be pleased to adjudge against him, praying that his errors may be attributed depriving from his impatience and vents of foolish passion, and therefore that the honours will be pleased to remit his fault at least by rising from this miserable confinement.

And the Petitioners as in duty bound shall ever pray and remain your Honour's Humble Servant.

Bayard may have revived a little when he came to know that, after lying in jail for ten months, for two months since the order to send them at once to England had arrived, Sir Edmund Andros, Randolph, Dudley, Graham, Palmer, West, and Farewell had at last been set on shipboard. They sailed on February 14. Reaching England at a time when a policy of amnesty prevailed which soon resulted in a general Act of Grace, they fared much better than the Bostonians had expected. The agents of New England, although twice summoned to support its accusations before the Lords of Trade, refused to sign the papers that embodied them, probably so counselled by their English friends; and before the end of April the Lords of Trade recommended and the king in council ordered that the charges be dismissed and the prisoners released. Some of them were again to take a hand in the affairs of New York, but not Sir Edmund Andros. Finding favor with William, in 1692 he was appointed governor of Virginia, Nicholson being transferred as lieutenant-governor to Maryland. Returning to England in 1698 and serving from 1704 to 1706 as governor of the island of Guernsey, Sir Edmund died in 1714 in his seventy-sixth year. He left no children although he had married twice after the death of his first wife at Boston.

Still the important up-river counties could not be brought to acknowledge Leisler. To Captain Staats, whom he had ordered to assert his authority, the Albany magistrates explained that they would cheerfully obey any orders from the king and would obey Leisler as lieutenant-governor if he could show the king's instructions to that effect directed to himself. Staats answered that if he should exhibit copies of the instructions it would be objected that they were in Milborne's handwriting. The only officials who favored Leisler were the sheriff, Richard Pretty, who was one of the few Englishmen in Albany, and two militia captains, both Dutchmen. The others all voted not to recognize Leisler's claims, and Captain Bull of Connecticut told them that he had neither seen nor heard any reason why they should. Calling the people to-

gether in the plain before the church the magistrates read them in Dutch and in English a long protest saying that Leisler had assumed powers for which he had not 'the least shadow of orders or authority'; in Nicholson's absence the king's instructions, in so far as Albany County was concerned, were meant for the convention there; Leisler, persisting in the 'malice' he had always shown, was trying to 'make new confusions when peace and unity were most requisite'; and therefore much time had to be wasted in defeating his designs which otherwise could have been employed 'to resist upon all occasions the common enemy and for the public good.'

Peace and unity were requisite indeed, for the common enemy was preparing to deliver the first blow struck by white men against white men on the soil of New York — the blow still well remembered as the Schenectady Massacre.

In June, 1689, Count Frontenac had sailed from France, secretly instructed by Louis XIV to carry out Callières' plan for the conquest of New York. He was directed to begin the work so warily that, the people of Albany suspecting nothing, he might find at this 'first post' vessels enough to carry his troops down Hudson's River. But he was given only two men-of-war to coöperate with his army, and no soldiers although there awaited him in Canada not more than a thousand regulars and six hundred militia; and his voyage was unexpectedly prolonged. Before he went up the St. Lawrence he sent the ships southward, as the king had directed, with orders to cruise about Sandy Hook but to sail for home in December if the land expedition had not then been heard from. Before he reached Quebec, early in October, he learned of the Iroquois raid that in August had left the province bleeding and prostrate; and when he reached Montreal he heard that the fort on Lake Ontario which bore his own name had been abandoned and that the Iroquois had made a pact with the far-western red allies of France.

With the Iroquois in a triumphant, threatening mood, New York alert, and Canada exhausted, disheartened, half-

starving, and a prey to the smallpox, even Frontenac could not think of a great expedition for conquest. Yet, knowing that to hearten his people and to gain over the Iroquois he must in some way strike at the English, he planned to deliver three blows with three small raiding parties of picked men — a swift attack upon New York, and two upon the border settlements of New England. Immediately, however, he tried to conclude with the Iroquois a peace or a truce. They would not even consent to a conference until they had invited their Albany friends. And then, at a great congress held at Onondaga, they decided, in the words of one of their sachems: 'We must hold fast to our brother Quidor and look on Onontio as our enemy for he is a cheat.' 'Quidor' was the name they gave Mayor Schuyler, trying to call him Peter; 'Onontio,' meaning 'Big Mountain' and referring to an early governor of Canada, Montmagny, was their title for all the governors of Canada as was 'Corlaer' for those of New York; and 'Kinshon' was the term they applied to the eastern colonies, deriving it either from a word for 'fish' or from the name of Pynchon, the first New Englander who had treated with them officially. Now, they said in messages to Corlaer and to Kinshon, the time had come to fall upon the French; all must unite and in the spring go to Quebec and take it. Frontenac, they sent him word, must not think that because they parleyed they had laid down the hatchet.

Albany and its outposts, deeply apprehensive though they were, found it hard to get white scouts to keep watch against the French and thought it dangerous to deplete their garrisons, for in Albany there were not more than a hundred and fifty able-bodied men and in the whole county, most probably, not three hundred. Therefore the convention trusted to the promise of the Mohawks that they would stand sentinel over the two trails from the north. The Mohawks, trusting too much to nature's defences, snow and ice and bitter cold, watched only one of the trails. Along the other came from Montreal amid incredible hardships Frontenac's raiding party, a hundred and fourteen Frenchmen, mostly experienced

coureurs de bois with a number of military officers who had volunteered to accompany them, and ninety-six Indians almost all Christianized Iroquois whom the Jesuits had settled in Canada. Threading the ice-clad forests, treading the frozen surfaces of lakes and streams, wading knee-deep in half-frozen marshes, they made their way southward and, as the savages declared that Albany was too strong to be taken, during the stormy night of February 8 fell upon Schenectady, the place where the French expedition of 1666 had been so kindly succored. They surprised and burned the town, spared all Indians and one or two white men to whom they felt an especial debt of gratitude, killed more than sixty soldiers and inhabitants, carried away about thirty men and boys, and left not more than sixty survivors in the desolated place. Among the dead were Bull's lieutenant and Domine Tesschenmaecker, the clergyman who had been ordained at New York in the time of Andros and who had come to Schenectady from the Delaware country in 1684. His head, wrote Domine Selyns to the classis of Amsterdam, 'was split open and his body burned up to the shoulders.'

At daybreak a wounded fugitive on a half-dead horse brought the news to Albany through terrible drifts of snow. The disaster, wrote Schuyler to Governor Bradstreet of Massachusetts, was due to the 'factions and divisions' among the people which made them so disobedient to their officers that they would not stand guard or even see that the gates of the stockaded village were kept shut. So 'bigotted to Leisler' were the people, said Livingston in a letter to Andros, that they would obey no one else; and after the massacre his 'seditious' letters which 'perverted that poor people' with notions of free trade and a general liberty to bolt flour were found 'all bloody' in the streets. On the other hand, when Leisler heard of the calamity he attributed it to the support given to his enemies at Schenectady by the Albany convention and 'Colonel Bayard's faction.' He had sent up a commission, he wrote to the governors of Maryland and Barbadoes, for an officer and twenty-five men to join with the

Mohawks in watching the trails from the north, but the authorities forbade. Whoever may have been most to blame, the town was certainly left unguarded. Schuyler declared that three gates were found open. An official French report described how the raiders, finding one gate open, fell upon the houses before any one suspected their presence. Then the houses were set on fire to occupy the savages who would else have taken to drinking.

The weather soon growing warmer the whole country became an almost impassable swamp. Yet fifty young men from Albany with a hundred and fifty Mohawks managed to follow the retreating marauders to the borders of Canada, capturing some Frenchmen but rescuing no captives. Everyone believed that a large French army was close at hand intending to fall upon Albany. Never was a place in worse estate, wrote Schuyler to Bradstreet: 'No governor, nor command, no money to forward any expedition, and scarce men enough to maintain the city'; much reason, moreover, to fear that the Iroquois, hitherto 'the bulwark' of New York, might now make peace with its enemies and help to destroy it. Without the aid of New England and of the fifty men who had been sent from Manhattan, Albany could not maintain itself should an enemy come. Yet, he added not quite reasonably, it was the 'distractions and revolutions' on Manhattan that had brought about this 'miserable condition.' More exactly, the condition had not been caused but had been aggravated by the fact that New York and Albany could not agree. And now Ulster County reported that the men whom Albany hoped it would send could not be raised because of the divisions among the people, some holding for the old magistrates, some for the 'new leaders.'

Nevertheless the people of Albany were not disheartened. Daily, wrote their mayor, they were praying for the advent of the governor whom they believed to be already on the ocean; meanwhile Massachusetts must make ready to invade Canada in the spring. All the colonies must thus prepare themselves, said the convention, resolving to write to Virginia and Mary-

land as well as to New England and to 'the civil and military officers' at New York. Again the Mohawks promised to help against Onontio. They would see, they said, that the 'upper nations' were ready to attack him; and as for the English:

> Let them be ready also with ships and great guns by water and we will plague him by land. We are resolved not to go out a-hunting but to mind the war, for the sooner the French be fallen upon the better, before they get men and provisions from France.

In a second petition prepared by Colonel Bayard in his prison, a very long one addressed like the first to Lieutenant-Governor Leisler and his council, he said that it cut him to the heart to be accused of bringing about such a thing as the Schenectady massacre by trying to excite sedition. Since leaving Albany he had sent nothing thither but harmless private letters; and, as their Honors desired, he would now give a truthful account of his conduct there during the past summer, begging their pardon should they find that he had in any way done amiss. In this account occurs the passage that has already been quoted about the arrival of John Riggs with the king's packets. Bayard had then, his petition goes on to explain, been so 'unhappy' as to hold the opinion that the royal instructions were meant not for Leisler but for the councillors and justices, wherefore in his letters to John West he had 'most unadvisedly and in his foolish passion' stated this view 'in such severe and unbecoming expressions to the disgrading of your Honors' authority.' But never had he thought of overturning Leisler's government by force; and so he hoped that his 'unbecoming and disgrading expressions,' and also the 'particular disgusts' which had passed between himself and Leisler, might be forgotten or remembered only as 'events of his foolish passion,' and that their Honors' 'distressed sick prisoner' might be admitted to bail or otherwise preserved from 'perishing in this dismal confinement.'

Less than ever was Leisler in the mood to release the most energetic of his antagonists, one in whose apologies and prot-

estations he can have put no shadow of faith. Believing that the ruin of Schenectady was due in part to 'too great a correspondency' kept between the French and the disaffected in New York, he issued warrants for the arrest of all reputed papists, of all who persisted in retaining commissions given by Andros or Dongan, and of certain specified persons; and a few days later he ordered that Colonel Dongan, Brockholls, Plowman, Van Cortlandt, and 'all their accomplices' should be apprehended, with the use of force if needful.' All these prominent persons managed to escape; some of the smaller fry were enmeshed.

Colonel Dongan, who appears to have done nothing whatever to warrant Leisler's suspicions, went to East Jersey, made his way to Boston, and there took ship for England, seemingly at some time during the year 1691. In August of this year his uncle Tyrconnel died while still desperately trying to hold Ireland for King James. Naturally the nephew did not fare as well at the hands of King William as did Governor Andros. No notice seems to have been taken of his offers to serve the new sovereigns — in the colonies, of course, for as a Catholic he was barred from office at home. His brother the Earl of Limerick, who had followed James into exile and thereby lost his estates, died at St. Germain in 1698. The colonel succeeding to the title, William then received him graciously. But small results followed his prolonged efforts to recover the confiscated estates in Ireland and some £17,000 which he had advanced for the public service in New York. The government of New York appears to have given him nothing although once at least it considered his accounts. Parliament recognized his claim but granted him only £2500 in tallies and, in 1702, permission to buy back if he could his Irish acres from their actual owners. Meanwhile William had ordered that, as the Earl of Limerick could not without aid support himself in England but was willing to live on an estate he owned in America, he should be granted a small prize-ship to take him there and to remain his property. This

scheme fell through. In 1704 he petitioned Queen Anne saying that if a third of what was due him were paid he would release the rest. Ten years later he petitioned the commissioners of the treasury, again in vain although he declared that after paying his brother's debts and his own he had very little left. According to the witness of the stone set above his grave in St. Pancras' churchyard in London, he died in 1715 aged eighty-one. The stone is no longer to be identified, for the churchyard is now a public park where many of the old monuments have been gathered into cairn-like piles which growths of ivy half conceal.

While thus impoverished by his faithful service as the champion of English rights in America, and forgotten by the province that he had guarded and the crown whose interests he had excellently served, Dongan can have profited very little by his many acquisitions of land in New York. Most of his Wall Street property he had sold in 1689 to Nicholas Bayard and Abraham De Peyster. In 1696 he conveyed to William Penn for £100 great tracts in the Susquehanna country which, says the deed, he had 'purchased of or had given him by' the Indians. The rest of his American possessions he bestowed shortly before his death upon three nephews, then in New York, by a conveyance which explained that, having no other heirs, he hoped thus to 'preserve, uphold, and advance the name and family of Dongan.' One of the nephews sold the Hempstead farm to pay the governor's debts. The Staten Island estate, the Manor of Castleton, passed to the children of Walter Dongan, the other brothers leaving no heirs. One of Walter's descendants was killed at the head of a troop of Tory volunteers when General Sullivan attacked Staten Island in 1777. Another represented Richmond County in the assembly from 1786 to 1789. If the 'name and family of Dongan' still survive in New York it is but obscurely.

As promptly as Leisler tried to get his chief enemies within four walls he gave orders for the relief of Albany. Major

Beekman of King's County and Major Thomas Lawrence of Queen's were each to raise fifty men, and Major Cuyler was to draft one man in ten from the city militia under his command. Then the lieutenant-governor in council ordered the election of representatives to an assembly which should debate and conclude 'all such matter and things' as might be necessary 'for the supply of this government.' The writs were issued on February 20 under Leisler's hand and seal and in the name of King William. The need to summon an assembly was obvious: no funds could otherwise be obtained. Their right to summon it the Leislerians based, as they had based other powers that they assumed, upon their belief that the Charter of Liberties of 1683 was still, or was again, in force.

It was now, Leisler felt, more than ever necessary to get control at Albany. Late in February he sent Milborne and two others to lay before the Connecticut authorities a paper asking for their help in appointing agents to treat with the Five Nations and for advice upon various matters. By the hand of Secretary Allyn they replied that they could not interfere in the divisions in New York further than to urge 'Captain Leisler and the government at New York in present power' to come to a peaceful understanding with the 'Albanians' who were so well acquainted with the Five Nations; the number of troops required and the concurrence of Massachusetts were questions for New York itself to settle; Connecticut must recall the soldiers it had sent to Manhattan but would come to its defence should a foreign force appear. In a postscript it was added oracularly that, the writers having seen his Majesty's letters in the hands of Leisler's envoys, they thought that the Albanians might 'find sufficient reason to comply with you in the same when they shall receive due information thereof.'

The hot reply returned to this cool and non-committal letter was signed by Milborne as clerk of the council; its good English as well as its tenor and its temper show that it was composed by him; but when filed away in the archives of Connecticut it was indorsed as Leisler's 'scolding letter.' With

'coldness, contempt, and disdain,' it said, the overtures and requests of New York had been met; the government of Connecticut had increased the trouble at Albany by sending troops to be put under command of the 'rebels named a convention'; the chief responsibility for this lay upon John Allyn who in 1688 had 'traitorously' joined with Andros and his 'wicked council' in levying money under an arbitrary, illegal commission from King James; therefore the Connecticut authorities must be esteemed aiders and abettors of rebellion and their forces at Albany enemies to the king's peace, and John Allyn must be secured 'in order to be proceeded against for his traitorous offence.'

This 'angry letter stuffed with unjust collumniating charges' brought forth an answer mild and dignified in tone if marked by an orthographic wildness in which few Dutch-American pens could rival John Allyn's. It said that the charges against Allyn, which involved of course all who had sat on Sir Edmund's council, were too foolish to be noticed; no animosities were so important at this critical time as that men should be kept in office at Albany who could maintain good correspondence with the Five Nations; Connecticut had not advised Albany to contend against the 'present power at New York' but to submit to it; and it was great ingratitude for that power to heap unjust charges upon those who had spent money and blood in defence of the king's subjects and had always shown themselves loving neighbors.

Mayor Schuyler was beyond a doubt as loyal from the first to William and Mary as was Leisler himself. There was more question of the whole-heartedness of Robert Livingston who had been so notably favored with places of profit by Andros and Dongan. According to a number of affidavits Livingston had spoken of the expedition of the Prince of Orange as an enterprise of rebels or of robbers and predicted that he would come to the same end as Monmouth. Specifying this offence in the warrant, on March 1 Leisler ordered Livingston's arrest as a 'rebel' who had caused great dis-

order at Albany and in the whole province, and sent officers to apprehend him to Hartford and to Boston whither Livingston had carried the prayer of the Albany convention that New England would help it with money and provisions and would 'rig out vessels toward Quebec.' Governor Treat acknowledged the validity of the order, but Livingston was not apprehended nor did he cease to urge that such directions might be sent from New England as would put a stop to Leisler's 'cruelty and oppression' and to the 'dangerous practises' of Milborne who was said to be on his way to overthrow the government at Albany.

Leisler also was asking help of Massachusetts, explaining that Connecticut had refused to consult with him, and of Maryland and Virginia. And, while all others delayed, he was sending help to Albany — to be bought, however, at the price of submission to his government. Early in March Milborne, De Bruyn, and Johannes Provoost who had recently been added to the council, embarked with 160 men, a quantity of linen, serge, and stockings for the Schenectady sufferers, and presents for the Five Nations. Their commission empowered them to take over Fort Orange from 'a certain number of people terming themselves the convention,' to command all the forces at the north, and to 'direct, order, and control' the public affairs of Albany and Ulster Counties. Arriving at Albany on the 17th they took over the fort upon written conditions which, it was said, they soon violated. That is, they dismissed such of King James's regulars as still formed part of the garrison, telling them that they must claim their back pay from the Albany authorities who had promised it. Van Cortlandt wrote to Andros that Milborne turned out all the magistrates, imprisoned some, and so exasperated the people that he had to flee for his life to Esopus. This was not true. The convention, indeed, expired; but all magistrates were by proclamation confirmed in their offices; and upon pain of punishment all persons were forbidden to 'asperse' or 'reproach' in any way their former antagonists. The commissioners ordered a strict collection of the excise

and forbade all sales of rum as 'very pernicious' to the soldiers and so to the public peace. Guards were sent to the outlying settlements and a watch-party to the foot of Lake Champlain. Then Milborne executed his orders in Ulster County and, after going for reinforcements to New York where he remained only one day, returned to his post at Albany.

Albany had held out against Leisler, Livingston said, until deserted by all New England: Connecticut and Massachusetts had both advised submission, calling Leisler lieutenant-governor, and Connecticut had recalled Captain Bull and his men. The commissioners had continued the old magistrates in office 'out of mere fear and terror of the Indians,' and managed most affairs without consulting them except such 'as they knew not how to proceed on without their advice.' Nevertheless, he wrote to Andros, the two factions agreed 'well enough . . . concerning the carrying on of the war.'

The Connecticut authorities had, in truth, recalled their troops from Albany. Thus they got their revenge for Leisler's insulting letter. They called Bull home, they explained, because, as Leisler had charged them with abetting 'those rebels of the convention,' they wished to prevent anything that might 'look like encouragement to them.' So, they hoped, they would satisfy Captain Leisler. As Leisler had now got control at Albany he was as much dissatisfied as Livingston.

On and near Manhattan his authority must still have been acceptable to the bulk of the people, for two hundred men had volunteered or consented to be drafted for the hardships and dangers of frontier service at a moment when the pay that was promised them, 25 shillings a month and provisions, can have seemed by no means sure. A Boston letter written at this time to England says that some one who had recently visited Leisler pronounced him a 'madman.' Another says that some or most 'sober persons' had a good opinion of his proceedings but that the 'Tory party' gave him an exceedingly bad character. This is a very early instance of the use in America of 'Tory' to denote a conservative or anti-popular party.

The French prisoners brought in by the Mohawks asserted that a great expedition was being prepared at Montreal to descend upon New York in the spring. As Denonville had felt that the only way to subdue the Five Nations was to conquer New York, so New York now felt that the only way to keep their friendship and to save itself was to conquer Canada. It was the Mohawks who first urged for this purpose a union of the colonies, it was the Albany authorities who first supported the suggestion, Livingston who first set it forth in urgent appeals admirably conceived and written, and Leisler who pushed the plan to consummation.

Massachusetts listened coldly to Livingston's pleadings, partly because Leisler's agents had tried to discredit him, partly because it had its own borders to guard and, moreover, was planning a naval expedition against Acadia, a neighbor that was weak enough to be hopefully attacked and was troublesome and dangerous as a source of supply for hostile Indians and a shelter for French privateers. Yet Livingston prevailed in so far that Massachusetts decided that an intercolonial convention ought to be held to discuss military measures, named Rhode Island as the place of meeting, and asked Leisler to invite the southern colonies. The capital of New York, Leisler insisted, was the proper meeting-place. Massachusetts consenting to the change, he sent letters of invitation to all the colonies north of Carolina. Pennsylvania and the Jerseys paid no heed; Virginia declared that it would do nothing until his Majesty's pleasure was known; Maryland answered with cordial promises. It would be well, Livingston advised Massachusetts, to invite persons from Albany to enlighten the delegates, and it would be well to 'check' Leisler lest he 'ruin' all. In reality, but for Leisler, but for his diligence in correspondence, the eagerness and insistence of his pleas, there would have been no meeting at all.

At the end of March he wrote briefly to the king saying that he had fully explained the condition of the province to Bishop Burnet. To Burnet he wrote of the Schenectady disaster and the preparations for war, and complained of

Connecticut for recalling its men from Albany, of East Jersey for welcoming the disaffected from New York. The city, he said, was able to repel any attack from a small French squadron which was expected to visit it in the spring. At the north a descent of 2500 Frenchmen and many allied Indians was daily looked for, and if the other colonies did not 'bestir themselves' there was danger that 'all the king's footing in that part of America' would be lost. In his own colony the people were very slack in 'bringing up money' and in returning members for an assembly through which it might be obtained, yet he hoped to get enough. Under stress of need and in the king's name he had taken some guns from a Dutch ship; he hoped that the owners would be reimbursed and that the king would forthwith send aid, especially in the shape of ammunition. 'That which gives life to us chiefly,' he added, 'is the assistance we expect from his Majesty.' The ship that carried these letters, sailing from Boston, was captured by a French privateer.

The courts of judicature, Leisler also informed Burnet, were for the time suspended in New York because of the insistence of military affairs. Suspended likewise was the activity of the common council. Once in November, once in December, and twice in January Mayor Delanoy and his colleagues met to deal with local affairs. The lack of later minutes, in a book also used by their successors, shows that they never met again. One of their last ordinances directed that, as several persons in the city were in want and there were no means provided for their relief, the constable in each ward should make 'a collection of a free gift from all the inhabitants . . . by which the said poor may be maintained.' Another ordinance directed the publication of the acts of assembly of Dongan's time concerning the keeping of the Sabbath and the treatment of servants and slaves. The very last appointed five 'brant masters' or fire-wardens.

