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Agrarian Revolt in Colonial New York, 1766¹

By IRVING MARK

THE SOCIAL STRUGGLES of eighteenth century New York arose from the land system. Of these, none reached the proportions of Prendergast's rebellion of 1766 which swept through what was then Westchester, Dutchess, and Albany Counties. Since agriculture provided a livelihood for the great bulk² of colonial Americans, social tension generated from land hunger might have been expected between landlords and small farmers. Such was the case on the extensive estates of the Philipseys, Livingstons, Van Cortlandts, and Van Rensselaers. How did this tension arise? How much pressure did it exert at its most explosive point in 1766? What heritage did the agrarian storm leave in its wake? Within the limits of this paper answers shall be given in summary form which have only recently been elsewhere made available in more extensive form.³

The seeds of social discontent in 1766 were sown deeply in the system of colonial land distribution. Not only did an inequitable distribution of great landed wealth, acquired at slight cost by shrewd landlords, provoke the wrath of small farmers but also the circumstances under which this land was acquired must have added to their envy. For, discerning eyes could catch glimpses of transactions that were not without taint of fraud. Huge grants were inspired by bribes,

¹ [EDITOR'S NOTE: This paper is based upon materials gathered for the author's "Agrarian Conflicts in Colonial New York, 1711-1775," New York, 1940, (\$3.00), especially chapter five. This recent publication of the Columbia University Press, one of the Columbia *Studies in History, Economics and Public Law*, may be consulted for more detailed documentation and materials.]

² In 1763 about nine-tenths of the 1,700,000 who peopled colonial America were farmers.

³ Mark, *op. cit.*, pp. 8-9, 16 (n. 10).

family connections, and fee hunger. Colonial governors made many of these illegal sales in violation of colonial statutes or British instructions that limited the size, or prohibited the making, of land grants. Where these limitations on the transfer of land were not boldly violated, they were subtly circumvented by the use of "dummy" grantees or of fictitious names.⁴ Nor were land-hungry governors averse to these illegal and corrupt practices where they themselves were the chief beneficiaries. Vaguely defined metes and bounds, and Indian grants wrested from drunken or credulous natives afforded opportunities to the unscrupulous for swelling their landed estates. Overlapping grants and Indian claims arising from these circumstances were a source of colonial violence and litigation. From all these seeds came the bitter fruit of controversy.⁵

The scenes of agrarian uprisings were on those estates where the inequitable distribution of land grants was most starkly revealed. Such were Cortlandt Manor's 86,000 acres and Philipsborough's 205,000 acres in Westchester County; Philipse Highland Patent's 205,000 acres in that part of Dutchess which subsequently became almost the whole of Putnam County; Livingston Manor's 160,000 acres in that part of Albany County which later became the southern third of Columbia; and, again in Albany County, Rensselaerswyck's 1,000,000 acres which exceeded the total acreage of Rhode Island by over 200,000 acres.⁶

The malpractices that tainted many of the colonial land

⁴ For example, Governor Dunmore in 1771 patented 51,000 acres near Otter Creek to Alexander McClure *et al.* on the day he surrendered office only to have them deeded to himself five days later; and Governor Tryon in 1772 used the names of his son-in-law, Edward Fanning, and of others to secure 32,000 acres two days later. Original Letters Patent, Engrossed in Books of Letters Patent (Land Office), XVI, 73, 75, 213, hereafter cited as Patent Books; Deeds, Including Mortgages, and Releases to the State, 1641-1846 (Land Office), XIX, 97.

⁵ Mark, *op. cit.*, chap. I.

⁶ Patent Books, V, 228; VI, 396; VII, 145, 237; "Philipse-Gouverneur Land Titles" (Columbia University), no. 14; E. B. O'Callaghan, ed., "The Documentary History of the State of New York," 4 vols., Albany, 1849-51, III, 615-27.

transactions affected all these estates with the possible exception of Cortlandt Manor. Thus Robert Livingston, first lord of the manor, was able to use a "stretching" device to increase his holdings. With Governor Edmund Andros' approval he purchased 2,000 acres of Mohican land on Roeliff Jansen Kill; with Governor Thomas Dongan's sanction he acquired a 600-acre Indian tract of "Tachkanick" which he was permitted to join to his other purchase to form a manor. By describing the boundaries of his grants with the Indian names of natural objects like "Mahaskakook" or "minnis-sichtanock where Two Black oak Trees are marked wt L," or Wawanaquassich where "Heapes of stones Lye," and by a stream like the winding Roeliff Jansen Kill, "Running back into the woods," Livingston was able to present his tracts as contiguous. Thus Dongan's patent for the manor enabled Livingston to stretch 2,600 acres of land on Roeliff Jansen Kill and in the Taconic (formerly Taghkanick) Mountains over more than 160,000 acres.⁷ Small wonder that the Stockbridge Indians and their grantees and lessees subsequently challenged Livingston's title.

Similarly Adolph Philipse increased the size of the Highland Patent. He made title through a Wappinger deed to Lambert Dorland and Jean Seabrant which contained only 15,000 acres bounded "eastward into the woods . . . to a marked tree." By omitting the reference to the marked tree in his own patent, properly the eastern terminus, Philipse carried his boundary to the Connecticut River and included 190,000 acres which really belonged to the Indians.⁸ Fur-

⁷ "Doc. Hist. of N. Y.," III, 616, 621, 622, 624, 690-702, map opp. p. 690. N. Y. State Assembly Committee on Indian Affairs, "Report . . . on the Claims of the Mohawk and Stockbridge Indians," no. 106 (1854), p. 10; N. Y. State Assembly, "Report of the Attorney-General . . .," no. 59 (1853); E. B. Livingston, "The Livingstons of Livingston Manor," New York, 1910, pp. 107-111. In *People of N. Y. v. Herman Livingston* fraud on the face of the record was denied.

⁸ "A Geographical, Historical Narrative or Summary of the Present Controversy between Daniel Nimham . . . and . . . Representatives of Colonel Frederick Philipse . . .," British Museum Lansdowne MSS, Vol. 707, fols. 25-6, pp. 4-5.

thermore, whether the Van Rensselaer claim to the region north of Livingston Manor was legitimately 20,000 or 300,000 acres hinged upon the location of "Wawanquasick," the Indian word for a "place called a heap of Stones."⁹ If tenants and settlers on these grants were not moved primarily by the extravagant size, the "stretching" through vague metes and bounds, or fraud perpetrated upon Indians, they certainly were not loath to seize upon these as occasions for improving their own economic status at the expense of powerful New York landlords or speculators.

The status of eighteenth century tenants upon the manors of Van Rensselaer, Livingston, and, to a lesser extent, Van Cortlandt, and upon Philipse's patent was a basic factor accounting for their discontent. For, although feudal manors had become obsolete, their lords still retained considerable economic and political power over the tenants. Whether on the manors or on the patents, the tenants were oppressed by onerous obligations such as perpetual rents, tax burdens, or alienation fees. Moreover, they were haunted by the spectre of insecurity of tenure.¹⁰ The landlords, who annually paid mere token quit-rents for their vast domains, were reluctant to allow even small parcels to slip free and clear from their grasp. Van Rensselaer conveyances were usually "durable leases" with a reservation of perpetual rents.¹¹ The rents, small for a few hundred acres though larger than the quit-rent of fifty bushels of wheat for all Rensselaerswyck, were usually paid in kind and in labor. Failure to pay entitled the landlord to enter the premises and eject the tenant. Sim-

⁹ "Notes of Evidence, . . . King *against* John Van Rensselaer for an Alleged Intrusion . . . in the Rear of Kinderhook—1768" (N. Y. Hist. Soc.); "Westenhook, Reasons to Support . . . Inhabitants of Kings District . . . 1771," John T. Kempe Papers (N. Y. Hist. Soc.), Box I; C. Colden, "The Colden Letter Books," 2 vols., New York, 1877-78, II, 11.

¹⁰ Mark, *op. cit.*, chap. II.

