THE

SWARTWOUT CHRONICLES
1338-1899

AND

THE

KETELHUYN CHRONICLES
1451-1899

BY

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WHEN the author of these chronicles began searching for information relating to the ancestors of the Swartwout Family, none of its members had any knowledge of the place or places of residence in the Netherlands of the one who settled in New Netherland in the sixth decade of the seventeenth century. Accepting certain hearsays as true, some of his American offspring believed that they were respectively the descendants of two or more brothers who had come in that century from Holland with their households to occupy and cultivate tracts of bush-land bordering the river explored, in 1609, by Henry Hudson. An ensnaring fiction later induced others to receive the coat-of-arms of the Edinburgh Blackwoods as that of the Swartwout Family.

The descent of the members of the different American branches of the family, now writing the cognomen Swartwout, Swarthout, Swartout, and Swartwood, is distinctly traceable to Tomys Swartwout, who, in 1655, was appointed a schepen (magistrate) of the court of Midwout (Flatbush), on Long Island.

The object of Major William Merrill Swartwout in having these chronicles published in the attractive form in which they appear—there being only one hundred copies of them printed—is assuredly noteworthy. Believing that a memorial history of the Swartwout Family in Holland and America would more advantageously perpetuate a knowledge of the public services of its members than any other monument, he considerately leaves with the readers of this work the determination of the judiciousness of his choice of the means to accomplish that purpose.

In a sojourn of three months in the Netherlands, the author found many rare and valuable records in different depositories of church registers, municipal documents and state papers containing important information relating to the ancestors of the family. A visit to the site of "het Zwartewoude" (the Black Wood), originally diversifying the northern part of the Low Countries known first as Frisia, and later called Friesland, afforded him an enjoyable view of the extent of land once the manor from which the family derived its topographic name. There and in the vicinage of the Black Wood, the emblematic bearings
of the Swartwout escutcheon were early seen on shields and standards conspicuous in the battles in which the valorous Frisians repeatedly discomfited the forces of foreign invaders, for, since the time of the Latin historian Tacitus, that ancient stalwart race of Germans has had renown for its love of independence.

The political eminence of the Frisians in the Middle Ages is remarkably substantiated by the fact of their adjudicating differences arising between the inhabitants of one part of the country and those of another by the agency of arbitration commissioners. The constitution of the arbitration commission, of which, in 1338, Otto Swartewold of Drenthe was a member, is historically described as having been honored with the singing of "a great number of triumphal songs" by assemblages of gratified people. The ennobling character of the state-craft adopting this laudable method of settling sectional disagreements was signally heightened by the moral excellence and superior intelligence of the commissioners. The scroll of parchment on which the awards of the commission were engrossed, on June 30th, that year, in Latin, is preserved in the Imperial Archives of the province of Groningen, and of which a photo-engraved copy is displayed on two pages of the first chapter of the Swartwout Chronicles.

The protective manner in which officers were selected to administer the affairs of the city of Groningen was manifestly conducive to the maintenance of good government. A body of well-born and upright men, called as early as 1324 the Wisdom of the City (de Wijsheid der Stadt), and a century later the Sworn Commons (de Gezworene Meente), possessed the exclusive right to determine the eligibility of citizens to be municipal officers. In 1580, Johan Swartwolt was a member of this college of local sages, as he was afterward, and also as was Herman Swartwolt.

In the long war with Spain, the Frisians heroically perpetuated their native invincibility on many fields of battle. In 1580, when the enemy besieged Steenwijk, the daring achievement of Arent Swartwolt in extinguishing the flames enveloping the palisades protecting a gateway of the walled town, which the foe had surreptitiously set on fire on a dark night and had then guardedly covered with the guns of a concealed body of sharp-shooters, is still admiringly recounted by Dutch historians.

Tomys Swartwout and his brothers Wybrandt and Herman were the first of the Frisian Swartwolts to write the surname conformable to modern Dutch orthography. They were evidently the first Hollanders to engage in the wholesale business of buying and selling in the Netherlands tobacco cultivated by colonists in Virginia and New Netherland. The fact of their dealing, in 1629, in Amsterdam, in tobacco grown and cured on the island of Manhattan, or three years after the purchase of the island by the Dutch West-India Company from the Indian proprietors, is well established.
It is no less important to mention here that Tomys Swartwout was one of the nineteen courageous representatives of the settlers of New Netherland, who, in convention, in the city-hall, in New Amsterdam, on December 11, 1653, dared to remonstrate against a continuance of the maladministration of the affairs of the province by the arrogant directorate of the West-India Company, and to claim for the taxed colonists a right of voice in the government of it. The aggressive action of this first landdag of the oppressed inhabitants of New Netherland, although contemptuously ignored and regarded by the despotic guild of avaricious merchants as merits severe punishment, so that other colonists might be deterred from “deliberating on affairs of state,” had, nevertheless, in the fulness of time, a glorious consummation in the declaration of independence of the thirteen united American colonies.

As a strenuous upholder of the rights of the colonists, Rocloff Swartwout was as fearless as his father in the utterance of his political convictions. When the choice of delegates to the provincial convention, held in New York city, in 1690, was about to be made, he boldly advised that “it ought to be a free election for all classes.” By birth and education the equal of most, if not all, of those who pompously “deemed themselves favorites of royalty” and politically isolated from “the common people,” he was not troubled by any apprehensions of losing prestige and preferment in becoming a partisan of Jacob Leisler, whose military experience, wealth, and excellence of character commended him to the Committee of Safety which deputed him “to exercise and use the power and authority of a commander-in-chief” of the province “until such time as orders should come from their most sacred majesties, William and Mary, king and queen of England.” The iniquitous and precipitate execution of Leisler and his son-in-law, brought about by a few ambitious and revengeful men, was an event strikingly horrifying and pitiful.

The participation of Lieutenant Abraham Swartwout in the siege of Havana and in the storming of Morro Castle and other Cuban strongholds, by the English, in the summer of 1762, gives prominence to the fact that the valor of the members of the Swartwout Family in America, in the colonial period, was not only notable in engagements with the French and their allies at places near the homes of the vigilant frontier settlers, but also along the distant borders of Canada and the more remote island in the West Indies.

The patriotism of the family was also brilliantly exhibited in the war of the Revolution by the services of twenty-nine of its members; one having the rank of brigadier-general, three that of captain, three of lieutenant, and four of ensign, two of whom were institution-members of the Society of the Cincinnati.

The appellation Swartwout designated, in September, 1776, a temporary
fort, constructed at that time near Spuien Duivil Kill, for the defence of the city of New York.

The voluntary contribution, at Fort Schuyler, on August 3, 1777, by Captain Abraham Swartwout, who, as a lieutenant of volunteers, had served, in 1762, in the successful campaign of the English forces in Cuba, of his valuable blue cloth cloak to form the field of the first United States flag that was made conformable to the style of the national standard established, on June 14, 1777, by the American Congress, is an historical fact inseparable from the genesis of the star-constellated banner of "the Land of the Brave." The testimony of an order of the Pennsylvania Navy-Board, written on May 29, 1777, to pay Elizabeth Ross "fourteen pounds twelve shillings and two pence for making ships' colours, etc.," in no way substantiates the claim that she fabricated a United States flag "prior to the Declaration of Independence," nor does it verify in any manner the assertion that the American Congress "issued an order on the treasury" to pay her a similar sum for making a flag or flags of the design set forth in the resolution of June 14, 1777.

The bold statesmanship of General Jacobus Swartwout, one of the original law-makers of the state of New York, who for eighteen successive years served six as an assemblyman and twelve as a senator, added no little lustre to his prompt and early service in the war of the Revolution.

The arena of party politics in the state of New York, at the beginning of the current century, presented scenes and characters peculiar to that time. The eager gatherings of the different leaders' forces, their violent onsets at the polls, and the loudness of their voicings of victory were as remarkable as the characteristics of the spirited men who outlined the plans of the successive campaigns, named the candidates, and marshalled the electors. The illustrious prestige of the federalists and the vivid vigor of the republican-democrats gave more than ordinary distinction to the two antagonizing parties. Hamilton's early discovery of the growing popularity of Aaron Burr made him the more ambitious to lessen it, which consequently stimulated the zeal of the young democrats to increase it. The factionary alliances of the Livingstons, the Clintons, and the Schuylers not infrequently changed the preponderance of public favor from the candidates of the one party to those of the other. The strong individuality of John Swartwout made him a distinguished favorite of his party, and, inasmuch as his frankness and integrity invalidated many of the unjust animadversions of his opponents, he was thrice elected to a seat in the state legislature. The duel which he so resolutely fought with DeWitt Clinton was evidently to him the only honorable means by which he could disprove the intemperate and unfounded expressions of his reckless and self-opinioned traducer.

