

CHAPTER XII.

AFTER the peace of 1763, Mr. Schuyler was called into the service of the colony in various civil employments. At the same time he was assiduously engaged in the management of his own private affairs, the operations of which were constantly increasing. With Colonel Bradstreet, Philip Livingston, and later, with Sir Henry Moore, the governor of the colony, he was a frequent purchaser from the Indians and others of lands in the Hudson and Mohawk vallies. He had an interest in lands about Fort Edward, and in the Van Rensselaer estate in Columbia county. He also had large tracts of land in Dutchess county and in the manor of Cortland. His ample Saratoga estate was the most valuable of all, for it was improved, and had mills of considerable importance at the falls of the Fish Creek. He had a schooner named *Mohawk*, in trade on the Hudson ; also two or three sloops ; and he was active in efforts to promote emigration from Europe to the wild lands of the west.

When in London, in 1761, Mr. Schuyler became acquainted with the eminent surgeon, Professor Thomas Brand, with whom he kept up a correspondence for some time. At the close of 1763 he wrote a letter to that gentleman, in which he laid before him a plan for a settlement at Detroit, which had been proposed by Colonel Bradstreet, in which Mr. Schuyler appears to have taken great interest.

The object of that portion of Schuyler's letter was to engage the coöperation of the ministry in promoting emigration to America, and especially to the western wilderness lately wrested from the French. In his reply to that letter, in March following, Professor Brand informed him that schemes for settlement did not in the least occupy the attention of the ministry or the people. The chief objection, he said, was the fact that the war had cost so many lives that none could then be spared from England for the purpose of settlement in the New World. "But Germany," he added, "might and would supply us upon a proper proposal, and even a colony of Jews would be of service and of public benefit."*

Professor Brand seems not to have been aware that at that very time the ministry were casting obstacles in the way of emigration to America, and especially of Germans, who were generally liberty loving men. Some had already gone into New England, and more into Pennsylvania. The emigration of French Roman Catholics to Maryland, which had commenced, was discouraged; and the easy terms upon which wild lands might be procured were so materially changed that, toward the dawning of the Revolution, the vast solitudes west of the Alleghanies were seldom penetrated by any but the hunter from the seaboard provinces. This conduct of the government proceeded from the narrow and unwise policy toward the colonies, based chiefly upon a jealousy of their increasing strength and importance, which marked the first ten years or more of the reign of George the Third, and formed one of the counts of the indictment of that monarch, when he was arraigned, by the Declaration of Independence, in 1776, before the bar of the nations. "He has endeavored," says that Declaration, "to prevent

* Autograph letter.

the population of these States, for that purpose obstructing the laws for the naturalization of foreigners; refusing to pass others to encourage their migration hither, and raising the conditions of new appropriations of lands.”

In another part of his letter, Professor Brand informed Mr. Schuyler that the latter had been elected a member of the Society of Arts, in London, and that a gold medal had been voted by the Society “to Mr. Elliot, of New England, for discovering iron ore in the American black sand, and that in a very great proportion.” Then, after inquiring how he shall send him papers and transactions, whether there is a library at Albany, or charts of the country about that city, he begs him to continue to write to him, for Schuyler had evidently given him a great deal of information concerning the resources of his country.

In 1764, Mr. Schuyler was appointed by the General Assembly of New York, one of the commissioners to manage the controversy on the part of his province respecting the partition line between that colony and Massachusetts Bay, and he was actively engaged in that discussion in 1767, with associates and opponents of the first rank and character.* He also became involved in the fierce controversy between New York and the New Hampshire Grants, as the present State of Vermont was called, which continued until the kindling of the war for independence.

These disputes grew out of the confusion produced by royal charters. The western boundary of the colonies of Massachusetts Bay and Connecticut were, by their charters, upon the “South Sea,” or Pacific Ocean; while Charles the Second had granted to his brother, the Duke of York, the province of New Netherland, which lay along the Hudson river, directly west of those colonies. Here was direct and

* Chancellor Kent.

palpable conflict, which nothing but mutual concessions and compromises could settle. It was an open question when the Duke obtained possession of his domain by conquest in 1664. Commissioners then settled it by agreeing that the partition line between New York and the New England provinces should be at twenty miles eastward of the Hudson river, and running parallel with that stream. This line was first established between New York and Connecticut, and more than a hundred years afterward, by precedent, between New York and Massachusetts Bay. This controversy being concluded, New Hampshire appeared, and, pleading those precedents, asked to have its own partition line formed by the extension of those of its sister colonies directly northward. New York had reluctantly yielded a similar claim to Massachusetts, and now that province emphatically protested against the new claim, declaring that its eastern boundary, north of the Massachusetts line, was the Connecticut river.