¹¹ For examples see Stephan Van Rensselaer to David Babcock, Jan. 11, 1772; to Henry Ball, Sept. 12, 1774; to Hendrick Gardenier, 1768; to Hendrick Gerse, Sept. 10, 1766. Van Rensselaer Leases (N. Y. State Lib.).

ilarly the Livingstons, who paid quit-rents of twenty-eight shillings for their vast estates, habitually conveyed estates measured by two or three lives in being.¹² The Philippses, following the same practice, annually paid quit-rents of £4 12s. for Philipsborough, no more than the average yearly rental for a mere two hundred acre plot in the Highland Patent.¹³ Only the Van Cortlandts showed any disposition to pursue a somewhat more liberal sales policy.¹⁴

Neither the extant real property law nor the political mechanism for changing or ameliorating it offered any relief to the tenant farmer. For the law covered the landlord, though not the tenant, with the mantle of security of tenure. Statutes made dubious titles certain: a recording system, which was of special concern to the large landowner, kept the titles clear. Furthermore, the law of inheritance for intestacy, through entails and primogeniture, encouraged the maintenance of a landed aristocracy.¹⁵

This aristocracy jealously guarded its privileged status. Even the efforts of a Bellomont proved of little avail against the commanding role that the landed élite played in the preservation of vested privileges. Of the one hundred and thirty-seven governors, councilors, assemblymen, judges, and lawyers from about 1750 to 1776, one hundred and ten, eighty per cent, were large landholders, or related to such families; six were small landowners; and twenty-one, fifteen per cent, held even smaller holdings or no land at all. Against such an array of landlord power, what prospect of improving his lot

¹² Samuel J. Tilden, "The Writings and Speeches of Samuel J. Tilden," John Bigelow, ed.; 2 vols., New York, 1885, I, 190. These were like the grants of Robert G. Livingston on May 1, 1756, to Gary Lane *et al.*; to Simon Snyder, May 31, 1758; to Daniel Bemiss, August 14, 1742; and to William Potter, Nov. 18, 1767. Gilbert Livingston Papers (N. Y. P. L.).

¹³ Philippe-Gouverneur Land Titles, no. 19.

¹⁴ J. T. Scharf, "Hist. of Westchester County, New York," 2 vols., Philadelphia, 1886, I, 95, 130, 133, 139, 178-9; E. W. Spaulding, "New York in the Critical Period 1783-1789," New York, 1932, pp. 67-8; Mark, *op. cit.*, pp. 69-71.

¹⁵ Mark, *op. cit.*, pp. 79-84.

did the small farmer have in an appeal to executive, legislative, or judicial remedies?¹⁶

The lower stratum of the farming population was barred from the electorate and from the juries, through property qualifications. Indeed, even the enfranchised farmers were frequently at a loss to counteract the pressure that the landlords could exert through their pocket boroughs, which in several cases had extra representation in the Assembly.¹⁷ In defense of their interests, the great landlords branded the aspirations of the poorer farmers as "New England republicanism"; with no less zeal did they defend the common law against the encroachment of the Crown through chancery.¹⁸ In the face of the political dominance of the landlord, the small farmer had neither the power to shape the laws nor the wealth to sustain the expense of judicial redress. Such were the conditions which determined the phases of agrarian discontent.

The closing of all peaceful avenues forced the small farmer to resort to violent action to better his state of economic and political dependence. He seized upon any convenient occasion to improve his status. The Palatines, in the struggle for land, made the charge of bad faith the basis of their opposition to Governor Hunter in 1711 and thereafter.¹⁹ Before and during the Rebellion of 1766 the embattled tenants of Livingston, Van Rensselaer, and Philipse welcomed revived Indian claims and rival Massachusetts titles as a means of conducting a fierce anti-rent war, in which the Cortlandt tenants joined, against their landlords. On the eve of the

¹⁶ Within these figures large landholders will mean those owning at least 1,000 acres of land, whatever their other interests may have been. Cf. *ibid.*, pp. 88-94.

¹⁷ These included Rensselaerswyck, and Livingston and Cortlandt Manors.

¹⁸ Mrs. Anne Grant, "Memoirs of an American Lady," 2 vols., London, 1808, pp. 147-8, 162, 199; E. B. O'Callaghan, ed., "Documents Relative to the Colonial History of the State of New York," 15 vols., Albany, 1853-87, VII, 565; *Thomas Forsey v. Waddell Cunningham* (J. Holt, ed.; New York, 1764, in N. Y. P. L.); Mark, *op. cit.*, pp. 94-106.

¹⁹ W. A. Knittle, "The Early Eighteenth Century Palatine Emigration . . .," Philadelphia, 1936, chaps. I-III.

Revolution the New Hampshire Grant settlers used a disputed boundary as a pretext for making common cause with Yankee speculators to save their homes from New York land-grabbers.²⁰ Economic interest, forceful suasion, and republican principle moved even the reluctant against the absentee landlords of "monarchical" New York. Such were the phases of agrarian conflicts which provided the setting for the great rebellion of 1766.

In the period that followed the French and Indian War, the purchase of disputed Indian titles became a hopeful avenue of escape for the oppressed tenants in Dutchess and upper Westchester Counties, and on the Van Rensselaer and Livingston Manors. Indian title disputes, like boundary controversies, seemed to be occasions for deep-rooted small farmer agitation. The discontent did not confine itself to litigation. It flared into serious peasant rebellions that appeared in 1766 in disaffected areas in the eastern part of Hudson Valley from Cortlandt Manor to Rensselaerswyck.

The issue between rival claimants was first joined in the early '60's in the Philipse Highland Patent. Here the Wappinger Indians, under their grand sachem Daniel Nimham, claimed for a long time all but a small portion of the patent, the bulk of which had never been legally transferred to the patentees. The Indians sold titles to discontented Philipse tenants who either bought their land outright or became tenants on more favorable terms, usually for 999 years.²¹ By 1756 the proprietors, Philip Philipse, Beverly Robinson, and Roger Morris, who derived their title from Adolph Philipse, seized the land while the Wappingers were fighting for the King and while their old men, women, and children

²⁰ Mark, *op. cit.*, chaps. IV-VI; M. B. Jones, "Vermont in the Making 1750-1777," Cambridge, Mass., 1939.

²¹ For leases of 999 years to Benjamin Palmer, Joseph Crow, Jr., John Rider, Daniel Munroe, and Stephan Wilcox, all in 1764, John T. Kempe Papers, Lawsuits, P-R (N. Y. Hist. Soc.). See also "Protest to Follerker Dow, Mayor of Albany . . . June 30, 1766," British Museum, Additional MSS, Vol. 22, 679, fol. 17; Geographical, Historical Narrative . . . , Vol. 707, fols. 24, 26, pp. 2, 5, 6.

were at Stockbridge. By 1761 they brought ejectment suits against those who claimed land titles through the Indians.²² When Nimham countered by appealing to the Council, Attorney-General Kempe was ordered to investigate the claim, which he reported technically deficient.²³

In 1763 a number of Philipse tenants renounced their leases. Taking others from the Wappingers, they continued to occupy the land but refused to pay rent to those claiming the land under the original patentee. The Philipse representatives ousted them by fifteen successful suits at law. But this remedy was costly and the defendants were invariably financially irresponsible.²⁴ Hence on the advice of counsel the proprietors appealed to chancery on Feb. 6, 1765, setting forth these circumstances. Meanwhile, in March, another petition of Nimham presenting his claims against the Philipse representatives had arisen before Lieutenant-Governor Colden and the Council, who constituted the high court of chancery. The issue was joined and a trial held at a hearing on March 6.²⁵ The trial, held before a Council of great landowners indirectly interested in the outcome, could have but one conclusion.²⁶ Blocking the Indian efforts to prove fraud, the Council upheld the Philipse cause and took steps forcefully to implement its decision.

²² For example, *Beverly Robinson v. Samuel Munroe*, Philipse-Gouverneur Land Titles, no. 7. Cf. *Ibid.*, nos. 12, 13; Geographical Historical Narrative . . . , Vol. 707, fols. 24–25, 27, pp. 2–4, 7; *James Jackson ex dem Roger Morris et al. v. John Stiles, Edward Grey* (1761); also cases involving Seth Paddock, Samuel Birchard, Nathaniel Porter, and John Manley, Parchment Rolls in Hall of Records, New York City. See also MS Minute Books of the Supreme Court, 1756–61, p. 250.

²³ July 28, 1762, "Calendar of Council Minutes, 1668–1783," Albany, 1902, p. 459.

²⁴ For itemized account of expenses from Oct. 1753 down through December 1766, see Philipse-Gouverneur Land Titles, no. 20. Within these dates ejectments concerning the following have been examined (all in 1765, except where indicated): Joseph Crow, Nathaniel Robinson, Elisha Baker, Isaac Perry, Benjamin Barber, John Rabbleyea, Jonathan Paddock, Benjamin Weeks, Samuel Yates, Israel Cole, David Akins (1763), and Joe Covey, Parchment Rolls in Hall of Records, and MS Minute Book of the Supreme Court, 1762–1764, pp. 229, 349, 455. Cf. Mark, *op. cit.*, p. 132 n. 6.

²⁵ "Cal. of Coun. Min.," p. 467; Geographical, Historical Narrative, fol. 30, pp. 13–14. For a bundle of Kempe's material on the controversy and related matters, John T. Kempe Papers, Lawsuits, P-R.

²⁶ William Smith's daughter Susan married Robert James Livingston in 1747 and his son William, Janet Livingston in 1755. Livingston, "The Livingstons of Livingston Manor," p. 74.