Now that Milborne was at Albany, Leisler's correspondence with Hartford resumed a friendlier tone. His scribe was probably young Abraham Gouverneur who was deputy-

secretary of the province under Milborne. At the beginning of April Leisler asked for and obtained permission to beat up for volunteers in Connecticut. On the 19th he heartily thanked Governor Treat for the news that his colony meant again to send troops to Albany, promised to supply them with ammunition, and enumerated the large supplies of food already sent up from Manhattan. A village only twelve miles from Albany had been raided and destroyed. This, Leisler said, would encourage the enemy unless Canada were vigorously attacked, as New York was fully determined it should be.

The first step was to get money. Again Leisler issued the writs for an assembly, and then all the counties except Suffolk held elections. Suffolk, as the justices of Easthampton explained, had asked the king to join it to Connecticut; therefore Leisler was not to impute their refusal to concur with him to 'any disaffection' to his person, 'much less' to his authority ; they prayed God for his good success in the place he held. The sheriff of Ulster informed Milborne that he had not obeyed the first writs because, although he knew the election ought to be 'free for all classes,' he had been loath to admit those who had refused to take the oath to Leisler's government ' lest so much leaven might taint that which is sweet.'

There is no way even to guess how large a proportion of the freemen went to the polls in any county; and there is no full list of the members of the only assembly unauthorized by a ducal or royal proprietor that met in New York before the time of the Revolution. Albany, it is known, returned Jan Jansen Bleeker, one of the militia captains who had always inclined to Leisler; Schenectady returned Ryer Schermerhorn; Westchester, Thomas Browne; Queen's, Nathaniel Piersoll, or Pearsoll; and New York three of its aldermen — Walters, Spratt, and Cornelius Pluvier — with William Beekman, the old Dutchman who must by this time have acquired prestige as one of the few persons still living who could remember the infant days of New Amsterdam.

Piersoll declined to serve; after events explain that he was a Quaker who would not make oath. Beekman begged to be excused because of his age and infirmities. The other delegates, meeting on April 24 at Walters' house, chose as speaker John Spratt. No official record of what they did remains — no record at all except brief references in Leisler's letters and a paragraph in one of Van Cortlandt's. Writing to Andros, Van Cortlandt related that after the members had sat for a few days

> . . . an act was made to raise throughout the whole government three pence in every pound real and personal to be paid the first of June, and that all towns and places should have equal freedom to bolt and bake and to transport where they please directly to what place or country they think it fit, anything their places afford, and that the one place should have no more privileges than the other.

This, said Van Cortlandt, was 'all what this wise assembly did' except to receive petitions for the release of the prisoners whom Leisler held.

It is certain that the tax was laid; and we have Leisler's own statement that he prorogued the assembly when he saw that it 'intended to work with the prisoners.' The letter which so says, written on April 30 to his commissioners at Albany, also says that he was sending them the new 'laws.' But, excepting Van Cortlandt's statement, no word of this or of a later time indicates that these laws annulled the Bolting Acts of Governor Andros's making. Most likely such a measure was introduced but was not passed or was vetoed by Leisler.

A part of this letter of Leisler's may be quoted *literatim* as well as *verbatim* to show that it is not hard to distinguish the products of his pen from those of Jacob Milborne's. After referring to the laws he reported that 'mest riars,' meaning Mr. Ryer Schermerhorn,

> . . . desired som guns with iff your seemeth most be taken from sloop or petrares for Schonectede with wee Desiers ma not be desertet doo It shuld kost 50 soldiers to maentain Evert Wendell Is remained heer by min leve becas his Chelder died therefore can be ex-

cused the mayer and me Selvst are In continual compayni with the Comisioners we have advice off marsch off the marilanders It Is thougt the will travell by land for faer off the small poks. . . .

The 'Marylanders' were the soldiers Maryland had agreed to send to Albany. The 'commissioners' were the members of the intercolonial congress or convention summoned by Leisler to discuss military affairs. This met at New York at the end of April, just when the assembly was prorogued. It was the first assemblage of its kind, for the meetings of the commissioners of the United Colonies of New England had not been in the same sense intercolonial; and it had no successor until a larger congress met at Albany in the year 1754. Four colonies sent delegates, New York appointing Leisler and Delanoy, Massachusetts Samuel Sewall and William Stoughton, Connecticut Nathan Gold and William Pitkin, and Plymouth Major Walley. Rhode Island and Maryland were represented by letter.

Sewall does not explain in his famous diary why he visited New York, and says nothing of the city, of the congress, or in a descriptive way of Leisler whom he calls sometimes 'the governor' and sometimes 'Captain Leisler.' Unfortunately, Sewall was chiefly concerned with a fit of religious depression that happened to possess him and therefore, after describing his journey, remarked only upon the church services he attended in New York. On April 21st, he says, he and Stoughton and some others started from Boston on horseback for Newport. Thence, on a sloop which they hired for twelve shillings a day, they voyaged to Oyster Bay taking their saddles and bridles with them. By way of Hempstead and Jamaica they rode to 'Brookland' where, on the 28th, Mr. Edsall met them 'with a file or two of troopers' and escorted them over the ferry. Sewall dined with Leisler and, being 'disturbed' in his lodgings and 'overcome by the governor's importunity,' consented to lodge at his house.

There was still much sickness in Connecticut and Massachusetts, sickness and scarcity approaching famine in Plymouth Colony, and smallpox in New York although, Leisler declared,

'not so great nor mortal' as had been reported. The little congress held its sessions two miles out of the city, probably in or near the Bowery village, in a house which Leisler had found to be fit for 'such general and great concerns . . . a good and neat house . . . where no smallpox is.'

New England now felt as strongly as New York the need to strike at once at the heart of the French power, for, toward the end of March while Massachusetts was preparing its expedition against Acadia, the second of Frontenac's raiding parties had destroyed a settlement called Salmon Falls on the border between New Hampshire and Maine. Unanimously the congress decided upon a joint expedition to strengthen Albany and to pursue and subdue 'the French and Indian enemies of their Majesties.' Articles signed on May 1 promised that New York would supply 400 men, Massachusetts 160, Connecticut 135, and Plymouth 60, while by letter Maryland agreed to send 100 and Rhode Island no soldiers but a 'reasonable proportion' of money. The lieutenant-governor of New York, the articles said, should appoint 'the major' (the commanding officer or major-general) of the allied forces, the New England colonies the 'next captain.' The major was to decide all 'matters of great concernment' in council of war with the other commissioned officers or so many as opportunity might permit to aid him. Without the further consent of the colonies the soldiers were to be employed in no other service than was now agreed upon. Plunder and captives 'if any happen' should be divided 'according to the customs of war.' The officers should discountenance and punish vice, maintain the worship of God, and so far as possible keep the Sabbath. Such was the agreement regarding the first body of troops that could be called an American army. All the delegates signed it, but none, so Walley wrote to Governor Hinckley of Plymouth, set beside his name that of the colony he represented. Some thought that the compact would need to be ratified by the colonial assemblies. And even Leisler understood that the promise to send a certain number of men was not a formal and inviolable pledge.

On May 4, says Sewall's diary, he went with some companions to the Dutch church and joined in singing the psalms, which Captain Leisler had taught him the night before. On the 5th, after dining with Captain De Peyster, he started by water for Newport. Governor Leisler, Walley informed Hinckley, was 'a man that carried on some matters too arbitrary' but, he thought, was 'earnest to promote the design against the common enemy.' So Leisler himself reiterated to all his correspondents. He wrote to Hinckley that he was fitting out three vessels to go against the French, a frigate carrying 24 guns and 150 men, a brigantine, and a sloop — 270 men in all; it was not yet certain that Boston would send any ships but 'ours shall go, please God, though there should go no more.' To the commissioners at Albany he wrote that Massachusetts would send ships but that it wished the New York ships to go 'under command of theirs which cannot be.'

Maryland, Governor Coode wrote to Shrewsbury on May 14, would do all that it could in answer to Leisler's requests for aid against Canada. Leisler's determination that New York should do all that it could did not lessen his difficulties at Albany and increased them in the other parts of the province. Not every one on Manhattan can have seen as clearly as he the immediate need for a hard and costly campaign toward which the mother-country was contributing nothing, not even a word of encouragement — a campaign which would greatly interfere with the course of trade and for the sake of which heavy taxes had been imposed by a government provisional in character and precarious in power. The first formal protest against this government that was spoken on Manhattan by persons outside the group of officials who had served under King James, the first protest sent to the home authorities after Nicholson's government disintegrated, was signed on May 19 by thirty-six persons who described themselves as 'merchants, traders, and others, the principal inhabitants.' Addressed to the crown, it declared that for

almost twelve months New York had groaned under a 'burthen of slavery and arbitrary power' exercised by some 'ill men' who, assisted by a few others, formerly thought scarcely worthy of the meanest offices, to whom no better name than a rabble could be given, had assumed his Majesty's authority, overturned all civil power, and ruled by the sword and 'the sole will of an insolent alien, he being none of your Majesty's subject.' Without any warrants they had imprisoned his Majesty's subjects in 'dark, noisome holes,' seized estates, and plundered houses, pretending it was all for the king's service. They had scandalized and abused the ministers and rulers of the churches and seized their revenues, so that religion was in great danger and some of the best and most considerable inhabitants had been forced to leave the province. Moreover, the trade of the province was almost extinguished. Therefore the petitioners besought his Majesty speedily to send 'such persons or orders' as would extend to New York protection and relief.

Four of the captains who had at first supported Leisler signed this address: Minvielle who had soon fallen away from him; De Peyster who seems still to have been on good terms with him when, only a fortnight before, he helped to entertain Samuel Sewall; Nicholas Stuyvesant; and Charles Lodwyck who had been for some time a waverer, for, at the end of March, Leisler had written to Fitz-John Winthrop that Captain Lodwyck was 'quite reformed' since a recent visit to Boston and intended 'to keep better correspondence with us.' Others who signed were Brandt Schuyler, Philip French whom Leisler had released from jail, Nicholas Bayard's brother Balthazar, and Stephanus Van Cortlandt's brother Johannes. Among the rest were many who were aliens in the same sense as Leisler and, in some cases, had not been nearly as long in New York. Such were Domine Varick of Long Island, Pierre Peiret who had come in Dongan's time to assist Daillé as the pastor of the French church in the city, and Stephen Delancey the Huguenot from Normandy.

From the first all the ministers except Bonrepos, the French

pastor at New Rochelle, had been opposed to Leisler. They were obnoxious to him, Varick said, because they tried to persuade the people that it was unjust to call their old magistrates 'traitors, papists, etc.' All that Varick himself had done, he wrote two years later to the classis of Amsterdam, was to warn an elder in his own church who was one of Leisler's chief advisers (probably Dr. Beekman) to desist from acting cruelly toward respectable people, telling him that such conduct would be his ruin as the English were greatly provoked 'by their losing the fort a second time' — a phrase which implies that Varick put the uprising of 1689 on a par with the Dutch reconquest of 1673. None of the ministers, says the *Modest and Impartial Narrative*, escaped 'the lash' of Leisler's 'inveterate tongue.' But, says *Loyalty Vindicated*, they all preached against his government continually and bitterly; Selyns in especial 'flung from the pulpit' everything that the 'most furious partisans' could suggest to exasperate the people.

Some of the newly arrived Huguenots in and near the city were also making trouble for Leisler, asserting that the proposed war was needless and refusing to pay taxes because, they said, the king of England had invited them into his dominions with a promise that their lives should be 'made sweet to them.' Leisler spoke of their 'ill carriage' in one of his wonderful autograph letters, written to a person in West Jersey who had made some complaint regarding a ship:

Honoreth Ser,

Your last is before us. having considert the Contenû I most allow Wath your represent to me therein. I am Sori Your vessell happent Yust at sutche theime when som Franch heer by their Il Caridg provoket the piple Whereby the was Stierd up to us Severite to prevent some off the Franch their theime. We are distrost at ouer bak and in ouer Bossm We have Men with we kannot well trost with was the Cas 2 was sesed one Clerd thoder Condemned then Information was Brought In Court When the Suth with I kold en most noth hinder. en so se was Condemned.

Nothing was yet known in New York of the king's intentions

save the bare fact of Colonel Sloughter's appointment. On May 20 Joost Stoll arrived from England with his report upon the mission he had undertaken almost a year before. The king, he said, had received him graciously but had taken no further notice of him and had appointed Captain Nicholson to high office. Bad as this news was for Leisler it troubled him much less than what he heard from Boston ten days later. The third of Frontenac's raiding partes had surprised the fortified post at Casco Bay in Maine and, as Governor Bradstreet wrote, had 'killed or captivated all the persons there, men, women, and children'; and Massachusetts had been forced to recall the soldiers who had already started toward Albany so as to 'speed them away to the eastward.' Plymouth did the same. Only from Connecticut could New York and Maryland now hope for aid in the land attack upon Canada.

On the other hand, the disaster in Maine emphasized the need in some way to cripple if not to conquer Canada, and the success of the naval expedition that Massachusetts had sent against Acadia heartened it for another and a greater effort at sea. This expedition had started late in April, just when the intercolonial convention was assembling at New York — a frigate and half a dozen smaller vessels under command of Sir William Phips. Formerly the agent of Massachusetts in England, Phips had since taken service in the royal navy, had raised a Spanish treasure ship in West Indian waters, and had come home with his share of the bullion, £16,000, and the honor of knighthood. There were now some 7000 people in Acadia but they made no organized resistance. By the end of May Phips was back at Boston bringing sixty prisoners and much booty. From Port Royal to their own settlements the 'Bastonnais,' as the Acadians called all New Englanders, were masters of the coast; but their easy conquest was not to prove more permanent than the one that had been effected by Cromwell's expedition.

Leisler now wrote to Governor Treat that a person newly from England told of 'great preparations' being made in

France with 'eight stout men-of-war to come to take New York and to make it strong'; the New York ships had put to sea; he had news of Phips's 'victorious success at the eastward'; he would send no soldiers to Albany who had not had the smallpox. Later he wrote that his ships had gone northward early in June, by themselves as no New England ships were ready. At the end of June he and his council sent another long despatch to Shrewsbury. Stoll, they said, had told them how Nicholson and Innis, reaching England before him, had been able 'to show a fair face' of an 'ill cause,' but as the king had referred the affairs of New York to Shrewsbury himself they did not doubt that truth would be vindicated. Telling again of the preparations for war, again they asked for arms and powder. As the 'malignant party' had drawn 'unexpected life and vigor' from the news that the late king was holding his own in Ireland and that William had dissolved parliament, 'every wind that blows favorably on King James's part raising their billows,' it was to be feared that not half the taxes imposed by the assembly would be collected. The governor of Canada had sent an embassy to the Five Nations to restore some of the braves who had been carried captive to France; the savages, as directed from Albany, had made the Frenchmen prisoners; although they had then given four of them to four of the tribes 'to be treated in their barbarous manner,' they had sent the chief of them, the Chevalier D'Eau, and all his papers to Albany. Brought thence to New York he was now confined in Fort William. On the 6th of June some thirty-odd persons had assaulted the lieutenant-governor on the street, trying to injure his person, refusing to pay the taxes, and demanding the release from prison of 'certain malefactors.' A postscript to the letter said that Major Milborne had been recalled from Albany to carry it to England and to give the secretary of state a 'more particluar account of affairs,' but as 'great distractions' had broken out among the troops at Albany he could not be spared and Captain Blagge, a member of the council, was to go in his stead. Milborne might better have been sent. Neither he nor any

one else could then have done Leisler's cause any good in England, but more than any one else Milborne did it harm in New York. Blagge carried also a brief despatch to the king calling his attention to the letter, copies of the earlier despatches that the French had intercepted, a *Memorial* setting forth once more the course of events 'since the news of their Majesties' happy arrival in England,' and an unusually large batch of affidavits.

Describing in a letter to Governor Coode the riot of June 6 Leisler said that some of his assailants tried to seize his sword while others struck at him, one with a cooper's adze intending to kill him, but that drawing his own sword he made his way through the throng and the people then flocked to his rescue. Thirty-three affidavits taken before the mayor or some other magistrate between the 6th and the 11th of June attested these details, as did also the *Memorial* sent with them to England. This explained that Leisler's life was saved by the populace and that some of the ringleaders were then seized and imprisoned, but:

> This riotous action of the malcontents occasioned a further tumult of ill consequence to themselves, for the country people, upon a rumor that the government was in danger by the rising of the disaffected party, flocked into the city armed in great numbers, and notwithstanding the efforts of the magistrates to appease them, they took the liberty (as is too usual with an enraged multitude) to perpetrate revenge on those which were the occasion of their coming, quartering themselves in their houses for two days and committing divers insolences upon them, much to the dissatisfaction of the magistrates till they could persuade them to return quiet to their houses. . . .

This was a more serious riot than any that the Leislerians had begun, the most serious that occurred during the long two years of uncertainty and disturbance. According to Leisler the score of persons arrested — mostly English but including Brandt Schuyler and two or three other Dutchmen — were offered their liberty if they would pay a fine and bind themselves to good behavior; about half of them accepted;

the rest, refusing, remained in confinement. As their friends, says the *Memorial*, sent them provisions 'in a superabundant and extraordinary manner, designedly to affront the governor,' they were forbidden to have anything brought in and were kept on bread and water, but only for two days after which they had what provisions they pleased.

The ordinance calling for these arrests, issued by the lieutenant-governor in council the day after the riot, said that the rioters had resisted the militia and hindered the proclamation of orders to keep strict watch in the city and to complete its fortifications; moreover, an intended plot for a rising to release the prisoners in the fort had been discovered through a letter of Bayard's found in the hands of his wife, who had been brought before the council. Therefore, being informed of the trouble in Ireland and fearing an invasion by the enemy, the government renewed the proclamation put forth by the people of New York on June 3, 1689, and directed that it be signed by all who did not wish to be thought 'enemies to king and country' and to be treated accordingly. As this meant a fresh recognition of Leisler's government another exodus followed. Domine Varick was one of those who fled, going to the Delaware country. Returning after a time he was then charged with speaking treasonable words and was sentenced by the mayor's court to remain in confinement until he should pay a penalty of £80. At the end of five months he was released without payment. He was not imprisoned, says his own letter to the classis of Amsterdam, like his fellow-sufferers 'with nailed up windows,' or underground, or with irons on his legs; he was in a 'lighted chamber' with the Chevalier D'Eau from whom he 'thankfully learned French.' The city pastor, Domine Selyns, was never actually disturbed but, it was said by his friends, was abused in his church by Leisler himself and 'threatened to be silenced.' Among the papers taken from D'Eau was a letter from one Jesuit to another which spoke with praise of Domine Dellius of Albany. This sufficed to confirm the suspicions of the Leislerians that Dellius was in treasonable correspondence with the French. He

was summoned to New York but escaped and made his way to Boston with the intent to return at once to Holland.

Even Bayard and Nicolls, *Loyalty Vindicated* affirms, were imprisoned 'without barbarity . . . and not in a nasty gaol but in handsome lodgings' which were afterwards thought fit for government employees 'to lodge and keep office in.' It was true that Bayard was kept in irons, but this he well deserved for his aversion to the revolution, disturbance of the peace, and attacks on Captain Leisler; 'nor could it be safe to admit such fire-brands to bail.'

The cruelties charged against Leisler were no worse than those charged against the Bostonians by the officials whom they kept in prison so long. Judge Palmer's *Impartial Account of the State of New England* spoke of the 'horrible usage' that Andros and his companions had suffered. After Andros attempted to escape he was lodged in the castle in the harbor, and here, Randolph wrote to the Lords of Trade, his jailer treated him as the 'worst of malefactors,' keeping him and Graham in a very small room without a fire where the rain soaked through the walls so that the water sometimes lay six inches deep on the floor. Randolph himself, he thanked God, was better off, having 'a little place in the common gaol,' but was in danger of being 'stunk up' by the filling of the jail with poor prisoners, especially wounded men who were left to 'rot and perish' for want of any one to dress their wounds. Nor, indeed, judged by any general standard, by any account of the treatment usually meted out to prisoners in England or America in Leisler's time, can his practices be called unduly severe. It may again be said that while he held power no life was taken in a street brawl or by judicial or military execution, and that except in a street brawl or by some hasty exclamation no life was threatened.

Domine Varick declared that his wife had had to 'fly with everything' because of constant threats of pillage. Threats of this kind seem to have far outrun and outnumbered corresponding deeds. The charges of robbery loudly brought

against Leisler and his agents are seldom more specific than the charges of papistry and treason which they laid against their enemies, and when specific were not very black. For example, even the writers of the *Modest and Impartial Narrative* could find nothing worse to say of the day of excitement when Bayard was arrested than that, when he was dragged from the house where he had hidden himself, 'in that riotous tumult were stolen three silver spoons' while in searching Van Cortlandt's house 'most of his doors and locks' were 'spoiled.' It had never been proved, says *Loyalty Vindicated*, could never be proved, and was 'point blank a lie' that Leisler ever gave directions to plunder Bayard's house; the soldiers were strictly forbidden to plunder any one and were compelled to restore whatever they took, on one occasion 'even so small a matter as a hat.'

When Leisler was fitting out his little men-of-war, Van Cortlandt wrote to Andros, he laid an embargo on all provisions, ordered all guns and powder, all beef, pork, flour, and pease, to be carried to the fort or aboard the vessels, against the will of the owners, breaking open their cellars and making no price with them but saying that as soon as the war was over they should be paid; if he supposed a man indebted for arrearages in Dongan's or Andros's time, without making sure or going to law he took his goods; the money which years before had been left over after Leisler himself and 'the other slaves in Turkey' were redeemed, and which had then been given to the fund for a new Dutch church, the churchwarden had invested in Holland in linens, and these Leisler seized and sent to Albany. Usual, necessary, laudable measures of war, *Loyalty Vindicated* explains. It was true that Leisler ordered the merchants to supply the garrison; otherwise it might have perished. But that he 'honestly gave them credit in the king's books' was proved by the fact that in after years they were for the most part paid. When they were 'refractory' he broke open their storehouses. But 'exact accounts' were kept of these goods also, and 'entries made in books kept for that purpose so that it was not plunder.'

And meanwhile Leisler was spending for the public good a large part of his own fortune.

These statements are corroborated by the accounts kept for Leisler's government, by the warrants he issued in council for the opening of warehouses, and by other papers showing that he respected property rights as far as the exigencies of the time seemed to him to permit. One of these many papers is a careful inventory taken on the king's behalf of a large number of articles, once belonging to a Jesuit missionary, which had been found in the office of the receiver of the king's revenues at Albany, Robert Livingston — articles ranging in value from a priest's surplice and a 'handsome pair of women's hose' to such things as 'two old chisels' and 'one crooked nippers.'

The revolutionary government of Massachusetts, to draw comparisons once more, likewise excited discontent by laying taxes, establishing an excise, forcing open warehouses, and pressing for the public use all sorts of goods, to such an extent, say letters sent to England at the time, that the 'common people' would have been glad to have Governor Andros back again.