Meanwhile, Governor Benning Wentworth, of New Hampshire, who had been authorized to issue patents for unimproved lands within the limits of his province, yielded to the numerous applications of settlers who were penetrating the country westward of the Connecticut river, and made grants of lands to them. Some of these settlers had even crossed the Green mountains, and built their pioneer fires on the wooded shores of Lake Champlain.

Wentworth's first grant for a township was in 1749. It was named Bennington, in honor of the governor, and occupied an area six miles square, having for its western boundary a line parallel with that between New York and Massachusetts. This grant brought the territorial question between New York and New Hampshire to an issue. The authorities of New York protested against the grant.

Wentworth paid no attention to it, and at the commencement of the French and Indian war, he had issued patents for fourteen townships west of the Connecticut river. That war absorbed all minor considerations for the time ; but when, in 1760, Canada passed into the hands of the English, the dispute between New York and New Hampshire was revived. Immigration began to pour its living flood into the beautiful Green mountain region, and in the course of four or five years Wentworth issued patents for no less than one hundred and thirty-eight townships of the size of Bennington. These occupied a greater portion of the present State of Vermont, and the territory was called the *New Hampshire Grants* from that time until the kindling of the war for independence. And the hardy yeomanry who first appeared in arms for the defense of their territorial rights, and afterwards as patriots in the common cause when the Revolution broke out, were called *Green Mountain Boys*.

Lieutenant Governor Colden, acting chief magistrate of New York in the absence of General Monckton, perceiving the necessity of asserting the claims of that province to the country westward of the Connecticut river, wrote an energetic letter to Governor Wentworth, protesting against his grants. He also sent a proclamation among the people, declaring the Connecticut river to be the boundary between New York and New Hampshire. But protests and proclamations were alike unheeded by the governor and the people until the year 1764, when the matter was laid before the King and council for adjudication. The decision was in favor of New York. Wentworth immediately bowed to supreme authority, and ceased issuing patents for lands westward of the Connecticut. The settlers, considering all questions in dispute to be thus finally disposed of, were

contented, and went on hopefully in the improvement of their lands. Among these settlers in the Bennington township were members of the Allen family, in Connecticut, two of whom, Ethan and Ira, were conspicuous in public affairs for many years, as we shall hereafter have occasion to observe.

The authorities of New York, not content with the award of territorial jurisdiction over the domain, proceeded, on the decision of able legal authority, to assert the right of property in the soil of that territory, and declared Wentworth's patents all void. They went further. Orders were issued for the survey and sale of farms in the possession of actual settlers, who had bought and paid for them, and, in many instances, had made great progress in improvements. In this, New York acted not only unjustly, but very unwisely. This oppression, for oppression it was, was a fatal mistake. It was like sowing dragons' teeth to see them produce a crop of full-armed men. The settlers were disposed to be quiet, loyal subjects of New York. They cared not who was their political master, so long as their private rights were respected. But this act of injustice converted them into rebellious foes, determined and defiant. A new and powerful opposition to the claims of New York was created. It was now no longer the shadowy, unsubstantial *government* of New Hampshire, panoplied in proclamations, that opposed the pretensions of New York; it was an opposition composed of the sinews and muskets and determined wills of the *people* of the Grants, backed by all New Hampshire—aye, by all New England. New York had given them the degrading alternative of leaving their possessions to others or of repurchasing them. As freemen, full of the spirit of true English liberty coming down to them through their Puritan ancestors, they could not submit to this al-

ternative, and they preferred to defend their rights even at the expense of their blood. Foremost among those who took this decisive stand was Ethan Allen, who became the leader in the border forays and irritating movements that ensued.