The clandestine and perilous methods adopted by General James Wilkinson
to conceal his disloyal machinations and treasonable acts from the knowledge of the national government and the people of the United States during the time he was engaged in the attempt to place Spain in possession of the territory of Louisiana, and to persuade the people of Kentucky to secede from the Union and acknowledge the supremacy of that foreign country's power, and thereby obtain for himself compensatory riches and titular distinction, exemplify an "art of traitorous diplomacy" truly astounding. Wilkinson's faithlessness to Aaron Burr, whom he knavishly used and artfully vilified in order to keep the public ignorant of the fact that he himself was the concocter of the plots which made his enthusiastic and incautious servitor a conspirator and a filibuster, reveals in liveliest colors Wilkinson's nefarious selfishness and personal turpitude. The temporary perplexity of General Wilkinson in determining the character of his treatment of Samuel Swartwout, to whom Burr had entrusted the delivery of the famous cipher-letter to Wilkinson, was undoubtedly due to Wilkinson's belief that the young man would not belie Burr's description: "a man of inviolable honor and perfect discretion; formed to execute rather than project; capable of relating facts with fidelity, and incapable of relating them otherwise." This truthful characterization evidently made Wilkinson unwilling "to place full faith in the frankness and candor" of the disinterested bearer of the cipher-letter. When acquitted of the charge of treason brought against him by Wilkinson, Samuel Swartwout, in publicly proclaiming him guilty of treason, forgery, and perjury, did not use words inapplicable to the numerous and now more clearly established offenses of the execrable impostor.

The outbreak of hostilities between the United States and Great Britain, in 1812, again quickened the martial spirit and valorous proclivities inherited by the members of the Swartwout Family. Midshipman Augustus Swartwout, although seriously wounded, persistently superintended the firing of a gun on the flagship Lawrence until it was dismounted, in the ever-memorable naval battle on Lake Erie, in which Captain Oliver H. Perry, with a squadron of small wooden vessels, grandly obtained the distinctive renown of having commanded the first United States fleet that encountered in a regular line of battle one of an enemy, which, having been worsted in a long and desperate action, he captured entire, without losing a single vessel of his own. The dash and gallantry of Brigadier-General Robert Swartwout in the battle of Chrysler's Field was the admiration of all the brave men who participated in it. As captain of the independent military organization, titled the Iron Grays, Samuel Swartwout was regarded by the citizens of New York as being the inspirer of the esprit de corps which gave it the noted distinction which it so long enjoyed as being the pride of the city. Composed of young men of marked social standing and education, the corps became famous for its skilled use of arms and precise and rapid evo-
lutions, and its parades on the Battery and field manœuvres always attracted large throngs of people to witness them. Fitz-Greene Halleck, the poet, was a member of the company. The patriotism of

"Swartwout's gallant corps, the Iron Grays," inspired him to write several metrical compositions in laudation of the noteworthy loyalty of its members in volunteering their services for the defense of the city during the war.

The attempt of the three energetic brothers, John, Samuel, and Robert Swartwout, to reclaim for cultivation the tide-swept marshes of New Jersey, immediately west of the Hudson River, and opposite the city of New York, by ways and means similar to those seen in Holland, obtained for their extraordinary enterprise deserved commendation. The relinquishment of the feasible project for want of adequate money has monumentally left there large areas of dry ground and the bold outlines of one hundred and twenty miles of wide ditching to demarcate the extent of the planned work and demonstrate the obvious utility of the vast undertaking.

The criminal complicity and conspiracy of two dishonest employees of Samuel Swartwout, while he was collector of customs at the port of New York during the administration of Andrew Jackson as president of the United States, in having him adjudged a defaulter, and causing him to be dispossessed of his extensive and valuable property, are so clearly and conclusively established by the facts and testimony presented in the thirteenth chapter of this work that every reader of it will certainly wonder why a publication of this incontrovertible evidence was not earlier made. The reprehensible action of the national government in summarily taking and selling the estate of the traduced ex-collector on the assumption that the allegations of the perjured and perfidious cashier and his despicable confederate were true, not only abruptly deprived Samuel Swartwout of his property and irremediably impoverished the guiltless man, but unhappily influenced people to believe that the charges brought against him were indisputably authoritative and unequivocally substantiated. The culpability of the national government in not accounting to Samuel Swartwout for the valuable property which it unjustly took and sold is as remarkable as its deafness to the persistent appeals which the conscientious ex-collector personally and by representatives made to obtain a settlement of his accounts with it.

The inherent patriotism and loyalty of the Swartwout Family led many of its male representatives to volunteer their services for the preservation of the Union at the beginning and during the progress of the Civil War. On different battle-fields not a few heroically terminated their lives, others died in hospitals and prisons of wounds and disease, and some still bear honorary marks of commended valor. The fierce engagement of the Portsmouth, commanded by Captain
Samuel Smith Swartwout, with the water batteries on the banks of the Mississippi River, to render practicable the attempt of Admiral Farragut to pass Forts Jackson and St. Philip with his fleet of wooden vessels, and reach and capture New Orleans, was introductorily particularized in the official report of the successful feat which made lastingly famous the bold venture of the distinguished naval officer who accomplished his object with the loss of but one vessel. The fortitude of Adjutant William Merrill Swartwout, after being deprived of his left arm and having the pectoral muscles on that side of his body seriously lacerated by a two-hundred-pound projectile, at Dutch Gap, on the James River, was considered to have enabled him to ward off the fatal consequences commonly resulting from such frightful wounds. His observation of the bravery of his comrades-in-arms and their exemplary endurance of many physical afflictions in the field led him to erect, on the Soldiers' and Sailors' Plat, in Oakwood Cemetery, at Troy, N. Y., a conspicuous flag-staff on which he has had displayed, constantly since 1894, a United States flag to keep alive recollections of the courage and services of the deceased veterans whose remains are there entombed.

The briefer history of the Ketelhuyn Family in Germany and America begins, in 1451, with particulars of its possession of an ancestral estate called Ketelshagen, on the island of Rügen, in the Baltic Sea. Joachim Ketel, titled a doctor of laws, and, in 1578, elected burgomaster of the city of Demmin, in the province of Pommern, in Prussia, was the grandsire of Joachim, who wrote his surname Ketelhuyn, and settled, in 1642, at Fort Orange, in New Netherland.

His son, Daniel Ketelhuyn, who had been a lieutenant in Colonel Richard Ingoldsby’s regiment of Independent Fusileers, was occupying a farm at Schaghticoke, in the province of New York, which, in October, 1711, became the scene of a massacre shockingly barbarous in its horrifying features.

The military record of the different members of the Ketelhuyn Family who took part in the colonial wars, the war of the Revolution, and that of 1812-15, highly authenticates their individual patriotism and bravery.

Lieutenant Sumner E. W. Kittelle, of the United States Navy, who, as an officer of the dispatch-boat Dolphin, was in different engagements with the enemy on and off the coast of Cuba, during the recent war with Spain, is of the seventh generation of the descendants of Joachim Ketelhuyn, who, in 1652, was one of the founders of the village of Beverswyck, later called Albany.

Of the one hundred and more engravings illustrating these chronicles, the reduced fac-similes of the original Dutch text and embellishments of the nuptial poem and wedding songs composed in honor of the marriage of Tomys Swartwout and Hendrickjen Barentse Otsen, on June 3, 1631, will, without doubt, be highly prized by the members of the Swartwout Family as ancestral souvenirs.
PREFACE.

The author's versified translations of the Dutch epithalamium and songs are as literal as the meaning of the text could be harmoniously construed in English.

The publication of this work must indissolubly link hereafter the name of Major William Merrill Swartwout with his munificence in making it a memorial of inestimable historical value to the members of the two families, and a book uniquely elaborate in binding and delightfully satisfying in typography.