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CHAPTER XXVIII

THE FALL OF LEISLER

1690, 1691

(JACOB LEISLER, ACTING LIEUTENANT-GOVERNOR)

The said Ingoldsby upon his arrival had sent . . . to demand the fort of the said Governor Leisler, showing nevertheless not the slightest order from his Majesty or the Colonel Sloughter, whereupon this was refused by the said Leisler unless they would first show him evidence of the order of the king or at least of the governor appointed. — *Affidavit of Kiliaen Van Rensselaer. 1692.*

ALTHOUGH Leisler had been empowered by the congress to name the commander of the allied army, the choice, Livingston wrote to the Connecticut government, ought not to be left in his hands 'upon pretence of sending up most men.' Their soldiers would not easily be commanded by such persons as Leisler would nominate; it was doubtful, indeed, whether any of his 'creatures' was capable of holding such a trust. Albany and New England, whose interests were 'inseparable,' ought to manage all their own affairs without consulting New York. It was a pity that they had concerned themselves at all with those who were utterly ignorant how to deal with the Indians. Leisler ought to be made to recall Milborne from Albany as the savages never changed their mind about any one whom they disliked.

Late in May Leisler issued to Milborne a commission as commander-in-chief. Connecticut induced Massachusetts to support its protest. Milborne, John Allyn explained on behalf of his colony, was 'short in parentage and most generous respects' whereas the 'surviving Winthrops,' on their

ancestors' as well as on their own account, had been and were expected to be 'beloved and famous and also successful in New England and all America'; for years Fitz-John Winthrop had commanded the militia of Connecticut; in every way he was the fittest person for the post in question; but, as the Connecticut soldiers had a 'disgust' for Milborne, if Leisler would not appoint Winthrop then let it be some other person, 'the most considerable you have.' Leisler answered politely and consented to the change, protesting only that Allyn's 'particular disgust' for Milborne was a matter of no moment, every one in New York knowing Milborne as a 'fore-seeing, prudent, and courageous person' who would have drawn the love of the soldiers. Governor Treat then gave Winthrop a commission as commander.

Upon pain of prosecution for breaking his trust as receiver of the king's revenue Livingston had been summoned to Albany to explain why no registers or excise books of recent date had been found among his papers. Because he refused, he wrote to Nicholson who was now installed in Virginia, his estate had been seized; 'forced to abscond' like 'Brother Cortlandt' and many other gentlemen, he had stayed at Hartford and had not seen his family for three months; contrary to expectation Colonel Winthrop had consented to take command of the army; it was feared that 'our tyrant' meant to make his escape as soon as he had collected the taxes laid by his 'pretended assembly,' sailing for Guinea or the South Sea on one of the vessels fitted out ostensibly to go against the French. Livingston hoped this might be prevented. Shortly before, he had complained that the people of Albany were being impoverished by feeding two hundred and twenty men whom Leisler had sent up from Manhattan without provisions. Now he implied that the men were not so numerous. If a governor did not speedily come, he said, the whole country might be lost, for

> . . . all goes to confusion, all the eastern parts lost and destroyed, no ships ready to make an assault on Quebec as was proposed, no army by land; the few sorry and despicable fellows that Leisler sent

up as soldiers to Albany, most of them being boys, die like rotten sheep of the bloody flux by the fishy pork that Leisler robbed of the merchants, upon pretence to press it for the king's service. . . . O brave doings when all New England must come like servants to truckle to such an usurping tyrant!

Livingston was not alone in fancying that Leisler meant to run away to escape a punishment that he knew he deserved. He was going, wrote one Thomas Newton at Boston, with a pirate whose ship he was holding in the harbor of New York. It could hardly be doubted, Fitz-John Winthrop informed his brother Wait in June, that Leisler would soon 'give the bag,' which would 'reproach the correspondence with him and occasion many inconveniences'; he wondered how those concerned in the government of the several colonies could be 'so blind and deluded with such an one'; it was 'a great dishonor and besides a mischief to the management of affairs at this juncture.' Of course Leisler had no faintest idea of absconding. Everything that he wrote shows his firm belief that everything he was doing would find favor in the eyes of the king. With perfect confidence he reported to the authorities in England all his acts and intentions, and as confidently gave his reasons for them. He was sure that he could not better please the governing powers than by pressing the war against Canada; and his willingness to put a New Englander in the place for which he had selected his favorite Milborne is one among the many proofs of his sincere desire to insure success. But to all this the Connecticut men were blinded by the impertinence of Milborne's pen and by the true and the false accusations of Livingston and of Van Cortlandt whom Governor Treat received under his own roof at Hartford.

On June 20 Leisler informed Treat that, according to the power conferred by the congress, he had sent to Albany a blank commission for 'that excellent person Major-General Winthrop.' Ten days later he wrote that his prisoner, the Chevalier D'Eau, had told him that the French and English

were of one mind — the whole country must belong to the one or the other; the French expected ten or twelve men-of-war; they might already have arrived; if they came it would certainly be before August, and as certainly they would give the English 'much work.' 'We are ready for them,' Leisler added, 'and hope at Albany they will behave themselves like men and let not one escape.' Both he and D'Eau, he informed his commissioners at Albany, wished it were possible to prevent the cruelties of the Iroquois 'against the French women and children'; French ships were expected; 'the news of Colonel Sloughter is quite vanished.'

French privateers raided Block Island at this time, threatened the shores of Connecticut, and captured two New York vessels. All others, says one of Leisler's commissions, were afraid to 'budge.' It was even believed that a party of armed Frenchmen had been seen on Shooter's Island in New York harbor. Both the shipping and the ammunition of Connecticut had been sent away, wrote Governor Treat on July 22; if in this 'time of great need' Leisler would sell his colony some powder and would send 'vessels of force' to expel the enemy, it would be a service to God, king, and country that should never be forgotten. Leisler had then already sent a mounted party to the east end of Long Island for news, ordered the militia of the island to be on the alert, and commissioned four vessels which soon cleared the coast of the privateers.

The journal of a certain Cuthbert Potter who made at this time an overland journey from Virginia to New England says that in July he saw most of the 'honest gentlemen' of New York, who were longing for Governor Sloughter's arrival, and that Leisler had called upon all the people to join in the common defence and they had 'responded.'

On July 14 Winthrop had started from Hartford to take command of the allied army. The troops he brought with him raised the Connecticut contingent to 200 white men and 40 Indians. Mayor Schuyler, he found, was at Saratoga trying to get more Indians and the canoes needed for crossing

Lake Champlain. Everything was in confusion, he reported to Treat, 'the design against Canada poorly contrived and little prosecuted' and further embarrassed by the 'misunderstanding' between Leisler's commissioners and the 'principal inhabitants.' The designs of Connecticut and New York were different; the New Yorkers had led Connecticut 'too cunningly into an association just to serve their extremity' and now would hardly confess that they were under obligations for its generous assistance. Moreover,

> . . . your army is much disabled with sickness; the smallpox, the fever and flux is very mortal. . . . I cannot depend upon above 130 soldiers fit for service. . . . The disadvantage of doing with unreasonable men wholly tied up to their own interest is cruel; and such you have to do with and 'tis not worth your while to flatter yourselves otherwise. The snake never hurts more than when it lies under a secure shade. Such has been your favor to shadow the worst of vipers. . . . It looks almost impossible to the soldiers; however, that no defect may be at your door I have given orders to march on the 30th instant.

Winthrop's dislike for Leisler and his reluctance to have any dealings with him accentuate the fact that he would never have engaged in the war had he really believed that it merely 'served the extremity' of New York. He had said that the interests of Albany and Connecticut were identical; and he had written his brother that one man in five in Connecticut ought to go to the front, as he himself was going, 'to save our country and so our interest which else with others' is lost forever.' Moreover, the New Englanders, like the Leislerians, thought to win the approbation of the crown by a vigorous defence of its interests. They also hoped to gain control of the western fur trade. And no more than Leisler did they dare to wait for any aid that England might eventually be induced to give: their borders and coasts were too seriously threatened, reports of the advent of a French fleet seemed too credible, and the Iroquois had too plainly shown that they would resent a policy of inaction. It is easy to fancy what the Connecticut men would have called Leisler if he had said, as Livingston said,

that Albany and New England ought to manage their own affairs without consulting him.

Under Winthrop's wing Livingston had ventured to return to Albany. The Leislerians did not trouble him, and at his house Winthrop fixed his headquarters. This was hardly a step toward concord and good feeling. Moreover, if Leisler may be believed, Winthrop lost no chance to ignore or to insult the Leislerian commissioners. On the 31st, however, Winthrop accepted his commission as issued by Lieutenant-Governor Leisler, and signed with his representatives a set of articles for the conduct of the war, very much the same as those that the congress had drawn up.

The force under his command was not nearly as large as the congress had promised, yet it could fairly be called an American army. It was drawn from only three colonies, New York, Connecticut, and Maryland; but these three represented the three groups of colonies, middle, northern, and southern, that were to achieve a common independence by the War of the Revolution. Virginia had explained, when invited to the congress, that it could do nothing until a governor should come and the assembly meet. Leisler must have lost all hope that it would do anything when he learned that its new governor was Francis Nicholson.

It may seem that even a much stronger army would have had little chance of success under leaders who hated and distrusted an ally as Winthrop and the Albany men hated and distrusted Leisler. But in spite of their fears and their feuds all did their best. The difficulties that conquered them are clearly described by Winthrop in his official letters and a fragmentary *Journal of the Expedition to Canada.*

At Albany he had expected to find 400 soldiers from Manhattan well equipped and provided, but found only 150 besides 'the principal gentlemen, burghers, and boors volunteers' of Albany County who had generously offered to serve their king, 'most of them upon their own charge,' and were already assembling at Wood's Creek near the head of

Lake Champlain. Here Winthrop ordered the Connecticut men to join them and the whole army to encamp. New York, it may be noted, had furnished its full contingent. It was not Manhattan, it was the province at large, that was pledged to send 400 men.

On August 4 it was decided to march forward from the upper Hudson where it was fordable. The provisions of the Connecticut men were then divided — about thirty-five cakes of bread for each soldier 'besides pork which was scarcely eatable.' On the 5th, having no canoes, they marched on horseback to the 'great carrying place' where they overtook the Dutch companies

> . . . carrying their canoes and provision over this carrying place on their backs about twelve English miles, very bad and difficult passing. This hardship the Dutch soldiers performed vigorously and without one repining, which made me think nothing would be difficult for them to perform. Our way this day a continued swamp abounding with exceeding tall white pine fit to mast any ship; no grass for our horses.

On the 6th the horses could go no farther. Smallpox broke out, supplies ran short, and the Iroquois failed to support the enterprise they had been the first to propose. The Mohawks and Oneidas, who had promised to send 300 warriors and the needful canoes, sent only 70 warriors and not canoes enough to carry half the white men, while the more westerly nations, who had promised a thousand braves, sent none at all, giving smallpox as the excuse. It was a 'deceit so great' on the part of the Iroquois, said Winthrop, that it could not 'be interpreted by the most skilful of the burghers and those of most ancient and intimate friendship with them.' The council of war soon saw that the white men by themselves were not strong enough to enter Canada and had not food enough to wait until the fleet that was to sail from Boston might reasonably be expected in the St. Lawrence. The 'burghers and boors volunteers,' says Winthrop, who made 'near half the army,' and the men from Manhattan were of

the same opinion. On August 15 it was decided to return to Albany.

By the advice of the savages, although he himself does not so say, Winthrop then ordered Johannes Schuyler, a brother of the mayor, to take a band of Indians and some forty Dutch volunteers, these being the 'most acceptable' of the whites to their red allies, and to push northward to the fortified French settlement at La Prairie de Madeleine, about ten leagues beyond the end of the lake. The eagerness of the Indians as they approached their goal destroyed all hope of a successful attack upon the fort, but the raiders killed twelve or more of the people whom they found at work in the fields, took a number of prisoners, and destroyed hay crops, barns, and cattle. It was a daring raid, for La Prairie lay just opposite Montreal; and Schuyler managed it skilfully, bringing off his party with the loss of only one white man and half a dozen Indians. It was at least a partial revenge for the Schenectady massacre. But it was all that the long-considered and costly expedition accomplished. When Schuyler's party reached Albany on August 30 Winthrop was already there with the rest of the army, many of his soldiers sick and lame.

For the fatal defection of the Iroquois the white men were not to blame except in so far as their dissensions and recriminations had weakened their influence. Each faction had tried to encourage the savages, and Leisler had sent them all the arms he had to give. Nor does any one seem to have been to blame for failing in the difficult, unaccustomed work of feeding an army on a march through a wilderness. In all the northern colonies provisions were at the moment scarce, munitions of war still scarcer. Leisler did all that persuasion or force could effect to send supplies of both kinds to Albany where Milborne had charge of the New York commissariat. At Albany, so the local authorities had written to Livingston, there was no meat to be had — only bread and pease. Nor could the white men make, as they thought of doing, the canoes that the savages failed to supply; at that season of the year the bark would not peel. Even Winthrop seems not

to have blamed Leisler for the common calamity, but in distant Virginia Nicholson thought himself competent to write to the Lords of Trade that the attack on Canada had failed because Leisler had not supplied Winthrop with canoes and provisions as he had promised.

If, however, Nicholson slandered Leisler, more loudly Leisler slandered Winthrop. Up to the moment of defeat, of bitter disappointment, he had shown toward his Connecticut allies a better spirit than their own. Now he lost all sense of reason and justice — whether before or after he met Jacob Milborne at Albany may be guessed but not affirmed. To Albany he hastened as soon as he heard of the return of the troops. Laying the blame of the failure upon Winthrop and the commissary of Connecticut he ordered them under arrest. The Indians understood as well as the army itself why it had retreated, and as imperatively as the Connecticut troops they demanded Winthrop's release. As a favor to the Iroquois, Leisler explained, he set the two prisoners free, requiring that Winthrop should come to New York for examination.

When the arrest was known at Hartford, Treat and his colleagues, writing to urge the prisoners' 'timely and honorable release,' reminded Leisler that the articles for the conduct of the campaign had promised that there should be no attempt to overrule the decisions of the commander and the council of war. Furthermore, they said,

> . . . the army being confederate, if you be so concerned, so are we and the rest, and that you alone should judge upon the general's and council of war's actions will infringe our liberty, but that which is worst in event is, that such actions will render our friendly correspondence too weak to join in future attempts which we may have but too much occasion for, for if sending our best friends to join with you prove a pitfall for them, it will necessitate our future forbearance whatever the consequence is. And Sir, you necessitate us to tell you that a prison is not a catholicon for all State maladies, though so much used by you . . . nor could you in any one action have more disobliged all New England.

This temperate and reasonable letter Leisler answered with

one of Milborne's most offensive productions, but not until nearly a month later when he and Milborne were again at New York. From the first, the letter said, Winthrop had behaved in an 'unaccountable and unchristian manner'; he had discouraged the soldiers and 'peremptorily' forbidden that any should go forward except Johannes Schuyler's party of raiders who had certified that if they had been four times as numerous they could have taken Montreal itself; he had not lived up to the high character given him but, as the New Yorkers had been told to their sorrow, was 'one who lives in open adulteries in despite of your laws' and who had committed other crimes 'which are the ruin of civil government without the least mark or sign of repentance.' And there had been 'more than ordinary juggling' by others than Winthrop: the Connecticut government had ordered him not to proceed without the Indians, Livingston had induced the Indians to hold aloof, and Winthrop had 'answered the plot.' Doubtless he would not keep his promise to come to New York for examination; but this was to be expected when the 'dictators' of Connecticut had heaped 'indignities and shams' upon the government of New York and 'spit in our faces within our jurisdiction.' Such actions would one day 'sadly reflect' upon a people who professed Christianity 'so eminently beyond others.' It behooved those who had not 'struck hands' with the offenders to arise and show that they did not partake of their 'abominations.'

Connecticut preserved its dignity, making no direct reply. In October its general court decided that Winthrop's conduct had been in all ways commendable, condemned his confinement at Albany as dishonoring to all New England, thanked him for his good services, and gave him £40.

In hope of aid from the mother-country the Bostonians had long delayed their naval expedition against Quebec. Their appeals brought no replies, a sloop they sent to England for powder got none. William's government had sent a strong squadron to the West Indies, stores to Bermuda, and a gov-

ernor to Virginia. To New York it sent nothing, to New England only a ship to get masts and spars for the royal navy. At last, on August 9, a few days after Winthrop started northward from Albany, the fleet set sail — more than thirty vessels commanded by Sir William Phips and carrying about 2200 men. Almost all were from Massachusetts, a few from Plymouth. Although for the most part fishermen and farmers, they might have taken Quebec had they come sooner. But the voyage was long, for the pilots were unfamiliar with the difficult course. Frontenac, who had gone to Montreal to deal with Winthrop's army, had time to hear of its retreat and to return to Quebec before, on October 5, the New Englanders arrived. Bravely enough but with small intelligence and no success Phips tried a summons to surrender, a bombardment, and a land attack. Many of his ships were injured by the fire from the fort. As in the army, provisions ran short and smallpox and dysentery broke out. Tempests and very cold weather added their terrors; and the damaged vessels, to save themselves from destruction, straggled down the river and slowly straggled homeward. Phips reached Boston late in November, some of his companions not until February. They had burned a French post on Anticosti Island and intercepted a few French supply ships. For these small successes they paid a ruinous price. Several of their ships were never heard from; nine hundred or a thousand men died of disease or were drowned or frozen; to meet its debts Massachusetts was compelled to issue paper money, and thus it sowed the seeds of a long-lived crop of financial and commercial troubles.

So ended the first attempt at intercolonial coöperation in warfare — in a great disappointment on land, a great disaster at sea. If Canada had been shown that the English colonies could unite against it, the lesson had not been very impressively taught; and it had also been shown that, for a time at least, they could expect little support from their mother-country. All of them, north and south, were now disheartened and apprehensive. New England was as little certain of the

king's intentions as New York, and the internal troubles of New York and its difficulties with Connecticut were aggravated alike by the common failure. Frontenac judged wisely when he wrote home that it was the time for Louis XIV to strike:

> Now . . . that the king has triumphed over his enemies by land and water, and that he is master of the seas, would he consider some squadrons of his fleet badly employed in punishing the insolence of these veritable and old parliamentarians of Boston; in storming them, as well as those of Manath, in their dens and conquering these two towns, whereby would be secured the entire coast, the fisheries of the Great Bank, the preservation of which is of no small importance nor of slight utility. . . . This would be the true and perhaps the only way of bringing the wars of Canada to an end; for when the English are conquered we can easily reduce the Iroquois to complete submission.

The king of England, Frontenac said in another letter, meaning the exiled James, must be 'the first to desire the chastisement and reduction of those rebels and old republican leaven of Cromwell,' for they had never heartily recognized the authority of his late brother and had 'declared openly against himself.' It was fortunate for the English colonies that Frontenac's master found his hands just then overfull with European affairs. By his order all plans for an immediate attack upon New York and New England were abandoned although not all preparations for such a move at some future day.

Leisler's little squadron of one twenty-gun ship (the first New York man-of-war), a brigantine which, it was said, belonged to De Peyster and had been 'pressed' for the king's service, and a Bermuda sloop, also pressed, had not joined the New England fleet. Ordered to attack Canada on their own account and to make what prizes they could at sea, Captain Mason of the twenty-gun ship acting as admiral, they devastated Port Royal which had revolted after Phips took it. Leisler's men-of-war, wrote James Lloyd a merchant of Boston, had made a 'desolation' in Acadia. Along the coast

they burned eighty French fishing shallops and destroyed great stores of fish; and they brought back to New York six prizes including a ship of a hundred and fifty tons and another of two hundred. On one of these was found a letter from the French king saying that he would send no more troops to Canada that year. A court of admiralty in which Mayor Delanoy presided duly condemned the prizes, Milborne acting as attorney-general to exhibit the libels and as vendue-master to sell the vessels. One brought £500, one £750. The usual 'king's tenths' were reserved.

Much more money than this Leisler needed, and only through the assembly could he hope to get it. Prorogued in April, the house had met again on September 15. Writs had been issued for new elections to return an additional member for Albany County and to fill the seats of Piersoll of Queen's and Beekman of New York who had not served at the first session, and of Browne of Westchester who had since died. Again no list of members survives. John Spratt still served as speaker. The new tax imposed was threepence in the pound on all estates real and personal, half to be paid by the 21st of January, half by the 25th of March. Assessors and collectors were to be elected to execute this act. Another prescribed that any person refusing to accept civil or military office should pay a fine of £75, and that without special license no inhabitant of Albany or Ulster County should leave the county or export any merchandise except furs, grain, or 'other necessaries.' These measures received Leisler's signature as lieutenant-governor. A third, which did not, confirmed to the inhabitants of the province 'the full privilege and benefits' of his Majesty's laws, promising a lawful trial to all imprisoned persons and to all fugitives accused of any crime if they would return within three weeks.

At this time Domine Selyns wrote to Holland that Domine Dellius of Albany was intending to return to the fatherland to give the classis of Amsterdam a 'detailed report of everything'; Varick and Selyns himself had suffered more than was credible and were forced to 'cultivate patience'; and they had

resolved that, unless the Lord inclined the heart of his Majesty to send over some one who could tranquillize the country, they also would return to Holland or else, like Elias, hide themselves 'in the wilderness and administer the service of Christ *ultra Garamantos et Indos*.'

On October 20, when the result of the New England naval expedition was not yet known, Leisler and his councillors wrote again to Shrewsbury and briefly to the king, calling his Majesty's attention to the fact that it was the fourth time that they had humbly shown what it had been their duty to do for the preservation of the province from 'the intestive rage and foreign forces of the enemy.' Giving Shrewsbury an account of the success of the New York ships and of the failure of the land expedition, they laid the blame for this upon the dilatoriness and pusillanimity of Winthrop. In spite of their reverses, they said, they were 'in good posture' to defend themselves and might be 'without peril' should the naval enterprise against Quebec succeed. Otherwise their forces at Albany must be increased, and so they were daily 'beating up for volunteers.'

The councillors who signed this letter were Mayor Delanoy, Captain De Bruyn, Dr. Samuel Staats, Johannes Provoost, Gerrit Duyckinck, Hendrick Van Vuerden, Robert Lecock, and Jacob Mauritz. With some of these names there appear on an ordinance of a few days' later date the names of Samuel Edsall, William Lawrence, and Dr. Gerardus Beekman. Thus a number of the most prominent of Leisler's earliest companions in revolution were still at his side although De Bruyn was the only one of the five militia captains of 1689 who so remained. Henry Cuyler had died. Jacob Mauritz had been of the party from the first but, as he was a sea-captain, had not always been at hand. Captain Blagge was still in England whither he had carried the despatches written in June. Nothing had yet been heard of him or of them.

In the stead of the three commissioners whom Leisler had sent up from Manhattan he now empowered five residents of

Albany County, among them Captain Staats, Ryer Schermerhorn, and Johannes Wendell, to administer and control all its public affairs, to manage all negotiations with the Five Nations, and 'to depress and discountenance' all persons who had protested against the proclamation of their Majesties and all their 'adherents and abettors.' An experienced Indian agent, Aernout Viele, was commissioned to reside among the Iroquois at their 'court' at Onondaga, there to deal with them as directed by the Albany authorities or, in case of need, by his own judgment. Wendell was appointed mayor of Albany in Peter Schuyler's stead, and a new set of aldermen and assistants were elected, says the only entry for the year in the Albany records, on October 14, 1690, 'when Jacob Leisler had usurped the government.'