The governor and council of New York at length summoned all the claimants under the New Hampshire Grants to appear before them at Albany, with their deeds and other evidences of possession, within three months, failing in which, it was declared that the claims of all delinquents should be rejected. The people of the Grants paid no attention to the requisition. Meanwhile speculators had been purchasing from New York large tracts of these estates in the disputed territory, and were making preparations to take possession. The people of the Grants sent one of their number to England, and laid their cause before the King and council. He came back in August, 1767, armed with an order for the Governor of New York to abstain from issuing any more patents for lands eastward of Lake Champlain. But as the order was not *ex post facto* in its operations, the New York patentees proceeded to take possession of their purchased lands. This speedily brought on a crisis, and for seven years the New Hampshire Grants formed a theater where all the elements of civil war, except actual carnage, were in active exercise.

In these violent disputes between the authorities of New York and the people of the Grants, Mr. Schuyler was frequently an active participant, first, indirectly, as one of the commissioners for settling the partition line between New York and Massachusetts, then as colonel of the militia of Albany, and for several years as member of the New York General Assembly. Of course, those who upheld the claims of New York incurred the bitter resent-

ment of the New England people ; and as Mr. Schuyler was among the most prominent of them, he was most thoroughly disliked by those who regarded New York as an oppressor. This resentment was yet felt when the war for independence commenced, and it frequently appeared in the relations between General Schuyler and the New England officers and troops, when he was commander-in-chief of the northern department of the continental army.

Another dispute, far more important, because more general and momentous, occupied the minds of the leading men not only of New York but of all America during the period we have just been considering. It was a quarrel between Great Britain and her American colonies, because the former claimed and asserted the right to tax the latter, by imposts or otherwise, without their consent. The first overt acts of resistance, as we have seen, were in opposition to the writs of assistance, in 1761. The next movement of the British Parliament that called for opposition on the part of the colonies was the reënactment of the sugar act, and the adoption of kindred measures, which seriously interfered with the trade of the colonies with the West Indies.

Then came the famous Stamp Act. George Grenville had boasted in the House of Commons that he could procure a revenue from America. He was raised to the head of the treasury, and forthwith proceeded to redeem that promise. In a small room in Downing street, late in September, 1763, he and Lord North, and another member of the treasury board, directed the first secretary of the treasury to "write to the commissioners of the stamp duties to prepare the draft of a bill to be presented to Parliament for extending the stamp duties to the colonies." It was done, and early in 1764 the American assemblies were

informed of the fact by their respective agents. This intelligence created mingled sentiments of alarm, aversion, and indignation throughout the colonies. "Taxation without representation," they said, "is tyranny." Even Grenville doubted the propriety of taxing the colonies without allowing them a representation in Parliament ; yet, bolder than all ministers before him, he resolved on trying the experiment. But he made that trial with caution. It was more than a year after notice of the minister's intentions was given that a stamp act became law.

Unalarmed by the gathering storm in America, the King, in his speech on the opening of Parliament early in 1765, recommended the carrying out of Grenville's scheme and the enforcement of obedience in the colonies. On the 22d of March following, the King cheerfully gave his signature to an act that declared that no legal instrument of writing should thereafter be valid in the colonies unless it bore a government stamp, for which specified sums should be paid, from sixpence to two pounds sterling. The protests of colonial agents, the remonstrances of London merchants trading with America, and the wise suggestions of men acquainted with the temper and resources of the Americans, were set at naught. The infatuated ministry openly avowed their intention "to establish the power of Great Britain to tax her colonies;" and even the chimney-sweepers of London, Pitt said, spoke of "*our* subjects in America."

Intelligence of the passage of the Stamp Act produced intense excitement throughout the colonies. Nowhere did the flame of resentment burn more fiercely than in New York, and nowhere were its manifestations more emphatic. Colden, the acting governor, then seventy-seven years of age, was a liberal minded man, but, true to his sovereign, as his

representative he felt it his duty to discountenance all opposition to the acts of the imperial legislature. But his opposition was like a breath opposed to the strong wind. Associations calling themselves Sons of Liberty were organized at various places in the province, and though not numerous at first, were very active and potent as centers of opposition. The press spoke out without reserve through its correspondents. Although the assembly, when charged with contemplating independence, "rejected the thought," the germ was swelling in the people's hearts. "If," said a newspaper writer at New York, "the interests of the mother country and her colonies can not be made to coincide ; if the same operations of the constitution may not take place in both ; if the welfare of the mother country necessarily requires the sacrifice of the most valuable rights of the colonies—the right of making their own laws, and disposing of their own property by representatives of their own choosing—if such really is the case between Great Britain and her colonies, then the connection between them ought to cease, and sooner or later it inevitably must cease."