While Nimham was pursuing his appeal to the Crown resulting in an unsuccessful retrial in 1767 before a similarly stacked court, the controversy became more extended and violent.²⁷ In April, 1765, the Mohicans at Stockbridge claimed Van Rensselaer land between Claverack and Kinderhook. John Van Rensselaer brought ejectment action against many of his tenants. The Indians and the settlers with Indian title, charging fraud, seemed increasingly disposed toward violence to protect their land. Furthermore, ejectment actions of Livingston against his tenants boded ill for future harmony. Moreover, the settlers on the Highland Patent refused to submit to the Philipse proprietors. The terms they were offered, which were one year leases and bonds of £1,000 to guarantee fulfillment, contrasted quite unfavorably with the 999 year leases tendered by the Indians.²⁸ Determined to reinstate dispossessed tenants by force, the settlers boldly advertised a meeting in November, 1765, to achieve this end.²⁹ The Dutchess rebels were resolved to compel their landlords to grant security of tenure and lower rents. To accomplish this they vowed, "They would stand by each other with Lives & fortunes, would not suffer any particulars of them to compound with their Landlords without the Rest."³⁰ Their leaders, William Prendergast, Samuel and Daniel Munroe, Joseph Crow, Stephen Wilcox, Elisha Cole, Isaac Perry, Silas Washburne, and Jacobus Gonsales, many of whom had suffered ejectments, prohibited all service of warrants on the days of their meetings and promised to rescue

²⁷ "Geographical, Historical Narrative"; Mark, *op. cit.*, pp. 133-5, 155-8.

²⁸ "Geographical, Historical Narrative," fol. 32, pp. 17-18.

²⁹ "Calendar of Historical Manuscripts in the Office of the Secretary of State, Albany, New York" E. B. O'Callaghan, ed., 2 vols., Albany, 1865-66, II, 759; *Weyman's New York Gazette*, September 1, 1766, hereafter cited as *N. Y. Gazette*; "Notes on July Assizes, 1766," Dutchess Co. (New York), Miscellaneous MSS. (N. Y. Hist. Soc.), hereafter cited as "Notes on July Assizes." See also relevant affidavits in John T. Kempe Papers, Lawsuits, B-F, P-R, W-Y.

³⁰ Testimony of Moss Kent and Samuel Peters, *King v. Prendergast*, "Notes on July Assizes."

any who were arrested for refusal to pay rents or for any activity in furtherance of their movement.³¹

In the ensuing conflict the small farmers desperately sought to defend what they believed was their equitable right to the land. They bitterly felt that this right, as Prendergast declared, "could not be defended in a Court of Law because they were poore therefore they were determined to do them[selves] Justice [and] that poor Men were always oppressed by the Rich."³² Alarmed by this mass resentment, the Philipse proprietors petitioned the provincial authorities to prevent the violence threatened by the anti-rent movement. But by March, 1766, the disorder had become widespread. It engulfed upper Westchester County where tenants united and seized the land. Against the growing rebellion, Governor Moore issued a proclamation on April 2, 1766.³³

In April, the Westchester "levellers" carried forward the crest of small-farmer rebellion. They were dubbed "level-lers" because they refused to pay rent to their landlord, Van Cortlandt, until he would remedy their insecurity of tenure.³⁴ These tenants desired a fee absolute rather than life terms or the long term leases at low rentals that they had. In these respects they were somewhat better off than the Livingston, Van Rensselaer, and Philipse tenants. Yet, because three of their fellows had been arrested under the proclamation of April 2, a large number of them gathered and threatened a

³¹ Testimony of James Dickinson *et al.*, *ibid.*

³² Testimony of Moss Kent and of James Livingston, *ibid.*

³³ P. H. Smith, "General History of Dutchess County from 1609 to 1876, Inclusive," Pawling, New York, 1877, pp. 54-55; Oscar Handlin, "The Eastern Frontier of New York," *New York History*, XVIII (1937), p. 69; F. Hasbrouck, ed., "The History of Dutchess County, New York" (Poughkeepsie, New York, 1909), pp. 91-92. H. B. Dawson erroneously minimized the anti-rent movement to a mere "local disturbance." See his chapter in Scharf, "History of Westchester," I, 179, n. 4.

³⁴ Many conservatives used the expression as one of opprobrium. James and John Montrosor, "The Montrosor Journals," New York, 1882, pp. 362-363 *et passim*. Captain Paul Rycout in an examination of prisoners at Poughkeepsie on October 7, 1761, observed, "By what information I could collect from the inhabitants, those of the Nine Partners are a riotous people and Levellers by principle." "Doc. Hist. of N. Y.," III, 987.

rescue from a New York City jail where the prisoners had been taken. Though the Dutchess rebels at first had shown a disposition to dissociate themselves from Westchester 'levellers,' they vigorously followed their leaders in support of the movement to rescue comrades imprisoned in New York City. The Governor, alarmed by exaggerated rumors that the rebels planned to burn the city, prepared for the onslaught by summoning the militia.³⁵

Even the Sons of Liberty, successful organizers of mass demonstrations against the Stamp Act, appeared to be perturbed at this militant manifestation against landlords. The keen-eyed Captain Montresor cynically noted that the Sons of Liberty were "great opposers to these Rioters as they are of the opinion no one is entitled to Riot but themselves."³⁶ Certainly their leaders, like John Morin Scott, who later sat in the court that condemned small farmer agitators, were more concerned with urban uprisings that reflected the colonial struggle of radical merchants, artisans, and mechanics against British restrictions, than with rural ones that small farmers aimed at the landed aristocracy.

The non-support of the Sons of Liberty must have been a grave disappointment to the rebels. For, when they went to New York City to deliver the "mob men," "they expected to be assisted by the poor people there."³⁷ Indeed, they liked to think of themselves as rural Sons of Liberty. Significant are the words with which Prendergast later threatened an offending magistrate: "If any person or persons offended those whom you call the Mob—& we the Sons of Liberty," he should be punished with a mud bath, a whipping,

³⁵ April 20, 21, 1766, "Montresor Journals," pp. 360, 361; "Notes on July Assizes." Montresor says the number was 2,000. But W. S. Coffey in Scharf, "Hist. of Westchester," I, 168, says it was 500. Governor Moore speaks of some thousands. Moore to Conway, April 30, 1766, "Doc. Rel. to Col. N. Y.," VII, 825-6.

³⁶ "Montresor Journals," p. 363.

³⁷ Testimony of Moss Kent, *King v. Prendergast*, "Notes on July Assizes."

and exile.³⁸ This was the substance of Prendergast's proclamation, issued at Kingsbridge where the rebels had gathered.

This show of bold determination was matched by the Westchester men who threatened to pull down the city homes of Pierre Van Cortlandt and of Lambert Moore unless their demands with regard to land were recognized. On May 1, a committee of six entered the city "to explain matters" in behalf of 500 comrades stationed north of the city at Kingsbridge.³⁹ But before the committee could act effectively, a show of military force and a stern proclamation dispersed the rebels whom they represented. The proclamation issued on April 30 offered a reward for the seizure of specifically named leaders "and other rioters, who dispossessed parties in Northcastle, Westchester County. . . ."⁴⁰

This proclamation itself showed that the disaffection was spreading. It named three men from Dutchess County, William Prendergast,⁴¹ William Finch, and Samuel Munroe,⁴² who were actively leading poor farmers against the Philipse patentees. Furthermore the informations for riot drawn by Attorney-General Kempe in April and July named twenty-six yeomen and laborers from Cortlandt Manor in Westchester County and seven from South Precinct and Beekman Patent in Dutchess County.⁴³ On May 6, a proclamation offered a £100 reward "for the taking of Pendergrast, Chief of the Country Levellers and £50 for either Munro and Finch, two officers, 'en second'." Prendergast on the next day narrowly escaped capture. By the middle of May, dispatches

³⁸ Testimony of Samuel Peters, *ibid.*

³⁹ *King v. Prendergast*, "Notes on July Assizes"; "Montresor Journals," p. 363.

⁴⁰ "Calendar of Hist. MSS.," II, 762; "Cal. of Coun. Min.," pp. 470-1. Benjamin Randolph's affidavit, April 29, 1766, mentioned 300 assembled at Northcastle joined by several companies who were determined to rescue several persons. *Ibid.*, "New York Council Minutes, 1668-1783," 28 vols., XVI, 48.

⁴¹ He appeared as a Philipse tenant of the Gore in 1766 residing near Pauling. At that time, he was 39 years of age. Wm. S. Pelletreau, "History of Putnam County, New York, with Biographical Sketches of Its Prominent Men," Philadelphia, 1886, pp. 653-4.

⁴² He was one of the chief advisers to Nimham.

