

*New York*

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THE earliest recorded discoverer of the Hudson River was Jean Giovanni da Verrazzano, a Florentine, in the ship "Dauphine," in 1524, on a voyage of discovery for Francis I of France.

For many years following, Frenchmen sailed up the river as far as Albany, where they traded with the natives for peltries, and probably met other Frenchmen from Canada.

In July, 1609, the French explorer, Champlain, discovered the lake given his name, two months before Hudson sailed into the river to which his name is given.

Henry Hudson, an Englishman, had been in the employ of some British adventurers in a search for a northwestern passage, but the search having failed, his services were terminated. He went to Holland, and was engaged by the Dutch East India Company to go on a voyage of discovery to America. He was provided with the yacht, or vlei-boat, the "Half Moon," a Dutch vessel of forty lasts, with a crew of sixteen to twenty men of Dutch and English nationality.

A vlei-boat had two masts, and was so named from being built expressly for the difficult navigation of the Vlei and Trexel waters. A "last" was equivalent to two tons. [16]

He made the American coast, north of the Chesapeake Capes, and anchored in the Delaware Bay; thence to the Hudson River, which he entered on September 2, 1609.

The knowledge gained by Hudson on this voyage was afterwards transferred to the United New Netherland Company,

organized in 1616, and then to the Dutch West India Company, chartered in 1621.

Returning to Holland, Captain Hudson put in at an English port and was there commanded not to leave England, but to serve his own country. The "Half Moon" was detained in England for eight months.

The following year, a Dutch vessel was sent to the Hudson with merchandise to trade with the Indians for furs, which proved profitable.

Broadhead [16] rejects the story that Argyle of Jamestown stopped at Manhattan Island in 1613, and found Dutch occupants, whom he ordered to leave the country.

A number of Dutch merchants petitioned the States General of the Netherlands, in 1614, for the privilege of making four voyages to America, agreeing to report any discoveries. License was granted.

Five vessels were fitted out by merchants of Amsterdam, and all arrived at Manhattan. Some sailed up the Hudson and found an old fort just below the site of Albany, on Castle Island, which had been erected by Frenchmen. After repairing it, and naming it Fort Nassau as a compliment to the family of the stadtholder, they equipped it with a dozen cannon and manned it with as many men.

One of the vessels, in command of Adrian Block, sailed easterly through Long Island Sound, and discovered the Connecticut River and Block Island. In another one, the "Fortune," Captain Cornelius Jacobson Mey sailed to the Delaware. He then with others—except Captain Hendrickson, who remained to make further explorations—returned to Holland, where they awakened interest in American trade.

Dutch merchants again petitioned the States General, and were granted the privilege of forming themselves into a company, "to exclusively navigate to the said newly discovered lands lying in America between Virginia and New France, between 40° and 45° North [Philadelphia and eastern Maine] for five voyages within three years."

Captain Thomas Dermer, an Englishman, employed by Sir Ferdinando Gorges and others, grantees of the land in New Eng-

land, on an exploring expedition of the New England coast sailed through Long Island Sound into New York Bay in 1620, in a small pinnace of five tons. It is asserted by those who dispute that Argyle visited there seven years earlier, that Dermer's was the first English vessel to put in at New York.

William Usselinx, a prominent Antwerp merchant, went to Amsterdam to organize a West India Company to trade with America. But the twelve years' truce between Holland and Spain, the latter then mistress of the seas, proved an obstacle, until termination of the treaty of limitation, in 1621.

A Dutch charter, good for twenty-four years, with the privilege of renewal, was granted that year to the Dutch West India Company, for the exclusive trading privilege with the Western Hemisphere, and for making settlements in New Netherland, the name the Dutch gave the North American region they were exploring. The board of directors, denominated, "The College of XIX," consisted of nineteen members, representing stockholders in five cities.

The States General agreed to "give them for their assistance," sixteen ships of war and four yachts, to be manned and supplied by the company. Anyone, anywhere, could subscribe for the stock, and so eagerly was it sought that the subscription books were closed within three weeks. [16]

This was the first Dutch company to combine trading and colonization. The States General invested a million guilders (guilders rated at 40¢), on the same basis as other subscribing stockholders.

Quoting the Beards: [10] "There was no mistake about the purposes of the West India Company, the principal object of which was to earn dividends by trade; to carry on large mercantile operations in the Atlantic basin; prey upon Spanish commerce; conquer Brazil; carry slaves to American planters; reap profits from traffic in furs and establish settlements."

On complaint of the Earl of Arundel, King James I, claiming possession of America between Georgia and Maine, both inclusive, remonstrated with the Dutch against Dutch vessels going to America.

The only settlements the English had made in America, up to

that time, were one at Jamestown, Virginia, in 1607; one on the Kennebec River, Maine, the same year, which did not survive; and the Mayflower colony at Plymouth, Massachusetts, in 1620.

In 1623 the company sent the ship, "New Netherland," in command of Captain Mey, on an expedition to the Hudson and Delaware Rivers, with settlers and articles of trade.

A French vessel was found to be in the Hudson, and Captain Mey urged her departure. This year he moved the fort from Castle Island to Fort Orange. He served as the first director-general of New Netherland, for one year, and was succeeded by William Verhulst.

A contention arose in 1623 between the Dutch on the Delaware River and the English from Virginia (at this time the English had little, if any, knowledge of the Delaware). The Privy Council in England wrote the British ambassador in The Netherlands: "Whereas, his Majesty's subjects have many years since taken possession of the whole precinct and inhabited some parts of the north of Virginia (by us called New England) of all which countries his majesty hath by patent granted the quiet and full possession to particular persons," and the Dutch were asked to stop activities there and to forbid further settlement.

However, the Dutch claimed they had discovered the North (Hudson) and South (Delaware) Rivers, and besides, were occupying a region which had been left open by the English in the grants made to the two colonies in Virginia and Massachusetts. Confident of their superior strength in any maritime encounter with the English, the Dutch continued to develop their trade with the Indians, and fortified Manhattan Island, unconcerned at the English protests and the demand that they desist.

From this and other evidence, it will be seen that from the first the right of the Dutch to make settlements and to trade in America was disputed by the English, but constantly maintained by the Dutch.

David Pietersen de Vries, of Hoorn, tried in 1624 to obtain a French commission to trade in furs on the American coast, but was prevented by the Dutch West India Company. [128] In the Company's affairs in New Netherland he afterwards had an active part.

Peter Eversen Hulft, of Amsterdam, in 1625 shipped to New Netherland, at his own expense, horses, cattle, swine, and sheep, with seeds, plows and other implements for farming. The population of New Netherland was then two hundred. [128]

Peter Minuet, a native of Westphalia, arrived in Manhattan as the Dutch director-general in May, 1626, in the ship "Sea Mew," which was bringing a party of Walloons from Belgium and France. The Walloons settled on Staten Island, but afterwards moved to Long Island.

Minuet gave the Indians some miscellaneous merchandise, valued at sixty guilders (about \$24), for the right to *occupy* the island, which contains twenty-two thousand acres. This transaction, which was made fifty-six years before the widely proclaimed purchase of land of the Indians by William Penn, has been repeatedly publicized as a purchase by the Dutch of all Manhattan Island for \$24.

Early travelers and settlers in America have repeatedly stated that the Indians had no conception of private ownership, or purchase and sale, of land. It is thus inconceivable that they were, by that transaction, selling their birthright to the land in perpetuity. The prevailing belief that Manhattan Island was bought for \$24 is fallacious, and the later occupancy of it by the white race was an assumption consummated by force. All existing land titles in New York run back to that force.

Having thus taken control of the land, the company in Holland, to attract settlers, offered all the land a settler could cultivate, at an annual land rent of one-tenth of the produce of the land and one-tenth of the increase of all livestock.

Two hundred acres would be allowed on those terms as a perquisite to any one bringing five persons of more than fifteen years of age. The company stipulated that land for the settlers must be leased or bought of the company, and not of the Indians. It could be assigned and willed by the settler, and must be used, or else forfeited. Forfeiture for non-use was a wise precaution which, had it been continued, would have been of incalculable benefit to each succeeding generation, down to the present time.

The company, with headquarters in Holland, soon found that

piracy upon Spanish vessels burdened with gold from Mexico and Peru, and upon Portuguese vessels with rich cargoes from India, promised quicker profits than trading with Indians, and colonization in America.

The Dutch in 1628 captured Spanish fleets, including nineteen galleons, from the Isthmus, and brought all except two vessels safely to Holland; the booty being valued at twelve million guilders. In two years they captured 104 Spanish prizes, and, in one year, paid 50 per cent dividends.

Nevertheless, the Indian fur trade in America was profitable to those who pursued it, and the company sent some ships to New Netherland for that purpose.

That the Dutch were energetic traders with the Indians is shown by the cargo of the ship "Arms of Amsterdam," which, four months after arrival of the Minuet colonists, sailed for Holland with 7,246 beaver skins, 853-1/2 otter skins, 81 mink skins, 36 wildcat skins and 34 muskrat skins. [115]

A close connection was maintained between the West India Company and the States General in Holland. Laws for New Netherland (America) were made chiefly by the Amsterdam Chamber of the Company in Holland, and were administered by Minuet, assisted by a council of five settlers appointed from Amsterdam.

Finding that few settlers were going to America, the States General at Amsterdam, in 1629, required of the West India Company that it expedite colonization in New Netherland.

One group of the directors advocated privateering and the peltry trade with the Indians as promising large dividends, while another group urged establishment of settlements at their own expense, provided they were granted certain "freedoms, or privileges." Thereupon, the College of XIX in Holland, approved by the States General, in 1629 revised the company charter to be the charter of "Freedom and Exemptions."

The charter created, from among the larger stockholders of the company, patroons, who were privileged to become large landholders within the jurisdiction of the company in America. The company reserved the right to the land and, from time to time, allotted to patroons large areas, with the minerals, rivers, and

privileges of fishing, fowling, grinding of grain, and other rights, in consideration of the patroon transporting to the Hudson or Delaware, without four years, fifty settlers over fifteen years of age. Each patroon was to have as his "absolute proprietary," as an "eternal heritage," a tract of sixteen English miles along any navigable river, or eight miles on each side thereof, and "so far into the country as the situation of the occupier will permit." They were each empowered to hold civil and criminal courts, and to act as judges within their colony, and were legal heirs of all who died intestate in their respective patroonships. Patroons had many other feudal privileges.

Every adult settler was required to swear fealty to his patroon, and was bound to pay to the patroon an annual land rent in money, or one-tenth of the products of his labor; to obtain a license to hunt and fish; to have his grain ground at the patroon's mill; and to offer the sale of this grain first to the patroon. The patroons thereby completely controlled the immigrants they sent over and made them American serfs.

None of the colonists under the patroon, "either man or woman, son or daughter, man-servant or maid-servant," was allowed to leave the service of his patroon during the period for which he might be bound to remain, and the company in Holland pledged itself to do everything within its power to apprehend and deliver up every such colonist. [16]

The company reserved for itself the Island of Manhattan. This charter established a monopoly in land, as the previous one had in trade, and put the Hudson River largely in possession of those patroons who were favorites of the company officials. [16]

The company land policy chiefly concerned two types of grants: lordly patroonships of immense size, open to stockholders of the company, which offered unusual advantages to persons of great wealth, and smaller grants to the less opulent. [125]

For the benefit of the company's shipping, all industrial production was forbidden in the colony, on pain of banishment. No one was allowed to hold any lands that had not been previously derived from the company. [125]

Rich directors, forestalling humbler settlers, made prizes of the most valuable land, and with the company's policy of prohibiting

manufacturing or other industrial enterprises, people had little inducement to emigrate to a new country against such heavy odds. [16]

It was provided that the patroons must deal with the Indians for the land which they acquired. [16]

The patroons were exempt from paying to the company for eight years any duty on imports, and their colonists were free from provincial taxation for ten years, other than the 10 per cent land rent to the patroon.

Pamphlets were printed and circulated in Holland and adjacent countries to induce immigration. But the policy of the patroons was so illiberal, and the people so disinclined to emigrate, that few settlers were attracted. [125]

Introduction of the feudal system into New Netherland was the most unfortunate result of the charter. [16]

Kiliaen Van Rensselaer, a diamond merchant in Amsterdam, and one of the directors of the West India Company, received a grant of land forty-eight miles by twenty-four miles in area, extending along both sides of the Hudson River, about Albany; being almost all of Albany and Rensselaer Counties, and part of Columbia County, for which he made terms with the Indians. He became patroon of the manor of Rensselaerwyck. He never came to America, being always an absentee holder. He sent some colonists, mostly well selected, and well provisioned with cattle and implements. But during the first sixteen years, only 216 colonists had been sent.