In this part of the province, it may well be believed, a majority of the people hated Leisler more hotly than ever, but they no longer tried to resist him even by written protests. From Manhattan his chief adversaries had fled, and here his hold upon the people at large seems to have been little if at all impaired. In October the Dutch church at Harlem, which had steadily adhered to him, even broke off its connection with Domine Selyns. There was, however, a new centre of disaffection. In October many of the Englishmen of Queen's County on Long Island rose in arms, denouncing Leisler's government. By a proclamation prepared in council he declared that the malicious 'speeches and insinuations' of the ringleaders were tempting some of the soldiers at Albany to withdraw from their duty and were thus endangering the safety of the province at a moment when its frontiers greatly needed defence; all persons must return at once 'to their allegiance and respective habitations' or be held responsible for the consequences of the war with the common enemy. Another order postponed the meeting of the court of quarter sessions of Queen's until the 'rebels' should be reduced to obedience. A third directed Milborne to reduce them, taking what men he could immediately gather and using 'all violence and act of hostility' — a phrase which, in a document framed

in imperfect English, need not be construed as meaning more than that force must be used if necessary. Milborne then scattered the insurgents while Edsall and Thomas Williams went by water along the shores of Long Island Sound to intercept and seize the fugitives.

A *Memorial* addressed to King William's secretary of state on November 7 and prepared by Captain John Clapp as so instructed by 'divers of the freeholders' of Newtown, Hempstead, Flushing, and Jamaica, begged relief for the Englishmen of Long Island from the 'usurped power and tyrannical proceedings of Jacob Leisler and his accomplices' whose 'exorbitant wills and devilish lusts' were inflicting all manner of cruelties. This 'bold usurper' had collected to himself a 'rabble of the worst men' headed by three or four 'as dissolute of life, as desperate of fortunes as the most wicked and poorest of the sons of men can be,' chief among them Jacob Milborne and Samuel Edsall:

> These two foregoing base villains with their collected rabble in a barbarous and inhuman manner came over from New York to Long Island and there did break open, plunder, and destroy the houses and estates of their Majesties' subjects in a most rude and barbarous manner, not regarding age or sex, stripping our wives and daughters of their wearing apparel, carrying away with them all that was portable, shooting at and wounding divers poor Englishmen (some deemed mortally wounded); whose rage and fury yet stopped not here but flew so far as to sequester our estates and expose them to sale, a piece of tyranny yet unknown to freeborn English subjects. . . .

As a result of these proceedings, and as a punishment for refusing to pay an 'illegal tax,' a hundred and four persons 'of the chiefest and best estates on Long Island' had been driven from their homes and dispossessed of their freeholds, the 'tyrant' turning his plunderings to his own uses. The *Memorial* said nothing of the armed uprising that Milborne and Edsall had been ordered to suppress. No existing document tells from the Leislerian point of view how much force they used, how much plundering they permitted.

During the last months of 1690, to judge from the paucity of documents of any kind, New York lay in a sort of exhausted lethargy, the one thought in every man's mind, When will Governor Sloughter come? Yet Leisler did not forget that in the spring a stronger army might be needed at the north. In King's County and on Manhattan, he directed, courts-martial should examine into the condition of the militia and the conduct of officers and men; in Ulster County eighty or a hundred men 'complete in arms' must be made ready to go to Albany at the beginning of the year.

Although Connecticut had not answered the outrageous letter about Fitz-John Winthrop, Leisler had since proposed that representatives of the two colonies should meet at Rye near their border-line to consult about the defence of the frontier. On January 1, 1691, Milborne again his scribe, he wrote that he had waited long for a reply to this proposal. He would have been unfaithful to the king's interest and the public weal if he had not dealt plainly with persons who had broken their covenant, had 'invaded' his province, and, in so far as they could, had defeated the undertakings to overcome their Majesties' enemies. These persons, moreover, had supported Mr. Livingston and other refugees when 'called to justice' in New York, and they had not seen fit to 'make good' the provisions, ammunition, and other 'disbursements' supplied by New York upon their orders and promises. They recommended that Albany be well guarded, yet, while they cried out 'like condemned fiends fearing to be tormented before their time,' they would do nothing to ward off the danger. They fancied that if they could but 'patch up something looking loyal' it would 'answer the calls' of their God and their prince and the trust that their country reposed in them, but they should not make the mistake of thinking 'such fig-leaves sufficient covering' for their 'strenuous evils.' It was unjust to attribute to Leisler the losses of all New England for which he was in no way responsible, but it mattered nothing to him 'whether Don Quixote encounters with a flock of sheep or windmills.'

Again Connecticut kept silence, merely indorsing the missive as Leisler's 'railing letter.' It is not possible to excuse Leisler for signing such letters or for treating Winthrop so contumeliously. It is possible, however, to understand the frame of mind which found by Milborne's hand such violent expression. No colonial ruler ever stood in a more difficult place than Leisler filled for two years with no guidance from the mother-country, with no help except from men as inexperienced in government as himself. This would be true even if he had met with no determined opposition. But the kind of opposition he had to deal with, added to the never-ceasing sense of danger from the French, the burden of responsibility for the safety of the province, the pressure of financial needs, and the strain of suspense as to what was happening in England, might have developed arrogance and passion in a man more pliable than Leisler and more helpfully disciplined by familiarity with public affairs. There can be no doubt that, although very willing to rule when he was given the chance, he took up the task in the spirit of a patriot. No one directly charged by the crown to defend a threatened province could more earnestly have tried to defend it, greatly though the effort increased the difficulty and the danger of his position. After he grew used to power he may have hoped that William would reward him with some high and permanent post, but no sign of this appears in his correspondence. All that he ever asked for, all that we know he wanted, was an indorsement of his past course. Despotic as were many of his acts, he believed them necessary for the prevention of anarchy and the obstruction of a foreign foe, and in executing them he observed as far as possible the forms of law. There is no more proof that he was a 'tyrant' of 'insatiable ambition' in the early months of 1691 than that he had been a 'vile usurper' of 'desperate fortunes' in the spring of 1689. Such charges are no more to be believed than his own assertions that the chief among his opponents were papists and friends to the French.

Where and why, during all these months when the fate of New York hung in the balance, had lingered Governor Sloughter?

In November, 1689, the king had approved the revised draft of his commission and directed that a ship be forthwith prepared to take him to his government. In January, 1690, his commission passed the great seal, a chaplain was appointed to accompany him to New York, the king signed his instructions, and the Lords of Trade ordered that he and ten of his servants should have passage on a frigate, the two companies of regulars recruited for his province to sail at the same time. Late in April the king directed that the public records of the province should be sent back from Boston, and also the guns brought there from the fort at Pemaquid which had once belonged to New York; and more than once again he ordered Sloughter's speedy departure. But a far more insistent matter was the need to break what Leisler once called 'the late King James his strength in Ireland'; and when the king embarked in June to put himself at the head of his troops in Ireland the frigate intended for Sloughter was detached to do convoy duty.

On July 30 the French won the naval battle of Beachy Head — a barren victory for on the 31st William won the battle of the Boyne. James Stuart fled again to France, and the conquest of Ireland was assured although not completed for another year.

About the middle of June, so Sloughter complained to the Lords of Trade, he had marched to Southampton hoping to embark his men at once but had been ordered to the Isle of Wight; his ship was not there and he greatly needed another advance of three months' pay. On August 20 he wrote that, although his companies were complete and ready to embark, the admiralty, which a month before had been so zealous for his departure that it would not give him time to clean his ship, had now taken his provisions away; his voyage, he feared, would be frustrated and his province lost. On the 25th he said that his ship had not yet been victualled, on the

27th that orders for victualling had come and he hoped he might sail at the end of the week.

Late in September Captain Blagge reached London and presented, with the letters and the *Memorial* written at New York in June, a concise petition of his own prepared for the eye of the king at Leisler's request. He begged that his Majesty would grant him a personal interview so that he might further explain the condition of the province. Meanwhile he besought him to permit the assembly in New York to choose the councillors who would advise the new governor, explaining that the 'disaffected party,' being those who had held office under King James, were threatening the destruction of those in present power should the government ever again come into their hands — which that it might never do the petitioner most humbly prayed.

That it should so do had already been decided. Twelve councillors had been named in Sloughter's instructions. All but one of them were New Yorkers, almost all of them were Leisler's declared enemies, and four of them were Bayard and Nicolls, Van Cortlandt and Philipse. Moreover, at Sloughter's request Joseph Dudley had more recently been appointed first councillor and had joined him at Cowes.

The promptness with which the Lords of Trade considered the communications from New York, and the abstracts and summaries they caused to be made, bear witness that they were not indifferent to the dissensions in the province. But the written testimonies flatly contradicted each other, and the only persons familiar with New York affairs whom the authorities had seen and talked with — barring the ridiculous Leislerian envoy Stoll — were Nicholson and Innis, Andros and the other officials from Boston. Some of these had gained a hearing before even a word on paper from Leisler's party came. And the fact that they had all held office under the Catholic Stuart, which the revolutionists in New York believed would discredit them with the revolutionists in England, was really a strong point in their favor. To the eyes of William and his servants they were simply persons who had

held office under the crown of England. Naturally it was their friends whom Sloughter named on a list of councillors he prepared and whom the higher powers appointed, here also influenced by the fact that some had already served on the king's council in New York while others had been proposed for possible future service. It would hardly have been practicable, even had it seemed desirable, to reconsider these arrangements in deference to such a petition as Blagge presented at a moment when the king was absent and Sloughter was making ready to sail. What could be done in the interests of justice was done. The privy council, after considering Blagge's many papers, sent them to Sloughter with the petition that had recently come from the twenty-five anti-Leislerian merchants and traders who called themselves, as Blagge called the Leislerians, the 'principal inhabitants' of New York, charging the governor upon his arrival at New York

> . . . strictly and impartially to examine and enquire into the several allegations therein contained, and to return unto us for their Majesties' information a true and perfect account of the state of that province and of the representations and complaints aforesaid, to the end we may receive the signification of his Majesty's pleasure upon the several particulars thereof.

To Sloughter was also referred a petition from the officers of the two companies of regulars stationed in New York who in 1688 had been promised their pay from the revenue of New England. Neither officers nor men, said this petition, had ever got any pay, subsisting only through the kindness of Mr. Stephanus Van Cortlandt and other New Yorkers while they underwent great hardships on the frontier; and the companies were now broken up and dispersed by reason of the late disorders. Van Cortlandt had written to Andros that £728 were still due him on account of these soldiers besides other advances and arrears of salary. He had urged Sir Edmund to get him the place of collector of customs at New York, and Bayard had asked the same of Nicholson while he was still in England. But this place, next in responsibility

and in chances of profit to the governor's own, was reserved for one of Sloughter's kinsmen.

In October Sloughter was still complaining to Blathwayt, the secretary of the Lords of Trade, that he had no orders to embark his men, while Blathwayt was reproaching him for not taking advantage of a favorable wind. On the 22d Blathwayt wrote that the captain of the frigate had his sailing orders and wished Sloughter a pleasant voyage. Not yet did the voyage begin. Not yet was relief despatched to New York although it had been sent so long before to the West Indies that it was now known in England that St. Christopher's had been retaken from the French, and the seas had been made so safe again that, says Luttrell's diary, thirty ships had recently arrived from Barbadoes, about forty from Virginia.

On November 8 Joseph Dudley wrote that an 'impetuous wind' had somewhat damaged the fleet, on the 28th that they were still windbound with a 'miserable winter voyage' before them. On the 29th the fleet at last set sail from Cowes, more than a year after the king had ordered the governor's departure. The frigate *Archangel*, commanded by Captain Jaspar Hicks, carried the governor, his wife, and his suite. It was to go first to Bermuda for it also carried a new governor for that island. On the *Beaver* with one company of soldiers sailed their commander Major Richard Ingoldsby, Matthew Clarkson who had secured the post of provincial secretary, and Chidley Brooke the kinsman of the governor who was the new collector and receiver-general. On the *Canterbury* embarked the other company of soldiers, which the governor himself was to command. These vessels and a store-ship were to go with the *Archangel*. Joseph Dudley sailed on one that was bound for Boston. The day after they all sailed, says a report afterwards rendered by Sloughter, the *Archangel* ran aground, for many hours was expected to 'bulge' at any moment, and had to be lightened before it could be floated.

Leisler's envoy Captain Blagge did not know the tenor of

Sloughter's instructions and probably had not heard of his departure when, on December 16, apparently about to sail himself for New York, he wrote from Plymouth to the postmaster-general at London. A ship just arrived had brought a 'trunk full of papers' from New York; they included the acts of assembly and letters to the king, Shrewsbury, Bishop Burnet, and others which, Blagge urged, should be so presented that 'misrepresentations' might be avoided and 'loyal subjects' might not be abused by having set over them men who had been 'justly laid aside' at the time of the revolution. To achieve this end, he asked, and to get a line or two from the king in favor of his 'master,' would his personal presence in London be required? These were the despatches that had been prepared by the Leislerians in October.

At New York on January 20, 1691, Blagge's 'master' signed for four militia officers what proved to be the last of his many commissions. Civil and military together, more than two hundred are preserved, and from their numbering it appears that at least three hundred were issued. The elections ordered by the assembly for assessors and collectors to raise the new tax, half of which was to be paid by January 21, had not been held, for on the 25th Leisler ordered immediate elections in New York, Westchester, Richmond, and King's Counties. This was the last of his civil ordinances. It died still-born. On January 25, says a report sent home a few weeks later by Chidley Brooke, the *Beaver*, carrying Major Ingoldsby and his company of regulars, and the store-ship arrived off New York. On the 29th they came up to the town, and about four days later the *Canterbury* followed with the rest of the soldiers. Sloughter's report says that there had been difficulty and delay in finding the islands of Bermuda in the winter season, and that the three companions of the *Archangel* had parted from it 'without any direction or allowance.'

Leisler made no move to meet or to greet the new-comers, believing that it was their duty to present their credentials to

him as the king's appointee in charge of the province. If this was a tactical mistake his adversaries reaped the full benefit of it. However they may have learned of the approach of the fleet, a number of them were at hand including Stephanus Van Cortlandt who had been so long a refugee. Immediately they visited the *Beaver* and urged Ingoldsby to demand possession of the fort. Van Cortlandt and others, says the affidavit of one Thomas Dawson, a sailor on the *Beaver*, came and made complaints about Captain Leisler and desired Ingoldsby 'to land with his soldiers' whereupon they would 'raise men and join him and force or pull Captain Leisler out of the fort.'

In Sloughter's absence none of the New Yorkers newly appointed to office could be sworn. No one held any actual commission from the king except Ingoldsby and his military subordinates; and Ingoldsby's simply empowered him to command his one company of troops and directed him, without mentioning Sloughter's name, to obey such orders as he might get

> . . . from us, our Governor of New York now and for the time being, or any other your superior officer according to the rules and discipline of war. . . .

These words, some of the Leislerians afterwards argued, Ingoldsby should have interpreted to mean that until Sloughter's advent he must take orders from Leisler. Nothing was further from his mind. As more than one of the New Yorkers who had greeted him was named for high office by the king, as they all insisted upon immediate action, and as there was no one else to act, he did what they desired. According to Chidley Brooke's report, as soon as the ships came up to the city, which was on the 29th, Ingoldsby sent Brooke himself and two others to demand admission to the fort for the royal troops and their stores. According to the affidavit of Thomas Jeffers, a New York skipper who had been in the port since the previous autumn, as soon as Leisler received Ingoldsby's summons he sent Major Milborne to his ship to see 'his orders for receiving the said fort'; and upon Milborne's return he

reported in the deponent's hearing that Ingoldsby had no such orders but only a commission to be captain of a foot company. To quote Brooke again, Leisler answered that he was willing to admit the stores but not the men, and asked Brooke who had been appointed of the council.

The list of names that he then heard must have given a hard blow to that hope of the king's approval which he had never allowed to be tempered by any shadow of doubt. Besides Brooke, and besides Dudley who could bear Leisler no good will, it included Bayard and Nicolls whom he had now kept for almost a year in jail; Philipse who had nominally made peace with him but had since held aloof from public affairs and had now rejoined his old friends; Gabriel Minvielle who first of the New York captains had deserted Leisler; William Smith ('Tangier' Smith) and Thomas Willett, both of Long Island, both his enemies; William Pinhorne who had been speaker of the second assembly under Governor Dongan and, like other anti-Leislerians, had lately taken refuge in East Jersey where he owned lands; and Nicholas De Meyer, Francis Rombouts, and John Haines all three of whom had recently died.

Whatever Leisler had expected, however deep his discomfiture, he showed no sign of alarm or of wavering. He refused to admit Ingoldsby to the fort unless he could show that he held, from the king or from Sloughter, authority to take command of it, but offered good accommodation for the major and other officers in his own houses and for the soldiers in the houses of the burghers. To surrender command of the fort, he knew, would be to surrender all civil as well as military authority; and such an abdication, except in response to the definite instructions of the crown or its authorized representative, would be a confession that from the first he had borne rule illegally, that he was in his own estimation what his enemies had called him — a usurper and a rebel. Therefore until Sloughter arrived he maintained the attitude that he at first assumed, always basing his right and his obligation to retain his authority upon his antecedent right to receive and to act upon what he called the king's instructions of

July, 1689, 'for governing this province until further orders.'

On the 30th Ingoldsby wrote him that having seen a copy of this letter, addressed to Lieutenant-Governor Nicholson, he failed to understand how Leisler could therefrom derive any authority; he did not want the accommodations 'speciously' offered him; 'possession of his Majesty's fort' was what he demanded, and if Leisler refused it he would esteem him no friend to the king and queen.

On the same day Ingoldsby summoned the militia to aid and assist him in fulfilling his commission from their Majesties and, upon pain of being considered rebels, to help in 'encompassing and overcoming' all who stood 'in opposition against their Majesties' commands'—a summons which utterly misrepresented the tenor and the scope of the commission it cited. In the name of their Majesties Leisler then protested against the major and his 'accomplices' who without showing any authority had not only demanded the fort but issued a call to arms, forbade them to commit any hostile deed, and declared that they would be responsible for any bloodshed that might ensue. By another proclamation, explaining again that he acted only because of Ingoldsby's action, he also summoned to his aid the militia of the province. The officers of King's County he instructed not to obey any orders save his own but to receive 'with all courtesy and accommodation' troops who were intending, he heard, to land on Long Island from a ship at Sandy Hook, provided they did not appear in a hostile way or break the king's peace.

Although Ingoldsby would not land his men he was giving them shore-leave, for on February 1, protesting against Leisler's protest, he said that those whom Leisler called his soldiers had on the previous night fired a shot at some of his own soldiers 'while they were coming on board.' Leisler answered that he found upon inquiry that a shot had indeed been fired; if Ingoldsby would order those whom he thought injured to appear justice should be done: 'God forbid any under my command should be countenanced in an ill action.'

Again he offered good accommodations outside the fort. Ingoldsby proclaimed that he meant to do his best to protect their Majesties' subjects. Leisler proclaimed that as certain notice had come of the appointment of Governor Sloughter, as his arrival was daily expected, and as in the meantime the soldiers intended for the service of the province could not be accommodated otherwise than in the city, therefore every person in city and province must

> . . . receive and entertain and bear all due respect and affection unto the said Major and all under his command, not offering the least offence by word or deed, but as in duty bound to embrace, assist, help, and do all good offices imaginable, as being sent hither for their Majesties' and our enemies, as they will answer the contrary at their utmost perils.

Milborne's touch is not to be traced in the phrasing of this proclamation. It is in another, issued on the following day, February 4. This says that all Ingoldsby had done or had refused to do was inspired by 'flagitious counsellors' who wished to carry on their 'accursed designs of mischief' and to gratify their 'revengeful spirits.' Thus influenced the major had presumed to levy forces by his own authority, dignifying himself by 'the sovereign title (us).' In consequence divers outrages had been committed. Lodgings, provisions, and all other necessaries and suitable housing for their stores were still tendered to the major and his men, all to be under his own 'possession and ordering' until the governor or until the king's orders for the delivery of the fort should come; then the fort would be delivered, being now and having always been 'holden and preserved for that intent without any sinister or double meaning or other purpose whatever.' Meanwhile all persons were forbidden to join with or to countenance Major Ingoldsby in the way he required; he must forthwith recall his warrant to the militia and prohibit further proceedings of the kind; and he must not raise or quarter soldiers on Long Island where his agents had created great disturbance, confining several persons and seizing Leisler's orders.

On February 6, when all the troops had arrived, Ingoldsby appeared at a meeting of the mayor, common council, and militia officers of the city and asked for the use of the City Hall for the king's troops. The magistrates granted the request upon condition that there should be no interference with the customary holding of the courts; and Ingoldsby, landing his men at once, quartered them in the City Hall and the adjacent building that was also city property. According to Chidley Brooke the 'best and greatest number of the people' had been overjoyed at the arrival of the ships; but 'the taste of power' had so infatuated the 'puny usurper' that he could not conceal his resentment; and, encouraged by him, the 'rabble' that had set up and supported this 'Masaniello' frequently expressed their hatred; therefore the men could not be landed until some well-affected persons had been prepared to defend them in case Masaniello attacked them; and on the 6th they were put ashore as cautiously as if they were making a descent into an enemy's country.

Just at this time Joseph Dudley was writing from Boston to Blathwayt in England that a voyage of eight weeks' 'easy weather' had brought his ship to port, and that 'the fleet and frigate' were daily expected at New York where he would meet them to assume his duties. Leisler, he heard, was raging because of the prospect before him; the whole country was in every way in a very bad state; the king's delay in settling matters would make the colonies long a prey to their enemies and to each other ; it would be hard to support and to quiet the true lovers of the crown if they lay much longer neglected.

On February 14 Leisler civilly refused Ingoldsby's request, proffered through Major Milborne, that he would release his prisoners. He was withholding, he said, nothing that might promote their 'comfortable subsistence' and respectfully accepted some 'charitable offer' that Ingoldsby made on their behalf; but so many persons who were disaffected to the king's interest and had fled from justice had now been encouraged to return to the city that if those in durance were

released it might be impossible to keep the peace hitherto, thank God, preserved without bloodshed.

During the latter half of February, to judge again by the lack of surviving documents, there was a lull in the struggle. Thus far it had been no more than a conflict of words and wills. Nor had it wholly absorbed the thoughts of Leisler and those who stood close to him. On February 3 a license had been issued for the marriage of Jacob Milborne and Mary, one of Leisler's daughters. Milborne, whose first wife was Samuel Edsall's daughter, was now a widower more than forty years of age; Mary Leisler was twenty-one. Nothing more is known about the marriage celebrated at so ill-omened a time except that it took place soon after the license was issued. There is no warrant for the belief that the fort was the scene. Not yet were the holders of the fort confined within its walls, nor does it appear that at any time Leisler's family or any women took refuge there.

Major Ingoldsby had served in the armies of William in Holland and in Ireland. When, in later days than Leisler's, he more than once held for a time the chief power in New York he satisfied neither the crown nor the people. Now, had he respected the narrow limits of his commission, had he seen what was best for the province where at any moment the governor might appear, he would have accepted Leisler's first offers or, at least, would have let things remain as they were at the middle of February. Leisler had made no effort to interfere with the return of the adversaries who had fled from what he considered his justice. Although, by virtue of the recent act of assembly which forbade residents of Albany and Ulster Counties to leave their limits without a license, he summoned all such persons on Manhattan to explain their presence there, he did not follow up the command. Nor did he argue that, as Ingoldsby's commission directed him to obey the orders of the king's 'governor of New York now and for the time being,' he should have taken orders temporarily from Leisler. In short, it is evident that Leisler knew that

his best chance of winning the approbation which he had not ceased to count upon, was to prove his good intentions in the past by treating the king's troops as well as he could without abdicating in Ingoldsby's favor, and by quietly surrendering a quiet city to Governor Sloughter.