Besides the author's gratification in finding in different provincial and municipal archives in the Netherlands the information concerning the ancestors of the Swartwout Family set forth in this volume, his remembrance of the interest taken in his researches by the courteous and scholarly archivists who there graciously and officially furthered them, urges him to acknowledge here his great indebtedness to Mr. J. A. Feith, the imperial-archivist of the province of Groningen, and to Mr. W. R. Veder, the archivist of the city of Amsterdam, for many favors of their time and knowledge, and to express his obligations for the kind services of Mr. S. Muller Fzn., the imperial custodian of the archives of the province of Utrecht, and those of Mr. I. van Sloterdijk, and Mr. C. M. Dozy, severally archivists of the municipal records of Leeuwarden and Leyden.

Arthur James Weise.

Troy, N. Y.,
August 15, 1899.
THE SWARTWOUT CHRONICLES.

CHAPTER I.
FRISIAN ANCESTORS.
1338-1641.

In the first ages of the world people were distinguished by names descriptive of their origin, appearance, traits of character, and by titles derived from imputed blessings of the Diety: Adam (red earth), Cain (gotten from the Lord), Laban (white), Esau (hairy), Jacob (supplanter), Solomon (peaceful), Jonathan (gift of Jehovah), Nehemiah (comfort of the Lord). Later such appellations were frequently bestowed without any consideration of their signification being accepted as denoting the individual's derivation, features, disposition, or attributes.

Surnames are so called because they were originally written above those first designating mankind. They were then used to denote the vocations, localities of residence, rank, or kinship of the persons bearing them: Faber (Latin, smith), Zimmerman (German, carpenter), Clinton (Dano-Norman, promontory-town), Amherst (Saxon, woodland-village), Sigsby (Anglo-Saxon, town of victory), Prescott (English, priest's cottage), Luther (German, renowned chief), Johnson (English, son of John). In England and France surnames became hereditary about the eleventh century. As family titles they have been perpetuated mainly by records of sale and purchase of property, by wills, and other instruments of writing.

In the middle ages the names of the seats of ancestral estates began also to be used to designate the families possessing them. The appellation Blackwood, derived from a forest-covered demesne in Scotland, has long been the title of a well-known family living in that part of Great Britain.

Six centuries ago the synonymous cognomen Swartwout (Blackwood) similarly originated from a densely-wooded manor lying in that part of Frisia or Northern Holland, now known as the district of Ferwerderadeel, in the
province of Friesland. A primeval forest, figuratively styled by the inhabitants het Zwartewoude (the Black Forest), then stretched across that part of the Netherlands, north of the city of Leeuwarden. Now only a few scattered groves diversify the level landscape where formerly the vast wood was imposingly conspicuous. The westward range of this dark forest is still indicated on maps of the province by its early geographical title, Zwartewoude.¹

The ensigns armorial or coat-of-arms of the Frisian Swartwouts emblematically represent not only the woody locality of the patrial manor, but also the political freedom which they originally enjoyed as possessors of the extensive estate of Zwartewoude. The right of emblazoning on their war-shields the proper figure of an alert deer bounding across a grassy glade

¹ Zwart, also written swart, a Dutch adjective, meaning black, and agreeing with the neuter substantive woude, also written wout, of the same language, signifying a wood or forest. There is also a Dutch noun, hout, expressing wood or timber as material. The Dutch words woud and hout are closely allied in meaning to the German terms wald or wald, and holt or holz.

Zwartewoude or Zwartewald, the present tract of land bearing that name, is described as lying in the canton of Holwerd, arrondissement of Leeuwarden, district of Ferwerdadeel, quarter of Oostergoo, in the province of Friesland, bordering northwest on the highway from Hijum to Hallum, northeast on the Hallum canal, southeast on the Hallum meadows, and southwest on the Hallum lake, and having an area of five English acres and certain fractions of an acre. ("Zwartewoude of Zwartewold, streekla/ids, prov. Fricsland, kiv. Oostcrgoo, griet. Ferwerdadeel, arr. Leeuwarden, kant. Holwerd ; palende N. W. aan den rijnweg van Hijum naar Hallum, N. O. aan de Hallumervaart, Z. O. aan de Halluminum, en Z. W. aan het Hijummeer, en eens opperholte bestaande van 3 haad, 63 v. r. 50 v. ell.")
of a dark forest was granted the male members of the family, by royal decree, in the thirteenth century. The inspiring augury, contained in an ancient statute-book of the country, that its inhabitants should "be free as long as the wind blows out of the clouds and the earth remains," they intrepidly sought to verify by the might of their weighty swords in frequent engagements with foreign invaders, who again and again attempted to put them under subjection.

The Frisians, originally a Germanic race, were already occupying the northern territory of Belgic Gaul when Julius Caesar, in the year 57 B.C., invaded it. They were then far advanced in successful methods of agriculture, and so rich in cattle that they were required by the Romans to pay a heavy tribute in hides and horns. Their fair complexions, bright blue eyes, heavy locks of auburn hair, great stature, and physical vigor, constantly commanded the admiration of the Latin invaders. The men, clad in plainly-made woolen tunics and loosely-fitting breeches, and the women, as simply attired, were so grand in character that they quickly won the respect of the Roman soldiery.

The people of Frisia recognized the existence of God, in whose divine fatherhood they discovered care and guidance, and whom they worshipped in consecrated forests on appointed days. They had no priests and offered no sacrifices. They hallowed marriage; each man exclusively honoring with his affection and fortune the woman chosen for his wife.

The frequent incursions of foreign forces, led by ambitious and depraved commanders seeking to dispossess the inhabitants of Frisia of their property and independence, gradually distempered their minds and morally debased their offspring. It happened in the year 728 that Archbishop Wolfram, of Sens, in Gaul, under the sanction of Charles Martel, or Charles the Hammer, undertook the conversion of the people of Friesland to Christianity. Among those who were willing to be baptized in evidence of their acceptance of the religious teachings of the zealous dignitary was Radbod, a dethroned Frisian king. While waiting to receive the outward sign confirmatory of his faith, his thoughts reverted to his deceased pagan ancestors. "Are they in heaven or hell?" he asked. "In hell," the pious prelate answered. "Then I would rather dwell hereafter with my kindred there than with a few strange Christians in heaven," he frankly declared, and forthwith strode away from the surprised archbishop.

Poppo, the son of Radbod, who succeeded him in governing Friesland, was killed in 750 in a battle with Charles the Hammer, who established at Utrecht the famous episcopate of which Saint Willebrordus was the first
bishop. Saint Bonifacius, his episcopal successor, in order to enlarge the bounds of his bishopric, sedulously applied himself to bring the Frisians under the domination of the church. The unwillingness of the people to be converted caused much bloodshed, for many were slaughtered by those attempting to make them tractable to the yoke of ecclesiastical authority. While endeavoring to advance by force of arms the propagation of his faith among them, Saint Bonifacius heroically met a martyr's death at the hands of the resolute Frisians at Dokkum, about nine English miles northeast of the site of the manor of Zwartewoude.

Under Charlemagne, 768–814, Friesland was governed by counts and dukes appointed by the illustrious German emperor. Conrad, the ambitious Bishop of Utrecht, in February, 1088, obtained ecclesiastical control, by letters patent, of the counties of Oostergoo and Westergoo. The title to this territory was abrogated by Lothaire II., who, in 1125, succeeded to the throne of Germany. Considering it to have been acquired by unlawful means, he transferred the two counties, and the section entitled the Seven Forests (which three divisions comprised the territory then known as Friesland), to his nephew, Theodore VI., the twelfth earl of Holland and Zealand, and lord of Friesland.

The persistency of the valorous Frisians in freeing themselves from subjection to foreign rulers was signally rewarded in the year 1417, when a charter confirming their political independence was given them by Sigismund II., Emperor of Germany. Thereafter, for many years, unvexed by war, they peacefully planted and reaped, enlarged their barns and built themselves more comfortable dwellings, and wisely administered the affairs of their provincial government.