All settlers were bound under oath not to purchase any peltries of the Indians, under forfeiture of their goods and wages. Such privilege was expressly vested in a patroon, by the sixth article of the charter. [111]

A flour mill and a sawmill were early supplied. Colonists were required to pay certain rents and dues, "as may be defined by custom, contract or lease." The patroon did not sell land, whether wild or improved. He granted it only by lease, to be held so long as the land rent was paid. Some land was leased on one-third to one-half the produce. Some settlers rented bare land for a term of years, and erected buildings thereon, to become at the end of the lease the property of the patroon—a practice which,



in addition to an annual land rent, continues in the City of New York, and some other places. For renewal of a lease there was paid, in one cited case, in addition to the customary tenth, six hundred guilders annual rent, and a quantity of butter, called toepact. [125]

Kiliaen van Rensselaer died in 1646. His vast land area was held intact by succeeding generations of the family for more than two centuries. He had been interested also in a patroonship in Delaware.

Minuet was recalled in 1632, and dismissed. He was eminently just, honorable and sensible, and friendly with the English in New England, who objected to the Dutch settlement. [47]

The Dutch ship, in which Minuet was returning to Holland with five thousand beaver skins for account of the company, was forced by stress of weather to put into Plymouth, England, and was there seized on the charge of trading in countries subject to his Britannic majesty. Directors of the West India Company presented a memorial to the States General for presentation to the King of England, in which they "attributed the seizure to the intrigues of the Spanish ambassador at London," and set forth the right of the West India Company to their North American possessions. The directors urged on the States General the propriety of instructing their ambassador at the British court to demand the release of the ship and goods, for, they reasoned, the natives of America are free; subject neither to the King of England, nor to their High Mightinesses, and at liberty to trade with whomsoever they pleased.

They insisted it was contrary to all law and reason for any power to prevent subjects of others to traffic in a country of which it never took actual possession; and title to which it never obtained from the right owners, the natives, either by conquest or purchase. Much less was it lawful to set up a claim to lands the propriety of which "the subjects of their Dutch High Mightinesses have obtained, partly by treaty with the Indian proprietors of the land, and partly by purchase."

The directors of the company demanded particularly that the States General maintain their sovereignty, the freedom of the

seas, and the validity of those contracts which were entered into with distant Indian nations who, by nature, were independent of all, and had not been subjected to any power by conquest.

Copies of this vindication of the company's rights were ordered by the States General to be sent to the Dutch ambassador in England, who was at the same time informed that it was the determination of their High Mightinesses to maintain the right of the West India Company to trade with New Netherland.

A reply on the part of Charles I and the Lords Commissioners of England, in support of the British claim to lands of which the Dutch now had possession in North America, said: "It is denied, first, that the savages were possessors, *bona fide*, of those countries so as to be able to dispose thereof either by sale or gift, their habitations being changeable, uncertain and only in common. Secondly, it cannot be proved, *de facto*, that all the [Indian] nations of said countries were parties to the said pretended sale . . . His Britannic Majesty's interest will not permit him to allow them to usurp and encroach on one of his colonies of such importance."

This does not seem to have brought any rejoinder from the Dutch, other than that they continued to press for release of the vessel—which later was granted "without prejudice to his Britannic Majesty's rights."

Wouter van Twiller, a clerk in the company's office in Amsterdam, who had married a niece of Kiliaen van Rensselaer, and whose sister was married to one of the van Rensselaers, was appointed governor of New Netherland. He arrived in New Amsterdam in April, 1633, in the warship "Southberg," of twenty-one guns, and a crew of fifty-two. There were about 104 soldiers, the first military force to appear in New Netherland. [47]

Van Twiller, having power as governor-general to grant land, granted to himself and his friends in the council the best land in the colony, including Governor's Island, and two islands in Hellegat. [111] He and some of his associates obtained between ten and fifteen thousand acres in Brooklyn, and he became the largest landholder in New Netherland. [16] He granted to Roelot Jansen, sixty-two acres on Manhattan Island, north of War-

ren Street, which became immensely valuable. For private profit, large quantities of land on which numerous villages could have been established were granted. [111]

The patroons were granted large areas of land, but they sent scarcely any settlers. The fur trade was so profitable, and so many of the company employees, in defiance of regulations, were enticed to engage in it, that Negro slavery was early adopted.

The company itself introduced some settlers, but few remained. Had it filled the country, as did the English, with thousands of hardy pioneers, transported cattle, and encouraged towns, instead of building solitary forts to serve as rendezvous for lazy Indians and a few isolated settlers or traders, things would have been different. A disposition prevailed among almost all the employees of the company, to enrich themselves at the expense of their employers. Foreign companies never advanced the settlement of America. [111]

With English settlements on the north, and Swedish settlements on the south, progress of the Dutch colony was slow. The States General, after a gesture of taking over the province, demanded a more vigorous policy in colonization. [125]

The Dutch, by reason of their settlement at Fort Orange (Albany) on the Hudson, Saybrook and Hartford on the Connecticut, and their fort and previous settlement on the Delaware, claimed, as New Netherland, all the land and water in the intervening territory, extending from the mouth of the Connecticut River to Albany, and thence to the Delaware Capes.

De Vries returned to New Netherland in 1638, with several immigrants who settled on his land on Staten Island. But the colony was molested by Indians, and De Vries himself settled on sixty acres along the Hudson River, fifty-two miles above Fort Amsterdam.

At Rusdorp, Long Island, it was ordered, "no one shall ingress into his hands two home lots, and if any doe contrary, they shall sell one of ym to such person as the town shall approve." [158]

William Kieft, an active, inquisitive and rapacious person, succeeded van Twiller as governor. [16] He arrived in 1638, on a man-of-war "carrying two metal, sixteen iron and two stone

guns." During his administration of nine years Kieft expanded the Dutch area into the Connecticut River Valley, and on Long Island west of Oyster Bay. He granted land near Corlaers Hook, on Manhattan, to Andries Hudde.

The patroons, desiring to enlarge their "privileges," presented to the States General demands that they be allowed to monopolize more land, be vested with larger feudal powers, be supplied with convicts from Holland as servile laborers, and with Negro slaves, and that all "private persons" and poor immigrants be forbidden to take up land except from patroons. [16]

These grasping demands of the patroons were offensive to the States General. But reserving them for future consideration, the council determined to open up free competition, with certain reservations, for trade in New Netherland. Public notice was given by the Amsterdam Chamber that all persons of friendly countries might freely convey to New Netherland, "in the company ships," any merchandise and domestic animals, paying to the company import and export duties of 10 to 15 per cent.

The company, in 1638, abolished the monopoly of trade which it had enjoyed for sixteen or seventeen years, and the prohibition against manufacturing; and other new regulations were established. The only exclusive privilege retained by the company was the right to carry settlers and supplies. No person was, henceforth, allowed to hold any land which had not been derived from the company. Land granted by the company "shall remain the property of the grantee, his heirs and assigns, provided that he shall pay the company the tenth of all produce therefrom, including livestock, after it shall have been four, afterwards ten years, pastured or cultivated. Failing to pay, the land shall be forfeited with a penalty, for which his successors or assigns shall be holden." [111]

Farms, fully equipped with improvements, implements and livestock, were offered on six years' lease, at a yearly rental of a hundred guineas (\$40) and eighty pounds of butter. This encouraged immigration.

Now that there was easier access to land, New Netherland became filled with life and activity. Some wealthy men arrived from Holland; some also, as their terms of service expired, came

from tobacco plantations of Maryland and Virginia, and introduced cultivation of tobacco. Farmers also came from Europe, until eighteen nationalities were represented. [111]

Cornelius Meylyn, an Antwerp merchant, who had been in New Netherland and returned to Holland, obtained from the directors, while in Holland, an order for Staten Island. He returned to New Netherland with his wife, children, servants and a thousand guilders (\$400). In 1642 letters-patent for a patroonship of all Staten Island, except the bouwrie of Captain De Vries, were issued to him. [111] But an Indian war dashed his hopes, and seventeen years later he sold out to the company. [125]

Following is the form of deed to land by Kieft, in 1638: "We, the Director and Council of New Netherland, residing on the Island of Manhattan in Fort Amsterdam, under authority of the High and Mighty Lords, the States General of the United Netherlands, and the General Incorporated West India Company, at their chambers at Amsterdam: By these presents do publish and declare, that pursuant to the Liberties and Exemptions allowed on the seventh day of June A.D. 1629, to Lords Patroons, of a lawful, real and free proprietorship, we have granted, transported, ceded, given over and conveyed, and by these presents We do grant, give over and convey to, and for the behoof of \_\_\_\_\_, a piece of land containing \_\_\_\_\_ morgens, situated . . . on condition that he, and his successors, shall acknowledge their High Mightinesses, the managers aforesaid, as their sovereign lords and patroons, and shall render at the end of the tenth year after the actual settlement and cultivation of the land, the just tenth part of the products with which God may bless the soil, and from this time forth, annually."

Prosperity prevailed. Bouwries were located, and the number of them increased from seven to more than thirty, "as well stocked with cattle as any in Europe." [16]

A bouwrie was a farm on which a family lived. A plantation was land which was partly cultivated, but on which no one dwelt. [111]

Numerous Dutch grants were made to adopted citizens, among them two hundred acres opposite Coney Island to Anthony Jansen, a French Huguenot, and another to George Holmes (who

four years previously had led the English expedition from Virginia against the Dutch (on the Delaware) for joining his former companion, Thomas Hall, who had previously deserted the English expedition. [16]

Eleven years after the charter of Freedom and Exemptions was granted, it was revised, and the size of the land grants was reduced to four miles along any navigable river and eight miles into the interior. These charters created class divisions and, through them, there was transplanted from Europe to New Netherland a system of "feudal land tenure." Consequently, a landed aristocracy arose, with all its feudal honors, and with feudal burdens upon those then living, or who might later come within its sphere.

Ownership of many of these large patroon tracts in New York State was confirmed by the English governors, after the English took possession of the country, thus continuing this feudal land system.

Some Connecticut people, in 1640, acquired Indian rights to land at Southold, on Long Island.

At the request of Charles I, the Council of New England, in 1635, granted all of Long Island to William Alexander, Earl Stirling, the secretary of state for Scotland. Shortly thereafter, Stirling gave a power of attorney to James Farrett to dispose of his land, in whole or in part, as would most conduce to profit. Pecuniary gain, to obtain wealth without work from absentee landholding, was the base motive.

Fellow countrymen in Scotland were reluctant to migrate, and English settlers were drawn from New England. Farrett made grants on land-rent terms. In one case, the annual rent for eight square miles was four bushels of best Indian corn. All traces of these grants have disappeared. [24]

Farrett selected for himself Shelter Island and Robbins Island, in Peconic Bay. Previous to Farrett's arrival, Lion Gardiner, the Dutch commandant at Saybrook, had procured from the Indians what is now known as Gardiner's Island, being three thousand acres, and this was confirmed by Farrett at a land rent of £5 annually to Lord Stirling.

Farrett later visited Manhattan and, in the name of Lord Stir-

ling, boldly laid claim to all Long Island. He placed a party of settlers from Massachusetts on land at Manhasset, whereupon, Kieft sent a sergeant and twenty soldiers to arrest them for tearing down the Arms of The Netherlands. After a hearing at Fort Amsterdam, they were released.

Farrett was determined to sell land on Long Island, and relocated the Manhasset colony on a tract between Shinnecock Bay and the easternmost end of Long Island, extending from the Atlantic Ocean to Long Island Sound; the consideration was £400.