⁴³ John T. Kempe Papers, Lawsuits, B-F.

from Livingston Manor carried the news "that some hundreds of Tenants are also turned Levellers and are in arms to dispossess some and maintain others in their own, without rent or taxation."⁴⁴ This "levelling" tendency reminds one of the "natural rights" of the New Jersey anti-renters who contended, "No Man is naturally intitled to a greater Proportion of the Earth, than another . . ." and of the Shaysites who were urged to support those rights to which "the God of nature hath intitled" them.⁴⁵ On June 10, James Livingston, sheriff of Dutchess County, reported that John Way, arrested for debt, had been rescued from a Poughkeepsie jail a few days previously by a "mob" of five hundred which explained "that the debt was for rent which they did not approve."⁴⁶

The local authorities seemed to be unable to cope with a rapidly developing dangerous situation. Warrants for the arrests of the leaders proved futile. On June 19, the Council advised application for military aid to suppress the disorder. The next day a proclamation was issued offering a reward for the arrest of Dutchess leaders on charges of high treason. To give it force, the same day the Twenty-eighth Regiment was on its way from Albany to Poughkeepsie. Apparently, the militia, composed of sympathetic small

⁴⁴ "Montresor Journals," pp. 364-6. Captain Montresor entered the wry note, "The alderman (Brewington) who was sent to apprehend Pendergrast, Ringleader of the country Rioters, informed the person he was the alderman and sent to seize, so gave him an opportunity of making his escape." *Ibid.*, p. 365.

⁴⁵ The New Jersey article continues, "but tho' it was made for the equal Use of all, it may nevertheless be appropriated by every Individual. This is done by the Improvement of any Part of it lying vacant, which is thereupon distinguished from the great common of Nature, and made the Property of that Man who bestowed his Labour on it, from whom it cannot afterwards be taken, without breaking thro' the Rule of natural Justice; for thereby he would be actually deprived of the Fruits of his Industry."

N. Y. Weekly Post-Boy, June 9, 1746. Cf. Eli Parsons' letter, Feb. 13, 1787, in *N. Y. Daily Advertiser*, March 6, 1787. Somewhat similar in tone is the argument of "state of nature" which the Vermonters used to confirm their right to independence. Ethan Allen and Jonas Fay, "A Concise Refutation of the Claims of New Hampshire and Massachusetts-Bay, to the Territory of Vermont . . .," Hartford, 1780, p. 11.

⁴⁶ Testimony of Ten Broeck and of James Livingston, *King v. Prendergast*, "Notes on July Assizes."

farmers, was not dependable.⁴⁷ The civil authorities of Dutchess County were ordered "to dispose of and employ the troops to be sent to said county for the purpose of quelling disturbances."⁴⁸

But still the rebellions spread. Even Connecticut was affected. In June it was rumored that "4,000 people in Connecticut entered into agreement & signed to make an equal dividend of property there."⁴⁹ This levelling movement was bound up with anti-creditor sentiment which about seventy farmers of Wallingford expressed in their petition that the County Court at New Haven give no judgments on debt actions. In this respect the Connecticut movement was strikingly different from the New York disturbances where Prendergast insisted that all debts except those for rent be paid in full though execution was to be levied upon the appraised property of the debtor and not upon his person.⁵⁰ On June 26, Harmanus Schuyler, the Sheriff of Albany County, riding with a posse of 105 men to dispossess disgruntled settlers on Van Rensselaer land who had taken Stockbridge titles and to arrest their leaders, met an armed band of sixty.⁵¹ In the skirmish the embattled farmers were dispersed, but Cornelis Ten Broeck was killed and seven other militia wounded. The posse's opponents suffered the loss of three killed, including Thomas Whitney, one of their leaders, and many wounded, including Robert Noble, prominent in outbreaks of the previous decade, who made his escape. The survivors took refuge in Noble's house, from which they continued their resistance. In vain did the Sheriff go to Poughkeepsie to get the assistance of the troops; for when he got

⁴⁷ "Cal. of Coun. Min.," p. 471; C. E. Carter, "Correspondence of Thomas Gage with the Secretaries of State 1763-1775," 2 vols., New Haven, 1931-33, I, 95.

⁴⁸ "Cal. of Hist. MSS.," II, 763.

⁴⁹ "Montresor Journals," p. 375.

⁵⁰ "Notes on July Assizes," especially the testimony of Ebenezer Weed and of Samuel Towner; *Pennsylvania Gazette*, July 17, 1766.

⁵¹ *The Poughkeepsie Eagle*, May 17, 1856, speaks of 200 who purchased Stockbridge titles. Cf. *Boston Gazette or Country Journal*, July 14, 1766.

there he found that they had gone off to Prendergast's home on the Philipse Patent.⁵²

Meanwhile dispatches from Livingston Manor told of another uprising in which about two hundred men "marched to murder the Lord of the Manor and level his house, unless he would sign leases for 'em agreeable to their form, as theirs were now expired and that they would neither pay Rent, taxes, &c, nor suffer other Tenants." However, they were dispersed, after making dire threats, by an armed band of forty led by Walter Livingston and his son.⁵³

A serious crisis had developed by the end of June. At Poughkeepsie 1,700 "levellers" appeared with firearms. Throughout the eastern Hudson Valley up to Albany, jail deliveries were reported to have occurred. Even in Wallingford, Connecticut, seventy debtor-farmers, in sympathy with the above-mentioned anti-creditor petition, entered a courtroom, declaring that no writs or processes should be issued for debt, while the Sheriff and his party stood by helplessly. In the southeastern part of Dutchess near Pawling, a band of 300 rebellious farmers had gathered around Quaker Hill in readiness to attack the regulars that had been sent to crush them.⁵⁴

To meet this many-headed danger, the provincial authorities launched a vigorous counter-attack. At the end of June, the Twenty-eighth Regiment landed at Poughkeepsie. Under Major Thomas Brown, it engaged in a skirmish which resulted in the dispersal of the anti-renters and the capture of eight of them. The resistance to the Sheriff of Albany County on Van Rensselaer property was answered by a proclamation offering a reward for the capture of Noble. Mean-

⁵² *New York Gazette*, July 7, 1766; "Doc. Hist. of N. Y.," III, 830-1; "Montresor Journals," p. 376; *Boston Gazette or Country Journal*, July 14, 1766; *Pennsylvania Gazette*, July 10, July 17, 1766; *King v. Alexander McArthur et al.*, "Notes on July Assizes."

⁵³ "Montresor Journals," pp. 375-6.

⁵⁴ *Ibid.*, p. 376. This was on June 30, 1766, *The New York Gazette: or, The Weekly Post-Boy*, July 3, 1766 (hereafter cited as *Weekly Post-Boy*); testimony of Peter Terry, *King v. Prendergast*, "Notes on July Assizes."

while the troops that had gone off towards Prendergast's home met at Fredericksburgh thirty armed men on their way to join him. The soldiers, with only three of their own number wounded, routed them so badly that the next day about fifty anti-renters came forward under a flag of truce. These were promptly seized as rebels and imprisoned in the nearby meeting house, over which an armed guard was left.⁵⁵ But Prendergast fearlessly continued the opposition, despite his wife's entreaties that he throw himself on the Governor's mercy. Armed with a cutlass, he vowed that he was determined to "make day Light Shew thro'" anyone who opposed him.⁵⁶ Furthermore, violently compelling a justice of peace, Samuel Peters, and his deputy to take an oath never to arrest him, Prendergast defiantly affirmed that "if the king was there he would serve him so, for kings had been bro't to by mobs before now."⁵⁷ But Prendergast was soon captured, together with seven other leaders. He was taken to a New York prison under guard of regular soldiers. This broke the back of the resistance on Philip's Patent.⁵⁸

These vigorous measures by no means brought quiet to the other turbulent areas. In the middle of July, reports to New York City carried stories of continued rioting in Albany County and at Poughkeepsie. A fresh detachment of 100 men from the Forty-sixth Regiment was ordered to proceed immediately with two field pieces to Poughkeepsie where the rebels had fortified a large house and entrenched themselves.⁵⁹ The Nineteenth Infantry, a company of the Twenty-sixth Regiment, with a detachment of the artillery train and three

⁵⁵ "Montresor Journals," p. 376; "Cal. of Hist. MSS.," II, 763; "Doc. Hist. of N. Y.," III, 830-2; "Cal. of Coun. Min.," pp. 471-2; *New York Gazette*, July 7, 1766; "Correspondence of Thomas Gage," II, 362-3. This is at the present site of Carmel in Putnam County, *The Poughkeepsie Eagle*, May 17, 1856.

⁵⁶ Testimony of Malcolm Morrison, *King v. Prendergast*, "Notes on July Assizes, 1766."

⁵⁷ The incident happened on May 27, 1766. Testimony of George Hughson, *ibid.*

⁵⁸ "Doc. Rel. to Col. N. Y.," VII, 845-6; "Montresor Journals," p. 377.