The selection of the Netherlands—originally so uninviting because of their sombre forests, impassable morasses, extensive infertility, and extremely humid climate, for permanent habitation by men who elsewhere might have had more agreeable and healthful surroundings—is strangely inexplicable. The persistency with which they and their descendants labored and contributed the means to change the cheerless aspect of the inhospitable land and render its waste places arable and salubrious, as also the manner in which they debarred the North Sea, by immense dikes and massive dams, from destructively inundating the low country, are distinctly stupendous and unparalleled. Any one considerately viewing the stirring traffic of its great cities, the countless steamships and sailing craft crowding its ports and waterways, the rare and costly art-relics of its famous museums, the many well-paved highways of the rural districts, the striking productiveness of the sedulously-cultivated farms, the multiplicity of the serviceable wind-mills, the innumerable herds of grazing kine, the frequent villages with lofty-towered churches, cannot
but perceive with amazement the effect of the initial labor and enterprise of the early inhabitants.

The chief and most woful of the many afflictions besetting the early inhabitants of the Netherlands was the frequent flooding of the country by the North Sea. Lacking the means to build costly dikes to check the invasive floods, they not only often lost all the property which they had slowly acquired through long years of provident industry, but many were drowned in attempting to cross impassable and impetuous streams to reach unsubmerged ground. The following translated excerpta from one of the histories of the country summarily describe the calamities consequent upon these once-frequent inundations:

"Hereafter our ancestors enjoyed a rest until the great flood in January, in the year 1164, when the whole of Friesland and parts below it were dreadfully damaged; the flood being general, the number of men that was killed by it was estimated as being over a hundred thousand. * * * * Our region was shortly thereafter visited by an amazing drought in 1285, and by a frightful inundation in 1287, by which, between the rivers Eems and Lauwer alone, twenty thousand men were killed." 1

At the beginning of the eleventh century there lay between the rivers Eems and Lauwer, at the confluence of the rivers Aa and Hunze, about thirty-five English miles eastward of the manor of Zwartewoude, a great meadow, which on account of the vivid beauty of its verdure obtained the name of Groene Inge (Green Meadow), which in the course of time was corrupted into Groningen.

The origin of the prosperous city, the capital of the province of the same name, now widely extending its numerous and cleanly-kept streets over the outer area of the verdurous lea, is obscure. The information extant respecting the beginning of the place is exceedingly meagre. Nothing, it seems, is known of the existence of Groningen prior to the year 1006. It is titled "Villa Groninga" in a Latin gift-deed presented, in 1040, to the church of Utrecht, by Henry III., Emperor of Germany. The prosperity of the place being evidently assured, and the inhabitants finding, in the year 1110, that the fence of palisades, with which it had long been surrounded, was either too low or too insecure, they removed it and encircled the city with a high stone wall, massive towers, strong gates, and a deep ditch. Gondebald, Bishop of Utrecht, fearing that the people might thereafter hold his ecclesiastical authority in contempt, as the wall had been built without his consent, induced the citizens two years later to pull it down.

Groningen was not again rendered defensible until 1255, when the construction of another stone wall around it was undertaken. The circuit of the place was then estimated to be about two and a half English miles.

About the year 1334, the Ommelanders or country-people of Friesland became antagonistic to the interests of the town-people, and an open war with the people of the city of Groningen ensued, in which the inhabitants of the rural districts, principally those of Hunsingo, Fivelgo, Langewold, Vredewold, Drenthe, and the Eight Parishes, participated. The Groningenburghers at first twice defeated the combined forces of their antagonists, but in a third engagement they themselves were worsted. The struggle thereafter was indifferently prolonged until the contestants consented to have an arbitration commission appointed to settle their differences. Thereupon a body of ecclesiastical dignitaries and distinguished laymen was selected to render decisions for the settlement of the disagreements existing between the people of Frisia and those of the city of Groningen.

The Latin text of the unique decree, published on the festival of Saint Paul, June 30, 1338, is engrossed on a scroll of parchment, twenty inches wide and ten long, in the lower border of which slits were made for attaching the seals of the eight districts designated in the instrument. The valuable document is carefully preserved in the Government or Old Archive (Rijks of Oud-Archief), a fire-proof building behind the Province-house (het Provinciehuis), opposite but back of Saint Martin’s Church, in Groningen. Written as it was a century and more before the art of printing by movable type became serviceable for the publication of books, the antique method of abbreviating words and of punctuating sentences is curiously exemplified in the remarkably legible text.

The residence of Otto Swartewold, at that time in the district of Drenthe, in Friesland, lying south of the city of Groningen, and about thirty English miles southeast of the site of Zwartewoude, was probably caused by a marriage contracted by him there, or by an inclination to attempt the betterment of his fortune in that locality, which was only a day’s journey from the family manor. It may be well to remark that a beginning of the Dutch way of spelling the family name is evident in his writing it Swartewold, for he omits using the German adjective schwarz and adopts the Dutch adjective zwarte while retaining the ancient Teutonic substantive.

Otto Swartewold was undoubtedly a man of marked integrity as well as of considerable intellectual ability, since he was selected one of the number of arbi-

1 "De talrijke hoge geestelijken en leken" (the numerous high ecclesiastics and laymen) Wandelingen door het oude Groningen, vi. Door Mr. J. A. Feith, Rijksarchivaris in Groningen.—Jaar boekje voor Geschiedenis, Taal-en Letterkunde der provincie Groningen.—1895, p. 89.
DEGREE OF THE ARBITRATION COMMISSION, ISSUED AT GRONINGEN, ON THE FESTIVAL OF SAINT PAUL, JUNE 30, 1338.

A reduced photographed facsimile of it in two sections.
trators which included such eminent personages and scholars as abbots, prefects, commendators, deans, a prior, and several lords. The constitution of this arbitration commission, it is related, was made an occasion for the singing of "a great number of triumphal songs." 1

The preamble of the record of the awards made by the commissioners sets forth the purpose of their appointment and the way in which they gave publicity to their decisions:

"We, the arbitrators or friendly adjusters of the differences arisen between the Frisians, on the one side, and the city of Groningen, on the other, and their abettors, * * * * before whom the said dissension was finally compromised by the oath of each party that they would stand to our decision, no less by an assenting unanimity, which we have made known for a perpetual remembrance of the matter, for the present as well as for the future, that having shared in the determination of each party, we ordain and promulgate for the good of peace and harmony." 2

One of the most sweeping of the different provisions of the decree was evidently that relating to the fortifications of the city of Groningen: "In the first place, that the people of Groningen, in consideration of the honor of the Frisians, shall pull down from the foundation the stone wall of their city, from the Ebbingae gate, included, all the way to the tower nearest the west gate, Botteringe gate, also included, with all their intermediate parts, and that the people of Groningen shall put in place of it a wooden wall with gates of wood. Also that they shall reduce the six fortresses." Other requirements of less note, to be obeyed both by the Groningenburghers and the Frisians, are recited in the instrument, as also are enjoinments for the payment of compensatory sums of money. The sealing of the decree and its publication are particularized in the closing sentences of the instrument:

"In perpetual remembrance of all which testimony and the carrying out of the matter the seals of the countries of Frisia, Hunsingo, Fivelgo, Drenthe, Groningen, Vredewold, Langewold, Hummerse, and the Eight Parishes are appended to these presents. Given and published by Selwert, in the year of the Lord one thousand three hundred and thirty-eight, in commemoration of the Blessed Paul. Wherefore we, the other compromisers or arbitrators aforesaid, are contented with the aforesaid seals." 3


2 "Nos arbitratores streaminabiles compositores super discordiis exortis inter Frisones, ex parte una, et ciuitatem Groniensem, ex alia, et eorum, * * * * in quos dicta discordia fuerat finaliter compromissa, juramento uniusque partis, ut nostri adestor ordinations, nihilominus accedente consensu, ad perpetuum seis memoriam solitum factus, hanc prescriptios quam futurus, quod nos communicato consulta uniusque partis ab honore partes et concordiae ordinations et promissuourns inviolabilitur observantuam."