Ingoldsby much more than Leisler was responsible for the disturbances which, breaking out as the month of March opened, ended in bloodshed. It can hardly be questioned that he was inspired by the impatience and the desire for personal revenge of Van Cortlandt, Philipse, and those other New Yorkers who now supported them. Every day that Leisler defied them added to their rage against him, all the more because it added another day to the long incarceration of Bayard and Nicolls. They wanted to pull down the usurper themselves; and they felt that the character of the king's appointments gave them a right to do so even though the appointees had not yet as such any legal status. Their hands were strengthened by the arrival from Boston of Joseph Dudley who had been named first councillor. There were then in the city six 'intended councillors,' as Leisler correctly called them, besides the two whom he held in jail; and they organized and acted as 'their Majesty's council' while Matthew Clarkson, the intended secretary of the province, managed their correspondence. James Graham had also arrived. He had petitioned to be restored to his old offices as attorney-general of the province and recorder of the city; the Lords of Trade had referred the matter to Sloughter, expressing their approval; and Graham now assumed or was given the title of attorney-general.

On March 1 the criss-cross protests and proclamations began again. Leisler then complained to Ingoldsby that some of the major's men, making the rounds of the city 'under the character of the City Hall rounds,' had sundry times passed the fort which was a 'province' they had no right to tread upon ; for the future such a thing was wholly forbidden in order that the peace of the people and the 'constitution' of the city might be preserved. The soldiers repeated the offence, disregarding the challenge of the sentinels of the fort;

and Leisler arrested a sergeant and three men but released them at once upon Ingoldsby's demand. Meanwhile, says the affidavit of Jeffers the sea-captain, Ingoldsby was hindering 'Captain Leisler and the burghers' from going the rounds and keeping watch in the city; and when he heard of the arrest of his men he exclaimed in the deponent's hearing that 'Captain Leisler should die for that same or he would die for him.'

Most of the burghers must have been on Leisler's side or he could not have held the fort so long. Indeed, at the time of Ingoldsby's arrival a great part of them must have been serving as the garrison with — it may be presumed although it is nowhere so said — some admixture of adventurers who had drifted in from the neighboring colonies. It may also be guessed that citizens of the more respectable class were not influenced in Ingoldsby's favor by the presence in their streets of his two hundred idle regulars.

Outside the city Leisler was supported in some places, repudiated in others. Great numbers of armed men were daily resorting to the fort, wrote Clarkson to Willett on Long Island, urging him to bring in the militia to Ingoldsby's aid. The magistrates of Westchester reported that a number of people in that county were publicly declaring themselves 'Leisler's men' so that it was feared they meant to start a 'new rebellion'; and, to prevent this, Richard Panton of Westchester was carried to New York upon a special warrant and confined in the City Hall. On the other hand, certain English freeholders of Queen's County declared their intention to join with the royal troops merely to keep the peace by preserving them from the 'rage, tyrannies, and designs' of their enemies, for they had heard of the 'abuses' Leisler had put upon them and therefore concluded that he meant to preserve the province for 'some foreign prince or state.'

The members of Leisler's council as they signed a proclamation dated March 5 were Mayor Delanoy and Dr. Samuel Staats, Johannes Provoost, Johannes Vermilye, Jacob Mauritz, Hendrick Jansen Van Vuerden, Robert Lecock, and Thomas

Williams. Whether still of the council or not, Edsall and De Bruyn were at Leisler's elbow, and so was young Abraham Gouverneur. This proclamation of the 5th says that as Ingoldsby had taken it upon himself to 'superintend' the militia of the city, under 'frivolous' pretexts of searching for papers had abused some members of the king's garrison, and had induced 'great numbers of papists and French with others of the inhabitants' to show themselves in arms in a 'rouatous, riotous, hostile manner,' putting the citizens in fear of their lives and possessions 'without the least color or cause shown,' for these and other similar reasons, stated at length, the lieutenant-governor and his council were constrained to take up arms in defence of their Majesties' supremacy over the province and the peace and welfare of their subjects until the governor or the king's further orders should come, and all good subjects within the province were summoned to give their aid. On the following day the intended councillors and the officers of the king's troops proclaimed that in view of Leisler's violent proceedings they would take measures for the defence of the province. On the 10th Leisler summoned the major to disband the forces he had raised within a province where, by the king's own instructions, Leisler himself was temporarily in power, and charged him with exciting 'doubtful apprehensions' among those who from the first had been loyal to King William by encouraging those who had been notoriously disaffected and by publishing falsehoods designed to render Lieutenant-Governor Leisler odious to the people. Plainly, these doubtful apprehensions were that Leisler might be forcibly overthrown and despitefully used before he could legally surrender his powers.

Meanwhile Matthew Clarkson was asking the Connecticut authorities for countenance and aid. By Allyn's hand they replied that it might seem a 'mean thing to advise to peace' and to 'reflect a supposition of the contrary upon Captain Leisler,' yet the only counsel they could give was 'rather to bear anything tolerable and redressible' than to use any force. In a letter to Leisler they likewise urged patience and

peace. This they enclosed to Clarkson, begging that Leisler might not know its 'mode of conveyance.'

Impatience had now turned to anxiety and alarm. Where was Colonel Sloughter and why again so long delayed? Sending the letter to find at him Bermuda, Joseph Dudley wrote on March 11 that it was hard to picture the constant hurry by night and day caused by Leisler's 'threats'; the king's troops were daily strengthened by the arrival of 'country soldiers' from all parts, four or five hundred in all, who could hardly be restrained from violence against Leisler because of the oppressions of the past two years; the new councillors were trying to quiet things but if pressed would feel compelled to defend themselves against the two hundred desperadoes who called themselves the government. Chidley Brooke, writing at the same time, told Sloughter that if he himself could not come at once he must empower some person in express words to demand the fort from Leisler. This implies that Leisler's enemies believed that if expressly instructed he would yield. Afterwards they said that he had never meant to yield, not even to the governor himself, unless by force compelled.

Leisler also wrote to Governor Sloughter, sending his letter on Jeffers's ship which probably carried the others as well. Before he sailed, so Jeffers deposed at a later day, Ingoldsby 'did besiege the fort and planted divers great guns against it.' It was impossible, so Leisler informed Sloughter, to continue many days longer without the bloodshed which his party was making the most earnest efforts to avoid. With that sense of the importance of wider than local affairs which was stronger in him than in his adversaries he added that, as the strictest union was necessary to fortify and protect the province against the common enemy, it was all the more needful that the governor should hasten his advent,

> . . . which that the stars may be propitious, as it is our longing expectation, so it shall be the daily prayers of your Excellency's most humble servant.

Many were now afraid that the stars had been adverse, that Sloughter had perished at sea. In that case what might not happen before fresh instructions could come from England? On March 12 Gerardus Beekman, in command of the militia of King's County, urged by proclamation that, in view of the imminent danger that the whole county would be 'bathed in blood,' its people and those of Queen's should on the following day meet at the Ferry and there 'write a peace address' to the effect that things should remain 'in statu quo' until the arrival of the governor or of further orders. On the 13th Leisler directed the officers in charge of a block-house near the city wall to hold it for their Majesties by force if needful, explaining that Major Ingoldsby and his 'accomplices' were threatening both block-house and fort. On the other hand Matthew Clarkson was urging Connecticut to give Ingoldsby aid with three hundred men; day after day he wrote to hurry the coming of militia-men from Long Island; and the intended councillors issued to Ingoldsby a commission as 'chief commander of their Majesty's forces' to defend their subjects from any 'outrageous and hostile proceedings' until the governor should come or their Majesties' further pleasure be known.

The refrain grows tiresome in the reading. In the uttering it began to have a tragic tone. For two years the cry had been for aid and for orders from the crown. Now that aid had come in the shape of troops, and there were still no definite orders, Manhattan was on the brink of civil war.

Gradually the fort had been invested closely enough to make egress difficult although the provisions that were sent from various parts of the province and from East Jersey could still be brought in. Leisler's son afterwards made affidavit in England that Ingoldsby

> . . . did by many indirect means to the great terror of your Majesties' liege subjects in a hostile and dreadful manner assemble great numbers of French and other persons and besieged the said fort, divers batteries against the same. . . .

Other affidavits, as well as Leisler's proclamations and letters, say that there were many Frenchmen and papists with Ingoldsby, but none explains who they were or whence they had come.

A *Declaration* prepared on March 16 by 'The Lieutenant-Governor and Council, Burghers, and other Inhabitants' of the city and county of New York explained, in more full and more formal shape than before, the reasons for Leisler's attitude. It specified Ingoldsby's offences as no counter document specified Leisler's: he had assumed power over the militia, harassed the soldiers of the garrison, and fomented 'seditious distinctions' between the Dutch and English subjects of the crown whereby 'woful divisions' had grown to a 'degree of hate' that threatened mutual destruction. He had encouraged and protected avowed papists, had received deserters from the army at Albany, had surprised at night the sentinels of the fort in the evident determination to make himself master of it 'like an enemy in a declared war.' He had demanded the key of the city gates and, when refused, had violently burst them open. He had formally demanded the surrender of the block-house 'as if there were actual war' between him and his confederates and the king's faithful subjects, and had employed a 'blasphemous privateer' who joined in ill-treating and wounding messengers sent by the lieutenant-governor. This privateer was the famous pirate of later years, Captain William Kidd. Thus, says the *Declaration*, Ingoldsby had prevented the collection of the taxes, to the great peril of the service on the frontier. All 'moral means' for restraining him had failed. The speakers were unwilling to deliver themselves and their descendants to such a fate as certainly threatened them, especially from the expressed hopes of papists, Frenchmen, and 'approved apostates' from the Protestant church. Therefore, to maintain law and liberty, they had resolved to resist the aggressor to the utmost of their power. They abhorred and detested the name of rebels with which their antagonists had tried to brand them, but felt confident that as they had made 'so plain

and clear an offer' — namely, that everything should remain 'in the former inoffensive condition' until Governor Sloughter's advent — all their Majesties' loyal subjects would approve the course to which they had been driven as to their 'last refuge and means of relief.' Ingoldsby must disband the forces he had raised in the province, all inhabitants must refuse to aid or abet him.

This manifesto was sent to Ingoldsby and the intended councillors on March 17, says Chidley Brooke's account, with a demand that they answer it within two hours. Denying its accusations they said that they were 'immediately commissionated' by King William, that they meant nothing more dangerous than a patient waiting for the governor, and that the people who were with them in arms had voluntarily assembled. Scarcely an hour had passed after Leisler received this reply, says Brooke, when he

> . . . fired a great shot at the king's forces as they stood in their parade and made several shots at the house where they lodged and kept guard, in hope to batter it down about their ears. These great shot were accompanied with vollies of small shot. Neither men, women, age, or sex were spared, several of the inhabitants were wounded and two killed; this action continued till night, we open to his shot and he safe immured in the fort. The block-house which he had ordered (at the same time that he did from the fort) to fire upon us disappointed him, several of his rabble there being unwilling to engage themselves in so rash an enterprise, and, being informed we designed to attack them by land and water, surrendered that evening; this discouraged those in the fort very much; all night they were quiet. The 18th day they made some few shots but did no harm; we also desisted with them and were desirous to live in peace would he admit us; nor indeed had we been inclined could we hope to storm the fort with our handful of men, but we stood still in a defensive posture, every minute expecting when he would sally or batter the town down, but it pleased God to prevent his bloody design in great measure by the happy arrival of our Governor on the 19th who found all his friends with white tied about their left arms for a badge of distinction and their lives in eminent danger.

The 'handful of men,' Brooke himself had said on another page, comprised four or five hundred 'country soldiers' be-

sides the two hundred regulars and the citizens who may have sided with them. No one estimated the men then in the fort at more than four hundred; most witnesses said three hundred, and so Governor Sloughter afterwards wrote, saying that about five hundred 'of the country' had come to Ingoldsby's assistance 'against about three hundred' who had been 'got into the fort.' Brooke merely hints at the fact that Ingoldsby as well as Leisler brought his guns into action. Other accounts say that both sides fired many times; several persons in the town were wounded by the shots from the fort and four were killed; and six more were killed by the bursting of one of Ingoldsby's guns. Among the dead was a certain Josiah Browne whom Abraham Gouverneur was afterwards accused of shooting, and a Patrick Macgregory who had been the leader of one of the trading parties which Governor Dongan sent into the far west and the Canadians captured.

All the anti-Leislerians declared that the fort fired first. The Leislerians declared that Ingoldsby fired first, and so said some of the affidavits taken in 1692. The most circumstantial of these is George Dolstone's. Ingoldsby, it relates, besieged the fort, planting great guns against it, blocking up most of the streets leading to it, and forbidding all persons to carry in provisions. By his order Dolstone himself was compelled to take up arms and to serve as a gunner in a battery of eight guns planted against the fort. To this battery Ingoldsby sent word by his brother-in-law that it should fire with one of its best guns upon a boat bringing men from Long Island to the fort and sink it if possible, 'which was the first shot that was made on either side.' Afterwards the same battery fired at a boat that was leaving the fort and wounded one man, and then fired both great and small shot against the fort with much violence for several hours, during which time the guns of the fort might easily have battered down the town but that Captain Leisler, as the deponent had been told and believed, ordered his men not to fire 'to do any hurt.'

Another affidavit says that the ship *Beaver* was ordered to get into position to fire against the block-house but on that

day it surrendered. Still another, relating specifically to a dispute about one of the prize-ships condemned and sold by Leisler's court of admiralty, was sworn to in 1692 by Kiliaen Van Rensselaer, the fourth patroon, the near kinsman of Bayard, Van Cortlandt, Livingston, and the Schuylers. In 1689 he had been a member of the Albany convention and one of its envoys to Connecticut. Since then he had been absent from the province. Returning on Jacob Mauritz's ship in May, 1690, he then saw, as his affidavit says, that the majority of the people acknowledged and respected Jacob Leisler as governor of the province, that by his order the defences of the city had been well repaired, and that in maintaining city and province he acquitted himself as a brave soldier. When Ingoldsby arrived and demanded the fort without 'the slightest order from his Majesty or the Colonel Sloughter' Leisler refused to accede unless such order could be shown, requesting Ingoldsby to keep peaceful and quiet, inviting him to his own house where he would be dealt with as a gentleman of his position should be, and offering his men good quarters and board. Then the affidavit goes on to say

> That the said Ingoldsby, refusing to listen to the good propositions and representations of the said Leisler, thereupon had begun to attack the said fort of New York, and further had issued warrants to enlist men who should aid and assist him in his enterprise.
>
> That the said Ingoldsby after he had picked up a number of people and had armed several papists and negroes had commenced to fire upon the said fort from the batteries which he had erected, and had also turned the cannon of the city toward the fort.
>
> That he moreover had caused to be imprisoned several burghers and inhabitants of New York, who refused to enter into his service and to assist him.
>
> That the aforesaid Ingoldsby continued and persisted in his hostilities until Governor Sloughter arrived there.

Nearer in time to the event than any of these New York testimonies is a letter written by Samuel Worden of Boston on March 30 to his father-in-law Governor Hinckley of Plymouth. He had recently heard from New York of the quarrel between the town and the fort occasioned, it was thought,

'by rashness on both sides,' the town having raised men on some pretence, erected works against the fort, and offered several affronts to its governor, 'it's doubted, on very purpose to provoke him to do something that might evidence against him.' This was 'the opinion of the sober'; but others said that, without any provocation but the raising of some men for the town's safety, Leisler had fired from the fort almost twenty shots, killing four persons, while the town in answering him occasioned the killing of six others by the unhappy discharge of one of their own guns loaded with two bags of small-shot. Some said that the 'other party,' growing weary of Governor Sloughter's delay and fearing lest he had miscarried, had intended to wrest the government out of Leisler's hands, and that he, 'not willing to be so ejected, sent the shot among them.' Even if this were true, Worden thought, 'his plea will be the better and they not justifiable in so presumptuous an action.'

Others, of more consequence in the affair than this Bostonian, believed that Leisler had fired the first shot but did not think his plea the better. Governor Sloughter arrived on March 19. On the 20th Leisler was in the prison where Bayard and Nicolls had lain so long, and Bayard's fetters were on his leg.

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CHAPTER XXIX

THE DEATH OF LEISLER

1691

(Governor Sloughter)

Your petitioners are under apprehension that your Excellency is informed that the fort was detained (after your arrival here) in disobedience to his Majesty or your Excellency for some ill design, when in truth it was purposely kept until yourself appeared, whose arrival was with pain longed for to discharge them and heal those unhappy troubles which have arisen since Major Ingoldsby came hither . . . whom nothing would suffice but immediate possession of said fort, and consequently the government. — *Petition of Leisler, Milborne, and Others to Governor Sloughter. March, 1691.*

While all the other actors in the Leisler drama have always had harsh critics and warm defenders, Governor Sloughter has never had a friend. He is usually dismissed with a mere citation of the judgment passed upon him in William Smith's history, the first in which he figured. He was remembered in New York, it says, as 'utterly destitute of every qualification for government, licentious in his morals, avaricious, and poor.' His administration, ended by his death in little more than three months after he reached Manhattan, was too short to enframe for us a convincing portrait of the man or the official. Yet something more is known about him than William Smith knew, and it serves in some degree to modify Smith's verdict.

Undoubtedly Sloughter was poor; otherwise he would not have wished for the post he held. Charges of worse than avarice were brought against him soon after his death: Ingoldsby then declared that he had converted to his own use

£1,100 sent out to pay his two companies of regulars, and Kiliaen Van Rensselaer made affidavit that he removed from the city walls twenty pieces of the best cannon and sent them out of the country, so that New York 'remained in no state of defence whatever.' More certainly it appears that, setting aside the condemnation in Leisler's court of admiralty of the prize-ships taken from the French, he seized at least one of them and sold it again, without consideration for the owner who had bought it in good faith. It was in regard to this matter that Kiliaen Van Rensselaer's affidavit and several others were taken — as evidence that the people of the province had considered Leisler's government legal. It is certain also that Sloughter at once acquired a share in a trading vessel. It is probable that he was drunk at a time when he should most carefully have kept himself sober. He did not show, as his superiors had ordered, an impartial spirit in settling the troubles in his province. There is some reason to think that he connived at bribery when the Leislerian leaders were brought to trial. And in reporting upon the trial he was not strictly truthful.

On the other hand, there is no sign that Sloughter was 'licentious in his morals' if Smith meant these words to have the significance they now convey. It may be thought that the twenty-one English merchants trading with the colonies who thanked the king for his appointment knew something about him when they praised his 'integrity, courage, and conduct.' And he showed a certain high qualification for his office which many a colonial governor did not show — a real interest in the work before him. From the moment when his appointment was considered he seems to have tried to learn all he could of the state and the needs of New York, and he urged more vigorous measures for its defence than the Lords of Trade adopted. He had liberal ideas, for he asked that the 'establishment of the government' might be the same as it had been in Dongan's time, meaning government by assembly. Moreover, it must be said in his defence that only an exceptionally cool-headed, conscientious, and self-reliant man could

have resisted for a moment the powerful stream of partisan influence into which Sloughter was swept before he set foot on the shore of his province. Naturally he had prejudged the situation from the same point of view as the Lords of Trade; as naturally he assumed that his subordinate, Major Ingoldsby, must have done his duty as an English officer should; and therefore he accepted without question the accounts of past and of current happenings poured at once into his ears by the major and the councillors. Had he not done this, had he really tried to be an impartial investigator, an even-handed dispenser of justice, the officials appointed by the crown to aid him would have been his most bitter critics, and he would have found no support elsewhere. He would have stood quite alone in a place divided against itself by the sharpest possible lines of distrust and hatred, in an atmosphere dense with contradictory accusations and recriminations.

His commission resembled Governor Dongan's commission of 1683 in directing him to summon from time to time, with the consent of the council, 'general assemblies of the inhabitants being freeholders.' This order was the first by which the crown of England confirmed to the people of New York that right of assembly which, as Duke of York, James had briefly recognized. The instructions that supplemented the commission conformed in general to those that Dongan had received in 1686 but differed from them at two or three points, notably in establishing, for the first time in the old Dutch province, a religious test for office. All public officials were now to take 'the Oath appointed by Act of Parliament to be taken instead of the Oaths of Allegiance and Supremacy and the Test.' This meant that they must now declare their adherence to the Protestant faith, as all officials within the kingdom of England had been obliged to do since the passage of the Test Act of 1673.

Neither the commission nor the instructions referred to the abnormally disturbed condition of New York. Except as Sloughter had been charged by the privy council to report

upon the state of his province after a strict and impartial examination of the papers that had been handed over to him, he was left to his own discretion.

He had reached New York after just such a 'miserable winter voyage' as Dudley had predicted for all the vessels — after a 'hard passage,' say his own official reports, of sixteen weeks from Cowes. Making Bermuda on January 11 the *Archangel*, in a stormy midnight hour, struck on the rocks seven times but then 'beyond all hope got clear,' losing a great piece of its false keel which was fished out of the water and brought on the deck to New York. Before, however, the ship could sail for New York it was detained three weeks by the ill-conduct of Captain Hicks. This is said in the reports of the council of Bermuda and of its new governor, Isaac Richier, who had been Sloughter's fellow-passenger. Hicks had already subjected Sloughter to 'extravagant ill-usage.' Now he treated Richier with scorn and his orders with contempt, espousing the cause of the old governor of the island, Sir Robert Robinson, who was charged with serious offences but was determined to return to England. Hicks sent an armed pinnace to bring Robinson on board the *Archangel*. Richier stretched a chain across the harbor but let it down when he reflected upon the need that Sloughter should speedily reach his government. Then Hicks sailed away with Robinson and a number of other persons whom Richier had likewise forbidden him to take. The letters written to Sloughter from New York had not had time to reach him.

Again the voyage was exasperatingly long, some six weeks from Bermuda to New York. On March 18, Sloughter reported, he arrived at the Narrows. Because of adverse winds the ship could not enter the harbor but, as Colonel Dudley and others who came on board told of the distress they were in at New York, the governor instantly went up to the town in the pinnace. This was on the 19th, a month and twenty-one days since Ingoldsby had come up the bay.

At once the governor published his commission at the City

Hall in the presence of the people, took the oaths of office, administered them to all the new councillors except the two who were in Leisler's custody, and then sent Major Ingoldsby with his company of foot to demand entrance into the fort.

Returning, they brought with them Joost Stoll who bore a letter from Captain Leisler. Sloughter said that he was glad Stoll had seen him both in London and in New York, meaning that his identity was thus established. Again he ordered Ingoldsby to demand the fort, promising that all soldiers laying down their arms might go 'every man to his own house' but requiring Leisler, Milborne, and those who were called Leisler's council immediately to appear before him and to release Colonel Bayard and Mr. Nicolls who had been appointed of the king's council. Returning for the second time and bringing with him Milborne and Delanoy, Ingoldsby reported that Leisler would not come and would not release his prisoners. Milborne and Delanoy were put under arrest. A third time the major was sent with the same demands; they were 'peremptorily refused'; and then the governor adjourned the sitting of the council until the next morning.