Lord Stirling died heavily in debt, shortly after the unsuccessful attempt of Farrett to take possession of the western portion of the island. Farrett, as agent, then gave a mortgage of £110 on all the remaining land, payable in three years. The mortgage not being paid, the land was forfeited in 1644 to some men in Connecticut. [24]

Stirling's widow, Maria, determined, notwithstanding, to maintain her title, gave a power of attorney to Andrew Forrester of Dundee, Scotland. With this power of attorney, she sent him to America, commissioned as governor of Long Island. Stuyvesant, who had succeeded Kieft, ordered his arrest and sent him to Holland. The ship putting in at an English port, Forrester escaped and did not renew the claim. [III]

Following the Restoration of King Charles II in 1660, Henry, the fourth Earl of Stirling, revived his inherited claim to Long Island. Two years later the Duke of Clarendon negotiated a purchase of the territory for the Duke of York, for £3,500, which, however, the duke never paid. In lieu, twenty-eight years later, he granted the earl a pension of £300 per annum, to be paid from the surplus revenue of the province of New York. But there was no surplus revenue. Attempts to renew the Stirling title and claim continued during the nineteenth century but always met with failure. [24]

Gardiner held his island for twenty-four years, at an annual rent of £5, payable to the estate of Lord Stirling. After the English conquest of the Dutch in 1664, his son David held it of the Duke of York, first at £5 annually, then for a lamb, and in 1686 it was confirmed to him by Governor Dongan, as a manor. A

rent in money continued to be paid the duke until 1789, except during the American Revolution.

About three centuries after Gardiner obtained possession, the island, abounding in game, was, in 1927, under lease as a game preserve. In that year, a descendant of Lion Gardiner sold the island to Jonathan T. Gardiner, receiving in payment a purchase-money mortgage for \$345,000; an accretion in value created, not by the Gardiners, but automatically, by the mere increase in population and development of America. This, and all similar accretions rightfully belong to the public, and should be paid into the public treasuries.

The land between the Harlem and Bronx Rivers was taken up by Jonas Bronck in 1641.

The population of New Amsterdam, in 1643, was possibly twenty-five hundred persons. Allowing four hundred additional about Rensselaerwyck and a few towns on Long Island, the entire population of New Netherland, aside from Delaware totaled about three thousand, made up of eighteen nationalities. [111]

A tract at Throgs Neck was, about 1643, settled by thirty-five English families, led by John Throgmorton.

The West India Company stated that the country had, from 1626 to 1644, cost the company more than half a million guilders, over and above the returns from there. Nevertheless, they were "hopeful of the future." [111]

Kieft granted land to the town of Gravesend, Long Island, in 1645. The following year he was removed as governor and sailed for Holland, but the ship, with eighty persons, was lost.

The Dutch military operations in Brazil ended disastrously to the Dutch in 1643, and they retreated to the Island of Curaçao, whence 130 soldiers were sent to Manhattan. The company became bankrupt.

Rev. Francis Doughty, one of the first Presbyterian ministers in America, [60] while preaching at Cohasset, Massachusetts, in 1642, was dragged from the assembly, for venturing to assert that "Abraham's children should have been baptized." He thereupon moved to New Netherland, and founded Maspeth, near Newtown, Long Island, where Kieft had granted him and his associ-



ates thirteen thousand acres. This settlement was shortly thereafter destroyed by Indians. Doughty afterwards returned there, and would not permit any one to build, except upon extraordinary terms of purchase or rent.

Several Negroes and their wives, originally captured from the Spaniards, were, during 1644 and the following two years, manumitted for long and faithful services. They were granted land, but were bound to pay to the landholder, yearly, twenty-two bushels of corn, wheat, peas or beans, and one fat hog; failing to do so, they would lose their land and be returned to their former servitude. But all children born to them, before or after their freedom, were to serve the company as slaves. The detention of the children in slavery was highly disapproved of by the people, who considered it a violation of the law of nature. [111]

The price of a Negro at that time is stated as having averaged between the equivalent of \$100 and \$150, though, only ten years previously, the price was stated as forty florins, or \$16.

The rich and fertile lands of Katskill were, in 1646, granted by Kieft to Cornelius Antonissem van Slyck, of Brooklyn, in perpetuity, in consideration of his having brought about a general peace with the Indians thereabouts, and his ransoming of prisoners from the Indians. For similar services, Kieft had granted to Adriaen van der Donck a large tract, bounded by the Hudson and Bronx Rivers and the Sawkill and Spuyten Duyvil, on which Yonkers is located. But it was held unused on speculation many years.

Van der Donck wrote an enticing description of New Netherland which was circulated in various parts of Europe, and attracted settlers from different countries, including England, and also from some of the American colonies.

The right of pasturage on unused land was practiced in New Netherland.

Isaac Jacques, a French Jesuit, and the first Roman Catholic priest in New York State, wrote of New Netherland in 1646: "This country is bounded on the New England side by what they call the Fresch [Connecticut] River which serves as a boundary between them and New England. The English settlers, however, come very near to them, choosing to hold land

under the Hollanders, who provide them with horses, cows and provisions, repayable at ease; and as to land, after ten years he pays the West India Company the tenth of the produce which he reaps. The English exact land rent, and would fain be absolute.

"Rensselaerwyck is a fort on the west side of the Hudson River [Albany] where there are about one hundred persons and some twenty-five or thirty houses. In the principal house lives the patroon's agent. Houses are of boards. A sawmill saws pine lumber. They found some pieces of good land, cleared by the Indians, in which they sow wheat and oats for beer, and for their horses, of which they have many."

General Peterus Stuyvesant, who had been appointed director-general of New Netherland, Island of Curaçao, Buenaire and Aruba, arrived in North America in May, 1647. He was a Frieslander, son of a clergyman, and had been trained in military service. While governor of the Dutch colony in the West Indies, three years previously, he had lost a leg in an unsuccessful encounter of the Dutch with the Portuguese, on the Island of St. Martin. Sculptors and painters of more recent times have been puzzled as to whether it was the right or left leg.

At the beginning of Stuyvesant's administration, there were between 250 and 300 men in, and around, New Amsterdam and Rensselaerwyck, capable of bearing arms. This would indicate a population of two thousand. [111]

"A fourth-part of the city of New Amsterdam consisted of grog shops and houses where nothing is to be got but tobacco and beer." Drunkenness and broils were of common occurrence. The people were "approaching a savage state." The church, which had been commenced five years previously, remained unfinished. Director Kieft had applied to his own use public funds which had been appropriated to aid its completion. Money subscribed for a school house was misappropriated. Such was the state of affairs when Stuyvesant assumed the government. [111]

The country between Rensselaerwyck and Manhattan, on both sides of the river, then remained a wilderness, and most of the lots already granted in New Amsterdam remained in their virgin

condition. All lot holders were directed to improve them within nine months, or, in default, they would be assigned to those who would improve them. [111] It was ordered by the governor and council that no house should be roofed with straw or reeds, and no chimney be made of shingles or wood.

The Thirty Years' War in Europe, ended by the treaty of Munster in 1648, forever rid Holland of the domination of Spain.

Lord See and others, in 1649, bought a tract of thirty thousand acres, including land on which Easthampton, Long Island, is situated, and four years afterwards built a house there.

A convention of settlers at Manhattan petitioned for a "suitable burgher government," and for the right to trade along the entire Atlantic coast, and to the West Indies and Europe. The directors, sitting in Holland, resented this attempt to shake off their rule, and declared they must have recourse to God, to nature, and the law. They instructed Stuyvesant "to proceed against such malignants in proportion to their crime."

Within two years after the arrival of Stuyvesant, there was public complaint that, "director-general Stuyvesant was everything; that he governed the country, had breweries, several shops, was part owner in ships and a trader in both lawful and contraband goods." A memorial was addressed to the States General pleading that they take the province under their safeguard. The administrations of both Kieft and Stuyvesant were severely criticized. [16]

The pledge which the patroons exacted from the colonists, not to appeal from their individual judgments to the court of New Netherland, was held to be a crime.

Mulford [105] wrote: "The principal directors of the West India Company, in the character of patroons, secured almost a monopoly of the land. To the mass of actual settlers nothing whatever was given. The charter allowed a kind of feudal or manorial rule, by which the colonists would be held in a state of complete dependence. No provision was made for the division of lands, either present or prospective. The people sent by the patroons were regarded, and were to be controlled, by the owners of the land as a servile class. They were to become American serfs. No plan could have been devised less calculated either

to benefit adventurers, or to promote the interests of the province. By this mistaken policy the foundation was laid for social and civil distinctions which have not been effaced to the present hour, and which have always continued to act as a cause of irritation and a bar to general improvement.

"The charter gave liberty to private adventurers to select land. Yet these individuals were subjected to many disadvantages when acting by the side of the patroons who, from their special privileges, were enabled to exert a controlling influence."

Proposals were made, in 1650, to convey from Holland to New Netherland three or four hundred orphans, and "every person seemed inclined to proceed thither." Already two hundred farmers and field laborers had embarked and "six times that number" were ready to accompany them, but there were no ships. A vessel was chartered to carry two hundred. The company offered to transport families to America who were unable to pay passage, to be re-paid in double the amount in four years. [III]

All the inhabitants of the United Provinces and neighboring countries were free to proceed to New Netherland and obtain there, "under land rent or feudal tenure in fee," as much land as they could cultivate, provided they entered on the improvement within a year, or in default, be deprived of it. [III]

Edmond Wood and others, in 1650, acquired of the Indians land extending across Long Island, on which Islip is situated, and also land in other parts of the island. Three years later, the Rev. William Leverich and others obtained Indian consent to about twenty thousand acres at Oyster Bay; the object being an extensive land speculation.<sup>b</sup>

Contracts for land on Manhattan Island had become so frequent that, to guard against fraud, it was ordered that all sales of land should be void unless approved by the director and council.

An agreement made at Hartford, in 1650, between the Dutch and the English settlers on Long Island, stipulated that a direct line, run from the westernmost part of Oyster Bay to the ocean, should be the bounds between the English and the Dutch. The eastern part was to belong to the English, and the western part

<sup>b</sup>Armbruster, Hist. Long Island

to the Dutch. The bounds on the main land were to begin at the west side of Greenwich Bay, about four miles from Stamford, and so run north twenty miles, provided that the line come not within ten miles of the Hudson River.

Beeren Island, in the Hudson River below Fort Orange, was in 1650 fortified by the agent of the Rensselaerwyck patroon, who exacted a salute and toll of five guilders from all passing vessels. But the Amsterdam Chamber notified the director-general that the river must be kept open for free trade. [16]

Jean Baptiste van Rensselaer, recorded as a younger half-brother of the patroon, and agent of the estate, appears to have been the first of that family to visit America. He issued an order, in 1651, that all the inhabitants of his patroonship should take the oath of allegiance to the patroon and his representative.

The first English Navigation act, passed in 1651, deprived the Dutch of a large part of their shipping and caused great hardship, especially to the Virginia tobacco growers, as two-thirds of the trans-Atlantic carrying trade had been hitherto in Dutch vessels. This was largely the cause of the war between England and Holland, which began the following year, and interrupted Dutch immigration to New Netherland.

Notwithstanding that all persons were forbidden by the company to buy land of the Indians on pain of forfeiture, Indian grants were being acquired in the wilderness, not for improvement but for speculation, to be held at ransom against later arriving settlers.

Some of the Rensselaer settlers, desiring to escape the feudal restrictions of the manor, settled on an Indian tract near Esopus, in 1652. The same year William Beekman purchased Corlears Hook for 750 guilders (\$300).

During the first five years of Stuyvesant's administration, not a single bouwrie was planted on Manhattan. Large tracts of land were granted to favored persons, to the great injury of the province. [16]

To check the increasing desire for large tracts of land, to be held unused on speculation, the company issued new regulations. Recent purchases of land from the Indians, made by van Twiller and others on Long Island, by van Slechtenhorst at Katskill and

Claverack, and by van der Capellen about Navesink, were declared void. [16]

The land rent of a tenth of the produce, which became applicable after the land had been in cultivation for a decade, attracted little attention from either the authorities or the landholders, until the time drew near for its collection, in the early 1650's. When collection was attempted, the thrifty pioneers found many arguments for delay. Population being sparse, and unused land plentiful, the returns were meager.

New Amsterdam (Manhattan) was granted municipal status in 1653. By means of a loan—the first public debt contracted in the Dutch provinces—the city was partially enclosed. The Wall Street wall was finished, but the fort was still unrepaired. [111]

To repay this loan, an annual surtax of twenty stivers was levied on every morgen (two acres) of arable land, in addition to the regular tenth. Subsequently the land speculators brought about a reduction to ten stivers, by levying 5 per cent per annum on rents of houses [112]—which was a retrogression in tax policy to the disadvantage of householders.

A convention of delegates from several towns was held at New Amsterdam to set forth the will of the people. The demands of the convention were met by threats of arbitrary punishment by Stuyvesant. "We derive our authority," he said, "from God and the West India Company. The company," he added, "has no regard to the will of the people, and let them no longer indulge in the visionary dream that taxes can be imposed only with their consent." This detached the people from their government, and afterwards reconciled them to submitting to English jurisdiction.