3 "In quorum omnium testimonium et rei geste perpetuum memoriam sigillos terreum Frisie, Hun-
THE PROVINCE-HOUSE AND A PART OF SAINT MARTIN'S CHURCH, GRONINGEN, 1793.
The Dutch historian, Übbo Emmius, "who had seen the original transcript, says, that in place of the eight seals, severally of Hunsingo, Fivelgo, Drenthe, Vredewold, Langewold, Hummerse, and the Eight Parishes, with which the decree should have been sealed, there were only those of Hunsingo, Fivelgo, and Drenthe affixed to it." A comparison, however, of the impress of the third seal, as shown by the photographed copy of the original parchment, with the impression of the seal of the city of Groningen exhibited on the photographed copy of another rare parchment embellishing a further page, will afford the evidence that the seal of the city of Groningen is the third one in the order of succession that is attached to the original decree.

Although many woful calamities distressed from time to time the Frisians, yet seldom were any so afflictive as the wars which gain-seeking foreign rulers inaugurated against them. Giving officers command of armies numerically stronger than the body of inhabitants capable of bearing arms, they sent them into the plenteous region, where they left blights of death, fire, and grief long memorable to the mourning and poverty-stricken people.

The invasion of that part of Frisia in which lay the manor of Zwarte-woude, in 1500, by Albert, Duke of Saxony, under the august patronage of Maximilian, Emperor of Germany, "made such pittiful spoile," as is quaintly related by an English historian, that "all, both noble and base, rich and poore, preisters, monkes, nunnes, and novices, fled out of the countrie, none remaining but the poore pesants of the Seven Forests, who would see what the end might bee of all there miseries."

To further gratify his greed of spoil, the avaricious duke proclaimed "that the pesants should returne freely, every man to his house, and that, for a certaine summe of money (which they should contribute every one according to his habilitie), he would receive them againe into favour. Whereupon they returned, redeeming themselves of the duke, some villages at a hundred, two hundred, three hundred, four hundred, five hundred florins, according to their wealth. Then commandement was given to bring all their armes into the cittadell of Lewarden, and above all, for a reparation, they should come bareheaded and barefooted, without girdles, to sue for pardon uppon their knees, and to promise all future obedience to him, and his heirs. This was in
"GROENINGA, COMMONLY CALLED GROENINGEN" PRIOR TO THE FINAL DEMOLITION OF ITS WALL AND FORTIFICATIONS.
regard of the countreymen and peasants. As for the nobilitie, gentrie, and churchmen, they were forced to purchase letters of grace and pardon at a deare rate.”

The people of Groningen, aware of the jeopardy of the city by the nearness of the invaders, began to prepare for its defence, should the Saxon duke undertake to besiege it. This he lost no time in doing, but when the enemy attempted to assault the place, its defenders displayed such valor and knowledge of the art of war as surprised the German troops, who were not only repeatedly repulsed but several times driven away from the walls by the armed people of Groningen sallying unexpectedly upon them from the gateways of the city. Incidents of the siege of Groningen are also detailed by the author of the rare English history of the Netherlands:

“The duke foreseeing that if hee did not in like sort subject the towne of Groningen and the countrie thereabouts hee should never injoy Friseland quietly. Hee went the last of July, 1500, to besiege it. He planted his campe at Auwert, Seewert, and on the side of the port of Bottoringhe. Hee battered it [the gate] furiously as well as the walles and ramparts with his cannon as [he did] the houses in ruine with his great morters. The inhabitants had a good garrison of souldiers who made many brave sallies upon his campe.

“One day as hee himselfe was taking a marke with a cannon, a shot of artillerye came from the towne, who, although he were not toucht with the bullet yet was hee sore wounded with the splinters of the carriage and the gabolous, and was carried to his lodging. * * * *

“After that hee had besieged it six weeks, the plague also beeing very whot in his campe, and having yet prevailed little, hee made a suspension of armes, and raised his campe, and then caused himselfe to be transported to Emden, where hee died the twelfth of September.”

Whatever views may have been entertained by different Dutch historians respecting the obedience or disobedience of the people of Groningen in regard to the enjoinment of the arbitration commissioners, in their decree, in 1338, that the stone wall surrounding the city should be demolished and replaced by a wooden one, it is a fact, that, in 1469, the wall, at that time encircling the city, was strengthened by the erection of six massive towers and rendered more defensible by the excavation of a new moat along it. Other additions to the city’s fortifications were made at the time of the Gilderschen war, 1514–1536, and also in the succeeding century, between the years 1608 and 1624.

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2 Ibid. pp. 222, 223.
the beginning of the sixteenth century the salient features of the city were po-
etically enumerated in the following Dutch rhyme:

“Zeven poorten, die te lande waart gaan,
Zeven straten, die aan de Vismarkt staan,
Zeven diepen, die ter stad uitkomen,
Zeven pijpbruggen op de waterstraaten,
En vijf deuren aan St. Martens kerkten,
Dat zijn vijf Groninger merken.”

Translated into English these lines may be read:

Seven gates that countryward go,
Seven streets on the Fish-market show,
Seven canals from the city come out,
Seven bridges over the streams thereabout,
And five doors on Saint Martin’s kerk,
Are five marks of Groningen work.

The seven gates were severally named
Heerepoort, Aapoort, Boteringe poort, Ebbingepoort, Poelpoort, Oosterpoort, Nijbruggenpoort; the last-named being known later as Kranepoort. These old gates, with the exception of the Kranepoort, were two or more stories high and set off with towers. The city, as delineated on several rare topographical views of it, was inclosed, as already remarked, by strong and high walls of stone, and later further strengthened by seventeen bulwarks or dwingers, and encompassed by a deep and wide moat, about six English miles in circuit. In 1828, the last of the old gateways was demolished.

The earliest-known person surnamed Swartewold, Zwartewolt, or Swartwolt recorded a citizen of Groningen, was Willem Zwartewolt, who, on the evening of the festival of Saint Lawrence (August 10), 1459, obtained a
CERTIFICATE OF A LEASE OF LAND GIVEN TO WILLEM ZWARTEWOLT OF Groningen, ON AUGUST 19, 1459.
lease of two adjoining tracts of land lying near the city. He was at that time the warden (de wachter) of a defensive tower surmounting one of the gateways of the city—a position held only by persons highly trustworthy and of known loyalty. The Dutch text of the well-preserved instrument is legibly written on a small scroll of parchment, to which is appended a thick disk of black wax bearing an impression of the seal of the city of Groningen. It is a certificate of the burgomaster and council of Groningen reciting the engagement of the lessee and his heirs to pay yearly the sum of three gold overland Rhenish florins as ground-rent, and the annual city taxes, for the use of two parcels of land bordering upon the north side of the Damster Road, which extends northeastwardly from the city to Appingedam, a prosperous village distant about fifteen English miles.¹

¹ Vide: Text and translation of the certificate in the Appendix. Document No. 2.
The City Hall on the west side.
The spiritual welfare of the inhabitants of Groningen early enlisted the attention and care of the Roman Catholic Church. Two religious sanctuaries were built within the walls of the city; one was consecrated to Saint Martin as a patron, and the other to the Blessed Virgin. The first edifice is recorded as bearing the name of *Sint Maarten* as early as the year 1253. In 1465 one of the towers of the church was struck by lightning and the building was set on fire and burned. The present Gothic structure, at the northeast corner of the Great Market (*Groote Markt*), erected after a fire in 1627, has a conspicuous tower four hundred and thirty-two feet high, containing a fine chime of silvery-toned bells, which, at each quarter-hour, tone by automatic machinery the tune of a sacred or patriotic hymn peculiarly pleasing to the ear.

The *Aa-kerk*, about a quarter of a mile west of *Sint Maartens-kerk*, occupies the site of the early parish-church consecrated to the Blessed Virgin. The present building, it is said, derived its name from the river Aa, flowing near it. The first chapel seated there was converted into a neighborhood church in 1246. The structure was considerably enlarged in 1465. Unfortunately, on May 1, 1671, the tower of the church was struck at night by lightning and the edifice was consumed. The stately tower now widely defining the locality of the church was built in 1712.

The floor of the *Aa-kerk*, as well as that of Saint Martin’s, is principally made with slabs of dark stone under which are the tombs of many of the former members of the congregation. The coats-of-arms of some of the wealthy and distinguished families are sculptured on these tablets, but most of the armorial ensigns and epitaphic inscriptions on them are now deeply foot-worn. A half century ago the lofty windows of the church contained beautiful pictorial memorials in colored glass, but later they were broken, either ruthlessly or accidentally, and for them panes of plain ordinary glass were substituted. The Sunday and feast-day services in the *Aa-kerk* were commonly attended by the members of the different Swartwout households in Groningen, and during a period of many years an elaborately delineated coat-of-arms of the family richly embellished one of the principal windows.