The pulpit, especially in New England, denounced the scheme as unholy ; and to the exhortation of the churchman to loyalty toward "the Lord's anointed," the dissenter responded, "the people are the 'Lord's anointed.'" In the city of New York a committee of correspondence, to communicate with other Sons of Liberty, was chosen, with Isaac Sears, their great leader, at the head, and measures were adopted to compel the appointed stamp distributor to resign his commission. In several other places popular excitement created mobs, and violence ensued ; stamp distributors were insulted and abused, and before the first of November, 1765, the day on which the act was to

go into effect, there were no officers courageous enough to attempt to execute its commands.

Meanwhile, pursuant to an invitation sent out to the several colonial assemblies by that of Massachusetts, a convention of delegates met in the city of New York on the first Tuesday in October, to deliberate upon the subject of the act. In that congress nine colonies were represented.* Robert R. Livingston, John Cruger, Philip Livingston, William Bayard, and Leonard Lispenard were there in behalf of New York. Timothy Ruggles, of Massachusetts, who afterward proved disloyal to the principles of popular liberty, was chosen president of the congress, and John Cotton was appointed clerk. The congress continued in session fourteen days, and adopted a *Declaration of Rights*, written by John Cruger ; a *Petition to the King*, penned by Robert R. Livingston, and a *Memorial to both Houses of Parliament*, prepared by James Otis. These are still regarded as model state papers. Only the president of the congress, and Mr. Ogden, of New Jersey, afterward a famous loyalist, withheld their signatures in approval of the proceedings.

General Gage was now commander-in-chief of the British army in America, and had his headquarters at Fort George, in New York, where a strong garrison was stationed. In view of impending troubles, Colden caused the fort to be strengthened ; he also replenished the magazine. These measures became known, and increased the indignation of the people. Their boldness also increased. In defiance of the armed ships riding in the harbor, and of

* Massachusetts, New York, New Jersey, Rhode Island, Pennsylvania, Delaware, Connecticut, Maryland, and South Carolina. The assemblies of New Hampshire, Virginia, North Carolina, and Georgia, wrote that they would agree to whatever might be done by the congress.

the troops in the garrison, they appeared before the fort and demanded the delivery of the stamps deposited there, to their appointed leader. A refusal was answered by shouts of defiance, and half an hour afterward the lieutenant governor was hung in effigy near where the fountain in the City Hall Park now is. After that effigy was paraded through the streets, it was taken back to the fort and there consumed in a bonfire made of the wooden fence that surrounded the Bowling Green. Colden's coach, which the mob had dragged from his carriage house, was cast upon the pile, and all were consumed together. Every effort of the Sons of Liberty to restrain the mob from injuring private property was ineffectual, and excesses were committed disgraceful alike to the city and the civilization of the day. During this excitement the military were prudently kept within the fort. Colden, alarmed, ordered the stamps to be delivered to the mayor and common council of the city, the corporation agreeing to pay for all stamps that might be destroyed or lost.

In other places the first of November was observed as a day of fasting and mourning. Funeral processions paraded city streets, and bells tolled funeral knells. The flags of vessels were placed at half-mast, and the newspapers exhibited the broad black-line tokens of grief. The courts were all closed, because no business could be legally transacted without the stamps; legal marriages ceased; ships remained in port, and all business was suspended. There was a lull in the storm that for months had been raging in the colonies.

The tempest was not subdued. It was gathering renewed strength for a more furious blast. It soon went forth. The Sons of Liberty were more active than ever. Mobs began to assail depositories of stamps and insult the

custodians. The more moderate classes took milder but effectual methods for demonstrating their disapprobation. Merchants formed non-importation associations, and agreed to refrain from all purchases of goods in England until the obnoxious act should be repealed. Domestic manufactures were commenced in almost every family ; in nearly every household was heard the hum of wheels and the clatter of shuttles. Rich men and women, who commonly walked in broadcloths and brocades, now appeared, on all occasions, in homespun garments. That wool might not become scarce, the use of sheep-flesh for food was discouraged, and in various ways the colonists practically asserted their independence of the mother country.