During the Cromwell government in 1654, a treaty of peace at Westminster terminated the war between Holland and England, and virtually conceded New Netherland to Holland.

During the attack of the Dutch on the Swedes along the Delaware, in 1655, the Indians made war against New Netherland, provoked because a squaw was killed in New Amsterdam for stealing peaches. It extended to Pavonia, Hoboken and Staten Island; being a repetition of the experiences at Pavonia twelve years previously.

Thomas Pell, an Englishman, without asking permission of the government at New Amsterdam, in 1655, acquired land of the Indians at about what became Pelham Manor, and began to colonize. Stuyvesant protested, and ordered Pell to "depart with your people, servants, slaves, furniture, cattle, implements and every article of property you and your nation have brought hither, or take the consequences"; to which Pell gave no heed.<sup>o</sup>

The Dutch, after the conquest of the Swedes, had besides New Amsterdam, two settlements on the Hudson River, Oostdorp in Westchester, eight villages on Long Island, and the entire Delaware River below the Schuylkill.

Vigorous efforts were begun in June to collect the tenths. An ordinance warned people who, "by patent or deed are liable for tenths," not to move their crops from the harvest field without first compounding for them with the provincial officials; or otherwise be subject to arrest.

Directors of the company were disinclined, after 1657, to make grants like the Rensselaerwyck patroonship.<sup>4</sup>

The Indian massacre of 1655 was a blow to Staten Island and adjoining New Jersey. Van der Capellen was, however, determined not to abandon his claim to the island. To remove any dissatisfaction among the natives, a treaty of peace was made and the island was purchased anew for ten guns, ten staves of lead, thirty pounds of powder, also shirts, stockings, kettles, cloth and other merchandise. [111]

When the directors at Amsterdam learned of this, they instructed Stuyvesant to declare the sale null, to obtain a transfer of the land from the savages to the company, and reconvey to van der Capellen as much of it as he might require, which was one-third of the island.

Land between Gowanus and Conyen (Coney) Island, which was granted in 1652 to Cornelius vanWerckhoven, of Utrecht, Holland, and had been abandoned after his death, lay waste for five years until his executor applied for its erection into a town. This was done and the name "New Utrecht" given it. The inhabitants declared they needed meadow land near Coney Island,

<sup>o</sup>Hartford Records

<sup>4</sup>N. Y. Col. Doc.

which was granted, and after dividing it into twenty-four parts, the twenty-four settlers there, who already had land, drew lots for it. [44] This division promoted land speculation and, after three years, the place contained only twelve houses.

The director and council in 1658 formed the village of New Haerlem in the northern part of Manhattan Island, allowing each inhabitant about forty-two acres for tillage and about fourteen acres of pasture land, subject to a land rent payable to the company after the fifteenth year. [111] The southern boundary was, roughly, a line drawn from the Hudson River just above Grant's Tomb at 129th Street, southeasterly to the East River at the foot of East 74th St. Andreas Hudde married, and was granted land there. [120]

To reduce the number of vacant lots in New Amsterdam, an annual surtax of the fifteenth-of-a-penny was levied in 1658 on the value of unimproved land in the city. [112] A tax of twelve stivers per morgen (two acres) was the same year levied on land, for support of a minister. Stuyvesant announced: "All who do not consent to this order are to dispose of their property and quit the town." [111]

The Massachusetts colony, whose charter was granted eight years later than that of the Dutch West India Company, claimed in 1659 the land in New York north of 42° N. lat. (on a line with the southern boundary of Massachusetts), from the Atlantic to the Pacific, and granted land opposite the Dutch Fort Orange (Albany) to several English inhabitants in that region.

They proposed making a settlement for trading with the Indians. To circumvent them, Stuyvesant bought the land of the Indians and wrote the directors in Holland to send immediately a colony of Polish, Prussians, Lutherans, Dutch or other Flemish peasants. The English, exercising influence in Holland, sought the right of passing along the Hudson River. But Stuyvesant remembered that twenty-three years previously the English had asked, and been granted, free passage along the Fresch (Connecticut) River, past the Dutch fort at Saybrook. Acting with that permission, the English finally usurped not only the beaver trade but the entire river and, after a while, all the land between the Connecticut River and Manhattan Island. Stuyvesant was determined to oppose a repetition of that game.



The general court at Boston sent commissioners to Stuyvesant, to whom they described their bounds, and claimed the upper Hudson, "though the Dutch perhaps may have intruded within the same." They asserted their intention to settle on the land therein not actually in possession of the Dutch. Stuyvesant reminded them that, "the Hudson was discovered by Henry Hudson in the *Half Moon*, in the service and at the expense of the Dutch East India Company in 1609, which transferred it to the West India Company in 1623—two years before Charles I ascended his throne; that it had been navigated by the Dutch for more than fifty years; that the States General had granted a patent to the West India Company, with power to make grants to their subjects; that the government of Massachusetts had forgotten either accidentally or deliberately to mention the date of their patent, but it is well known from history that the late English monarch from whom they claim a patent did not grant their patent until eight years after the Dutch grant. The appellation of 'intruder' can consequently, with more justice, be applied to those who themselves now endeavor to intrude within the Dutch limits, and who 'intruded' and settled between the Fresch and Hudson's Rivers, on Dutch territories, secured by Dutch forts, many years before one single Englishman had possessed any land between those two rivers."

Stuyvesant added: "The Dutch cannot grant to Massachusetts or to any other government any title to trade on their rivers, or a through passage thereon, without a surrender of their honor, reputation, property and blood, their bodies and lives." The revolution in England, which restored the Stuart monarchy, interrupted further contentions.

A number of children from orphan asylums in Holland arrived in New Amsterdam in 1659, and were "bound out" for from two to four years, at from forty to eighty guilders a year. [111]

There seem to have been no Europeans at Esopus until 1652. Seven years afterwards Dutch soldiers killed some Indians there, which led to retaliation. Ensign Smith, with forty soldiers, went into the interior, where he captured twelve natives and took a quantity of grain and peltries. Following the example of the New England people twenty-three years previously, Stuyvesant ordered

the prisoners to be transported to the West Indies and sold as slaves. The remaining red men never forgot their exiled people and exacted severe retribution. When hostilities finally ceased, terms of peace provided, as was usual in peace treaties between Europeans and the natives, that "all the lands of Esopus" were conveyed to the white race. The aborigines were forced farther into the interior, remote from their marine food supply.

A grant of Coney Island was made in 1661 to Dirck de Wolff, an Amsterdam merchant, to make salt, but operations had scarcely begun when the settlers at Gravesend, who had recently drawn from a hat deeds to the unused island, destroyed the salt works, to the public injury. Several Frenchmen began that year the settlement of what is now Bushwick, in Brooklyn. [111]

Melyn surrendered to the company, for fifteen hundred guilders, all his rights as a patroon on Staten Island. The company also bought all the claims of van der Capellen to Staten Island, by which the Company then became possessed of the entire island. [16] By these transactions, Staten Island became disenthralled from feudal lords for the remainder of the Dutch rule. [111] Thereupon the company made grants to various persons, among them several French Waldenses and Huguenots from Rochelle.

Some of the land grants made in New Netherland by the Dutch, mostly for large areas, and some farms and lots, are listed by O'Callaghan. [111]

John Scott, a bold, unscrupulous adventurer, who had been dismissed from the English royalist army for misdemeanor, and afterwards was on the Cromwellian side, later migrated to Connecticut. [47] The Restoration of Charles II had attracted to England several prominent American colonists, among them, this John Scott. Scott petitioned the king to bestow upon him the government of Long Island, of which he claimed to have "purchased of the Indians near one-third part of the land." The application of Scott for possession of the island is probably what prompted the Duke of York to purchase Long Island of the Earl of Stirling at that time.

Scott returned to America in December, 1663, and was received with favor at New Haven. The people endeavored to

engage his assistance in procuring for them a patent for the lands they had so often striven to possess at Salem on the Delaware. But Scott's main object now was to promote his personal interests on Long Island, on which two-thirds of the people were English. [148] Some of the towns there invited him to "come and settle" their troubles, and empowered Scott "to act as their President."

At the head of 170 men, Scott set out to reduce the neighboring Dutch villages; and many Dutch families were obliged to abandon their homes. [16] However, upon charges being brought against him by Governor Winthrop in Connecticut, he was arrested and imprisoned. But more of him later.

The West India Company directors in Holland expressed a desire in 1664 to obtain a cession of the Mohawks' lands in New York; "by which our English neighbors would be prevented from dispossessing the company of its immense beaver trade."

While wampum was almost exclusively the medium of exchange, beaver skins were the standard of value in New Amsterdam, just as tobacco was the standard in Maryland and Virginia.

Holland was crowded with refugee Huguenots, Waldenses, Norwegians and Germans. Many of the better class from Rochelle were desirous of emigrating to New Netherland at their own expense, and large sums were appropriated for vigorous prosecution of colonization.

Stuyvesant stated that the company had expended on the province 1,200,000 guilders more than it had received; an increase in the deficit of 800,000 guilders in the foregoing twenty years. The population of New Netherland in 1664 was "full ten thousand." New Amsterdam (Manhattan), with an air of prosperity, contained fifteen hundred, composed mostly of Hollanders, Walloons, Waldenses, Huguenots, Norwegians, Swedes, and English. [16]

While Stuyvesant was endeavoring to stay the encroachments of the English settlers from New England, the internal conditions of New Netherland were becoming more and more alarming. The colony now appeared to be in such jeopardy that a "Landtdag" was summoned, composed of elected representatives.

To strengthen the fort and increase the military force and to "instil fear into any envious neighbors," a public loan of nearly thirty thousand guilders was subscribed at 10 per cent.

An Indian attack at Wiltwyck, near Kingston, in which seventy Indians were slain or captured; an expensive Indian war; the invasion of Dutch territory by people from Connecticut; the revolts of English villages on Long Island; and the exhaustion of the public treasury showed the situation was perilous.

The West India Company, then in bankrupt condition, alarmed at rumors of pending English aggression, called on the City of Amsterdam, Holland, for assistance, and on the States General for three hundred soldiers and a ship of war. But van Gogh, the Dutch ambassador at London, reported that King Charles constantly protested that "he would not in any way violate his alliance with the Dutch," and the States General, wishing to give no undue umbrage to England, refused the company's request. [16]

There were great possibilities for profit from speculation and rents in American land grants by royal favor. Charles II had granted to Sir George Carteret and seven other favorites all the land in the Carolinas. Preferring to have a grant in which there were fewer associates with whom to divide the profits, Carteret may be presumed, from later developments, to have made a proposal to Charles' brother, James, the Duke of York, a proposal which aroused the avarice of the duke, and which, in its execution and high-handed effrontery, has no parallel in Colonial American history.

Immediately upon the Restoration of Charles II in 1660, the duke was made Lord High Admiral of the Navy. George Carteret, who had sheltered Charles and his large following on the Island of Jersey during his banishment, was knighted and appointed treasurer of the navy. James controlled the ships, Carteret controlled the funds which paid the sailors and bought the supplies—a happy combination for the proposed venture—and as Carteret had a way of juggling his accounts which later caused him to be expelled from the House of Commons, the cost could be easily hidden.

The duke had various motives actuating him to fall in with

the proposal. He disliked the Dutch. He had been libeled in Holland, and the libelers were not punished as promptly as he had desired. He was also, as governor of the Royal African Company, pecuniarily interested in the slave trade in competition with the Dutch, and his company had, in time of profound peace, committed aggressions against the Dutch on the African coast "without any shadow of justice."

In the combined circumstances, it can be easily and logically surmised that Carteret, having a longing desire to possess that inviting territory now comprised within New Jersey, and which was then a part of New Netherland, proposed that James obtain from his brother Charles a grant of all the land in America north of Delaware Bay. When obtained, James was to grant to Carteret that portion of it which lay between the Hudson and the Delaware; James to retain all the remainder, which included all New York, Long Island and part of New England. This, Carteret could show him, could be granted to others, at an annual land rent, and thereby secure to James a princely annual income to be paid by the Dutch and other settlers.

The followers of Charles, needy and unscrupulous, could be depended upon to endeavor for selfish purposes to excite the prejudices of the new monarch against the Hollanders and represent them as hostile to British settlements in America.