In going directly from one to the other of these massively built brick edifices one passes across two large, open market-places. The Great Market (*Groote Markt*), lying immediately west of Saint Martin’s Church, and having an area fifty Groningen rods long and thirty wide, is said to be the most spacious one in the Netherlands. It was first paved with brick in 1447, and has for centuries been a place of assemblage for the people of the city and the surrounding country seeking opportunities to sell or buy commodities of a strikingly diverse and unique character. The westerly side of this widely open space became the site of the city’s council-house (*raadhuis*), in 1443. The
THE AA CHURCH, GRONINGEN, 1793.
A part of the Fish Market in the foreground.
imposing city-hall (stadhuis), now overlooking the market, was erected between the years 1793-1810.

The Fish Market (Visch Markt) occupies another open space not far west of the city hall. The quadrangle, which bears this name, has a length of two hundred and forty-one paces. It was first paved with brick in 1446. The Corn Exchange (Korenbeurs), standing immediately east of the Aa-Kerk, fronts the Fish Market.

During the present century the city of Groningen has greatly enlarged its territory. The last enumeration of the inhabitants showed the population to be 57,900. Although lying in north latitude fifty-three degrees fifteen minutes, or on the same parallel as the southern part of Labrador, it is favored with a temperate climate, and the winters there are no colder than those in the State of New York.

It is highly probable that the residence of certain members of the Swartwout family in the city of Groningen in the sixteenth century was partly
a consequence of the invasion of Frisia, in 1500, by Albert, Duke of Saxony, which, as already related, caused many of the gentry of Western Friesland, in which lay the manor of Swartewonde, to leave their despoiled seats of habitation and found homes elsewhere in that province.

At that time the different classes of manufacturers and artisans in Groningen largely contributed to further its importance as the chief centre of industrial enterprise in Eastern Friesland; the city having been admitted in the fourteenth century into the famous Hanseatic League. The special interests of the local industries were the care of the popular and powerful guilds, which, as early as the year 1436, had begun to influence the administration of the affairs of the place.

From manuscripts and other records of the sixteenth century, preserved in the Old Archive of Groningen, is derived the information that certain citizens surnamed Swartwolt were then engaged there in the highly respectable business of brewing beer, universally considered at that time a pure and wholesome beverage and generally drank at meal-time as now are tea and coffee. They all were honored members of the Brewers’ Guild (Brorwersgilde), one of the most flourishing and wealthy of any of the other industrial societies in the city.

Arent Swartwolt was admitted a member of the guild in 1546, and elected, in 1581, a courtier (Koolerling) to represent the interests of the corporation in the General Council of the Guilds (Gemeene Gilden). In 1557 Herman Swartwolt was enrolled a member of the guild; in 1587, his son Egbert; in 1594, Bastiaen Swartwolt; and, in 1599, his son Herman; in 1599, Johan Swartwolt; in 1602, Nicolaas Swartwolt; and, in 1612, Herman Swartwolt, who was elected a courtier in 1625, 1628, and 1631, and held the office of president (Oldewman) of the association in 1632, 1634, 1638, and 1641.

The earliest information respecting the exercise of any political authority over the inhabitants of Groningen is that elicited from the fact that in the year 1013 a certain person named Werner was Count of Groningen (Graef van Groningen). After the city was given to the church of Utrecht, in 1040, by Henry III., Emperor of Germany, there were episcopal officers having the title of prefects or burggraves, who were recognized as empowered to exercise a moderate degree of authority in the administration of the government of the city. This privilege was retained by them until the year 1143, when Herbert, Bishop of Utrecht, deprived the Lord of Groenenberg of it, and gave Groningen as a hereditary possession to his (the bishop’s) brother, Leffert, and to his other brother, Ludolph, the hereditary guardianship of Coevorden and the bailifship of Drenthe.

Groningen had as early as the year 1245 a municipal form of government,
and used a seal for the certification of the papers issued by its officers. A
body of its citizens, which exercised legislative functions, was known as the
Council (de Raad). In 1425 the custom of annually selecting from ten of the
twenty members of the Council four burgomasters was inaugurated.

The peculiar designation, the Wisdom of the City (de Wijshheid der Stadt),
which gave local distinction to another body of citizens, is traceable in old doc­
uments as far back as the year 1324. This college of venerable men bore, in
1417, the name of the Sworn Commons (de Gezworene Meeute). It was then
composed of twenty-four members, half of whom yearly, by expiration of their
terms of office, gave place to their successors. Three of the oldest of the
commoners presided at their meetings as speakers (taalmannen).

Eligibility to the Sworn Commons required a candidate to have been born
free and legitimate, to have maintained an unblemished reputation, to be dis­
sociated from the service and pay of a foreign prince, and to have no father, 
brother, nor son a member of the Sworn Commons at the time he became or
was a member of that body.

The special and important service of the commoners in determining the
eligibility of the citizens to be annually elected members of the Gezworene
Meeute and those to be chosen members of the Raad caused them to be
debarring from holding any other office solely for the purpose of enabling
them to perform wisely, faithfully, and promptly the duties incumbent upon
them.

In 1580, when Johan Swartwout was elected to serve as a member of the
Sworn Commons, the high jurisdiction (de hooge ampten) of the city was ex­
ercised by Georg van Lalaing, Count of Renneberg, and governor (stadhouder)
of Friesland, Overijssel, and Groningen.

The Raad at that time was composed of four burgomasters (burgemeesters)
and twelve councilmen (raadsheeren). The burgomasters were: Albert
Rolteman, Joachem Ubbena, Harmen Wijfrink, and Jacob Hildebrand; the
councilmen: Christoffel van Deest, Tjaetho Nansum, Rembertz Ackema, Siger
Sijghers, Roelof Battink, Luilof Roelofs, Everda Simons, Joost van Cleve,
Harmen Gerritts, Frederik Mojestein, Albert Horenken, and Harmen
Koenink.

The members of the Gezworene Meeute were: Remmert Entens, Egbert
Koenink, Hano Wijne, Johan Isebrands, Hendrik Buttel, Barend Hondebeke,
Harmen Mensens, Johan Papink, Johan van Goor, Hendrik Hendriks, Laurens
Eijssens, Luitzen Hiddinge, Hendrik Helminks, Rijke Rijckens, Govert
Everts, Lambertus van Wullen, Harmen Peters, Johan Egberts, Johan Swart-

The political affairs of the Netherlands were at that time perilously complicated. The Prince of Parma, appointed governor-general of the Low Countries by Philip II., King of Spain, and William the Silent, Prince of Orange, upholding the cause of the United Provinces, were waging a war which gave little promise of speedily ending in a permanent peace. At the beginning of the year 1580, the Prince of Orange was directing his energies, as he had been since the Pacification of Ghent (signed November 8, 1576), to get the Netherland provinces to maintain peaceable relations with one another.

The Union of Utrecht, ostensibly framed, on January 29, 1579, for the protection of the provinces against the attempts of the Spaniards to separate and dismember them and to bring them into subjection, explicitly provided that the provinces should not interfere with one another in matters of religious belief but should respect the right of all the inhabitants to exercise without molestation the faith espoused by them.

Notwithstanding the fact that the Count of Renneberg, the chief magistrate of Friesland, Overijssel, and Groningen, had accepted the Union of Utrecht, a part of Friesland and the entire province of Overijssel were still unbound by the compact. The watchful care which the Prince of Orange bestowed upon the provinces united to oppose the machinations of the Duke of Parma fortunately led him to suspect that the Count of Renneberg was conspiring to transfer the northern provinces to the control of the Spanish governor. Aware that the count had not the means at his command to accomplish this intention, the Prince of Orange made overtures to have a conference with the disaffected stadtholder, and sent to him certain of his loyal acquaintances to urge him to visit Utrecht, and to renew there his fealty to the States-General.