These demonstrations alarmed the ministry and the British people. They were powerful protests against the coercive measures of the government ; and the sentiments of the colonists, embodied in the papers put forth by the congress, were respectful but firm words, spoken manfully in the ears of the British ministry, demanding a retrogressive policy. These were seconded by the London merchants, whose trade was ruined ; and early in January a bill to repeal the Stamp Act was introduced into Parliament. On the 18th of March, 1766, the obnoxious act was repealed, and the joyful intelligence thereof reached New York in May following.

On the repeal of the act, London warehouses were illuminated and shipping in the Thames were decorated. In America the measure was celebrated by bonfires, illuminations, and other demonstrations of joy. The city of New York was filled with delight. Bells rang out merry peals, cannon roared, and placards every where appeared, calling a meeting of the citizens to celebrate the event. Hundreds assembled, and marching through "the fields" to where the

City Hall now stands, they fired a royal salute of twenty-one guns. At Howard's, where the Sons of Liberty feasted, an immense table was spread. Twenty-eight "loyal and constitutional toasts" were drunk with delight; the city was illuminated in the evening, and several bonfires were lighted.

Again, on the King's birth-day (the 4th of June), another celebration was held under the auspices of Sir Henry Moore, the governor. The chief magistrate, the council, military officers, and the clergy, dined at the "King's Arms," near the Bowling Green, where General Gage resided. The people had a grand feast in "the fields." They roasted an ox whole. Twenty-five barrels of beer and a hogshead of rum were opened for the populace at the expense of the city. Twenty-five pieces of cannon, answering to the number of the King's years, ranged in a row on the site of the present City Hall, thundered a royal salute; and in the evening twenty-five tar barrels, hoisted upon poles, were burned, and gorgeous fire-works were exhibited at the Bowling Green. The Sons of Liberty feasted that day at Montagnie's, and with the sanction of the governor they erected a mast, and placed upon it the inscription, "*To his Most Gracious Majesty, George the Third, Mr. Pitt, and Liberty.*"

On account of his advocacy of the Repeal Bill, the Americans idolized Pitt. At a meeting in New York, on the 23d of June, the citizens present signed a petition praying the assembly to erect a statue in his honor. That body complied, and at the same time voted an equestrian statue to the King. Both were set up in 1770. That of Pitt was made of marble, and erected at the intersection of Wall and William streets; that of the King was made of lead, and placed in the center of the Bowling Green,

the head of the horse and the face of the sovereign being toward the west. Six years afterward the King's statue was pulled down in contempt by the people of New York, and a little later that of Pitt was mutilated by the British soldiery.

The allelujahs of popular joy were soon succeeded by murmurings of popular discontent. With the repeal of the Stamp Act was connected a measure, originated by Pitt, called the Declaratory Act, which solemnly affirmed that the British Parliament had the right to "bind the colonies in all cases whatsoever." Sagacious minds at once perceived in this declaration the egg of tyranny concealed, and while the people were mad with joy because of the repeal, they were solemnly warned that out of that egg would proceed a brood of oppressive measures. The liberal press of England declared the same, and when Pitt pleaded as an excuse that it was an expedient measure to accomplish the repeal of the Stamp Act, he was answered with scorn; and he who yesterday rode on the top wave of popularity, to-day was engulfed in popular distrust.

The imperial government was incensed and alarmed by the extravagant rejoicings on account of the repeal of the Stamp Act, and instead of conciliating the colonists by just measures, it was resolved to obtain their submission by coercion. A large portion of the House of Lords, the whole bench of Bishops, and many of the Commons, were favorable to strong measures, and the ministry were prevailed upon to mature other schemes for taxing the colonies. To preserve quiet and maintain the laws, troops were ordered to America, and a Mutiny Act, as it was called, which provided for the quartering of these troops at the partial expense of the colonists, whom they were sent to overawe, was passed. Pitt, who was soon afterward

called to the head of the ministry, and was created Earl of Chatham, opposed the measure as unjust and unwise, and thus he partially regained the friendship of the Americans.