Since James, like his brother Charles, was always sorely pressed for funds to maintain his libertine existence, it can be readily imagined that the proposal made a strong appeal to him.

So it was to such a man, of such principles, that Charles II in 1664 made a grant of all the territory between the eastern boundary of Maine and Pemaquid (near the Kennebec River), and between the Connecticut River and the Delaware Bay. A large part of the grant was at the time, and long had been, in possession of the Dutch, and another part he had, only two years previously, granted to Winthrop. But Stuart kings repeatedly disregarded royal grants of land in America made by themselves, or their predecessors, when they wished to advance the interests of some new favorite.

Bancroft, [5] the historian, said: "To satisfy the greediness of favorite courtiers, Charles II, in 1663, narrowed the limits of

Virginia by giving to eight favorites the immense Carolina grant. In 1664, he gave to his brother James all the land in Maine between the Pemaquid and the St. Croix, and in defiance of his grant to Winthrop in 1662, and the possession of the Dutch, and the rights of ten thousand inhabitants, gave to the duke, and by the duke to his favorites, the fine country from the Connecticut River to the Delaware Bay.

"Without revoking the grant of Nova Scotia to Sir Thomas Temple, he restored Acadia to France. Prince Rupert and his associates were endowed with a monopoly of the regions on the Hudson Bay. In 1677, the proprietary rights of New Hampshire and Maine were revoked, with the intent of acquiring them for the Duke of Monmouth, his reputed and worthless son, who was later to die on the scaffold.

"He granted Pennsylvania to Penn. From Nova Scotia to Florida, with few exceptions, the tenure of every territory was changed. Nay, further, the monopoly of the trade with the coast of Africa was given to a company in which he himself was a shareholder.

"Charles II gave away a large part of a continent. Could he have continued he would have given away the World."

The duke having obtained the grant, the next move was to obtain possession of the land. With that object James assembled a squadron of four men-of-war, with a crew of 150 sailors and 300 soldiers, and sent it on a voyage of conquest to appropriate the land which the Dutch had been occupying along the Connecticut, Hudson and Delaware Rivers for more than half a century.

So certain were James and Carteret of the success of the venture that, on June 23 after the squadron had sailed and was on the high seas, James executed a deed of all New Jersey to Carteret and their mutual friend John, Lord Berkeley, who was on the Admiralty Board with James. They evidently thought Berkeley would be a conciliating influence in their behalf should any embarrassing question arise.

The squadron, in command of Hugh Hyde, the duke's brother-in-law, comprised the frigate "Guinea" of thirty-six guns; the "Elias," of (variously stated) thirty to forty-two guns; the frigate

"Martin," of sixteen to eighteen guns; and the "William and Nicholas," a transport, of ten to sixteen guns. It set sail from Portsmouth with orders to assemble at Gardiner's Bay, and to proceed thence "to reduce the Dutch to an entire obedience."

In the expedition were: Colonel Richard Nicolls, groom of the bed chamber of the duke, who was to act as governor of the conquered territory, Sir Robert Carr, Sir George Cartwright and Samuel Maverick, Esq., who were to act as commissioners to take possession of the country. Further, letters were sent to the governors of the English colonies of Massachusetts, New Haven and Maryland, enjoining their assistance.

Men of influence and power like Nicolls had attached themselves to Charles and James during the years preceding the Restoration of Charles.

After putting in at Boston, where they tarried for a month taking on supplies and five hundred New England volunteer troops, the squadron proceeded, and at the end of August anchored inside Coney Island. A few days later two of the ships were moved near to Governor's Island, and two were anchored in the river above the fort.

Three companies of soldiers led by Nicolls were landed on Long Island. Joined by Captain John Scott (who had been released from prison in Connecticut), commanding a troop of horse, and by Captain John Younge, with a company of infantry of about sixty men, they proceeded to co-operate with the fleet.

All approaches by land and water between the city and outlying settlements were blockaded. Farmers were prohibited from sending food to the city and coasting vessels were captured. The "Gideon," a Dutch ship, which some months previously had been sent to Loango, Africa, for slaves, was in the harbor with 290 slaves of both sexes, one-quarter of which were to be sent to New Amstel on the Delaware.

The stone fort contained twenty cannon and 150 trained soldiers. It had been built only as a defense against Indians and was not intended to stand against a civilized force. In a Dutch population of fifteen hundred, not more than three hundred

men capable of fighting could be raised on Manhattan, and there was only one day's supply of powder in the fort.

Nicolls demanded surrender. The citizens, who were dissatisfied with the Dutch Company for not affording better protection, implored surrender, as there was "no hope of relief, and impossible to make headway against so powerful an enemy."

Stuyvesant replied to Nicolls, maintaining the Dutch title by first discovery, uninterrupted possession, purchase of land from the native owners, and the recognition of the sovereignty of the States General by the articles of peace with England only ten years previously. But Nicolls declined discussion and told him the question of right did not concern him; that was to be considered by the King and the States General. He meant to take the place. [16]

Terms of surrender were agreed upon which provided that: "all people shall continue free denizens and shall enjoy their lands, houses, goods and ships wheresoever they are within this country, and dispose of them as they please." The fort and all Manhattan were surrendered.

Cartwright was sent to, and took, Fort Orange (Albany), while Sir Robert Carr was sent to take possession of the Delaware region. On October 1 the whole of New Netherland became subject to the British crown. New Amsterdam became New York, Fort Orange became Albany, New Amstel became New Castle. The captured Dutch soldiers were given by Nicolls to a merchantman, in payment of services, and they were transported into Virginia to be sold as indented servants.

Upon receiving advice of the conquest, Charles laughingly said to Carteret, "How shall I do to answer this to the Netherlands ambassador when he comes?"

"Thus," said O'Callaghan, [111] "was consummated an act of spoilation which, in a period of profound peace, wrested New Netherland from its rightful owners by means violating all public justice and infringing all public law."

"In the history of the royal ingrates by whom it was planned, and for whose benefits it was perpetrated, there are," said General Benjamin F. Butler, writing of that time, "few acts more base, none more characteristic."



Mulford, [105] a New Jersey historian, wrote: "In the conduct of the Duke of York there is exhibited a great degree of duplicity or obtusity, or rather a singular mixture of both."

Fiske [47] said: "It would be hard to find any canon of political morality upon which this achievement of Charles II could be defended. The duke was a bigot and despot by natural temper."

Louis XIV, referring to the reply of Charles to the demands of the Dutch of restitution of New Netherland, declared that the reply of Charles was "hard, dry and haughty," and added: "Having examined what the English and Hollanders have written upon the subject, it appears to me that the right of the Hollanders is the best founded; the habitation, joined to a long possession are, in my judgment, two sufficiently good titles to destroy all the reasons of the English." [16]

Van Gogh, the Dutch ambassador at London, in an audience with the king, denounced the capture as "an erroneous proceeding, opposed to all right and reason, contrary to mutual correspondence and good neighborhood, and a notorious infraction of the treaty lately concluded."

The States General represented to the King of France the wrong which the King of England had done them and asked, to no avail, the aid of France, as guaranteed by the treaty of two years previously.

D'Estrades, the French ambassador at The Hague, urged his sovereign, Louis, "to prefer England to the States," because he could thereby "procure the restitution of Acadia from the Penobscot River to Cape Breton, being eighty leagues (240 miles) of coast, and oblige the King of England, by the same treaty, to declare war against the Iroquois, whom the Hollanders have always assisted with arms and munitions against us. By this means Your Majesty would free Canada from the only enemies which she has in that country, and by attacking them on the Canadian side, and on that which the English occupy, they would all be destroyed in a year."

Finding that the designs of Louis on the Spanish Netherlands controlled his actions, the States General informed him that they were ready to adjust their differences with King Charles,

by restoring everything they had taken from him, if he would "bind himself to restore New Netherland and other prizes." [16]

Downing of England, answering the Dutch statement, insisted that New Netherland was within the New England grant; that the treaty of 1654 had not cut off the English claim, and, that even if it had, the New England colonies had *jure belli* within themselves without first appealing to England. [16]

The Dutch soon published a "demolition of the Downing memorial." "The English have no other title to the possession of New England than the Dutch have to New Netherland, to wit, the right of occupation, because all those countries being desolate, uninhabited, and waste, as if belonging to nobody, became the property of those who have been the first occupants of them; therefore, a continued possession for such a long series of years must confer on this nation a title which cannot be questioned with any appearance of reason."

The Dutch ordered reprisals against the English in Africa, Barbados, New Netherland and Newfoundland. The West India Company was authorized "to attack, conquer and ruin the English everywhere, both in and out of Europe, on land and water."

Without formal declaration of war, the British seized 130 Dutch merchant vessels in English ports. The British East India Company equipped twenty ships. All fisheries were suspended to supply men for the war vessels, and the king issued a declaration of war against the Dutch.

In New York, Nicolls confiscated the property of all the Dutch who had not taken the oath of allegiance, seizing Blackwell's, Randall's and Ward's Islands. Nevertheless, it was said, the administration of Governor Nicolls was conciliatory and the changes were in no sense disturbing to the colonists.

In the eleven years preceding the surrender, the population of New Netherland increased from about two thousand to ten thousand and of New Amsterdam (Manhattan) from eight hundred to fifteen hundred. A tax was levied for schools, of one-twentieth of a penny on buildings, and twice that on cultivated land.

The Duke's Laws were made by the governor and assembly,

at Hempstead, and later confirmed by the duke. They provided: All tenure of lands was to be from the duke. All persons were required to bring their old deeds and take out new ones from the governor, upon the sealing of which a fee was to be paid. No purchase of land from the Indians was to be valid unless the governor's leave was obtained, and the natives acknowledged satisfaction before him, upon which a grant with annual land rent to the duke was to be made by the governor and recorded in the secretary's office. [16] Suffrage continued to be based on landholding. Holding land in common still obtained and was recognized in the Duke's Laws. [44]

A French expedition from Canada against the Mohawk Indians in New York destroyed their villages and, now, through forced treaties with the confederated Iroquois, the French controlled all the land in central New York. The French were watched as intruders within the province. [16] Subsequently, Governor Andros notified the French governor of Canada that the Five Nations of Indians were British subjects and would be protected as such. [169]

New grants of land were issued by Nicolls during the first two years after the conquest. However, the grant of Haerlem, previously made by the Dutch, was confirmed; the land rent payable to the duke.

Constant and Nathaniel Sylvester, of Barbados, settled on Shelter Island, and for a payment of £150 in beef and pork Nicolls granted them the island for ever, free of all taxes. [16]

The tenure of land was derived from the duke, who would grant land at rents of one penny per acre when the tract was purchased by his agency from the Indians, and 3*d* per acre when bought of Indians by the colonists.

Governor Nicolls went to Esopus and obtained of the natives a large tract of land, which he offered settlers at an annual land rent payable to the duke, beginning at the end of the fifth year. He granted Randall's Island to Mayor Delavall of New York.

By a general order of the Court of Assizes, at New York, all persons in the conquered territory, including the Delaware region, who held old land grants from the Dutch, and those who had none, were directed to apply at New York for grants under

British authority, paying land rents therefor to the duke and fees to the governor.

The war between England and Holland was concluded by the treaty of Breda in 1667, by which the English title to New York was confirmed. Holland received Surinam (Dutch Guiana) in South America, and the Island of Poleron, near the Moluccas, East Indies.

Nicolls granted an island in New York harbor to Captain Needham, who sold it to Bedloe. Bedloe's widow afterwards sold it to James Carteret, son of Sir George, who had been "elected President of New Jersey." The possession and rights of the patroon of Rensselaerwyck were recognized by Nicolls, but a new grant was not issued until twenty years afterwards.

Sixty-two acres between Warren and Christopher Streets in New York, which had been held by the Dutch dominie, Bogardus, was confirmed to his heirs by Nicolls, and was afterwards vested in the Duke of York. [16]

Nicolls confiscated to the duke the lands of the West India Company on Staten Island. He granted to the soldiers of the garrison at Esopus thirty lots of thirty acres each, to secure their loyalty, and granted to Samuel Edsall land opposite Haerlem which had been granted by the Dutch to Bronck. Nicolls then sailed to England with the good will of all. [16] He was succeeded as governor of New York by Francis Lovelace and, later, by Andros, and then by Dongan.