⁵⁹ *Ibid.*, pp. 377-378; *New York Gazette*, July 21, 1766, and *Weekly Post-Boy*, July 24, 1766. Both newspapers say 200 men were sent.

field pieces embarked for Claverack where the Van Rensselaers experienced disorders. Apparently the arrest and removal of Prendergast sent a wave of great excitement over Dutchess County which spread through the whole province, wherever small farmers were troubled about the security of their land titles.⁶⁰

In the midst of this turmoil and guarded by regular troops, the Supreme Court began its sessions, sitting from July 29 to August 14. On the bench sat the chief justice, Daniel Horsmanden, and his associates, Johns Watts, William Walton, Oliver DeLancey, Joseph Reade, William Smith, Whitehead Hicks, and John Morin Scott. All of these were amongst the greatest landlords and land speculators of the colony; at least two of the judges, if we include Justice Robert R. Livingston who was present though not sitting, were related to the landlords against whom the prisoners had rebelled.⁶¹ About sixty-five men were indicted for riotous assault, and some for the additional charge of rescuing prisoners. They pleaded guilty and were variously punished with fines, imprisonment, and pillories.⁶²

Prendergast's trial, which lasted twenty-four hours, attracted wide public attention. He had been brought from New York under heavy guard to stand trial on charge of high treason. Taken before the court on August 6, the prisoner found his situation aggravated by the fact that one of the regulars had died of a wound inflicted by one of the rebel's

⁶⁰ *New York Mercury*, July 28, 1766; *The Poughkeepsie Eagle*, May 17, 1856.

⁶¹ E. A. Werner, "Civil List and Constitutional History of the Colony and State of New York," Albany, 1891, p. 388. See above, n. 26, for Smith's relationship to Livingston. Robert R. Livingston, an associate judge since March 16, 1763, was especially disturbed by the Livingston troubles.

⁶² "Montresor Journals," p. 379; *New York Mercury*, July 28, 1766; *New York Gazette*, Sept. 1, 1766; *Weekly Post-Boy*, Sept. 4, 1766. For example, Daniel Townsend, Samuel Goodspeed, Jacobus Gonsales, and Jacob Brill were punished. But many rebels were not included in this trial. Thus names like Samuel and Daniel Munroe, Joseph Crow, Jr., Stephen Wilcox, Jonathan Wright, Daniel Brundige, and William Finch keep recurring on the agenda of cases for vacations down to January, 1771. John T. Kempe Papers, Box IV. See also Kempe's Notes on the Trial of *King v. Elisba Cole* for High Treason, June 13, 1767, at Poughkeepsie, in which the testimony is substantially like that in the trials of 1766. *Ibid.*, Lawsuits, A-B.

followers.⁶³ Tension ran high throughout the country-side, since it was common knowledge that he was no ordinary criminal but a “sober, honest, and industrious Farmer much beloved by his neighbors,”⁶⁴ who had accepted leadership because “he pitied poor people who were turned out of possession.”⁶⁵ Prendergast boldly conducted his own defence assisted by his wife, Mehitabel Wing, who attracted a great deal of attention. To counteract the evidence against him, “she never failed to make every remark that might tend to extenuate the offence, and put his conduct in the most favorable point of View; not suffering one Circumstance that could be collected from the Evidence, or thought of in his Favour to escape the Notice of the Court and Jury.” So effective was she in advising her husband in his defence, that the prosecuting attorney moved to oust her “lest she might too much influence the Jury” by “her very Looks.” The court reprimanded the prosecutor and answered that she had not spoken unreasonably and that, if the request were granted, the prosecutor “might as well move that the Prisoner himself should be cover’d with a Veil, lest the Distress painted in his Countenance should too powerfully excite Compassion.”⁶⁶

This legal indulgence was of no avail. The jury, “of some of the most respectable Freeholders,” brought in a verdict of guilty with a recommendation to the King’s mercy. The good wife’s behavior in immediately setting out on horseback for New York to solicit a reprieve from the Governor, covering the distance of 140 miles, there and back, in three days, moved a newspaper to report that she “did Honour to her

⁶³ This was George Henry of the Twenty-eighth Regiment who died on August 1. *Weekly Post-Boy*, August 7, 1766; “Montresor Journals,” p. 380, also pp. 379, 381; Attorney-General’s opening remarks *King v. Prendergast*, *loc. cit.*

⁶⁴ The account continues, “. . . and in short, was a good Liver; but was stirred up to act as he did by one Munro, who is absconded.” *New York Mercury*, Aug. 25, 1766.

⁶⁵ Testimony of Samuel Peters, James Livingston *et al.*, *King v. Prendergast*, “Notes on July Assizes.”

⁶⁶ *Weekly Post-Boy*, Sept. 4, July 21, 1766.

Sex and the Conjugal State.”⁶⁷ After several days the court pronounced its solemn sentence “that the Prisoner be led back to the Place whence he came and from thence shall be drawn on a Hurdle to the Place for Execution, and then shall be hanged by the Neck, and then shall be cut down alive, and his Entrails and Privy members shall be cut from his Body, and shall be burned in his Sight, and his Head shall be cut off, and his Body shall be divided into four Parts, and shall be disposed of at the King’s Pleasure.” When sentence was passed, the prisoner, though penitent, begged leave of the Court to say with considerable insight “that if opposition to the Government was deemed Rebellion, no member of that Court was entitled to set upon his Tryal.”⁶⁸ This was certainly true of John Morin Scott, land speculator and early leader of the Sons of Liberty, who abetted merchants, artisans, and mechanics in the Stamp Act agitation against Great Britain, but condemned small farmers in the anti-rent struggles against landlords.⁶⁹

Throughout the sitting of the court, the small farmers continued their opposition to the landlords. In early August, an application for more troops to suppress them was rejected because of the need of holding them in New York City to prevent Stamp Act “riots.” In Philipse’s Patent the soldiery fearfully pillaged and plundered recalcitrant farmers. A contemporary left a vivid description:

’Tis beyond the Power of Language to paint in lively Images the Horror! the Surprise and Astonishment of this poor distressed People on that occasion. To see their Habitations, some demolished, some robbed and pillag’d,

⁶⁷ *Ibid.*, Sept. 4, 1766; *New York Gazette*, Sept. 1, 1766. The former newspaper account refers to a directed verdict but T. Jones’s (“Counsel for the King”) note on the *N. Y. Hist. Soc.* copy denies this and other sources used mention none.

⁶⁸ “Montresor Journals,” p. 384. “When the terrible Sentence was pronounced upon the Prisoner, he utter’d an ejaculatory Prayer to God for Mercy, with such Earnestness, and look’d so distressed that the whole Audience, even those least susceptible to Compassion, were melted into Tears.” *Weekly Post-Boy*, Sept. 4, 1766.

⁶⁹ On Scott’s reluctance to sit as judge, “Diary of Wm. Smith,” July 22, 1766 (*N. Y. P. L.*).

and others of them invellop'd in Flames of Fire . . . to see them at once, as it had been, in an instant, deprived of all their substance for which they had laboured sweat and fatigued themselves all the Days of their Lives; and thus driven therefrom in such Hostile Manner; and to see others coming in to reap the Fruits of their Labours, to reap whereon they had not sowed! . . .⁷⁰

The detachment sent to Claverack finally captured Noble who had previously escaped by flight. It dispossessed many inhabitants unfriendly to the Van Rensselaers and left the remainder in "tolerable Quietness."⁷¹ Not for long was this the case, for bitterly complaining fugitives took refuge in Massachusetts and Connecticut whence they returned to continue a fierce guerilla struggle for land. Apparently Massachusetts and the Stockbridge Indians, interested in their own land claims in New York, helped the settlers continue the struggle. By the end of August General Gage reported that the tumults throughout the eastern Hudson Valley had not subsided despite his tactics of placing troops at habitations in order to compel surrender under the threat of destroying the crops. Governor Moore embarked for Albany in the hope that his presence would have a mollifying effect.⁷²

The widespread sympathy for Prendergast left the Sheriff unable to secure anyone to assist in the execution of the sentence notwithstanding his advertisement that the helper "will meet with a good reward, he shall be disguised so as not to be known, and secured from Insults."⁷³ Perhaps awareness of this feeling induced Governor Moore to grant a reprieve on September 1, until the King's pleasure might be known, and prompted Lady Moore to send money to free all prisoners committed for sums under £30. One day after the reprieve,

⁷⁰ "Geographical Historical Narrative," Vol. 707, fols. 32-33, pp. 18-19.

⁷¹ "Montresor Journals," pp. 380-1.

⁷² *Boston Gazette or Country Journal*, Aug. 18, 1766; "Correspondence of Thomas Gage," I, 102-3; "Doc. Rel. to Col. N. Y.," VII, 849-851; *New York Gazette*, August 11, 18, and 25, 1766.