So runs the account in the minutes of the council for the 19th. In other documents it is told that it was already late in the day when Leisler received the governor's first summons. He sent Stoll to see whether it were really Sloughter, fearing a 'trick' because many false reports of his arrival had been put forth. If it were Sloughter, Leisler begged that he would show him the king's orders. No answer was vouchsafed to this request. At the second summons Sloughter gave Ingoldsby a warrant for the arrest of Leisler and the persons called his council should they not surrender. Leisler then sent Milborne and Delanoy to 'capitulate' — that is, to find out upon what terms Sloughter would take over the fort from him. When these messengers were arrested and the third summons came, the Leislerians still refused to open the gates of the fort believing that it could not lawfully be done after nightfall. It was midnight when Sloughter adjourned the council.

Early on the morning of the 20th Leisler wrote to the gov-

ernor that he had not been able to assure himself at once of his Excellency's identity as Major Ingoldsby had besieged the fort so closely that no one could pass out by land or water without peril to life. He rejoiced when he heard Stoll's report but was troubled by the detention of Milborne and Delanoy:

> I see well the stroke of my enemies who are wishing to cause me some mistakes at the end of the loyalty I owe to my gracious King and Queen, and by such ways to blot out all my faithful service till now, but I hope had care to commit such an error, having by my duty and faithfulness being vigorous to them. Please only to signify and order the Major in releasing me from his Majesty's fort, delivering him only his Majesty's arms with all the stores, and that he may act as he ought with a person who shall give your Excellency an exact account of all his actions and conduct, who is with all the requests [respect]
>
> Your Excellency's most humble servant.

Ignoring this letter also, Sloughter once more bade Ingoldsby demand the fort, promising pardon to all except Leisler and the members of his council. Then the fort surrendered; and then Nicholas Bayard and William Nicolls were set free.

The minutes of the council, saying nothing of the manner of the surrender, record that on the 20th the governor delivered to the secretary of the province 'twenty-nine papers sent by their Majesties relating to Leisler' and five that had come from Albany. Colonel Bayard and Mr. Nicolls were sworn of the council and took their places at the board. Leisler was brought in a prisoner, the king's letter directed to Francis Nicholson was taken from him, and he was 'committed to the guards.' There were also 'brought prisoners' Gerardus Beekman and William Lawrence — an uncle of each of whom was sitting at the council board — Abraham Gouverneur, William Churcher, Cornelius Pluvier, Hendrick Jansen Van Vuerden, Thomas Williams, John Coe, Robert Lecock, and Johannes Vermilye. All of these were also committed to the guards. On Sunday, the 22d, Domine Selyns preached before the governor a joyful sermon from the text: 'I had fainted unless I had believed to see the goodness of the Lord in the land of the living.'

It was afterwards said by some of Leisler's adversaries that almost all his soldiers had deserted during the night and that those who remained seized him and delivered him to Sloughter. Sloughter did not so report; and the bulk of the evidence, friendly and inimical, says that three hundred soldiers stood about him when he threw open the gates, and that by his command they laid down their arms and quitted the fort. According to the Dutch letter of 1698:

> The men thus coming out in their side-arms were at once attacked by the out-standing crowd, scolded as being villains and traitors, and robbed of everything, and that with such fury as if they wanted to kill them, the officers meanwhile shouting and screaming — Rob them! Rob them! and take their guns away from these rascals, they will otherwise murder our wives and children! . . . Commander Leisler was immediately afterwards brought before the governor who allowed (having spoken but a very few words to him) that he was spit in the face, and that he was robbed of his wig, sword, and sash, and of a portion of his clothes which were torn from him, and that they abused him like raging Furies, putting irons on his legs and throwing him into a dark hole underground full of stench and filth. His council and officers of the militia whom they found in the fort or caught among the burghers were treated in the same way. . . .

This is the most detailed account of Leisler's arrest. As it was written seven years after the event, and as these years had done little to calm the passions of 1691, it may well be too highly colored. Yet it is more than probable that Leisler's men were roughly handled in the street and he in Sloughter's council room. Eight days later Samuel Sewall at Boston wrote in his diary that a messenger bringing a letter from Governor Sloughter reported that Bayard had been released and that Leisler had been 'put in his room and Bayard's chain on's leg.' Leisler was now at Bayard's mercy as for thirteen months Bayard had been at his. With the reversal of their parts a bitter melodrama passed into tragedy.

Not all of those put under arrest with Leisler had, so far as any writing shows, served at any time on his council. Nor did Sloughter otherwise respect his promises, for some twenty-

seven persons were at once arrested. Kiliaen Van Rensselaer's affidavit says that many other burghers

> . . . seeing the wicked proceedings of the said Sloughter and the misfortune of their imprisoned fellow-citizens, through fear and menaces fled thence and left the province, retiring elsewhere for their own security, so that a company before, under the government of the said Leisler, of about one hundred and twenty men strong could not then muster fifty.

Another affidavit declares that the burghers were promised that they might keep their arms but were afterwards deprived of them; and another that several of the inhabitants fled by reason of threats and the fear that they would be ill-used by Sloughter's men as their friends had been, some of whom were imprisoned while others 'had money extracted from them.'

On March 21 Sloughter named April 9 as the day for the assembly to convene and, appointing sheriffs for all the counties, issued writs for the holding of elections. As promptly he reorganized the city government according to the terms of the Dongan Charter. On the day he put Leisler under arrest he gave a commission as mayor of New York to John Lawrence who more than once before had held the place. As recorder he appointed William Pinhorne at the request of Pinhorne himself and the other councillors, James Graham whom the Lords of Trade had indorsed for the post not being on the spot. And, not knowing that Graham desired to recover also the office of attorney-general, for this the governor selected Thomas Newton, previously of Boston and reputed the best lawyer in the colonies.

The mayor ordered an immediate election for aldermen, assistants, and constables. On March 24 the new magistrates were sworn. Among the aldermen were old William Beekman, Balthazar Bayard, and Brandt Schuyler, among the assistants Nicholas Stuyvesant, still called in the records Stevenson, and Stephen Delancey. As a rule the entries in the minutes of the common council stand in unbroken se-

quence, giving no sign by their arrangement or by any explanatory headlines of the coming and going of governors. But the entry that records the installation of Mayor Lawrence and his colleagues follows a blank page and is prefaced by the heading: 'From Hence Begins What is Acted in Governor Sloughter's Time.' Too distinctly the new officials of 1691 could not set themselves apart from the predecessors elected by order of Leisler and his friends.

Rapidly, too, were pushed the proceedings against the prisoners some of whom, it appears to have been decided before any of them were examined, were to be tried by civil process for high treason and murder. As a committee to examine them 'in order to their mittimus to the common prison of this city' the governor in council appointed on March 23 Dudley, Brooke, and Van Cortlandt who were to have the aid of Secretary Clarkson and Attorney-General Newton. On the 24th he ordered a special court of oyer and terminer, to be composed of two judges, whom he would immediately name, and eight others; and on the 26th he issued a commission to the ten — to Joseph Dudley and Thomas Johnson whom he had meanwhile appointed judges, and to Major Ingoldsby, Captain Hicks of the *Archangel*, Sir Robert Robinson late the governor of Bermuda, Smith and Pinhorne of the council, Mayor Lawrence, Isaac Arnold of Suffolk County, and John Young the old leader from the same county who, like Lawrence, had begun his political activity while Stuyvesant governed New Netherland and who had sat on the council with Dongan and Andros. These ten, or any six of them one of the judges always being one, were to 'proceed in the said court.'

On the same day, some of the prisoners having now been examined, Lawrence and Pinhorne as justices of the peace issued a warrant for committing to the common jail Jacob Leisler 'late of the City of New York, merchant,' charged with levying war against their Majesties in their province of New York, with counterfeiting their great seal of their said province, with murdering one John or Josiah Browne, and with perpetrating 'other high misdemeanors.' It was also ordered

that at the discretion of the committee such prisoners as had not yet been examined might be released upon giving bonds for their good behavior and their attendance at the next term of the court of quarter sessions. Ten of those who were held were immediately brought to trial: Leisler, Milborne, Delanoy, and Edsall, Abraham Gouverneur, Dr. Gerardus Beekman, Thomas Williams of Westchester, Mindert Coerten of New Utrecht, Johannes Vermilye of New Harlem, and Abraham Brasier, or Brasher. Again not all had been members of Leisler's council. Domine Varick of Long Island afterwards said that two were elders of his church — doubtless Beekman and Coerten.

The prisoners asked of the governor that they might have a hearing under the order he had received to examine strictly and impartially into the affairs of the province. This order, they were told, did not apply to recent events — to events which had happened after it was issued; and it was as concerned in these that the petitioners were to be judged by the court.

To constitute for this purpose a really impartial tribunal Governor Sloughter would have had to bring from some other colony all its members except Hicks and Robinson. Probably no such idea occurred to him. Of course it would have meant delay; and he was impatient to be done with the affair, for he could not leave Manhattan without settling it and thus, as he hoped, quieting the people, and his presence was greatly needed at Albany. Yet he might at least have found persons somewhat more impartial than Ingoldsby and Dudley; and he need not have written to England that the court was composed of 'ten gentlemen of approved integrity and loyalty' who had been 'personally unconcerned in the late troubles.'

To the Earl of Nottingham, now the secretary of state in charge of colonial affairs, Sloughter rendered at this time a long report upon the state in which he had found New York, upon all that had happened (as the tale was told him) before and after Ingoldsby's coming, and upon the preparations for the trial. The 'loyal people,' he said, were persuaded that

if the train-bands had not come in to Ingoldsby's aid Leisler would certainly have maintained his rebellion to the last; and the rebel had even declared that New York was a province which neither Ingoldsby himself nor those under his command ought to tread upon. This is an illuminating example of the scores of wilful or unwitting perversions of fact that were passing current. Leisler, it may be remembered, had used the word 'province' merely to denote the immediate vicinity of Fort William when Ingoldsby's men were trespassing there.

On the 30th the governor in council appointed Pinhorne, who was a member of the court, and Bayard and Van Cortlandt to prepare the evidence against the prisoners, and assigned as king's counsel William Nicolls, James Emott, one of the anti-Leislerians who had taken refuge in East Jersey, and George Farewell, the same who, while he lay in prison with Andros at Boston, had been urged to endeavor when he should reach England to secure Leisler's overthrow and punishment. He had appeared at New York a few days before Sloughter arrived.

The main facts and results of the trial have always been known with a few details, some correctly, others incorrectly, transmitted. If any official record of the proceedings survives in this country it lies hidden amid the masses of papers relating to the colonial courts which have not yet been made available for students' use even in their manuscript form. Nor was it generally known that such records survive in England until the papers concerning the colonies at this period which there exist were calendared in print in 1901. The calendar gives no abstracts of the documents but merely lists them as a 'Copy of the Rolls of Court in the Trial of Jacob Leisler and his accomplices' which was transmitted to Nottingham by Governor Sloughter, and a 'Copy of the Trial of Jacob Leisler and his accomplices' which was sent to the Lords of Trade from Virginia by Governor Nicholson. The documents themselves, however, are accessible; and they greatly enlarge our knowledge of how the trial was conducted although they do

not give full details of the proceedings or explain the most puzzling of their results.

The most important new fact that they reveal is that the prisoners were allowed counsel. This was not in accordance with the practice of the time in England where a person accused of a political offence was allowed no counsel, was not permitted by law to see the indictment against him, and could not, as could the crown, compel the attendance of witnesses or even cause them to be sworn if they voluntarily appeared on his behalf. In 1696 an act of parliament to regulate procedure in cases of high treason mitigated these conditions. But until then a political prisoner might come into court wholly ignorant of the nature of the charge against him, and while in court could expect no help in making his defence. These facts, to our eyes painfully evident in the account of any state trial of the time, do not mean that the authorities then loved cruelty or were consciously content with injustice. There were then no professional policemen or detectives, only spies and informers. The analysis of testimony and the cross-examining of witnesses were arts as yet unborn. Moreover, governments were not then secure as they are in English-speaking lands to-day, and in consequence the whole administration of justice in cases of a political kind was swayed by the feeling that to acquit a traitor might mean imminent danger to the throne, quick-coming civil war.

In a country where a state trial was a novelty the trial of Leisler and his adherents was thought by their partisans a travesty on the forms of justice in regard both to the composition of the court and to the manner in which the proceedings were managed. It was 'cruel and arbitrary,' said the New York house of representatives addressing Governor Bellomont in 1699 when the Leislerians were in the majority and Abraham Gouverneur was speaker; it had been 'ordered by the governor and managed by the bench contrary to all the laws of justice and humanity.' So it may appear to the reader of to-day whether he himself finds the condemned condemnable or not. But it was not contrary to the laws or customs

of the mother-country. It was exceptional only in that the accused were allowed counsel, by no means exceptional in that they were, as Macaulay says of political prisoners in England, at the mercy of a 'small junto' named by the very authority that prosecuted them.

In a petition to the governor in council which bears no date one of the accused, Dr. Beekman, declared that he had served on the committee of safety of 1689 and had raised forces to strengthen Fort William with no other intent than to hold it for their Majesties until their 'full and absolute power' to demand it should come, and not, 'as hath through the malice of a choleric man happened, to use hostility against their Majesties' good subjects.' Moreover, his sole intent in coming the last time to the fort had been to persuade this choleric Leisler from 'such base and inhuman actions.' Therefore he begged to be released on bail and to have liberty to visit several patients on Long Island who were dangerously ill. On behalf of another prisoner arrested when the fort surrendered, Abraham Brasier, one Peter De Milt petitioned, likewise with a fling at Leisler. He himself, he explained, being in command of the block-house had sent Brasier to the fort simply to inform Leisler that he meant to surrender and to have 'nothing further to do with him.' Neither of these appeals had any effect.

The trial began on March 31 and ended on April 17, but the court did not sit continuously. The ten cases, each prisoner being separately tried, were disposed of in thirteen morning or afternoon sessions which consumed in whole or in part eight days. There is no note of where the court sat but undoubtedly it sat in the City Hall. Dudley presided but not, as is sometimes said, as chief-justice of the province. This appointment he did not receive until April 15 when the trials were almost over.

Called on the morning of March 31 the grand jurors were sworn. The witnesses to two bills — one against Leisler, Milborne, Delanoy, Gouverneur, and Beekman, the other

against the same with the exception of Beekman — were sworn and the bills were sent to the jury. Their text is not given. Without delay the jury presented all five of the accused in two indictments. One charged them with treason and felony, saying that as 'false traitors, rebels, and enemies' of their Majesties of England, 'being seduced by the instigation of the devil,' not regarding the duty of their allegiance, and intending to extinguish the obedience which good subjects should bear to their sovereigns, they and other false traitors and rebels unknown 'on the seventeenth day of March and divers days before and after,' intending to depose and cast down their Majesties' 'title, power, and government' in their province of New York, had with force of arms traitorously and feloniously assaulted their Majesties' 'guards and forces' expressly sent for the defence of the province, and thus had levied war against their Majesties 'to the great terror, ruin, and destruction' of divers of their faithful subjects. The second indictment charged murder and felony, saying that with force of arms and premeditated malice the accused had assaulted one Josiah Browne, Abraham Gouverneur discharging against him 'one hand gun of the value of ten shillings, being then loaded with powder and bullets,' and inflicting a mortal wound 'in the right side of his body amongst his ribs of the breadth of one inch and the depth of ten inches,' of which wound, after languishing until the eighteenth day of the month, the said Browne had died. In this felonious murder the others of the accused had aided and abetted Gouverneur. Later in the day an indictment for treason was brought against Mindert Coerten, Thomas Williams, Johannes Vermilye, and Abraham Brasier, but no indictment for murder. Leisler and Milborne were described in the indictments as merchants, Delanoy, Gouverneur, Vermilye, and Coerten as yeomen, Beekman as a 'chirurgeon,' Williams as a mariner, Brasier as a laborer.

Nothing that had happened before Ingoldsby's arrival was referred to in the indictments. They did not even renew the charge of counterfeiting the seal of the province which had

stood in the warrant for Leisler's commitment to jail. The rolls of court, giving the indictments in full and the results of the several trials succinctly, make no mention of Samuel Edsall; but the minutes of the proceedings transmitted to England by Nicholson show that he stood his trial like all the others except Leisler and Milborne. These refused to plead, appealing to the king, and were dealt with as 'mutes.'

As soon as the first indictments were presented Leisler was brought to the bar. Asking to be heard and refusing 'to hold up his hand' — that is, to make oath — he 'read a small paper' submitting that as he had been in power in the province he ought not to plead until such time as that power had been 'determined.' This small paper was evidently one still in existence in the original or a copy and entitled 'A memorandum how Jacob Leisler is to Plead,' which says:

> I humbly conceive I am not holden to make my plea on the indictment until the power be determined whereby such things have been acted.

It explains that by virtue of the king's instructions sent out in 1689 Leisler's own power was valid until Sloughter arrived, and that Sloughter had 'only proclaimed his power to govern and not to determine concerning the power exercised by us'; and it ends with the words:

> The king would accuse me for giving away my right, and I cannot complain of an act of my own, for by pleading I empower the jury to make them judges of fact; and how can twelve men of one county judge the government of the whole province?

The minutes then say that Leisler

> . . . being told that if on his trial he would offer to justify the indictment by such power it would properly come before the court and be determined, he says he is a subject of the king and honors the commission, whereupon the opinion of the bench was asked which was unanimous that whatsoever had been said was heard of grace and did in itself the most favorably accepted amount to no plea in law or fact.

The king's counsel moved for judgment, but the court, 'willing to give him all and more than of right privilege could in his circumstances be allowed,' offered him counsel,

. . . which he accepted and proposed Mr. Tuder who was assigned accordingly to attend the prisoner for some time, and he was remanded.

Milborne was then arraigned for treason, challenged the jurisdiction of the court, was 'overruled,' challenged again when at once arraigned for murder, was again overruled, and, duly informed of 'the danger of his refusal,' was remanded. Abraham Gouverneur, arraigned on the indictment for treason, said that he had acted by command of Jacob Leisler who by virtue of the king's letter exercised the government in New York, and refused to plead until it should be determined whether Leisler's authority were good or not. Although the counsel assigned, 'to wit, Mr. Tuder,' showed him in court 'the law book touching this case,' he desired some time to consult, was then arraigned 'on the other indictment' for murder, and repeating his request for delay was remanded. Peter Delanoy, arraigned first for treason, then immediately for murder, pleaded not guilty, put himself 'on the country,' and was remanded. So it happened with Gerardus Beekman, and the court adjourned until eight o'clock of the following morning.

Then Leisler, again brought to the bar, was arraigned for treason. President Dudley reminded him of the favor done him and advised him to plead. Continuing his 'general talk' he refused, asking that he might further advise with his counsel; but, the king's counsel again praying judgment unless the prisoner would plead, he was 'ordered to be tied up and put in irons in order to his suffering the judgment of the law to be given by this court.' The same steps followed when he was at once arraigned for murder.

Gouverneur, the first to stand his trial, was now arraigned for the murder of Josiah Browne, pleaded not guilty, and was 'informed of his challenges.' An order to summon a panel of forty-eight for the selection of a petit jury had been issued on the previous day. Twelve jurors, whose names the minutes give, being now called and sworn:

The King's Counsel opened the indictment and went on to prove it. The prisoner desires pen, ink, and paper which is allowed him. The

prisoner having made his defence the charge was given to the jurors and an officer sworn to keep them.

Then the grand jurors presented the indictment for treason against Coerten, Williams, Vermilye, and Brasier, and also a bill 'for a riot' against Joost Stoll, Cornelis Pluvier, William Lawrence, John Coe, Hendrick Jansen Van Vuerden, and four others. The indictment was read to them, they were reminded 'of the favor done them and that they might have counsel on their trial,' and were told that in the meantime they might give bail. Then:

> The jurors charged with the indictments of murder against Abraham Gouverneur returned to the court and say that he is guilty of the murder and felony whereof he stands indicted, but knows not of any goods and chattels &c. The prisoner remanded. The Court adjourned till one afternoon.

As conviction for murder called for the death penalty, Gouverneur was not tried for treason. Goods and chattels were mentioned because the conviction also called for the confiscation of estates, as did likewise conviction for treason.

In the afternoon Peter Delanoy stood his trial for murder. The jury, out only long enough to admit of the arraignment of Mindert Coerten for treason and of two persons for a riot,

> . . . return and say that the prisoner is not guilty in manner and form &c. nor that he fled.

As brief as these are the minutes of all the trials. On the afternoon when Delanoy was acquitted of murder Williams, Brasier, and Vermilye pleaded not guilty to the indictment for treason and were remanded; and Milborne, brought in again, was again remanded at his own request till the following day, April 2. Then, as the minutes run, he

> . . . offers that he conceives the bailment of divers persons committed by the same mittimus for the same fact gives him in the law the same privilege. . . .

Some of these persons had, indeed, sinned as deeply as he in serving on Leisler's council. But he was told from the bench that the jurors had presented them 'for a riot' and other per-

sons, of whom he was one, 'for crimes unbailable.' Moreover, said the bench, no one could be admitted to bail after his trial had begun. And the court adjourned to the following Monday, the 6th.

Thus far there has been no mention of witnesses. But when Beekman was indicted on the morning of the 6th he asked and was granted a delay 'by reason he alleges he hath witnesses to come to town.' Williams was brought to trial and convicted. In the afternoon, the court entry making no mention of his witnesses, Beekman met the same fate. On the 8th Delanoy, arraigned again, offered that, having been acquitted by his country 'for the murder,' he conceived himself 'dismissed from any other question,' but was told that he was now indicted for treason which was a different crime. Upon this charge he was tried. Again the jury, after being out only a quarter of an hour, found him not guilty,[1] 'whereupon,' runs the record, 'the prisoner is cleared by proclamation.' On the following day Brasier was tried and convicted. The court did not sit again until the 15th.

While it stood adjourned, on the 13th, the bench asked the governor and council to instruct it whether the letter addressed to Lieutenant-Governor Nicholson, or any other papers 'in that packet from Whitehall,' could be 'understood or interpreted' as conferring power upon Captain Leisler 'to take the government of the province upon himself,' and whether his 'administration thereupon' should 'be holden good in law.' There was a ghastly humor in such questions asked with reference to lives that hung in the balance, for three of the councillors to whom it was put were the three who had from the first declared that King William's orders conferred the power in dispute upon themselves. If the queries had any bearing upon the cases yet undecided they had, of course, the same bearing upon those already concluded. If

[1] The copy of the minutes here says that the jurors pronounced 'that the prisoner is guilty of the treason and felony whereof he stands indicted,' but the succeeding words, 'whereupon the prisoner is cleared by proclamation,' prove, as does the corresponding entry in the rolls of court, that 'guilty' for 'not guilty' was a copyist's error.

asked at all, in view of the fact that the indictments were not for having assumed power in the province but for having resisted the king's troops, they should have been asked before any trial was brought to an end. Whether, William Smith wrote, they were asked 'through ignorance or sycophancy, I know not. . . . The answer was, as might have been expected, in the negative.'