Several Indian sachems insisted, in 1670, that they were the owners of Staten Island. They were told that their forebears had sold it to the Dutch, but to quiet their claims, Governor Lovelace bought it of them for the duke. Part of the agreement (probably dictated by Lovelace) read: "That they ye said sachems now are ye very true, sole and lawful, Indian owners of the said island, and all and singular of ye premises, as being derived to them by their ancestors." They were given a quantity of guns, powder, lead, and hardware. This was the initial transaction in the alienation of Staten Island from the New Jersey grantees and its attachment to New York.

Peter Stuyvesant, former Dutch governor of New Netherland (1647-64), and conqueror of New Sweden, died in New York

in 1672, aged eighty years, and was buried in St. Mark's Church. After the English conquest of New Netherland in 1664, he had been recalled to Holland to explain his surrender, but had returned to New York four years later. He married a granddaughter of Nicholas Bayard, a French Protestant clergyman.

Stuyvesant was autocratic and mistreated those he disliked. [111] He was the most picturesque figure in the history of the Dutch rulers. He was stern, resolute and iron-tempered, and imprisoned two citizens for slander. At the trial he said: "Thou shall not speak evil of the ruler of the people." [120]

As a private citizen he passed the brief remainder of his life on his bouwrie which occupied land between Fourth Avenue and the East River, and Sixth and Seventeenth Streets. Title to an infinitesimally small piece of it, at the northeast corner of Fourth Avenue and Eleventh Street, in 1936, (264 years after his death) was held by Princess Elizabeth de Caraman-Chimay, a descendant of Stuyvesant. To her the United States government paid \$134,000, for the right to build a branch post office on the lot. This value, though created automatically by all the people, was paid to the absentee princess by taxes levied on themselves.

A secret treaty between Louis XIV, King of France, and Charles II, King of England, the latter a pensioner of the former, led them in March, 1673, to war against Holland.

The previous December, Cornelis Evertsen of the Netherlands, son of a former admiral, had been sent with fifteen ships to the West Indies, where he was joined by four ships under Jacob Binckes. They then sailed to the Chesapeake, where they captured eight English vessels and burned five.

A sloop just arriving in the Chesapeake from New York was captured. In reply to an inquiry as to the strength of the defenses at New York, the master declared they were very strong, whereupon Samuel Hopkins of New Jersey, a passenger aboard the sloop, said they were very weak, and that the governor was absent in Connecticut.

The Dutch admiral had added to his fleet the captured prize ships, and now had twenty-three vessels, with sixteen hundred men, including seven ships of war. He proceeded to New York to take the place, "which is our own, and our own we will

have." Arriving there, the ships fired broadsides at the fort, killing and wounding some of the garrison, whereupon, "the fort fired upon them, and shot the general's ships through and through."

The fort under the English was just as untenable as it was when the English took it from the Dutch nine years previously. Dutch soldiers, to the number of six hundred, were landed at the foot of Wall Street and were joined by four hundred Dutch burghers. [128] In the absence of Governor Lovelace, the commander of the fort surrendered it and its garrison of eighty men.

Thereupon two hundred men were sent up the Hudson in several vessels and captured Albany and Esopus. All the English soldiers there were brought down to New York as prisoners of war. Never before had the bay of New York held so majestic a fleet. The name of New Netherland was restored as far north as Albany, and to the east end of Long Island, and on both sides of the Delaware. The Dutch population was estimated at between six and seven thousand. The name of New York was changed to New Orange, in honor of William of Orange; the name of Albany to Williamstadt, and its fort to Nassau. The former Dutch name of New Amstel, on the Delaware, was restored at New Castle.

Anthony Colve, a captain of infantry, was appointed governor-general. In the history of the New Netherland region, the successive conquests by, and of, the Dutch, Swedes and English, resulted in the conquered inhabitants, for the most part, taking the oath of allegiance to the new masters. So, in this case, the major part of the English magistrates, constables and inhabitants in New York, New Jersey and on the Delaware, swore allegiance to the Dutch States General and the Prince of Orange and once more came under Dutch rule.

Lovelace, the retiring English governor, upon his return from Connecticut to Manhattan after the conquest, was arrested for debt resulting from his extensive land speculations; he was indebted to the Duke of York to the extent of £7,000. [16] He was taken to England aboard a Dutch ship.

Possession of Shelter Island by Nicholas Sylvester was confirmed by Colve, as was Gardiner's Island to David Gardiner.

Jeremiah Van Rensselaer was required to obtain from the States General a new grant of Rensselaerwyck.

A treaty of peace between England and Holland in February, 1674, two months before they learned of the Dutch reconquest of New Netherland, provided that whatever countries, towns or forts had been taken by either during the war should be returned. This again put the English in possession of New York, New Jersey and the Delaware, with restoration of the English place-names.

As to why Holland so readily relinquished New Netherland after regaining it, Brodhead [16] said: "The Dutch Republic could not, singlehanded, cope with France and Britain. Peace with the latter had become a necessity. William of Orange felt that, to secure the Republic, Louis must be effectively crippled. Alliances were made between Holland, Germany and Spain against France and England. Spain, however, made it a condition that the Netherlands should consent to a peace with England upon the basis of a mutual restoration of conquests. Political necessity alone could bend the States General to these hard terms.

"When the news of the reconquest reached them they were too deeply committed to recede—and in fact their position otherwise was so weak that they begged Charles to accept the proffered peace."

The duke announced in July, 1674, that his brother Charles II had renewed to him the grant of land in New England, New York and New Jersey. [145] He appointed Major Edmund Andros as governor. Andros arrived in New York with his wife in 1678, after a nine weeks' voyage.

New York then contained twenty-four towns, villages or parishes. The city contained 343 houses, with a population of 3,430, and indentured servants were in demand. A merchant having £500 or £1,000 was thought substantial, and a planter worth half that in movables was accorded rich. [16]

Penn was, in 1680, making his application through the Duke of York for the grant to himself of all Pennsylvania. His telling the duke of the great profits to be made from land rents in America suddenly awakened the cupidity of the duke, and caused him

to realize he was not getting those large land rents from America which Carteret, as an inducement to James to send the squadron to conquer the Dutch, had so glowingly pictured to him.

So in June, James dispatched John Lewin, a London lawyer, to America with orders to: ". . . find out all the estates, rents, revenues, profits and perquisites which in any sort belong to me, and to demand, ask and receive the same, as I am proprietor of said places; the same respecting what land rent every person at all places do or ought to pay, how paid, who has received it for the past six years, what my share, and whether I get it, or who does." By letter, by the same ship, Governor Andros was instructed by James to return to England, which he did the following January first.

Thomas Dongan arrived at New York in 1683, succeeding Andros as governor, with authority to grant land. He was instructed, with advice of the council, to call an election. All acts of the legislature were to be subject to veto by the governor and the duke. Government by landholders was to continue, and as an inducement to acquire land and pay land rent to the duke, landholders alone were to hold public office.

Dongan immediately called for a show of all deeds for land heretofore granted, under threat of expropriating the land for the duke; the object being to exact increased land rents for the duke, and numerous registration fees for himself.

Anthony Brockholls, who was left in charge upon departure of Andros, refused, in 1681, to surrender Staten Island to Philip Carteret, governor of East Jersey. Up to that time no land rent had been demanded, or paid, on Staten Island.

The East Jersey assembly had not included the island in any of the four counties it established in 1683. By February the following year, more than two hundred families had settled on the island. The registrar of land on the island was directed by Dongan to collect the land rents there, and the surveyor-general was ordered to lay out all the land according to each owner's patent. The sheriff was directed to summon before the governor and council all persons there located. [16]

Sir John Werden, secretary to the duke, wrote: "Staten Island, without doubt belongs to the duke, and those who disturb the



quiet of possession are certainly very injurious to the duke, and we think have no color for such pretenses." This was written by the duke's secretary, who only the previous year had witnessed the duke's grant to the proprietors of East Jersey of all land west of Long Island, and knew its full intent.

The proprietors of East Jersey, relying upon the duke's grant to them, had meanwhile revived the claim to the island, which they had also bought from the widow Carteret in 1681. Regardless of the provision, "west of Long Island," as one of the outlets of the Hudson River ran around Staten Island, it was "adjudged to belong to New York." [16]

Charles II died of a stroke of apoplexy in February, 1685, and was succeeded by his brother, the Duke of York, as King James II.

Trumbull [148] said of the new king: ". . . he was an obstinate, cruel tyrant, destitute of all the principles of true honor, faith, justice, or humanity. He wantonly trampled on the constitution, laws and liberties of the nation; and, with his ministers and officers, in an unrighteous and merciless manner, shed the blood of his subjects, and wreaked his vengeance on all who made the least opposition to his lawless proceedings. The most humble petitions; arguments from reason; charters; the most solemn compacts and royal promises, from justice, humanity, or any other consideration, which a subject could plead, had no weight or influence with him."

There had been no land office in New York, New Jersey or Carolina. Deeds were issued by the governors, secretaries and surveyors-general. Dongan insisted that, without exception, all deeds recorded during his administration should contain a land-rent provision. Rents in Manhattan were payable in money, but in the country in wheat, fish, or other commodities. At first rents were payable to the duke but, later, to him as king.

King James, who was pecuniarily interested in the Royal African Company, one of the purposes of which was to ship Negro slaves to America, ordered that there be no trading from New York to any part of the African territory of the company. Fearing that the printing of pamphlets might foment the spirit of liberty, he ordered that no printing press be set up in any of

the provinces, without a license from the respective governors. At the same time James abolished the New York assembly, which he had granted three years previously, and vested all legislative power in the governor appointed by him, and in his council. [16]

Dongan confirmed the Nicolls' (previously Dutch) grant to the New Haerlem landholders, but at an increased land rent. [120] In 1925, 267 years after the original grant by Stuyvesant, about two hundred descendants of the original New Haerlem landholders organized to seek title to twenty-five hundred acres in the tract.

For £500 paid to him, Dongan granted a charter to the city of New York in 1686, in which the city was granted, "all the waste, vacant and unpatented lands on Manhattan Island, reaching to low water mark."

Major Edmund Andros was knighted, and appointed by James, in 1686, as captain-general and vice-admiral of New England, with headquarters at Boston. Two years afterwards, New York and New Jersey were added to his jurisdiction; Andros succeeding Dongan.

The Iroquois, or Five Nations, a confederation of the Mohawks, Oneidas, Onondagas, Cayugas and Senacas which occupied land in upper New York, is supposed to have been formed about fifty years after the discovery of America. They were joined in 1711 by the Tuscaroras, driven from Carolina; forming the Six Nations.

James determined to maintain the claim asserted by Andros and Dongan that the Five Nations were British subjects, and in 1687 ordered that they be protected against the French in Canada. The agents of King Louis insisted that the Iroquois had, by treaties in 1665 and 1666, declared themselves French subjects and that the French had taken possession of their land in New York province.

At Montreal in 1688 the Oneidas, Onondagas and Cayugas rejected Dongan's assumption that they were British subjects. They declared they had always resisted his pretensions and wished only to be friends of both the French and English equally, without either being their master. They gave as their reason that they "held their land directly of the Supreme Being

and had never been conquered in war." Thus the Iroquois asserted their independence of both French and English, and preserved northern New York from annexation to Canada. They only desired the return of their twenty-eight countrymen, prisoners in France; most of whom were returned a year later. [16]

In August, Andros went from Boston to New York, assumed the governorship and remained two months. He required all deeds and wills to be recorded in Boston. Arbitrary taxes were imposed and the common lands were encroached upon. All deeds for land were inspected and land rent increased, payable to the duke, with excessive fees exacted for himself.

The following year Andros, upon learning in Boston that King James had abdicated, tried, disguised in female attire, to escape to Europe in a frigate, but was arrested and imprisoned, and afterwards sent to England.

All the land in the province of New York, granted to James by his brother Charles, was held as his personal property, and subject to disposal by him. After his abdication it passed to his daughter, Queen Mary, and after her was held by her sister Queen Anne, and by succeeding British monarchs.

In the war which Louis XIV declared against England in 1689, and which continued eight years in an unsuccessful endeavor to regain the British crown for James II, an English governor of New York, Benjamin Fletcher, who had arrived in New York in 1692, launched the Iroquois thunderbolt against Canada, one of the most frightful Indian incursions known to history. [49]

A Continental Congress, the first such congress in America, was convened in New York by Jacob Leister, in 1690. For another reason, Leister was later hanged.