⁷³ The execution had been set for September 26, 1766. *Ibid.*, September 1, 1766.

a band of fifty horsemen executed a well-planned jail-break; but the prisoner, rather bravely and wisely, chose to remain imprisoned to await the result of the appeal to the King, since escape would mean loss of his property and consequent reduction of his family to poverty and want.⁷⁴

By the middle of September the turbulence had subsided, though General Gage thought, "the Spirit of Riot was too high amongst the People, to be as yet quite evaporated." Force had its way. By October, many Poughkeepsie farms, taken from the dispossessed, were sold by the Sheriff. From Nobletown farmers came a petition to Sir William Johnson regarding the "outrageous treatment" suffered from Colonel John Van Rensselaer, through his determination to eject them from their homes. It begged Johnson's interposition in their behalf. However the landlords had been put to considerable trouble and expense. They had paid large sums for ejection proceedings, for hiring retainers, for dining and wining army officers, and for transporting judges, attorneys, juries, and witnesses.⁷⁵ They now exacted a fearful vengeance.

The great display of force employed by the colonial government in the suppression of the rebellions of 1766 was by no means favored in all quarters. Even Colden, who was hardly sympathetic to rioters, remarked,

I am far from justifying these riotous Proceedings, I only observe the difference of Sentiment and Zeal in this case and in others where the authority of Parliament was contemned, and the Kings authority was continually insulted, for several months together, by most dangerous Riots, without the least attempt to suppress any of them, but rather with public applause.⁷⁶

⁷⁴ *New York Gazette*, Sept. 8 and 29, 1766; *Weekly Post-Boy*, Sept. 11 and 25, 1766; *Boston Gazette or Country Journal*, Oct. 6, 1766; *New York Mercury*, Sept. 15, 1766.

⁷⁵ Dated 1766, "Calendar of the Sir William Johnson MSS. in the New York State Library," R. E. Day, ed., Albany, 1909, pp. 338-339. The item was destroyed by the fire of 1911. Cf. "Correspondence of Thomas Gage," I, 107-108; *New York Gazette*, October 6, 1766. For example, the itemized account of charges in defense of the Highland Patent for the landlords from Oct. 2, 1753 to Dec. 6, 1766 was £2081, 18s. 10d. This included the defence against the Wappinger claims and the suppression of Prendergast's rebellion. Philipse-Gouverneur Land Titles, no. 20.

⁷⁶ "The Colden Letter Books," II, 115-116.

Colden was evidently in favor of strong measures against the merchants and lawyers in the Stamp Act riots, and could not see why vigorous action should be applied to support great landlords against the small farmers but withheld against Stamp Act rioters. Furthermore, Colden believed, "The Power of the Civil Authority alone must have been sufficient, had there not been a general Jealousy of a powerful Combination in the Courts of Justice, in favor of the extravagant Claims of the great landed Men."⁷⁷

Somewhat similar in tone was the opinion of General Gage. Attributing the Stamp Act disturbances of 1765 to the "Rich and Most Powerfull People," he believed the anti-rent agitation was a just retribution quite in keeping with the earlier dangerous precedent.⁷⁸ Furthermore, John Watts in 1777 advised the British Government to punish rebellious landlords by inciting armed yeomen against them with the prospect of freehold estates and freedom from "vassalage." The same expedient was advised to win Ethan Allen to the British cause. "He may in my opinion," wrote a spy, "be easily tempted to throw off any dependence on the Tyranny of the Congress and made usefull to the Government by giving him and his adherents the property of all the Lands appropriated to Rebels and making that Country a Separate Government dependant on the Crown."⁷⁹

Quite different was the warning of an anti-British writer. In a widely publicized "letter from a Gentleman . . . to his Friend in Providence," he opposed forceful repression from a standpoint unlike that of Colden or of Gage. He admonished that

The hostile preparations, against the occupants of the lands, presages no good to the civil rights of the subject. It is not easy to be comprehended

⁷⁷ *Ibid.*, II, 456.

⁷⁸ "Correspondence of Thomas Gage," I, 95.

⁷⁹ December 24, 1778, B. F. Stevens' "Facsimiles of MSS. in European Archives Relating to America, 1773-1783," 25 vols., no. 549; *Morning Chronicle* reprint of Watts in *The Penn Ledger* or *The Weekly Advertiser*, Oct. 29, 1777 (N. Y. Hist. Soc.).

that in a dispute about property, rights of freehold or the like, where there are such numbers of those tenant . . . on one side, that they should all be so absolutely in the wrong as to deserve dragooning. . . . The Landlords . . . have appealed to the army, and have procured a detachment to vindicate their cause by cutting the throats of the adverse party. If such decisions should grow into use amongst us, it would greatly shorten law proceedings, and be the most effectual way of gaining a cause.⁸⁰

Reluctant to call "lawful resistance against the unjust force and violence" a riot, he remarked that it was a "very easy matter for men of wealth and power to brand with odious appellations those, whom they intend to oppress and injure." Unlike John Morin Scott, who sat in judgment to punish the anti-renters, this writer feared that forceful repression by armed troops was a dangerous precedent which might be extended to the enforcement of an oppressive Stamp Act.⁸¹ In similar vein was the charge of "Philanthropos," in February 1768, that the tenants had been driven to violence because the law "was absolutely barred against them . . . the lawyers generally refusing to take their cause in hand."⁸²

Even from across the Atlantic, the Earl of Shelburne, the Secretary of State for the Southern Department, disturbed over the possibility that New York had acted too summarily, wrote, ". . . There is room to apprehend the Sheriff of Albany may have exceeded if not his legal Powers at least the bounds of discretion." He acted favorably on Moore's recommendation of clemency by advising the King to grant a pardon to Prendergast. Prendergast returned to his home

⁸⁰ *Weekly Post-Boy*, Aug. 21, 1766.

⁸¹ *Ibid.*; *Providence Gazette*, Aug. 9, 1766. Although no direct evidence has been found, it is questionable whether leaders like Isaac Sears or John Lamb would have taken the position that Scott took on the small farmer uprisings.

⁸² (Philanthropos), "A Few Observations on the Conduct of the General Assembly of New York, for some Years Past, Addressed to the Freemen and Freeholders of the City and Province" [New York], 1768, p. 5. This remarkable brochure attacked the act of July, 1766, authorizing extraordinary expenses for troops in the field. It also opposed lawyers in the Assembly in the belief that they would reject land taxes, which were felt to be necessary to lighten the tax burden.

amidst great rejoicing and huzzas for King George, since the pardon, which was hardly expected, was considered a triumph for the occupants of the soil over the landlords.⁸³ Piqued by Shelburne's criticism, Governor Moore felt called upon to explain ". . . that I should have been guilty of my Duty had I refused the aid required especially in the County of Albany where the rebels had set the civil Power at Defiance, & had defeated the Sheriff at the head of the Posse of the County, by which rash act several lives were lost."⁸⁴

With the forceful crushing of their hopes by the autumn of 1766, the rebellious settlers were faced with the alternative of accepting the terms of the landlords or of going elsewhere. Many of them, natives of New England, returned to Massachusetts and Connecticut temporarily, but eventually found their way to the unsettled region that later became Vermont, since the cheap land of their native colonies was almost entirely gone. Vermont towns like Manchester, Danby, Dorset, Panton and Poultney appear to have been settled with immigrants from Dutchess and Westchester Counties. Furthermore, the events of 1766 deflected the tide of New England emigration toward the same region. Even some of the prominent Massachusetts speculators like Oliver Partridge, John Ashley, and Governor Bernard entered these new fields for speculative ventures. Here they joined forces with the Allens, who, having acquired more than 75,000 acres with knowledge of adverse claims, subsequently made good their purchases through violent suppression of the New Yorkers, diplomatic maneuvers in the Continental Congress, and strategic dickering with Britain during the Revolution.⁸⁵ Yet despite this general trend which bore Micah Vail

⁸³ Shelburne to Moore, Dec. 11, 1766, which continues ". . . Royal clemency will have a better effect in recalling these mistaken People to their Duty than the most rigorous punishment." "Doc. Rel. to Col. N. Y.," VII, 879; *Poughkeepsie Eagle*, May 17, 1856.

⁸⁴ "Doc. Rel. to Col. N. Y.," VII, 910-912.