Early in June Governor Moore informed the assembly that he hourly expected troops from England as a reinforcement for the garrison, and that he desired that body to make immediate provisions for them, according to the requirements of the Mutiny Act. The assembly murmured, and the Sons of Liberty, aroused by this new phase of oppression, resolved in solemn conclave to resist the measure to the utmost. The troops came. Mutual hostility at once appeared; and a little more than a month after the mast was erected by the Sons of Liberty with so much good feeling it was cut down by the insolent soldiery. It was reërected the next evening, dedicated as "The Liberty Pole," and a flag was displayed from its summit. Again it was prostrated, and between the people and the soldiery there was the bitterest animosity.

The New York assembly steadily refused compliance with the demands of the Mutiny Act. Twice they were prorogued by the governor. At a session late in the autumn of 1766, he said, "I am ordered to signify to you that it is the indispensable duty of the King's subjects in America to obey the acts of the Legislature of Great Britain. The King both expects and requires a due and cheerful obedience to the same. I flatter myself that, on a due consideration, no difficulties can possibly arise, or the least objection be made to the provisions for the troops, as required by the act of Parliament."

The assembly, unmoved by his appeal, replied that they understood the act to refer to soldiers "on the march;" and after referring to the specific requisitions of the governor,

they remarked, "we can not consent, with our duty to our constituents, to put it in the power of any person (whatever confidence we may have in his prudence and integrity) to lay such burdens on them."

This determined action of the assembly was followed by an immediate prorogation. But the press, untrammelled by such official interferences, spoke out boldly. "Courage, Americans," said William Livingston, in a New York paper, "liberty, religion, and science are on the wing to these shores. The finger of God points out a mighty empire to your sons. The savages of the wilderness were never expelled to make room for idolators and slaves. The land we possess is the gift of Heaven to our fathers, and Divine Providence seems to have decreed it to our latest posterity. The day dawns in which the foundation of this mighty empire is to be laid, by the establishment of a regular American constitution. All that has hitherto been done seems to be little beside the collection of materials for this glorious fabric. 'T is time to put them together. The transfer of the European family is so vast, and our growth so swift, that before seven years roll over our heads the first stone must be laid." How wonderfully prophetic! Seven years from that time the first Continental Congress assembled in Philadelphia.

The ministry were amazed at the rebellious conduct of the Americans, and especially of the New York assembly, and resolved to bring that refractory legislature into humble obedience. They determined not to recede a single line from their claim to the right of taxing the colonies, and in the spring of 1767 Charles Townshend, Pitt's Chancellor of the Exchequer, coalesced with Grenville, while Pitt was absent on account of the gout, and presented new taxation schemes for the consideration of Parliament. In June a

bill passed that body for levying duties upon tea, glass, paper, painters' colors, et cetera, imported into the colonies, with the avowed object of drawing a revenue from the Americans. Another was soon afterward passed for establishing a Board of Trade or Commissioners of Customs in the colonies, to be independent of colonial legislation, and having general powers of search and seizure similar to those in England, the salaries of the commissioners to be paid out of their own collections. This was soon followed by another, which suspended the functions of the New York assembly—forbidding them to perform any legislative act whatsoever until they should comply with the requisitions of the Mutiny Act concerning the billeting of troops. These acts were framed and passed with the erroneous impression that the colonists objected rather to the *mode* than to the *right* of taxation.

These acts caused a closer union of sentiment throughout the colonies, and the leading men every where took the ground occupied by Otis in 1761, that taxes on trade, if designed to raise a revenue, were just as much a violation of their rights as any other tax. The twenty-five or thirty colonial newspapers began to teem with essays on colonial rights; and on the 3d of December, 1767, appeared the first of the able series of "Letters from a Farmer in Pennsylvania to the Inhabitants of the British Colonies," written by John Dickinson, of Philadelphia, which was designed to show the danger of allowing any precedent of Parliamentary taxation to be established upon any ground or to any extent. These letters brought Dr. Franklin, then colonial agent in London, to the same way of thinking, (for he had been disposed to make a distinction between internal and external taxation,) and he caused an edition of them to be published in England.