Governor Fletcher in 1695 confirmed to Colonel Nicholas Bayard title to 620,000 acres about "Skøhere," with an annual land rent payable to the duke. Bayard had bargained for this land with six drunken Indians, giving them rum and other goods. Grants of such large acreage diverted settlers to other colonies. [12]

The next year the governor granted to Godfrey Dellius, a clergyman of Albany, a tract of land twelve by seventy miles in area along the Hudson River above Saratoga, extending into

present Vermont. This was declared to be extravagant and three years later it was revoked. [164]

There was no effective system for collection of land rents during the seventeenth century, and few rents were paid. Juries refused to convict delinquents. In 1699, future rents were fixed at 2s 6d (30d) per hundred acres. [12]

English royal governors having an insatiable yearning for fees, Dongan and his successor, Fletcher, renewed previous Dutch grants of extensive areas of land as manors. The manors comprised almost all the land along the Hudson River between Manhattan Island and Albany, and on Staten Island, and the south shore of Long Island.

The grant of the manor of Rensselaerwyck, of seven hundred thousand acres, by the West India Company to van Rensselaer in 1630, was renewed by Dongan, who granted him one court-leet and one court-baron and authorized him to "destrain" for all land rents; to appropriate all estrays, wrecks, deodans and goods of felons forfeited within the said lordship. Included also were the post fines, advowson and right of patronage of all and every church erected within the said lordship. He was authorized and empowered to "choose" deputies to sit in the general assembly. This was the model of most of the English manorial land grants subsequently made in the province of New York. The grant of this manor was further confirmed by Queen Anne in 1704, at an annual ground rent of fifty bushels of wheat payable to her.

Upon van Rensselaer relinquishing to the king his claim to the townsite of Albany and the surrounding territory extending sixteen miles into the country, Dongan, on promise of £300 being paid him, issued a charter to Albany. [16]

A large tract about Yonkers, which had been granted by the Dutch to Adriaen van der Donck, was in 1658 willed by him to his wife. Ten years later three hundred acres of the tract were sold for £5 and a horse. Subsequently a portion of it was erected by Governor Lovelace into the manor of Fordham. The residue of 7,708 acres was sold to speculators.

Stephanus van Cortlandt in 1685 gave seven Indians some rum, guns and other articles of small value, and obtained from them, "the true and rightful owners," Indian consent to use a

large tract of land in what is now Westchester, Putnam and Dutchess Counties. Upon this, Governor Dongan, representing the Duke of York, made to van Cortlandt a confirmatory grant of this land, with all manorial privileges, including the right to send a representative to the assembly after the lapse of twenty years.

The fees to Dongan, for the north half alone, are said to have amounted to three hundred Pieces of Eight. The land in this grant, on both sides of the Hudson, together with Iona Island in the river, was erected into the manor of Cortlandt and later confirmed by King James. Van Cortlandt died leaving twelve children who intermarried with the large landholding families of De Peyster, van Rensselaer, Skinner, Bayard, and De Lancey. [III] A portion of this land descended to Jacobus van Cortlandt, grandfather of Chief Justice Jay, and probably a part of it descended to the chief justice.

Frederick Phillipse, "the richest man in New York," and his son Philip, obtained the assent of the Indians to possession of the land between Spuyten Duyvil Creek and Croton River, a tract twenty-two miles wide which included the Pocantico Hills region. A portion was granted by Governor Dongan in 1686 to Phillipse and, seven years later, another portion was granted by Governor Fletcher to Phillipse as "the manor of Phillipsborough," with feudal appendages of court-baron and court-leet. [III]

Robert Livingston, town clerk and receiver of the king's revenue at Albany, was granted by Dongan, under hand and seal, "to be kept by Robert Livingston, his heirs and assigns for ever," a territory of 160,240 acres on the east side of the Hudson River just below the van Rensselaer patroonship. The tract stretched from a point opposite Catskill to one opposite Saugertieskill, and Livingston was granted manorial privileges similar to those granted van Rensselaer, including one court-leet and one court-baron. This made him one of the largest landholders in New York. [16]

Although Livingston had given the Indians only the meager payment usually given to Indians, the grant was worded to read,

"the said Livingston has been at vast charges and expense in purchasing said land of the Indians."

Livingston was a younger son of a poor exiled clergyman. In currying favor with one official after another he was unscrupulous, dexterous and adaptable, and changed his politics with change of administration. [107]

His son Robert married the daughter of Henry Beekman, who had been granted by Fletcher a tract sixteen miles in length in Dutchess County, and another tract twenty miles along the Hudson, extending eight miles inland. [107] Combining his wife's inherited lands with his possessions, he became the reputed largest landholder in New York.\*

The Livingstons always had immense political power, and it was alleged in the press that the lord of the manor "bought" that notable privilege. It was the powerful and corrupt Livingstons who installed John Jay as Chief Justice of the United States Supreme Court—to be a protector of the absentee landholding privileges. [21]

Myers, in his *History of the Supreme Court*, said, "The large landholders and the politico-capitalists of both political parties stood staunchly together. Both indiscriminately joined in granting to each other great tracts of public lands and company charters."

Thomas Chambers came to New Netherland as a farmer, under the patroonship of van Rensselaer, and occupied the alluvial tract on which Troy now stands. In 1652 he moved to Esopus, where he accumulated, by commercial and other speculation, large areas of land. Twenty years later the English governor, Lovelace, of New York, erected Chamber's great tract of land about Kingston into the manor of Fox Hall. Dongan confirmed this grant fourteen years later and invested the manor with power to hold court-leet and court-baron; and also granted all waifs, estrays, felons' property, etc., to the lord of the manor, with the right of advowson and patronage to such church as he might establish on the land. The confirmation did not include the privilege of representation in the assembly. Chambers

\*Nat. Cycl. of Amer. Biog.

established an intricate and continuing entail by which the manor was to be kept entire. In time the manor itself became "a waif and stray." The name disappeared. [111]

Governor Dongan, acting for the duke in 1684, granted to John Palmer 4,500 acres on Staten Island, as the manor of Cassil-town, which James II enlarged three years later to 5,100 acres.

Owing to the uncertainty then existing as to whether Staten Island was in New Jersey or New York, the grant was recorded in both provinces. It contained the usual manorial rights, except representation in the assembly.

The Duke of York, through Andros, had in 1676 granted to Christopher Billop 922 acres on the southern end of Staten Island, on which Tottenville is now situated. Eleven years later, as James II, acting through Dongan, he confirmed it, and increased the grant to sixteen hundred acres as the lordship and manor of Bentley, giving to Billop and his heirs and assigns complete manorial privileges, and creating him lord of the manor. This tract, along with most other manors, was confiscated as property of Tories during the American Revolution and sold at public auction. The manor, reduced to 1,078 acres, but with improvements, sold for £4,695.

Governor Nicolls had, in 1666, granted to Thomas Pell a tract of land about eight miles square, fronting on Long Island Sound, and including the bays, islands and seas; extending from East Chester River (in the present Pelham Bay Park) to Larchmont. Twenty-one years later James II, through Dongan, confirmed this grant to John Pell, nephew and legate of Thomas. It included many of the same privileges that were contained in previous manorial grants.

The British monarchs, William and Mary, through Governor Fletcher, in 1693 granted to William Smith, Chief Justice of the Province, a tract of land fifty miles long on the south side of Long Island. It was set up as the manor of St. George, with powers incident to an English manor, including one court-leet and one court-baron. Smith forced the town commissioners of Southampton to accept £10 for the greater part of the forty miles of beach. [107]

William III, through Governor Fletcher, made a manorial

grant in 1697 to Lewis Morris, his heirs and assigns, "nephew and heir of the late Colonel Lewis Morris," with the customary manorial privileges and powers, to be known as "The manour or lordship of Morrisiania." It also granted "all the rights, members, liberties, privileges, jurisdictions, royalties, hereditaments, tolls, benefits, profits, advantages and appurtenances whatsoever to the necks of land within the limits, meadows, marshes, swamps, ponds, rivers, creeks, inlets, islands, fishing and fowling." Apparently William intended that everything worth having should be included.

William III, through Lieutenant-Governor Nanfan, at New York, in 1701 granted to Colonel Caleb Heathcote a large tract of land, with the usual manorial privileges, designated as "the lordship and manor of Scarsdale," for which Heathcote had bargained with some Indians.

Richard Coote, Earl of Bellomont, a friend of William III, was appointed governor of New York, Massachusetts and New Hampshire. The immense land grants of the patroons, and other feudal privileges, disgusted him. He opposed the English land grant policy and proposed it be made illegal for any person in the province to hold more than a thousand acres. [47]

The earl, writing from New York to the Lords of Trade in 1701, said: "Mr. Livingston has on his great grant, of sixteen miles broad by twenty-four miles long, but four or five cottagers, as I am told, men that live in vassalage under him. Colonel Cortlandt has on his great grants four or five of these poor families." Other similar cases are cited;<sup>7</sup> and the earl added that by "intolerable corrupt granting of land of the province, Governor Fletcher got in bribes at least £4,000." [107]

William Beekman, who became a large landholder in New York City, is believed to have come in 1647 with Stuyvesant, who sent him to the Delaware to perform clerical work. In 1658 he was appointed by Stuyvesant as vice-director and governor of "the Company Colony north of the Christina." When the city of Amsterdam, Holland, bought that region, he asked for appointment elsewhere, and Stuyvesant transferred him to Esopus, where he served as sheriff until 1672. The following year he

<sup>7</sup>Doc. Hist. N. Y.



went to New York and became a burgomaster, and then an alderman until 1696. He died in 1707, aged eighty-four years, possessed of large tracts of land in the city, where a street is named for him.

Queen Anne, in 1708, through Governor Cornbury, granted all her landholdings on Staten Island, inherited from her father, James II, to Lancaster Symes, a prominent citizen, commander of the troops, and vestryman of Trinity Church in New York. After that date Staten Island was fully recognized as being within the jurisdiction of New York, instead of in New Jersey; notwithstanding it had been granted by the Duke of York to Carteret and Berkeley; and subsequently purchased from the widow Carteret by the East Jersey proprietors; and granted anew by the duke after the Dutch conquest, to the East Jersey proprietors.

At Kingston there is recorded an indenture, dated August 25, 1709, signed by eight Dutchmen and one Huguenot, reciting that they, with others, had purchased of the Indians a certain tract of land near Hurley (New Dorp), extending south to the New Paltz patent. It refers to a Dutch grant in 1708 to Cornelius Cool and associates, and states that the lands were purchased to serve as commons for wood, pasturage and drift-way (for driving cattle), and that the woodland should be held for ever. By an agreement ten years later, by authority of the governor and assembly of the colony, seven freeholders were appointed trustees, made a body politic, and given power to sell any of the common lands, not to exceed £225 in value.

The Hurley commons were continued, not for ever, but until nearly a century later, when in pursuance of an act lobbied through the New York State legislature, a division of the land was made. This division was based roughly upon the then existing individual holdings within the corporation and length of residence therein, including also non-residents who held land of not less than \$2,000 value. The expenses incident to the division were met by levying a tax on lots. [44] This is one more instance of land robbery by law, and of inequitable and unjust distribution.

Cadwalader Colden, surveyor-general of New York in 1732, wrote: "Every year the young people go from this province and

purchase land in the neighboring colonies, while much better, and every way more convenient, lands lie useless to the king and country. The reason for this is that the grantees of land held unused are not, nor never were, in a capacity to improve such large tracts. And other people will not become their vassals or tenants, as one great reason for people's (the better sort especially) leaving their native country in Europe was to avoid the dependence of landlords."

In anticipation of the nineteenth-century land reformer, Henry George, he said: "The following proposal seems to me to be most practical, viz., to establish a land rent on all land. The land would, in this case, be sufficient to support the government and if applied to that purpose I believe would give general satisfaction, because it would be as equitable a taxation as could well be contrived, and the taxes would not, as they do now, fall upon the improvements and the industry of the people."<sup>2</sup>

In New York, and in other colonies, when the assemblies refused to vote funds for the governors' salaries, the governor would increase the public revenue by exacting license fees for various occupations. Increasing public revenue by high license fees, to reduce by that much the tax rate on land values, prevails today everywhere.

Three tracts of land of at least one million acres each, and several others of two hundred thousand acres each, were granted about 1750. [10]

All efforts to collect land rents were virtually a failure up to 1761, as only £800 had been collected. [10] No doubt, as Surveyor-General Colden said, the reason was land being held in large unproductive tracts on speculation, with the holders unable to pay. However, during the next thirteen years population increased, which increased the demand for land, with the inevitable result that those who had to have land were obliged to pay increased prices exacted by the speculators. Rents on new grants were increased from 2s 6d per hundred acres, to 4s 2d.