With the morning of April 15, the minutes of the court begin again. Mindert Coerten was tried for treason and convicted, the jury being out a quarter of an hour. On the motion of the king's counsel for judgment against Leisler and Milborne, Leisler was brought to the bar and reminded that it was now a fortnight since the first sitting of the court and that he had twice been arraigned for high treason and murder but had continued to stand 'mute'; nevertheless, the court would 'yet condescend' to offer him an arraignment. Thereupon he was arraigned on the two indictments separately, again refused to plead, and was again remanded. Vermilye was tried and convicted, the jury once more consulting for a quarter of an hour. Milborne was brought to the bar and 'informed in like manner as Jacob Leisler' with the same result.

When the court convened in the afternoon Samuel Edsall was arraigned for high treason and stood his trial. This time there was no such quick conclusion. The court waited until after ten o'clock in the evening and, the jurors not having yet agreed and two constables having been 'sworn to keep them,' adjourned till ten o'clock on the following day. Then, the jury still disagreeing, two more constables were sworn to keep them and the court adjourned until four when the jurors brought in a verdict: the prisoner was 'not guilty of the treason and felony' whereof he stood indicted. The king's counsel moved that he give surety for his good behavior for a year and a day, which the court said it would consider.

On the afternoon of the 17th, say the minutes, Leisler, Milborne, Gouverneur, Beekman, Coerten, Williams, Vermilye, and Brasier were brought to the bar:

Proclamation made for silence. The King's Counsel moves for judgment. The President says something prefatory to judgment.

Jacob Leisler and Jacob Milborne being asked if they had anything to say why judgment of death should not pass upon them, say that they conceive until the King determine the power by which they acted they should not answer.

The others answered that 'what they did was for the welfare of the province.' Sentence of death was passed. The court then dissolved.

More accurately, as is shown by the rolls of court, two differing sentences were pronounced, those customary in England at the time for the offences in question. Gouverneur, convicted of murder, was to be hanged. The others, convicted of high treason, were to be hanged and beheaded, drawn and quartered; or, in the words of the sentence, it was ordered that they be

. . . carried to the place from whence they came and from thence to the place of execution, that they be severally hanged by the neck and, being alive, their bodies be cut down to the earth, that their bowels be taken out and, they being alive, burnt before their faces, that their heads shall be severed from their bodies and their bodies cut into four parts which shall be disposed of as their Majesties shall assign.

A report rendered to the home authorities by the council just after Sloughter's death in July declared that he had taken care that the persons appointed to conduct the trial of the political prisoners

. . . should be such as were most capable of discovering the truth and the least prejudiced to those people, who indeed executed their commission with all the lenity and patience imaginable.

By Leisler's friends the petit jury was described as composed of 'youths and other bitter men.' There were, in fact, three petit juries chosen from the panel of forty-eight, one for the cases tried under each of the three indictments; and from case to case a few individual changes were made. Among the Dutch names on the lists are Ver Planck and Van Horne. The majority are English. Only two have interest — the

name of John Barbarie, a Frenchman who became a prominent citizen in after years, and that of Giles Shelly who within a very few years grew notorious as a pirate. Of all the convicted except Leisler and Milborne it was said that they had no ascertainable goods or chattels.

In 1692 the six Leislerians who, like their leaders, had been sentenced to death were released from confinement by the order of Queen Mary acting in the stead of King William while he was on the continent. Abraham Gouverneur then joined Jacob Leisler the younger in London where he was working for a reversal of the sentences passed by the court at New York; and in 1695 they secured this reversal from parliament. During the examinations conducted by a committee of the House of Commons the counsel for the plaintiffs declared that, as Colonel Sloughter had landed at New York on the 19th of March and the indictment had set forth the treason as committed on the 17th, the indictment was void; that is, there had been no treason because Ingoldsby had been intrusted with no powers in government and the Leislerians had offered no overt resistance to Colonel Sloughter. Moreover, the plaintiffs' counsel averred, according to the terms of Ingoldsby's commission he was obliged to obey Captain Leisler, not Captain Leisler to obey Major Ingoldsby; Ingoldsby himself should have been arraigned of high treason for laying siege against the fort, Leisler being then, as before, commander-in-chief in the province; and had this been done, 'in strictness of law' it might have gone hard with Major Ingoldsby.

Gouverneur and young Leisler laid stress upon the fact that Leisler and about twenty-seven others were committed to prison eight days 'before a mittimus was made.' Gouverneur testified that when he was upon his trial he was told he had a way to save his life — if he would say 'that Leisler led him on.' Joseph Dudley and George Farewell, who had both sat on the bench, testified that Leisler and Milborne when arraigned for the second time had appealed to the king, offering a paper expressing their wish to be tried in England. Edward Antill of New York and East Jersey said that he had

acted as counsel for Leisler and Milborne at their own request. This probably meant that he had given them legal advice out of court. No one but Tuder is named in the records as counsel assigned to the prisoners by the court.

The puzzling feature of the trial is the acquittal of Samuel Edsall and Peter Delanoy, the two who had been recognized as Leisler's chief supporters barring only Jacob Milborne. Possibly Edsall was not in the fort when it exchanged shots with Ingoldsby's men or when it surrendered to Sloughter. But Mayor Delanoy was there, was chosen with Milborne to carry Leisler's message to Sloughter, and with Milborne was then arrested. The most plausible reading of the riddle is that more of the accused might have been acquitted if more had had goods and chattels. It is impossible not to suspect bribery, with or without the governor's connivance as the case may have been.

Few witnesses can have been called, no lengthy testimony can have been given, when trials were so swiftly despatched. What is told of them, however, does not suggest that any prisoner was browbeaten or that any showed other than a quiet bearing. George Dolstone's affidavit says that he had seen Leisler 'bound and pinioned' when he refused to plead, but this seems to have been ordered as a customary part of the procedure; the testimony is interesting chiefly because it is the main proof we have that spectators were present in the court.

But if in these trials things went as decorously as the official records imply, it was not so when one of the citizens charged with a riot was arraigned. The fragmentary document, written in Dutch in the first person, which paints this incident gives neither the exact date nor the prisoner's name. Being a Dutchman he replied when 'a paper' was read to him, doubtless the indictment, that he could not understand, and asked for an interpreter. Van Cortlandt told him he was accused of a riot and had only to say guilty or not guilty, and every one tried to persuade him thereto. He could not accuse himself, he said, in a case wherein he had probably been acquitted by the king and his council — which may be

construed as an awkwardly expressed effort to draw a comparison between what had happened in England and in New York. Then every one reproached him, crying that he should speak English. When he asked to whom he was required to plead and said that they ought to be ashamed to make a mock of their own court, seeming to think it sport to try a man for his life or to kill him, Van Cortlandt translated for him 'in a very mischievous, false, and perverted manner.' He answered that he did not wish to seek mercy because he well knew he could not get it — 'here it was crucify him, crucify him.' Then the clerk violently seized him and threatened to stab him, whereupon he bared his breast saying that the clerk was a coward and dared not.

While the court was in session the assembly had convened, on April 9. One of the two members returned by Ulster and Dutchess Counties in common was unable to serve. The two from Queen's — Nathaniel Piersoll, who had declined to serve in Leisler's assembly, and John Bowne — refused as Quakers to make oath and were dismissed. To fill these three places new elections were ordered. Of the fourteen representatives immediately seated five were Dutch, nine were English. James Graham, Jacobus Van Cortlandt, and two of the recently elected aldermen — William Merritt and Johannes Kip — sat for the city and county of New York, Dirck Wessels and Levinus Van Schaick for the city and county of Albany, Henry Beekman for Ulster and Dutchess, John Pell for Westchester, Elias Dukesberry (who sometimes stands in the records as Ellis Duxbury or Ducksburry) and John Dally for Richmond, Nicholas Stilwell and John Poland for King's, Henry Pierson and Matthew Howell for Suffolk.

It was said by the Leislerian party that the elections had been illegally controlled by the governor; and one of the affidavits of later years avers that Abraham De Peyster had been elected in the city 'but was cried out for a rebel and rejected, and one Mr. Graham turned in his stead.' At all events all the members were of the party that the governor

had made his own. As their speaker they chose Mr. Graham. They met in a tavern, and for many years their successors continued so to do. As in Dongan's time the council played a double part in government, sharing the governor's executive powers and also forming the upper house of the legislature.

With this general assembly of 1691 begins the consecutive history of representative government in the province that had once been Dutch. Here, however, we are concerned with its activities and with the administration of Governor Sloughter only in so far as the governor, the council, and the house were concerned with Jacob Leisler while he was alive in the flesh. The episode in which he was the chief actor formed for New York the close of the first colonial period. A second opened, in New York as elsewhere, with the new arrangements made under William III, and endured until the Revolutionary period began. All that happened after Sloughter's arrival, excepting the way in which Leisler met his death but including the very real way in which for many years he posthumously survived, must be passed over here to be given its proper place in the history of the second colonial period.

For nearly a month before it enacted any laws the assembly debated various measures some of which the governor or Dudley as the first councillor had recommended. Meanwhile it concerned itself in other ways with the state of public affairs. On the 17th, the day when the trial ended, having considered a petition from 'several freeholders' setting forth the 'oppression and hardships' with which Jacob Leisler, Samuel Edsall, and others had afflicted their Majesties' subjects, it passed a series of resolutions condemning the aforesaid persons for conduct variously described as arbitrary, illegal, tumultuous, destructive, and against the dignity and the interests of the crown, they having dissolved the convention established in the city for the securing of the province to their Majesties at the time of the revolution, imprisoned some of their Protestant subjects, forced others to 'flee their habitations,' seized merchandise, levied money, raised forces, kept

their Majesties' fort against their commissioned officers, and refused to surrender it after the governor's arrival, and having also by their usurpation of power been the cause of the massacre at Schenectady — all of which acts were voted acts of rebellion. Then the house having, as William Smith wrote, 'by these agreeable resolves prepared the way of their access to the governor,' drew up an address heartily congratulating him, affirming that none had the right to rule in the province save by their Majesties' will, declaring the abhorrence felt by the members of the house for all the proceedings of the 'late usurpers of their Majesties' authority,' and solemnly promising to support his Excellency's government against all enemies. The governor and council, concurring in the resolutions and the address, ordered them to be made public forthwith.

On the 20th the speaker informed the house that his Excellency desired its opinion concerning a reprieve, until their Majesties' pleasure should be known, for the prisoners Leisler and Milborne who had petitioned him to that effect. The house resolved:

> That their Majesties have only intrusted that matter of reprieving with his Excellency alone; and they dare not assume to give their opinion thereupon.

On the 24th the house desired the speaker to draw up all bills to be laid before it, as hitherto they had not been satisfactorily drawn and the services of the attorney-general could not be obtained. The governor, it seems, had sent Newton to Boston to bring back the public papers of New York, carried away three years before by Governor-General Andros. Some believed that Newton had left the province because he disapproved of the harsh proceedings of the court.

On the 24th also the house, being informed by some of its members that the laws formerly made by the general assembly of the province and 'his late Royal Highness James Duke of York,' and likewise 'the several ordinances or reputed laws' framed by preceding governors and councils, were 'reported amongst the people to be still in force,' therefore resolved that all such

. . . and the liberties and privileges therein contained, granted to the people, and declared to be their rights, not being observed, and not ratified and approved by his Royal Highness, nor the late King, are null, void, and of none effect.

Furthermore it explained that the ordinances had been 'contrary to the constitution of England and the practice of the government of their Majesties' other plantations in America.' Neither the council nor the governor consented or, so far as appears, was asked to consent to this resolution. Of course it had not the force of law. Yet it had the effect of law, for the statutes and ordinances to which it referred were thenceforward considered null and void. They were 'disregarded,' says William Smith, 'both by the legislature and the courts of law'; and until recent years no collection of the acts of the colonial assemblies of New York or of the laws of the province included those passed under Governor Dongan by the assemblies elected in 1683 and 1685.

By this time two members had been seated for Queen's County whose Quaker representatives had been dismissed, and a second for Ulster and Dutchess. On May 1 a new constituency was recognized, Kiliaen Van Rensselaer being seated as representing the Manor of Rensselaerswyck.

On May 6 Governor Sloughter, adding a postscript to the despatch which he had compiled for Nottingham at the end of March but had not yet had a chance to send, reported that the trial and condemnation of Captain Leisler and eight of his accomplices had taken place. This number tallied with the account in the rolls of court which he was then transmitting and which made no mention of Samuel Edsall. 'Certainly never greater villains lived,' Sloughter explained, but:

I have thought best to reprieve them, unless any insurrection of the people necessitate their execution, until his Majesty's pleasure be known. . . . The loyal and best part of the country is very earnest for their execution, and truly their exorbitance is such that, if some of them do not suffer, the people here will be greatly hardened in offering at the government at any time. If his Majesty shall please to grant his pardon for all except Jacob Leisler and Jacob Milborne it will be a

favor, and all care shall be taken of their estates to be at his Majesty's disposal, though some of them are scarce worth anything. I humbly pray that I may have his Majesty's commands referring to them.

Writing twice to the Lords of Trade on May 7 Sloughter said:

I am much solicited to execute the condemned but am resolved first to know their Majesties' pleasure if by any other means I can keep the people quiet.

The men, he explained, who had been accused in the papers Captain Blagge had carried to England for the Leislerians were the principal and most loyal men of New York, for which reason Leisler and Milborne had feared and oppressed them:

Many that followed Leisler are well enough affected to their Majesties' government but through ignorance were put upon to do what they did, and I believe if the chief ringleaders be made an example the whole country will be quieted, which otherwise it will be hard to do.

With these letters Sloughter despatched the address of the assembly, the proceedings at the trial (the rolls of court), a copy of the *Memorial* presented in England by Blagge, and an answer thereto of the truth of which he was 'very well satisfied.' Having also examined into the allegations contained in the address from the anti-Leislerians of New York (the one that had been framed in the preceding May), he had found that they were 'severally true' and the writers 'very modest in their relation.' What kind of examinations he conducted may be judged from the fact that he had directed Bayard and Nicolls to answer the *Memorial*. The tenor of their product, a long account of the long troubles, need not be set forth. The latter part of it is in Bayard's handwriting, and the concluding passage reads:

Many here of considerable fortunes and known integrity to the crown of England, whose lives and fortunes have been almost shipwrecked, are uneasy, thinking it will never afterwards be safe for them to live in this province; nor can their lives or fortunes ever be secure if such men do survive to head an ignorant mobile here, upon occasion. And if some example be not made of such criminals to future generations, especially they having committed bare-faced and open rebellion against their Majesties' authority here published and declared and

his officers and soldiers sent immediately from their Majesties, their government can never be safe in these colonies.

The Dutch letter of 1698 declares that after the first meeting of Sloughter and his prisoners (when upon their arrest they were brought before him in the council room) he never saw them again except once when they were confined in the casemate of the fort and had already been condemned, that then 'he came to them in the night, being drunk,' and even then promised them 'not a hair of their head would be hurt.' The governor may have paid such a visit but, unless he was very drunk indeed, can hardly have made such a promise. His sober intent was to avoid the responsibility of a final decision while insuring the death of Leisler and Milborne. But he had good reason to fear that he might be driven to order the execution which, he mistakenly thought, was the one measure that could and would quiet the people. The people were not quiet, and they were agitating in ways that indicate a persisting majority of Leislerians. On Staten Island several persons were arrested and imprisoned or fined by virtue of an order in council, dated April 28, directing the sheriff of Richmond County to secure the ringleaders in 'several riots and tumults' occasioned by the 'subscribing of papers' — that is, of papers urging a reprieve for the condemned. George Dolstone's affidavit says that 'great numbers' were petitioning the governor to this effect and, as he had heard, several were 'molested for so doing.' The Jeffers affidavit declares that the deponent was in a house where a minister who was getting subscriptions to a petition was seized and made prisoner by some of Governor Sloughter's officers. This minister was the Huguenot Daillé who, although he had long opposed Leisler, was now trying, as did no other clergyman, to save his life. Summoned on May 1 before the assembly and asked whether he had a certain paper or petition which he was said to have received from some of the inhabitants of Westchester and Harlem, 'he answered,' says the *Journal* of the house, 'both in English and through an interpreter that he would not give answer to anybody,' and was com-

mitted for contempt to the custody of the sergeant-at-arms. At the afternoon session he explained that he had received the paper but, fearing that the people 'might come to some trouble about it,' had given it to his wife who had burned it. Then he was discharged. Another account of his humane activity is given in a paper called a *Memoir and Relation* which was sent from Holland to William and Mary in the following October by 'relatives and agents of the good people' of New York. Asking clemency for the prisoners still under sentence of death there, it said that when Sloughter had prosecuted the ten, accusing them as 'criminals, rebels, and resisters of his orders' while as a matter of fact at the time of the resistance his orders had not yet been exhibited, when he had appointed their personal enemies to be their judges, and when some of them had been sentenced to death:

> All these proceedings took place to the great displeasure and grief of their Majesties' good and well affected subjects; who, well intentioned, made great efforts for the staying of the execution of said Leisler and his son-in-law, and for their removal to England to be judged by their Majesties; having prepared a petition which was signed by more than eighteen hundred persons, and presented by a minister of the Word of God whom the governor caused also to be imprisoned, accusing him likewise of being a rebel.

On May 6 the first of the bills long in debate in the legislature became law by the addition of the governor's signature — a bill for quieting and settling the recent disorders and securing his Majesty's government against the like in future. It was thought needful, the council explained to Blathwayt, to correct the mistaken idea of the people, who had been 'poisoned' from New England, that the crown 'had nothing to do with the people here.' As, said the bill itself, there could be no power in the province except as derived from the crown, any persons who thereafter might in any way or upon any pretence endeavor by force of arms or otherwise to 'disturb the peace, good, and quiet of this their Majesties' government as it is now established' should be deemed rebels and traitors and incur such penalties as the laws of England

prescribed. This measure, it was always affirmed, had been framed at the instance of Nicholas Bayard. Other acts provided for the confirmation of land grants and municipal and town patents, reëstablished the courts, and settled the militia. The tenth in sequence reiterated in almost identical shape the Charter of Liberties of 1683 — the charter upon which the Leislerians had based the right to exercise some of the powers that they assumed, and which the assembly itself had recently declared to be, with all the other laws and ordinances of the Stuart period, null and void.

This new bill of rights became law on May 13. On the 11th the governor in council had ordered that their arms should be restored to the people if they would take the oath of allegiance, and on his Excellency's behalf the speaker had informed the assembly, so its *Journal* records,

> That he understands there is very great disquiet and dissatisfaction among the people of this province, some being displeased that the prisoners were not executed, and others declaring that he had not the power to execute them; of which he desires the advice of this house, what may be proper for the quieting and securing of the government.

The house asked for a conference with the council and secured it on the same day. Its results appear in a message to the house prepared by the governor and council on the 14th:

> Upon the clamor of the people daily coming to his Excellency's ears, relating to the execution of the prisoners condemned of treason, and having had the opinion of the major part of the Representatives now met and assembled, for the execution of the principal offenders, he was pleased to offer to the Council his willingness to do what was most proper for the quiet and peace of the said country, intending speedily to remove for Albany, and demanded of the Council their opinion whether the delay might not prove dangerous at this conjuncture; whereupon it was unanimously Resolved, That as well for the satisfaction of the Indians as the asserting of the government and authority residing in his Excellency, and preventing insurrections and disorders for the future, it is absolutely necessary that the sentence pronounced against the principal offenders be forthwith put in execution.

This reference to the Indians has been held to mean that the

Five Nations were demanding Leisler's death. His proceedings at Albany had, indeed, alienated the Iroquois although the savages nearer Manhattan were friendly to his party. But probably what Sloughter and his advisers implied was that they needed to convince the Five Nations by vigorous measures that the long intestine strife was at an end, the government settled, and the governor ready to deal with frontier affairs.

He had not insisted upon a full meeting of the council when he asked and received its consent to execute Leisler and Milborne. He had contented himself with a quorum. Only five members were present when they 'unanimously' voted — Bayard, Nicolls, Van Cortlandt, Philipse, and Minvielle. Who formed the consenting 'major part of the Representatives' is not known; no more may be confidently or even tentatively said than that Kiliaen Van Rensselaer can hardly have been one of them.

On the evening of the same day, Thursday the 14th, Sloughter signed the death-warrant. With no mention of this fact the message from the governor and council was read to the house on Friday and was returned with the indorsement:

> This house, according to their opinion given, do approve of what his Excellency and Council had done.

The house then adjourned until eight o'clock on the morning of Saturday the 16th. Then the decision indorsed upon the message was entered in the *Journal*. By that time it had acquired a double significance. Very early in the morning Jacob Leisler and Jacob Milborne had been hanged and beheaded. They had not been drawn and quartered — so far the governor had softened the dreadful sentence.

Speedily the news of their imminent death had been announced to them, on the evening of the 14th when the ink on the death-warrant was not yet dry. If the three Dutch domines, says the Dutch letter of 1698, had done their duty as Domine Daillé did his, who could doubt that 'the murder could have been prevented'? But

. . . Domine Selyns let himself be used to announce to them their death and came whilst they were sitting to take supper together. Yet he had no patience to allow them to do so, although he might well have been aware that such a message would take away all their appetite. He therefore delivered his message in a curious manner, saying that he came to bring them good news, that not all of them should die, but, said he to Commander Leisler and Secretary Milborne, You both shall die on Saturday next, being the 16th May, and you have to prepare yourselves thereto.

On the intervening Friday Leisler, Milborne, and their 'distressed relations' again petitioned the governor, asking briefly that the execution might be deferred until the king's pleasure was known, or that such a reprieve might be vouchsafed them as his Excellency would in his 'charity and wisdom' be pleased to direct. But the gallows was at once set up — on Leisler's own ground, part of the quondam Lockermans estate, and in sight of his country house; that is, on the ground and within sight of the house that had been his until by reason of his conviction they became crown property. The gallows, says the Dutch letter, was made with pieces of wood which the condemned themselves had placed on the walls of the fort, therewith 'to turn away the storming enemy.' The spot, on the eastern edge of the Common, now the City Hall Park, has been variously identified by modern writers as near the corner of Park Row and Frankfort Street, near the old Hall of Records, and very near the place where the Franklin statue stands. According to a story handed down by word of mouth the sheriff had to send to a clergyman's house some distance out of town for a ladder; no carpenter in the city would lend him one.

Some years after Abraham Gouverneur aided young Leisler to secure in England the reversal of the sentences of 1691 he married the woman whose husband and father had suffered death together while Gouverneur himself lay under sentence of death — Mary Leisler, Milborne's widow. Their daughter, a Mrs. Farmer, owned a paper which, according to a note written on a copy of it and dated in 1770, she had lent to be copied to a Swiss gentleman named Du Simetiere who

made a practice of collecting historical documents and who secured others, likewise relating to Leisler, from another member of the Gouverneur family. In his transcript Mrs. Farmer's paper is called:

> Collection made on the Dying Speeches of Captain Jacob Leisler and Jacob Milborne, his son-in-law, who both suffered in New York City on the 16th of May being Saturday in the year of our Lord 1691.

A brief summary of the speeches given in the Dutch letter of 1698 tallies with those given at length in this paper. It is almost certainly a contemporaneous report which, although verbal accuracy cannot be claimed for it, bears truthful witness to the purport and the temper of what Leisler and Milborne said.