These emissaries endeavored to convince him that the King of Spain could not put him in possession of any more property than that which he then owned; that his authority could not be made more extensive and important; that no province in all the Netherlands was comparable to that of Groningen, of which he was then governor. They further argued that the province, besides having "so many fair towns, was also enriched with five great and as many small seaports, whereby it was impossible for it to be wholly lost or taken from him by the warres, for that if it so fall out that the country should be overrun, yet these townes would be able to maintaine themselves by traffique at sea, whereas, to the contrary, the places under the king’s command must in the end, by force, be constrained to yield: for that their champaign country

\[\text{\footnotesize \textit{Vide:} List of officers of the city of Groningen in 1580 in the Appendix. Document No. 3.}\]
being spoiled, all their hope and traffique were gone for want of havens to bring in necessary provision; saying that the king could give nothing but bare titles that were no better than smoke and deare honors without profit. And that if the Catholicke religion moved him thereunto, he might well suppose that he should bring no more to pass by force, and with his owne overthrow, than the kings of Spaine and France by so many fires, executions, and ruine, of places had done; and therefore they gave him counsell to keepe that he had, and so quench the fire that the houses of Lalain had begun to kindle, remembering their device, De Lalain sans reproche, and to remain in the Union with the prince and their associates; and that, if he did to the contrary, it was to be feared that he should find himself ruined when he least suspected it.

"The count all this while hearkened unto the said counsell with great patience, oftentimes changing colour, and at the last made answere with griefe, in such sort that the teares fell from his eyes, and said that he was desperate, complaining of the obstinacie of the Frieslanders * * * * making show as then as if he would be constant unto the States-General. * * * *

"After that it fell out that the States-General sent letters and commissions unto Abel Frankena, doctor of both the lawes, who had gone to Groningen about the States-General's affaires, which letters the Count of Renneberg had caused to bee taken away from the post as he entered Groningen, in which letters he found the commission that the States-General had sent for Bartel Entens to command over his regiment, which grieved him much: for which cause he sent for Frankena and caused him to be kept prisoner in a chamber, although it was told him by divers [persons] that it was against the lawes of all nations to shew any such rigor to an embassador; but not long after Frankena got out at a window and so escaped away, by which dealing the said count sufficiently disclosed his intention.

"For which cause, amongst others, Captain Johan Cornput (who was also of the said count's regiment) secretly counselled some of the magistrates and bourghers of Groningen (especially the bourger, Jacob Hildebrand, and others of the Reformed religion,) to make themselves masters of the city before their adversaries should attempt it, offering to be their leader and to put the count in safe keeping. But they made answer that as yet there was no need to do it, and that they were the strongest party, and would bee carefull enough thereof. Whereupon he protested that he had given them sufficient warning, and so should be discharged of their imminent ruine, and that if they would not do it, he said he would not hazard his life any longer in that place, and so went out of the city. * * * *

"The count for his part knew so well how to flatter them of Groningen,
who, by reason of the controversie they had with the territories thereabouts, were so blinded, as Jacob Hildebrand, bourgomaster, who was chief commander of the king’s chamber in Groningen, and the chief man in the city, and he, on whom they of the Reformed religion did chiefly relie, the evening before the city revolted to the [Spanish] king, supped with him [the Count of Renneberg]. The bourgomaster told him very plainly of the report that men made of him, saying, that he hoped he had no such bad intention in him. Whereupon the count wrung him by the hand, and said: ‘What, my good father, whom I trust so well, have you such an opinion of me?’ and with such like faire speeches smoothed the matter so well that the same evening the said bourgomaster, being in company with certain of the magistrates and those of the Reformed religion, assured them of the Count of Renneberg’s good meaning and intention towards them, and yet caused them of the Reformed religion to keep good watch in their owne houses, whereby they thought to be sufficiently assured.

But the Count of Renneberg’s practices being more and more suspected, he began to feare that the Prince of Orange would enter Groningen with his guard, and therefore durst not protract his design any longer, although as then he was not sure of any reliefe.

For which cause, upon the second of March, he assembled his household servants and divers bourghers affected to the Spaniards, and certaine soldiers that he had kept secretly, and, in the morning (when by his espials he understood that the watch held by those of the Reformed religion were asleep), at five of the clock, being armed at all points, he rode from his house, followed by his adherents (every man having a white scarfe upon his left arm), into the market-place, and having his sword drawne in his hand, he said: ‘Stand aside, stand aside, good bourgers, this day am I right governour of this city. Let us now accomplish and affect that which is requisite for the king’s service and our owne defence;’ and thereupon caused divers trumpets and drums to be sounded, and a great noise to be made.

The aforesaid bourgomaster Hildebrand, putting himselfe presently into armes with some of the Reformed religion, marched thither, and said unto him: ‘How now, sire, is this done as a good governour ought to do unto the people?’ But then one of Count Renneberg’s boyes shot at him and slew him presently. Whereupon the rest [of the bourgomaster’s party] began to fly, whereof some were taken prisoners, and some fled into their houses; but there were no more killed but only a bourger’s sonne of Breame.

After that they ran through the streets shooting at all who looked out at the windows. That done, they went and made search throughout all the city, and tooke all those prisoners who were not well thought of by the Spanish-
affected bourgers, being at the least two hundred of the best citizens, whereof some were very hardly used, who notwithstanding afterwards by divers meanes were set at liberty. All the preachers and divers other good bourgers got secretly away."

Among those named as having been imprisoned were Albert Horenken, Harmen Koenink, Siger Sijghers, Joost van Cleve, Luilof Roelofs, and Roelof Battink of the Raadsheeren; and Remmert Entens, Egbert Koenink, Hano Wijinge, Luitzen Hiddinge, Jan Bruins, Barend Hondebeke, and Johan Clood of the Gezwoene Meente.

"All these were immured in filthy, badly-ventilated cells by the count's railing followers, bearing the name of the Smaller or Nearer Union. This having been done, he called before him the guilds, one by one, which, at his suggestion, bestowed upon him the transformed authority, or that thought reformed, to reconstruct the government, and consequently to install in power the good Romanist-inclined. Thereupon he allowed the reconciliation of the king to be confirmed and proclaimed." 2

The intelligence of the Count of Renneberg's secession and violence caused the city to be besieged immediately by the Count of Hohenlohe. "A considerable portion of the royalist army having been sent by the Prince of Parma to its relief, under Martin Schenk (a deserter from the States-General's party), he broke up his camp before the city, and marched to meet Schenk's forces, near Hardenberg. He was somewhat superior in numbers, yet his troops, being exhausted by a long march under a burning sun, were unable to sustain the vigorous onslaught of the royalists. Hohenlohe was defeated with considerable loss, and forced to retire within the walls of Oldenzaal.

"The siege of Groningen being thus raised, the Count of Renneberg marched upon Delfzijl [eighteen miles northwest of the city], which, after a resistance of only three weeks, was disgracefully surrendered by a party of mutinous soldiers in the garrison. Lingen, Oldenzaal, and some other small places likewise fell into his hands; and having made a fruitless attempt upon Zwolle, he sat down before the small town of Steenwijk, in the province of Overijsel [about thirty-five English miles southwest of Groningen]. (See map, page 2.)

"Though strong by its natural situation, the fortifications of this town were in an incomplete condition, and many of the burgers were secretly inclined to the Spanish party; yet the resistance offered by the garrison (of

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six hundred infantry and a few horse), under Theodore Cornput, their com-
mmander, was no less gallant than that which the Prince of Parma had encoun-
tered at Maastricht [in the province of Limburg, in 1579]. Such was the firm-
ness of the besieged, and so inefficient the condition of the artillery at this
period, that a fortress, comparatively so insignificant, was enabled to hold out
against the whole force of the Count of Renneberg, consisting of six thousand
foot and twelve troops of cavalry, for a period of nineteen weeks."

One of the most memorable incidents giving historical importance to the
siege of Steenwijk, in 1580, was a courageous act of Arent Swartwolt, whose
father, in 1581, was elected a courtier by the Brouwersgilde of Groningen.
The fact that this loyal young soldier was then a member of the infantry com-
pany commanded by Captain Cornput undoubtedly justifies the assertion that
not only was Arent Swartwolt's father, but all his kinsmen in Groningen,
including Johan Swartwolt, the Sworn Commoner, were patriotic supporters
of the States-General, and consequently in personal disfavor with the Count of
Renneberg.