⁸⁵ Mark, *op. cit.*, pp. 175, n. 49; 197-199.

to Chesterfield, Prendergast remained in New York and Noble, after his escape from arrest, settled in Massachusetts.⁸⁶

The cessation of active strife after 1766 by no means ended the hatred that the small farmer bore the great landlords of Livingston Manor, Philipse Patent, and Rensselaerswyck. The freeholders of Livingston Manor who had elected a representative of the Livingstons for over forty years, turned against the family in the election of 1768. Robert R. Livingston realized that his chances were slim and gave up before half of the votes had been cast. Colden states that "the general cry of the people both in town & country was *no Lawyer in Assembly.*" In February 1768, "Philanthropos," expressing his sympathy for tenant victims of the anti-rent controversy, implored readers not to give their votes to lawyers.⁸⁷ Perhaps this reflected the feeling of the small farmers who felt that they had been ill-used in ejection proceedings and during the trials of 1766. They certainly could bear no love toward a family that frequently resorted to distrains and that commonly instructed its agents to deal severely with tenants. In a typical vein, Robert G. Livingston wrote, "By no means let him stay on the place, Drive him off as soon as possible, I would rather the farm Should Stand Idle than Suffer Such a Sott to stay on it!"⁸⁸

The political significance of this situation was great. It favored a DeLancey political land-slide in the Assembly. The Livingston family had fallen into evil days. Philip Livingston, chosen from the Manor, was rejected by the

⁸⁶ Prendergast received title to his farm in fee in 1771. On May 19, 1774, a deed granted the land in fee "in historical possession for several years past" for a consideration of £137 and quit-rent of £5, 18s. 1½d. to the crown officers and 20s. more. He appears to have sold his land to Humphry Slocum and to have moved to the west. His son, James, settled with other relatives near Chautauqua and founded Jamestown. *Ibid.*, pp. 154-5, nn. 108-111.

⁸⁷ "Colden Letter Books," II, 168. (Philanthropos), "A Few Observations on the Conduct of the General Assembly," pp. 5-6.

⁸⁸ R. G. Livingston to Gilbert Livingston, Feb. 8, 1773, "Gilbert Livingston Papers" (N. Y. P. L.). Cf. "MS Minute Book of the Supreme Court," 1766-69, p. 624; *ibid.*, 1769-72, p. 53.

Assembly in 1769 because he did not reside there. Judge Robert R. Livingston lost his seat from Dutchess in 1768, and failed to regain this seat in the election of January, 1769, it was said, "owing to all the tenants of Beekman & R. G. Livingston's voting against him."⁸⁹ Furthermore, when he was elected five times to represent the Manor he was barred each time by a ruling that made provincial office holders ineligible. Indeed, it was not until 1774 that the Livingston family sat for the Manor once again.⁹⁰

In the decade preceding the Revolution, conditions on the Philipse Patent and Rensselaerswyck bred a disgruntled tenantry. Ejectment proceedings continued to bring hardship to dispossessed tenants.⁹¹ A traveler in 1769 observed, "The Tenant for Life here tells me he pays to Col. Philips only £7 per Annum for about 200 acres of Land & thinks it an extravagant Rent because on his demise or Sale, his Son or Vendee is obliged to pay the Landlord one Third of the Value of the Farm for a Renewal of the Lease."⁹² Little wonder that Philipse tenants sought the better terms offered in the New Hampshire Grants. In March, 1769, the farmers of Kinderhook petitioned Governor Moore to draw commissions in the militia so as not to create a presumption in favor of the Van Rensselaer claim to the area.⁹³ Since the words, "Regiment (for that) Part of the Manor of Renslaer that lies at Claverack," drew so many objections, these commissions were finally withdrawn.⁹⁴ So opposed to the Van Rensselaers were the farmers that in June 1769 Henry Van Schaack

⁸⁹ P. R. Livingston to P. Schuyler, Feb. 27, 1769, "Schuyler Papers" (N. Y. P. L.).

⁹⁰ E. P. Alexander, "A Revolutionary Conservative, James Duane of New York," New York, 1938, pp. 46-47; Livingston, "Livingstons of Livingston Manor," pp. 178-9, 181-192.

⁹¹ See parchment judgment rolls in the Hall of Records, New York City; Mark, *op. cit.*, pp. 159-160, n. 134.

⁹² Richard Smith, "A Tour of Four Great Rivers, The Hudson, Mohawk, Susquehanna and Delaware in 1769," Francis W. Halsey, ed.; New York, 1906, p. 5.

⁹³ "The Papers of Sir William Johnson," J. Sullivan and A. C. Flick, eds., 8 vols., Albany, 1921-33, VII, 678-80.

⁹⁴ Jan. 31, 1770, "Cal. of Coun. Min.," p. 480.

assured Sir William Johnson a following of seven-eighths of the population of the county if he ran in opposition for office. Before the Revolution only in Westchester County did the condition of tenure for the small farmer seem to improve.⁹⁵

Agrarian discontent as active and virulent as has been described could not help leaving its mark on the events that followed the Declaration of Independence. In the first place, the land system and agrarian revolts affected the alignment of the small farmer with the Patriots and the Tories. Without defining precisely what all the relationships were, it is perhaps possible to sketch some of them.

The small farmers of Albany, Dutchess, and Westchester Counties, which had been the scenes of agrarian disturbances in the '50's and '60's, had a large Tory contingent.⁹⁶ Viewing all three counties, the list of judgments against loyalists show that most were against yeomen: 153 out of 267, 57 percent, adjudged in Albany County; 47 out of 65, 72 percent, in Westchester; and 28 out of 56, 50 percent in Dutchess. Furthermore, the distribution by counties of judgments against all 358 convicted small farmers of the state showed 153, 43 percent, in Albany; 47, 13 percent, in Westchester; and 28, 8 percent in Dutchess. The last two counties were exceeded only by Tryon with 81 or 23 percent of the total yeomen defendants.⁹⁷ During the last three months of 1766 two hundred and thirty-one loyalists from Dutchess and Albany Counties were sent into New Hampshire for safekeeping since the New York jails were overcrowded.⁹⁸ The

⁹⁵ "The Papers of Sir William Johnson," VII, 23-24; also VIII, 100-101; Scharf, "Hist. of Westchester," I, 178-9; Spaulding, "N. Y. in the Critical Period," pp. 67, 68; Mark, *op. cit.*, p. 160, n. 139.

⁹⁶ A. C. Flick, "Loyalism in New York during the American Revolution," New York, 1901, pp. 170-5, 179, 182, 188-9, 204. Spaulding, "N. Y. in the Critical Period," p. 120 and n. 22.

⁹⁷ All figures are drawn from a tabulation of N. Y. State, "Lists of Loyalists against Whom Judgments were Given under the Confiscation Act, 1783" (N. Y. P. L.). They by no means pretend to present a complete picture of the number and character of Tories.

⁹⁸ R. F. Upton, "Revolutionary New Hampshire: An Account of the Social and Political Forces Underlying the Transition from Royal Province to American Commonwealth," Hanover, 1916, p. 123; "New Hampshire State Papers," VIII, 475, 476.

lists of non-signers of the General Association and of Tories examined at Kingston reveal many loyalists in Dutchess, especially in Livingston Manor.⁹⁹

When Prendergast was pardoned, the small farmers viewed the King as a shield against rapacious landlords. To what extent did this sentiment affect the political affiliations of small farmers, at least where patriot landlord families like the Van Rensselaers and Livingstons were concerned? Almost a score of Tories were found whose names and residences suggest relationship to those active in agrarian disturbances: Christian Crow, Arent and Casper M. Hallenbeck, Benjamin Noble, William Prendergrast (*sic*), Andries Rees, Thomas Robinson, John Stewart, Nathan Whitney, Hazard and Stephen Wilcox, and Jonathan Wright.¹⁰⁰ The toryism that was rampant in Westchester County was supported by small farmers. It is significant that there the 1766 upheaval probably hastened land reforms that gave greater security of tenure even before the Revolution. Anxious to preserve the new economic *status quo*, a considerable number of small farmers of this county embraced toryism.¹⁰¹

The Revolution abolished entail and primogeniture, both of which prevented division or alienation of many great

⁹⁹ I. Hunting, "History of the Little Nine Partners," Amenia, New York, 1897, pp. 40-45, 73-77; *Poughkeepsie Weekly Eagle*, July 8, 1876; P. Force, "American Archives," 9 vols., Washington, 1837-53, I, 1164; II, 5, 176, 304-305, 834-835; III, 466, 597-606, 608, 719; VII, 377, 360, 500, 1407; VIII, 903, 977, 991; IX, 205, 231, 241-242, 289, 468, 469; "American Loyalists Transcripts," 60 vols., in N. Y. P. L., XXXII, 549-580; XLVI, 625-628, and *passim* in Vols. XVII-XXIV and Vols. XLI-XLVI.

¹⁰⁰ The evidence on this suggestion is insufficient. For example, the William Prendergast mentioned is from Cambridge District, Albany County, and not from the Philips Patent. The point of the question has no application whatever to the Philipses, since they were Tories, as were many other great landlords like the Johnsons, DeLanceys, Morris and Robinsons. See Mark, *op. cit.*, p. 201, n. 19.