It is elsewhere said, on vaguer authority, that at the place of execution Domine Selyns offered the condemned the consolations of religion, and that before they addressed the people in the gray of a stormy dawn they sang together the 79th Psalm, which reads in part:

> O God, the heathen are come into thine inheritance. . . .
>
> The dead bodies of thy servants have they given to be meat unto the fowls of the air. . . .
>
> We are become an open shame to our enemies, a very scorn and derision unto them that are round about us.
>
> . . . . . .
>
> O let the vengeance of thy servants' blood that is shed, be openly showed upon the heathen, in our sight.
>
> O let the sorrowful sighing of the prisoners come before thee; according to the greatness of thy power preserve thou those that are appointed to die.

Then, as the Farmer paper shows, Leisler declared at much length his religious faith, his forgiveness of his enemies, and his hope that all jealous passions might be buried in his grave. 'Scandalous reports,' he said, had been spread about him, especially the charge that he would not have delivered the fort to Ingoldsby even if the major had produced 'any satisfaction of his power.' He had taken up his own power at the behest of the majority of the people; but, he acknowledged, it needed for its right exercise 'more wise and cunning

powerful pilots than either of us ever was.' He begged forgiveness for the mistakes that he and his adherents had made, some through ignorance,

> . . . some through a jealous fear that disaffected persons would not be true to the present interest of the crown of England, some peradventure through misinformation and misconstruction of people's intent and meaning, some through rashness by want of consideration, and then through passion, haste, and anger.

For all these errors he craved the pardon of God and of man. When the sheriff asked him if he were ready to die,

> He replied, Yes, and lifting up his eyes he prayed, and then said that he had made his peace with God and that death did not scare him and desired that his corpse might be delivered to his wife . . . and he said that, You have brought my body to shame, I hope you will not despise my family therefor. . . .
>
> Then to his son Milborne he said, I must now die; why should you die? You have been but a servant to us; and further he declared, I am a dying man and declare before God and the world that what I have done was for King William and Queen Mary and for the defence of the Protestant religion and the good of the country, and therefore I must die, upon which I will receive God's judgment; and then he said, When this my skin shall be eaten through, with this my flesh I shall see God, my eyes shall see him and no stranger. When the handkerchief was put about his head, he said, I hope these my eyes shall see our Lord Jesus Christ in heaven. I am ready, I am ready.

The Jeffers affidavit says that the deponent saw Leisler and Milborne put to death, 'being first hanged and then their heads cut off, and heard Leisler declare his innocency and that he died a martyr for King William.' Robert Livingston, now mentioned for the first time since Ingoldsby's arrival, had also risen early and found a place near the foot of the gallows. When it came Milborne's turn to speak, says the Farmer paper,

> He prayed for the king and queen and the governor and council, he pardoned the judge that had condemned him, saying that the Lord would forgive him, he was ready to lay down this terrestrial coat, being assured that his heavenly Father would clothe him with a new one in the kingdom of heaven. Then to Mr. Livingston he said, You have caused the king [that] I must die, but before God's tribunal I will implead you for the same. Then to his father he said, We are

thoroughly wet with rain but in a little while we shall be rained through with the Holy Spirit. The sheriff asked him whether he would not bless the king and queen; he answered, It is for the king and queen I die, and the Protestant religion to which I was born and bred. I am ready. I am ready. Father, into Thy hands I recommend my soul.

The letter of a Dutchwoman who signed only as 'N. N.' but gave the date as August 6 of this year 1691 is known in an English version, headed 'Translate out of a letter written from New York to Amsterdam,' which was first published in 1872. It had then recently come from England with documents of ascertained authenticity and appears itself to be authentic. It says that the Leislerians had not deserved of the king and queen that 'such wicked judges' should be sent over who, listening to one party and not to the other, had put two persons to death without hearing Leisler's defence,

. . . nay, though Leisler's wife and children in the most abject posture did prostrate themselves at the governor's feet and begged of him that he would hear their husband and father but half an hour speak since he had heard none but his adversaries and enemies, and if that time was too long yet he might give him audience but one minute; yet all this was in vain, he must be hurried to the execution without being heard, and thus they died gloriously as two martyrs.

In a drizzling rain the populace had thronged about the place of execution. An account preserved by Dunlap as written down from tradition says that when Leisler died,

The shrieks of the people were dreadful — especially the women — some fainted, some were taken in labor; the crowd cut off pieces of his garments as precious relics; also his hair was divided out of great veneration as for a martyr.

On the other hand it is also recorded that there were many who insulted Leisler and Milborne as they passed to the gallows, and openly rejoiced at their fate; and there seems to have been one, a woman, whose hatred went to savage lengths. In certain memoranda compiled by Du Simetiere in 1769 he says:

One Mrs. Latham about thirty years ago was living in New York and said then to a lady of my acquaintance that she lived in Leisler's family, that she helped at the laying of him out, and that his head was

sewed to his neck, that his body was open at the place of execution, and the executioner was taking out his heart, as it was said, to bring to a lady who had promised him a reward for it, but a gentleman present prevented him from doing it, saying why he should offer such an insult to a man that never injured him. Milborne was not dead when the executioner took him down from the gallows, and lifted up his arm as if to parry the blow of the axe that was to cut his head off. They were buried in a ground belonging to Leisler to the east of the Commons of the city, near a street now called George Street in the new plan of the city.

George Street is the present Spruce Street. The exact burial spot is thought to have been near the corner of Park Row and Spruce Street or between Spruce and Frankfort Streets back of the Tribune Building of to-day. Frankfort Street, it is believed, was named at a later time for Leisler's place of birth.

'These were the days of wrath and utter darkness,' these days of the spring and summer of 1691, said the petition of the New York assembly in 1699. Even 'the public faith of government was violated,' for 'a reprieve had been sealed to respite the execution' of Leisler and his son-in-law; and certainly more than they would have met the same hard fate but for Governor Sloughter's sudden death and 'the reflection he had, though so late, of this barbarous and unwarrantable strange execution.'

Variously, at the moment and afterwards, those who thought the execution strange and barbarous apportioned the blame for it. Lord Bellomont, who took office as governor of New York in 1698 and favored the Leislerians, called James Graham, the speaker of the assembly, 'the principal author of the murder of Leisler and Milborne.' *Loyalty Vindicated* chiefly blames not the speaker nor the house but Leisler's enemies who were of the council:

And these malignant confederates so far prevailed with the assembly of New York to compliment and flatter Colonel Sloughter as to pass several votes against the whole proceedings of the happy revolution and to excuse the barbarous severity of the illegal condemnation and bloody execution which he had ordered.

Certain Leislerians who petitioned the Lords of Trade in 1709, when the old feud was still burning, said that Bayard, whom they called the 'Dutch head of a pretended English party,' and 'passionate Mr. Nicolls' had been foremost in soliciting the execution of Captain Leisler for pretended high treason, bearing him 'a mortal grudge' — a deeper grudge than their friends because of their long imprisonment. Governor Sloughter, said the assembly in 1699, was lodging in Bayard's house and therefore was

> . . . the more pressed and sooner prevailed on by Bayard's importunity to sign the warrant of execution. And as an infallible token of the share he had in that counsel, there was a flag hung out of a window of his house for two days together, before the day of execution, as a trophy and signal of the point gained by him on the said governor and of the victory over the lives, not only of innocent, but most deserving men.

The Dutch letter of 1698 distributes its censures more widely:

> The governor could not be so readily persuaded to sign the execution, which at last they got him to do after having made him drunk and under promise of a large sum of money, for he was a poor man. . . . Everything was done to impress him with the necessity of the moment. All the three Dutch ministers exaggerated in the pulpit as well as in their conversation the pretended tyranny of Leisler, and declared that an example ought to be made of him. Even the wives of the principal men threw themselves at the feet of the governor begging him for the love of God to have compassion on them and the country, saying that a union nevermore would come as long as those villains were alive and therefore he ought not to hesitate to let them be hung, and then at once they would have peace and union which otherwise would be impossible. At last, having hereto been in particular induced by his covetous wife, he reluctantly and with great sadness signed the warrant of execution, crying aloud in great oppression, O God! how shall I be able to answer for it before Your Majesty and my king; and so he had from that time not one peaceful hour.

The charge that the governor had sold the lives of two men seems soon to have dropped out of mind; but the belief always persisted in New York that because of Nicholas Bayard's insistence he had signed the warrant while he was drunk. Cadwallader Colden believed that he was drunk and so, ap-

parently, did William Smith, writing that when 'no other measures' could prevail with the governor,

> . . . tradition informs us that a sumptuous feast was prepared, to which Colonel Sloughter was invited. When his Excellency's reason was drowned in his cups, the entreaties of the company prevailed with him to sign the death-warrant, and before he recovered his senses the prisoners were executed.

Sumptuous feasts or not, it was common enough at that period for a gentleman to be drunk of an evening. But Sloughter is hardly entitled to the full benefit of Smith's explanation. Probably he had been sober when he asked the council whether the delay of the execution of justice 'might not prove dangerous'; and it may be thought that a seasoned soldier recovered his senses between the Thursday evening when he signed the warrant and the Saturday morning when the prisoners were hanged. The real responsibility for the execution, legalized murder or lawful punishment as it may be considered, must be laid in equal measure upon Sloughter and his five advisers, the five who were present at the council meeting on the 14th — Bayard, Van Cortlandt, Philipse, Nicolls, and Minvielle. No one could have compelled a governor to speak as Sloughter then did; and no governor could have ventured so to speak and to act without the hearty sanction of a quorum of his council.

Sloughter himself saw fit to charge the whole responsibility upon the council and the house. He had been inclined, he wrote, to reprieve the condemned,

> . . . but the people were so much disturbed thereat, and the Council and Assembly did represent to me the great damage it would be to the King's service, and a discouragement to future loyalty, if the law was not executed upon the principal actors, which I was constrained to do — having respited all the sentence save the hanging and separating their heads from their bodies.

Leisler and Milborne were the only persons who have ever been executed for treason in the province or State of New York, but they were not the first, as is sometimes said, who so suffered in the colonies. There were precedents for Governor

Sloughter's decision to hang them without waiting for the king's commands. In Virginia after Bacon's Rebellion of 1676 thirty-seven persons were tried and executed for treason, and after the 'Plant-Cutter's Rebellion' of 1682 two were hanged.

Again, Leisler and Milborne were certainly not, as they have been called, 'proto-martyrs of the Revolution.' They were far from being revolutionists in the spirit of 1776. They neither made nor wished to make a stand against the powers that were in England; they simply determined to resist, in support of these powers, those that had recently been cast down. Moreover, a conscious risking of life for conscience' sake is needed to make even the most innocent of victims a martyr; and nothing was further from Leisler's mind than that, by holding New York for William and Mary, he risked a condemnation for treason at the hands of their appointees.

A curious relic, called the Leisler Medal and handed down for generations in a New York family, is now owned by the Historical Society. It is a gold medal, an inch and a half in diameter, struck in the year 1681 in honor of Lord Shaftesbury and bearing his portrait. Added at some later day is an inscription in exquisitely cut capital letters running around the edge: REMEMBER WELL AND BAER IN MYND A FAETHFUL FRIND IS HARD TO FEIND. This seems the bad spelling not of an Englishman but of a German. But if, therefore, it appears to support the tradition that Leisler engraved the words while he lay in prison, the words themselves do not. He had no one to reproach but the king and his officials and very open enemies. His friends had been faithful. Nor is it credible that the little letters can have been so beautifully engraved except by a goldsmith's practised hand and delicate tools.

The execution of two men who had been condemned for treason was not allowed to interfere with the regular course of public business. On Friday the 15th the assembly passed a revenue act to continue for two years and an act which,

recognizing the 'great care' the governor had taken concerning the peace of his province, granted him money to defray the 'extraordinary' expense he had incurred because of the disorder there, and also guaranteed the collector of customs against damage from any demands or complaints that might be made against him as a consequence of unavoidable irregularities. And on this day or on the following morning, the Saturday when Leisler died, there was passed an act for pardoning, with some exceptions named, 'such as have been active in the late disorders.' On the same Saturday morning the governor signed these three bills; and then, says the *Journal* of the house, he went with the members of the house and of the council to the City Hall where were 'read off and proclaimed' all the acts of the session. But under date of Monday, May 18, the *Journal* says that all the same persons then went again to the City Hall 'and read off and proclaimed the acts, which the badness of the weather prevented doing on Saturday last' — and also, very likely, some manifest disinclination to listen on the part of the populace. In the afternoon the assembly adjourned. On the 19th the governor issued a proclamation for recalling fugitives under the recent act of amnesty. Then he was free to go up to Albany.

The act of amnesty and the proclamation were dictated by prudence: the number of New Yorkers who had fled before the face of the king's executive was disturbingly large. The persons excepted from the pardon were Leisler and Milborne, the six others 'already attainted of treason and murder,' and twenty-two more, among them William Lawrence, Dr. Samuel Staats, Captain Benjamin Blagge, Hendrick Van Vuerden, John Coe, Cornelius Pluvier, Jacob Mauritz the sea-captain, Robert Lecock, and Johannes Provoost, all of whom had served on Leisler's council; Joost Stoll, William Churcher, Richard Panton of Westchester, Captain Jochem Staats of Albany, Richard Pretty the sheriff of that county who, like Staats, had from the first been on Leisler's side, and Jacob Melyn, the son of Cornelis, who was said to have been in treasonable correspondence with the usurper.

Toward the end of July, Governor Sloughter having then returned to New York, he suddenly died. Many suspected poison; and when an autopsy showed that death had come from a natural cause — pneumonia, to judge by the physicians' report — the Leislerians interpreted this to mean either *delirium tremens* or remorse for the executions of May 16. Nothing in Sloughter's letters, however, suggests that he felt the least remorse or regret. He wrote home that he had quieted the people, had at last reduced the province to 'its true allegiance,' and had settled a peaceful government, for the lack of which the adjacent colonies were ready to devour each other.

He did not live long enough to learn that it is dangerous to give a political party the chance to remember its leaders as martyrs. Instead of quieting New York he had merely terrorized it for the moment, and in the two graves he dug had sowed a handful of dragons' teeth. In Queen's County, where there had been a revolt against Leisler, his death passed almost unnoticed. On Manhattan and elsewhere in the vicinity it enflamed the people as no words or acts of a living leader could have done. After Sloughter's death the council, according to the terms of his commission, should have assumed executive power with the first councillor, Joseph Dudley, as president. But Dudley was in the West Indies; and the council conferred executive authority upon Major Ingoldsby as commander-in-chief in the province. Danger on the frontier was the reason for thus exalting a military officer. But fear of a popular uprising probably contributed its influence. At once several persons were proceeded against as rioters; others, threatened that unless they pleaded guilty to this charge they would be accused as traitors, were kept many months in confinement; and by proclamation seditious 'pamphlets' and meetings were forbidden. The 'Translate' of the Dutchwoman's letter of August 6, speaking of the death of 'our dear Leisler with his son,' says:

. . . we are under a great trouble by reason of the present wicked government for which we may complain to God. If things go on after this rate there is no living any longer here for Christian souls. I would have departed before this time but that they will not suffer anybody to go . . . for as I have already said it is no longer living here, because they endeavor to undo all of us utterly who have sided with Leisler; it is not enough to them to have hanged Leisler and his son-in-law until they were half dead and then wickedly to have butchered them, for which the whole country mourns, but our husbands and those that have sided with him have been forced to fly and seven of them are clapped up in prison and are to be tried for their lives. All this is only because we all have been so faithful to King William and Queen Mary. . . . It is impossible to relate everything for the sad condition we are in would require a whole book.

If Leisler had suffered death simply at the hands of a governor fresh from England, the passions that his fate so powerfully stimulated might soon have died down as other governors quickly followed one another in office. But his adherents believed that he had been, as one of them said, 'revengefully sacrificed' by the fellow-colonials who were his enemies. This conviction deepened as they learned of the lenient way in which King William's government treated those who in other colonies had taken a stand similar to theirs in New York; and its constant expression forced the anti-Leislerians to maintain in moral as well as in political self-defence a defiant, aggressive attitude.

It is needful to dwell upon these facts, it has been needful to tell in detail the story of Leisler's career, because the episode meant much more to New York than a mere struggle between two factions for temporary power. In one sense it did not affect the history of city and province as did less conspicuous happenings. That is, it had no such influence upon the attitude of the mother-country or the arrangements it made for the province as had, for example, the refusal to pay taxes which brought about the establishment of an assembly in 1683. But it gave birth in New York to antagonistic parties such as had not been born of the contentions between the West India Company and its colonists or of the change from Dutch to

English dominion. It turned into party leaders the little group of 'persons of quality' who had begun to gather around the king's representative, and gave them a body of adherents that they had not had before; and it also solidified and, so to say, organized the popular party, giving it as a war-cry the cry of revenge for innocent blood. When in 1695 parliament reversed the action of the court in New York, the old passions were fed with fresh fuel. So they were by the disinterment and the stately reburial of the bodies of Leisler and Milborne in 1698; and so, again, by a chance, eagerly grasped by the Leislerians in 1702, to bring Nicholas Bayard to trial for his life, to bring him within sight of the gallows, for acts defined as treason by the statute which in 1691 he himself had induced the legislature to enact.

In fact, the Leisler episode so powerfully affected the mind and the temper of the people of New York that for more than twenty years the chief feature in their history was a passionate struggle for political and social ascendancy between parties still known as Leislerian and anti-Leislerian. It nurtured animosities, at once personal and public, of a sort unknown in other parts of English America. It was a main reason why all through the first half of the eighteenth century, when the other colonies were quieter than in the seventeenth, New York was in a ceaseless turmoil. Even at the time of the Revolution the last sparks of the feud had not died out. Indeed, one may say that it is not yet extinct, for the heat of its embers as they smoulder in the documents of the time makes it hard to think temperately, impartially, of Leisler and his enemies — so hard that more than one modern writer has distorted contemporary evidence and misstated the plainest testimonies in an effort to prove either that, as Sloughter said, never a greater villain than Leisler lived, or that, as his own friends said, never a more innocent martyr died.

This does not mean that Leisler, or even Leisler's name, is well remembered in New York. While students of its history have quarrelled about him more than about any other colonial character, its people have forgotten him. Not un-

naturally, for he constructed nothing, was identified with no cause of deep significance, left no writings of a lasting interest, and founded no long-lived family; and his career has not chanced to attract such a hand as, turning history into song or story or drama, may win for figures of the past a new life in the present. This may yet be done. Writers who can reach and hold the popular ear may not always neglect such good material completed by the tale of the reversal of the sentence of the New York court by the parliament of England and, in the figures of Mary Leisler, Milborne, and Gouverneur, supplying suggestions for an interwoven love-story. If it is done, Leisler himself will prove most interesting if shown as he really was — neither villain nor martyr but a patriot born under a hapless star, a choleric, prejudiced, untrained, yet devoted and by no means unintelligent hard-struggling, hard-pressed, and most unfortunate leader in what he believed was a righteous and necessary popular movement; if shown as one whose mistakes were in tact and temper (largely Milborne's temper) rather than in aim and plan; one who, indeed, accomplished nothing of permanence but had no real opportunity so to do, and who had enough energy, honesty, tenacity, and executive power, and enough appreciation of the needs of the moment, to warrant the belief that under other conditions and with better preparation he might have made his mark as a successful administrator of public affairs.

When Governor Sloughter reported that he had reduced his province to a 'true allegiance' he used an empty and a misleading phrase. Of allegiance, in the sense of loyalty to the crown, there was no question when he arrived. Nothing justified the charges of disloyalty laid against the Leislerians; whatever some of their opponents may have felt two years before, none now doubted that William and Mary were safely seated on the throne of James Stuart; and, as James's functionaries were again in favor, it may safely be said that no one regretted the change. Nor in after years did a Jacobite spirit ever show itself in New York.

Nevertheless, the partisan strife that had been wholly local in its origin was to have its influence upon the relations of the province with the mother-country — not, it has already been said, by affecting ideas and actions in England but by affecting the spirit of the New Yorkers and consequently their dealings with political affairs and with the representatives of the crown.

For many years one governor after another was forced to take sides with one faction or the other and thus to throw one or the other into determined opposition. This worked, of course, in various ways to the detriment of the province, impeding helpful legislation and hampering the kinds of progress that are furthered by peace and concord. Each party, wrote Cadwallader Colden, as at different times it was encouraged by different governors, opposed the measures taken by the other, and therefore public policy was 'perpetually fluctuating' and often one day 'contradictory' to what it had been the day before; and meanwhile the successive governors, finding their 'private account' in the favoring of this or that faction, did their part in keeping up the conflict.

But, if bad in these and other ways were many of the lingering effects of the Leislerian episode, it had one lasting good result of great importance. That there was always a party in active opposition to the government was a fortunate fact in a province shut as tightly as New York in the royal hand, a province unchartered, unprivileged, uninspired by such memories of an early time of freedom as survived in New England, unprotected save by the intelligence and the energy of its own sons. The persistent strength of party feeling in New York meant, in short, a habit of watchfulness and aggressiveness in public affairs which largely helped to open the path for revolution.

Naturally the resistance of the New Yorkers to outside authority, like their contests among themselves, had its admixture of personal and factional ambition, of political chicanery, of private or corporate greed masquerading as patriotism. Yet in the chequered story there are admirable

chapters telling of battles for high causes fought with unselfish ardor and of notable victories that benefited all the Thirteen Colonies. And the good effect of this long training in a close attention to political matters and in the methods of political warfare plainly appeared when the old jealousies and hatreds at last died down, when factions reshaped themselves in forms of deeper significance, the dividing line shifted from local issues to wider ones, and the people of New York stood grouped no longer as the friends and the enemies of Jacob Leisler, no longer even as a country party and a crown party, but as rebels and loyalists, as patriots and Tories.

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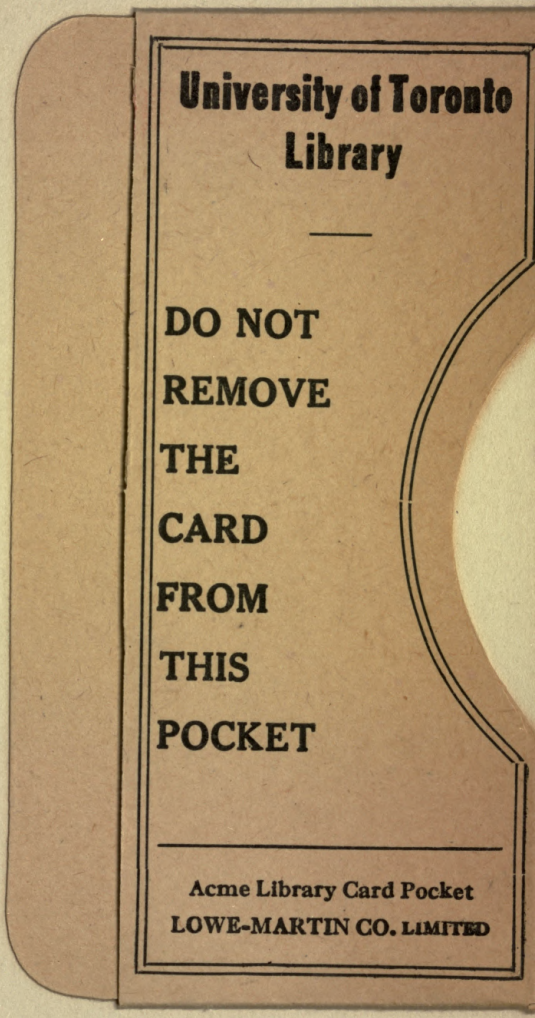

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