A grant of twenty thousand acres was made in 1765 to King's College (now Columbia University), with a land rent reserved to the king, in recognition of feudal authority. In 1814, the tract

<sup>2</sup>*Op. cit.*

of land in New York City now occupied by Rockefeller Center was granted by the State of New York to Columbia College, which has leased it to Mr. Rockefeller at a ground rent of \$3,600,000 per annum. This vast annual land rent paid by Mr. Rockefeller to Columbia University represents the economic rental value of the land his buildings occupy. Fortunately, this rental is devoted to education.

But the economic rent of all the surrounding land of equal value, automatically created by all the people, is being privately appropriated by a relatively few people, at the expense of all the people; and all the people seem too stupid to claim it. They seem content to go on paying taxes from their personal earnings, instead of having this publicly-created land rent collected for public revenue to reduce the general tax levy.

Sir Peter Warren, a British admiral, acquired through marriage with Miss De Lancey of New York a vast tract of land in the Mohawk Valley. He appointed his nephew, Colonel William Johnson, an Irish gentleman, as superintendent of it. [1]

Johnson arrived in New York in 1738 and located on the land, and became British Agent of Indian Affairs in the Northern District. He ruled the valley in a manner that was partially barbaric and partially feudal. [49] He commanded the troops sent to drive the French from Lake Champlain, and subsequently was made a baronet. He was an extensive land jobber, and in 1772 with Lord Dunmore, then governor of New York, and Governor Tryon, his successor, acquired of the Indians a million acres in the northwestern section of the province. [3]

Fort Stanwix, near Rome, at the time of the French and Indian War, and for many years afterwards, was the western limit of English settlements.

Dr. Harry Yoshpe, of Brooklyn College, writing of the confiscation by the government of manors and other land held by Tories in New York, said: "The land held by James de Lancey, a royalist, covering a mile of waterfront on the East River was not seized by the poor yeomen dependents and tenants, which might have marked a substantial gain for social and political equality. Instead, the bulk of the lands fell into the hands of fifteen persons, practically all of them conspicuous representa-

tives of noted mercantile and landholding families. These included the Livingstons, Gouverneurs, Roosevelts and Beekmans, who formed socially, economically and politically, a single privileged ruling class, as against the rank and file of small freeholders, tenant-farmers, shopkeepers, artisans and laborers."

The legislature of the new state government in 1785 passed an act for the partition of lands, by which land in individual ownership became, in course of time, more general.

The land in New York State below a line drawn between Troy and Buffalo, was within the limits of the royal grants to the Massachusetts and Connecticut grantees.

By a compromise in 1786, ownership of a portion of this land was given to Massachusetts, while the sovereignty was given to New York.

Two years later Oliver Phelps, a merchant and land speculator in Windsor, Connecticut; Nathaniel Gorham of Massachusetts, a former member of the Federal Constitutional Convention; and associates; manipulated an act through the Massachusetts legislature by which they contracted to buy of Massachusetts six million acres in the Genesee country in New York for £300,000 (less than 25¢ per acre): This land was in the present counties of Monroe, Ontario, Livingston, Yates, Steuben, Wayne, Allegheny, Orleans, Geneva and Wyoming.

It was to be paid for in Massachusetts Consolidated Scrip, then much depreciated in value, which reduced the price realized by the state to a fraction of the sale price. They bargained with the Indians for 2,600,000 acres and opened a land office at Canandaigua. During the following two years they sold about five hundred thousand acres at an increased price to different buyers, and the remaining 2,100,000 acres to another noted land jobber, United States Senator Robert Morris of Pennsylvania.

A rapid rise in the value of the Massachusetts scrip prevented them making payment for the remaining million acres not yet acquired of the Indians, and their contract was surrendered.

The Massachusetts legislature, in 1791, sold its remaining lands in New York State to Samuel Ogden, who assigned his contract to the same Robert Morris. Morris acquired of the Seneca Indians four million acres, of which he conveyed three million acres to

Herman LeRoy, John Linclain and Garrett Boon, in trust, to be transferred to Wilhelm Willinck and eleven other land speculators in Holland, who paid the relatively small sum of purchase money. The remaining million acres apparently were retained by Morris as his profit in the deal. [2]

Robert Morris carried on land operations so extensively on large amounts of borrowed money, which he could not repay, that a court judgment lodged him in jail, where he remained for some years. [21]

Now York State having, on its own account, as distinct from the Massachusetts area, seven million acres of good agricultural land to be opened for settlement, the legislature in 1791 authorized the State Land Commissioners, of which Governor Clinton and Aaron Burr were members, to dispose of it. Instead of dividing and selling it to actual settlers in small tracts, they restricted sales to very large tracts which only speculators could buy.

The commissioners sold 5,543,173 acres at an average of 18¢ per acre. Alexander McComb, through subterfuge, got 3,635,200 acres at 8*d* (16¢) per acre, to be paid in five annual installments, without interest, which gave him time to unload on the settlers and speculators at advanced prices before full payment by him became due. The public wanted to know how McComb got land at only 8*d* (16¢) per acre, while John and Nicholas Roosevelt paid 3*s* (75¢) per acre. It was insinuated that Clinton and Burr and their friends were secretly interested in the McComb purchase. All these buyers were rank land speculators, reaping profits from sales to the oncoming farmers while slowing up land division and settlement by exacting increased prices. Their transactions retarded development of the state.

The Dutch grant of more than sixty acres between Cortlandt Street and Greenwich Village, on Manhattan Island, which had been made to Anneke Jans, was confirmed to her by Governor Nicolls in 1664. Seven years later, five of her heirs sold the farm to Governor Lovelace, who bought so much land on speculation that he overloaded himself, was arrested and became disgraced. Becoming indebted to the Duke of York, the farm was confiscated by the duke, and was known as the duke's farm until 1685,

when, with James' accession to the throne, it became the king's farm. Queen Anne, after her succession to the crown, possessed it, and conveyed it as already cited.

At the beginning the farm had very little value, but with the increase in population, which creates land value, it became enormously valuable and claimants brought suit. During a period of ninety-seven years, between 1750 and 1847, not less than sixteen or seventeen suits were brought. It was not until nearly two centuries after its original grant that, in 1847, Vice Chancellor Sanford decided that Trinity Church had acquired a valid title to it. [47]

A farm of twenty acres in New York City was bought in 1799 for \$2,500, and the buyer, after using it some years, sold it for \$10,000. It subsequently came into possession of the Astors, who received a large rental for it as building sites. To obtain a small part of it, as the site for the Empire State Building, the builders were obliged to pay the Astors \$15,000,000 cash before a spade could be put in the ground. The interest on this price is being paid by the rents of the tenants of the building, and by the policy-holders of the insurance company that invested in the undertaking.

Of Astor's real estate operations, Myers [107] said: "If we are to accept the superficial, perfunctory accounts of Astor's real estate investments in New York City, then he will appear in the usual eulogistic light of a law-loving, sagacious man engaged in a legitimate enterprise. The truth, however, lies deeper than that—a truth which has been either undiscerned or glossed over by those conventional writers who, with a panderer's instinct, give a wealth-worshipping era the thing it wants to read, not what it ought to know. Although apparently innocent and in accord with the laws and customs of the times, Astor's real estate transactions were inseparably connected with consecutive evasions, trickeries, frauds, and violation of law.

"The Cosine farm at Broadway, 53rd and 57th Streets, west to the Hudson River, was acquired by Astor by foreclosing on a mortgage for \$23,000. It is now worth \$6,000,000. The Eden farm in the same vicinity, along Broadway north from 42nd Street and slanting over to the Hudson River, was likewise ac-

quired by Astor through his foreclosure of a mortgage for \$25,000. This land is now worth \$25,000,000."

In the 1830's, J. M. Bixby, a young New York lawyer without financial resources, at the importunance of, and to oblige a friend, reluctantly gave a note for \$200, for which he received title to the block of land between Fifth and Sixth Avenues, and 39th and 40th Streets in the City of New York. After two or three renewals of the note he sold part of the land and paid the note. The present value of that land is close to \$15,000,000. There have been numerous similar transactions in New York—and to a lesser extent in all cities. [121]

Showing the enhancement in land value in and adjacent to public parks, the land in Central Park, New York City, cost \$5,040,000, in 1859. The Park Department now appraises the land as worth \$570,000,000, an annual increase of \$6,890,000, or 117 per cent *per annum*.

Within a year of the establishment of this park abutting lots trebled in value. For one large tract near the park, for which \$40,000 was paid at about that time, \$1,250,000 was refused twelve years later [121], representing a private profit created by all the people merely by their presence, and by municipal improvements paid for by taxation. Except for the high cost of land, all cities could have more and finer parks. A drastically increased tax on all land value offers the logical and only possible relief.

Before permission was given to build the Hotel Pierre on Fifth Avenue, New York, the builders were obliged to agree to pay to the Geary Estate \$225,000 annual ground rent, and then to pay the taxes on the land, and on the building to be erected.

These double charges of ground rent and taxes proved so burdensome that the hotel was unable to pay them, and went into bankruptcy—a frequent occurrence in stifling private enterprise by private appropriation of the publicly-created ground rent by title holders.

The interplay of the pressure of population; private appropriation of ground rent necessitating taxes on buildings; and the activities of land speculators, create high rents and high land prices—and slums, the locale of most poverty and crime.

Manhattan Island, with a population of 2,000,000 people, with

77,000 separate lots, has about 40,000 title holders. Of these, about 35,000 own single lots. The bulk of the 4 billion dollars of land value is held by about 5,000 persons. Less than 1 per cent of the population have approximately 95 per cent of the land value.

Notwithstanding virtual abolition, after the outbreak of the American Revolution in 1775, of many of the old manorial and patroonship privileges, the small leaseholders could not dispose of their land without paying the landlord a portion (usually one-quarter) of the amount received in the sale. This came to a crisis in 1839, when Stephen van Rensselaer, one of the largest manorial landlords, died, having willed the land on the west side of the Hudson to his son Stephen, and that on the east side to his son William.

The agitation continued for eight years among leaseholders in Albany, Columbia, Delaware, Montgomery, Rensselaer and other counties and culminated in anti-rent riots against feudal landlordism. Tenancy had increased and in the fight against the landlords murders were frequent. With the result: Stephen sold his portion for \$2.30 an acre, and William sold his tract for \$42,000, and the new state constitution of 1846 abolished all feudal tenures.

An article in the *New York Times*, December 30, 1884, said: "By the constitution of the State of New York, 'all feudal tenures of every description, with all their incidents, are declared abolished,' but as a matter of fact, the incidents of feudal tenure are not abolished. This very cumbrousness and complexity of the transfer of land is one of them, and the right of dower is distinctly another. The common law of England upon the subject of real property is a survival from feudal times, and it has nowhere in this country been completely remodeled in conformity with the needs and usages of an industrial community. There is, by law, a special sanctity attached to ownership of land as compared with that of other property, and the alienation of it is purposely made difficult. In England, this treatment of land still corresponds to a real public sentiment. The owner of land is an object of much more social consideration than the owner of an equal value of personal property. Inasmuch as the 'landed interests' still govern Great Britain, it is to be expected that British laws



should make as troublesome as possible the acquisition of 'estates' by new men who have enriched themselves, and who aspire to 'found families.'

"We have abolished primogeniture and entail which are the chief legal supports of the landed aristocracy. But we have by no means got rid in our laws of the feudal habit of regarding property in land as more important to the state than other property, and it is from this habit that the practice of making land less easily alienable than other property proceeds."

Anson Bingham, in the *Law of Real Property* wrote: "The State of New York not only holds the supreme title to all land within its boundaries but so does every other of the original thirteen states, *over and above private titles of every kind and nature*. The present holders of land title in New York, whether or not conscious of the fact, hold their titles in subordination to the absolute title of the state, and can convey only their rights subject thereto . . . *The rule naturally follows that no person can, by any possible arrangement, become invested with the absolute ownership of land . . . Absolute right of land is vested in the State.*"

The constitution of the State of New York, Article I, Sec. 10, reads: "*The people of this state, in their right of sovereignty, are deemed to possess the original and ultimate property in and to all lands within the jurisdiction of the state.*"

Notwithstanding this, the tremendous increase in land value in the City of New York all these years, created by all the people, has been allowed by law to be appropriated by those in whose names the land stood registered, and who have done nothing to earn it.