¹⁰¹ H. B. Dawson, "Westchester County, New York, During the American Revolution," New York, 1886, p. 47; Force, "American Archives," I, 802-3; II, 282, 314, 321, 644; IV, 1043, 1083-9; VI, 1152; VII, 1145; VIII, 384-5, 829, 841, 991; IX, 469; O. Hufeland, "Westchester County During the Revolution, 1775-1783," White Plains, 1926, pp. 367, 92, 101. Before the Revolution, the farmers of Westchester County "were favored as few other purely agriculturists have been favored, then or since, in any part of the world." They had productive soil, fixed tenure, moderate rentals, and proximity to the New York market. Scharf, *op. cit.*, I, 178-9; Spaulding, "N. Y. in the Critical Period," p. 68.

estates like Livingston Manor. Thus an absolute fee tail became an unconditional fee simple, and real property of intestates descended in equal parts to all the children of the blood of the deceased. Feudal obligations like wardships, fines for alienation, charges for knight's service, scutage, relief, and aids were swept away, and all feudal tenures like those held directly of the Crown or of knight's service, were made "allodial." Quit-rents were vested in the State in 1779 and their commutation allowed in 1789 by the payment of fourteen times the value of the annual quit-rent. All arrears in quit-rents up to September 29, 1783, were remitted. Manors were broken up and estates of loyalist proprietors and tenants confiscated.¹⁰²

Yet despite these changes, the land system, propped by the constitution of 1777, was not very materially changed so far as the small farmer was concerned. Thus, though alienation fines had been formally abolished, quarter-sales in fact persisted until 1846.¹⁰³ The predominance of large-scale land-owners led a shrewd foreign observer to plan a tract in 1784 "on the necessity of establishing some *Agrarian Laws* in America to prevent *Monopolies of Land*. . . ."¹⁰⁴ The eventual parcelling of loyalist estates in Westchester to small farmers merely continued a policy begun before the Revolution. Yet, many patriot tenants on these confiscated loyalist estates found themselves unable or unwilling to use their

¹⁰² "Laws of the State of New York, 1777-1801," 5 vols., Albany, 1886-7, I, 173-84, 501-2; II, 191-3, 203-7, 415-6, 748-69; R. L. Fowler, "History of the Law of Real Property in New York," New York, 1895, pp. 72, 73, 79, 84; Spaulding, "N. Y. in the Critical Period," pp. 68-70.

¹⁰³ Fowler, *op. cit.*, pp. 75, 81. Many of the grievances of the anti-renters of the 1840's were the same as in 1775. T. C. Cochran, "New York in the Confederation," Philadelphia, 1932, p. 182; Spaulding, *op. cit.*, pp. 68-69, 70 and 80. For evaluations of the Revolution and land, see: A. Nevins, "The American States during and after the Revolution 1775-1789," New York, 1924, p. 444; J. F. Jameson, "The American Revolution Considered as a Social Movement," Princeton, 1926, chap. II. Jameson is in error as far as New York is concerned when he says of the land system, ". . . there had been no grinding oppressions or exactions connected with it." *Ibid.*, p. 48.

¹⁰⁴ Granville Sharp to Joseph Reed, August 3, 1784, "MSS. of Joseph Reed," Vol. XI (N. Y. Hist. Soc.).

preëmption right to buy back the lands and improvements in their possession and were consequently ejected.¹⁰⁵ Furthermore, the tenants of Van Rensselaer and Livingston in Albany and Dutchess Counties continued to complain of grievances.

In these disaffected regions, the period of the Confederation bore its heritage of hatred. During Shays's rebellion, the fear that aggrieved New York farmers would make a common cause with insurgent Massachusetts farmers prompted strenuous precautions. For, was not the small farmers' anti-rentism against New York landlords cut from the same piece as the debtor farmers' rebellion against Yankee creditors? The refugees that fled from General Lincoln's cohorts found havens in New York, Vermont, New Hampshire, and elsewhere. Indeed, border towns in New York, like New Lebanon, were reputed to be bases of operation for a counter thrust.¹⁰⁶ Alarmed, Governor Clinton issued a proclamation on February 24, 1787, against the "horrid and unnatural" rebellion in which he offered rewards of one hundred and fifty pounds for the arrest of leaders like Daniel Shays, Luke Day, Adam Wheeler, and Eli Parsons, and enjoined the citizens of the state against supplying arms to the rebels.¹⁰⁷ Furthermore, he laid the matter before the Legislature, which responded with a resolution urging him to go with all speed to the town that harbored the Massachusetts rebels, and authorizing him to call out the militia and lead them and even Massachusetts troops anywhere within the state. The Governor ordered three regiments to stand guard

¹⁰⁵ H. Yoshpe, "Disposition of Loyalist Estates in the Southern District of the State of New York," New York, 1939; Mark, *op. cit.*, pp. 203-4, nn. 30, 32.

¹⁰⁶ *The Daily Advertiser*, March 8, 1787; *New York Packet*, March 6, 8, and June 9, 1787. A letter of Eli Parsons, February 13, 1787, called upon his fellow Shaysites "to support those rights and privileges that the God of nature hath intitled you to." *Daily Advertiser*, March 6, 1787.

¹⁰⁷ "Proclamation of Governor Clinton, February 24, 1787," Broadside (N. Y. P. L.).

in Columbia and Dutchess Counties and hastened to Albany to await developments.¹⁰⁸

Such martial vigor, together with unfriendly newspaper accounts, no doubt discouraged any expression of sympathy beyond the secret aid and comfort extended by the border towns. Indeed, as a result, the Massachusetts rebels, who were collecting their forces in the northeastern part of New York, shifted their activities to Vermont. Here, where two decades of successful opposition to New York land speculators had made rebellion respectable, Governor Chittenden, subject to great pressure from without the state, reluctantly issued a proclamation against assisting Shays's men. But armed Vermonters obligingly reduced the proclamation to a mere matter of form.¹⁰⁹

Opposition to the Federal Constitution in New York was to be expected from disgruntled tenant-farmers who hated the landlords and feared the taxing and debt enforcing powers of a stronger government. The farmers, warned that "our great and rich men are still unsatisfied; they want a new plan of government,"¹¹⁰ rejected Duane's efforts to rally their support in Albany County, as they did Livingston's in Dutchess. "People's minds are wonderfully poisoned," wrote Peter Van Schaack,¹¹¹ "nor do I believe there can be any anti-dote applied to the Eastward, where the ill-fated controversies about their lands make this (election) in their Idea a contest pro Aris et Focis."

¹⁰⁸ "Journal of the Assembly of the State of New York, 1787," New York, 1788, pp. 62, 80; "Journal of the Senate of the State of New York, 1787," New York, 1787, pp. 35-6, 48-9; Spaulding, "N. Y. in the Critical Period," pp. 150-1; G. R. Minot, "History of the Insurrection in Massachusetts in 1786," 2d ed.; Boston, 1810, pp. 146-156.

¹⁰⁹ *New York Journal or Weekly Register*, March 22, 1787; "Records of the Council of Safety and Governor and Council of Vermont," 8 vols., Montpelier, 1873-80, III, 375-9; J. Pell, "Ethan Allen," Boston, 1928, pp. 259-260; but cf. p. 262.

¹¹⁰ *New York Journal*, April 29, 1788; cf. Spaulding, "N. Y. in the Critical Period," pp. 80-81, 154-5. Spaulding notes that Westchester farmers had but few grievances against their landlords. Consequently they could join them to support the Federalist cause in 1788. *Ibid.*, p. 68.

¹¹¹ To Philip Schuyler, April 3, 1788, "Schuyler Papers," no. 2179.

The agitation against Livingston and Van Rensselaer continued to simmer until the great anti-rent movement of the 1840's. In 1791 there was vigorous opposition to the auctioning of the land of evicted farmers, although the movement collapsed when the government took vigorous steps after the killing of Sheriff Cornelius Hageboom.¹¹² In 1795 a petition demanded an investigation of the Livingston titles on the grounds that these had been fraudulently acquired and were "oppressive and burthensome to the last degree, unfriendly to all great exertions of Industry and tending to degrade your Petitioners from the Rank the God of Nature destined all Mankind to move in, to be Slaves and Vassals."¹¹³ In 1811 some tenants of George Clark questioned their landlord's titles. The disorder that followed brought the Legislature to contemplate relief.¹¹⁴ But this was not forthcoming until after the anti-rent riots of the '40's.¹¹⁵ By a constitutional amendment, an attempt was made to still the whirlwind that colonial forebears of the great landed families had sown.

¹¹² J. H. French, "Gazetteer of the State of New York," Syracuse, 1860, p. 242.

¹¹³ "Doc. Hist. of N. Y.," III, 834-9, reported on unfavorably, *ibid.*, p. 841 n.

¹¹⁴ These tenants were from Montgomery, Delaware, Dutchess, Otsego and Saratoga Counties. But at the same time an investigation of the Livingston title was proposed in the Legislature. E. Cheyney, "The Anti-Rent Agitation in the State of New York 1839-1846," Philadelphia, 1887, p. 22.

¹¹⁵ The complaints in 1840 were aimed at traditional privileges and incidents of the manors and patents as they existed before the Revolution: distraint, mining, water and mill privileges, short leases, rent in winter when wheat was high, quarter sales, and degrading tenures. "New York Assembly Document," no. 261, April 23, 1841.