

More on Land Holdings in Early New York

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*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.

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. 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 were at Stockbridge. By 1761 they brought ejectment suits against those who claimed land titles through the Indians. When Nimham count-

ered by appealing to the Council, Attorney-General Kempe was ordered to investigate the claim, which he reported technically deficient.

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. 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 Minham presenting his claims against the Philipse representatives had arisen before Lieutenant-Governor Golden and the Council, who constituted the high court of chancery. The issue was joined and a trial held at a hearing on March 6. The trial, held before a Council of great landowners indirectly interested in the outcome, could have but one conclusion. Blocking the Indian efforts to prove fraud, the Council upheld the Philipse cause and took steps forcibly to implement its decision.

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. In April, 1765, the Mohicans at Stockbridge claimed Van Rensselaer land between Clavrack 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 of-

fered, 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. Determined to reinstate dispossessed tenants by force, the settlers boldly advertised a meeting in November, 1765, to achieve this end. 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." 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 any who were arrested for refusal to pay rents or for any activity in furtherance of their movement.

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." 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 land. Against the growing rebellion, Governor Moore issued a proclamation on April 2, 1766.

In April, the Westchester "levellers" carried forward the crest of small-farmer rebellion. They were dubbed "levellers" because they re-

fused to pay rent to their landlord, Van Cortlandt, until he would remedy their insecurity of tenure. 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 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.

Even the Sons of Liberty, successful organizers of mass demonstrations against the Stamp Act, appeared to be perturbed at this militant manifestation against the 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." 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." 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, and exile. 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. 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 . . ."

This proclamation itself showed that the disaffection was spreading. It named three men from Dutchess County, William Prendergast, William Finch, and Samuel Munroe, 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. On May 6, a proclamation offered \$50 for either Munro and Finch, two officers, "en second." Prendergast on the next day narrowly escaped capture. By the middle of May, dispatches 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." 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. 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."

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 farmers, was not dependable. 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."

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." 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. 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. In the skirmish the embattled farmers were dispersed but Cornelis Ten Broeck

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

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.