It happened that the Count of Renneberg's soldiers, occupying an earth-
work opposite one of the gates of Steenwijk, having failed in preventing a
sortie of a small body of the defenders of the place, who thereupon burned a
windmill standing dangerously near the gateway, were greatly exasperated,
and, in a spirit of emulation, determined to burn a fence of heavy palisades pro-
tecting that particular gate. Having, on a dark night, in the month of Octo-
ber, compelled the sentinels guarding it to retire from an advantageous point
of observation by keeping a constant fire of musketry upon it, they carried to
the line of palisades a quantity of straw and a barrel of tar and brimstone, to
which they set fire in order to ignite and consume the wooden barrier. Hav-
ing accomplished the ignition of the protecting palisades, they hastily fled
behind their earthworks with the loss of one man killed.

When the flames illumined the sky and the intention of the incendiaries
was discovered, the extinguishment of the fire became a matter of immediate
consideration and importance to the defenders of Steenwijk. Seeing the
threatening character of the fierce flames, Arent Swartwolt solicited the privi-
lege of making an attempt to quench them. It being granted him, he
descended by a rope to the moat, and swam across it with the bail of a
leathern bucket in his mouth. Unmindful of the blistering heat and the jeop
ardy to which he was exposed, he rolled the barrel of burning tar and brim-
stone away from the palisades into the moat, and with water taken in the
bucket from it, he extinguished the flames and saved the defensive barricade.

An inviting target as he was for the bullets of the enemy's muskets, he escaped without being hit by them, and was safely drawn to the top of the town-wall. His delighted comrades greeted his return with lusty cheers, and his proud captain honored him with a reward of no mean value.\(^1\)

The Count of Renneberg, disheartened by the adversities he had encountered while beleaguering Steenwijk, abruptly marched his forces, on February 23, 1581, to Ommen, a small town in the province of Overijssel. Having in the early part of the summer of that year been defeated at Gripskerk by Sir John Norris, he was forced to retire to Groningen with the remnant of his army. In consequence of the hardships he was forced to endure while besieging Steenwijk, and the disappointment of his hopes of aggrandizement by the Spanish Government, he suddenly sickened, and died on July 23, 1581. During his sickness, it is said, "he did often grieve and lament that he had quit the States-General's party, whereby he had drawne himself into such a labyrinth, crying out often: 'O Groningen, Groningen, whereunto hast thou brought me!' cursing the day he had ever seen it.'" As stadtholder of Groningen he was succeeded by Francis Verdugo, a Spaniard, whose lieutenant, Captain Lankama, was forced by Prince Maurice to surrender the city, on July 22, 1594. "The first care of the prince on entering Groningen was to clear the churches of images, and to cause the Reformed service to be celebrated in them."\(^2\)

During the continuation of hostilities ending with the surrender of the city to the States-General, several members of the Swartwout family, residing there, were elected Sworn Commoners, and as such took part in electing the chief officers of the city. As disclosed by the municipal records "Herman Swartwolt" was a member of the Gizaorene Meeute in 1582, and again in 1583, and "Johan Swartwolt" in 1587, 1589, and 1592. In the following century, the name of "Herman Swartwolt" is found enrolled among the members of that body, in the years 1631, 1632, and 1634.

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\(^1\) A generall historie of the Netherlands. By Ed. Grineston, p. 754.
CHAPTER 11.

TOMYS SWARTWOUT, SCHEPEN OF MIDWOUT.

1607-1662.

The baptismal registers of the Reformed Church (doopregisters der Gereformeerde-kerk), in nine volumes, preserved in the Old Archive of Groningen, contain the names of the persons baptized by its ministers, and those of the sponsors, and the dates of the administration of the sacrament, from the year 1640 to August, 1811. The bann and marriage_registers (proclamatie en trouwregisters), in thirty-five volumes, date from the year 1595 to that of 1812. Information relating to people residing in Groningen prior to the close of the sixteenth century is now only obtainable from a few rare histories and ancient manuscripts, and the early records of the city. As has been remarked, two of the precious parchments treasured in the Old Archive are the original record in Latin of the awards made in 1338 by the Arbitration Commission of which Otto Swartewold was a member, and the certificate given in 1459 by the burgomaster and council of Groningen, in which Willem Zwartewolt is titled the warden of a city-tower. Earlier than the dates with which the records of baptisms and proclamations of marriage-banns in Groningen begin there are no existing sources there of genealogical information.

The impossibility of accurately tracing to an earlier period the lineage of the representatives of the Swartwout family, living in Groningen at the beginning of the seventeenth century, necessitates the recognition of Rolef Swartwolt as the progenitor historically of the persons differently named Swartwout, Swarthout, Swartout, and Swartwood, who were numbered among the settlers of New Netherland and those who by residence and by birth became subsequently inhabitants of the United States of America. Rolef Swartwolt and his wife Catryna, with their children, were on September 21, 1616, residing in Groningen, on the Straight Passage (het Rechte Path), now identified by the sculptured face of a bearded man, embellishing the front wall of a brick house stand-

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1 English, Ralph; written anciently in Dutch, Rolff; in the fifteenth century, Rolff; in the sixteenth century, Rolff; Rolff; Rolff; Rolff; and later Rolf and Rolff.
ing on the east side of the street, and an inscription engraved below the effigy: *ICK-RICK-NOKHINT (I still peep into it). 2

As elicited from different records, Rolef Swartwolt had four sons severally named Wybrandt, Tomys, Herman, and Aldert; Tomys having been born in

1607, and Herman (or Hermanus) in 1608. In 1616, their father was the owner of one-half of a house standing on the east side of the Rechte Jath, in which he was then living, and of one-fourth of a dwelling, on the west side and at the north end of Lamhuingestraat, now Aa-kerkstraat.

By conveying, by a deed of partition, on June 4, 1617, his right, title, and interest in the building and lot on the east side of the Rechte Jath, to the

SITE OF THE RESIDENCE OF ROLEF SWARTWOLT.
(The house is outlined south of the X on Lamhuingestraat, having three window-marks in a row visible on the rear wall.)

"The house stands on the southeast corner of the Oude Kijk en 't Jatstraat (Old Peep into the Passage Street) and the Laapendiep (the Running-deep canal). The bas-relief * is said to commemorate a siege by the Bishop of Munster and the electoral troops of Cologne, in 1672, when the besiegers were compelled to retreat, as they were unable to prevent supplies being brought into the town by the Kwiddeh. * The inscription imports that as long as the harbor is free from enemies no real danger from besiegers need be apprehended." Baedeker's Handbook of Belgium and Holland. 1894, p. 364.
owners of the three-fourths of the dwelling, at the north end of Lamhuingestraat, and by paying one hundred and eighteen dalers, three Brabant stivers, and six and a quarter placken, he obtained entire possession of the house on Lamhuingestraat, of which he had been one-fourth an owner; the property being then valued at one thousand and ninety four dalers, sixteen Brabant stivers, and one plack.\footnote{\textit{Vide} Dutch text and translation of the partition deed in the Appendix. Document No. 4.}

Standing as the building was at the junction of Lamhuingestraat and the
Cromme Jath (Crooked Passage)—the first-named running from the point of intersection southwestwardly and the second northwestwardly—permitted the occupants of the house easy access to the main thoroughfares crossing the central part of the city. Looking down the short stretch of Lamhuiingstraat to its termination at Bruggestraat, they saw the lofty tower of Aa kerk in high relief above the tiled roofs of the contiguous houses.

When the quaintly-proportioned two-story brick dwelling was demolished in 1884, an iron plate was removed from the back masonry of the fireplace of the lower front room bearing the figures 1446, which were accepted as denoting the year of the erection of the building. The site of it, next north of the Sedentary-Poor Hospital (Arme-huissilten-gasthuis), founded in 1634, is now occupied by a two-story building, on the lower floor of which is a grocery.

There are no other particulars extant concerning Rolef and Catryna Swartwolt excepting the meagre information that she died some time prior to his decease in 1634. They both were probably well-advanced in years when they died, for three of their sons—Wybrandt, Tomys, and Herman—were married and engaged in business in the city of Amsterdam, distant one hundred and thirty English miles, by railroad, from Groningen.

At that time the beginnings of the history of New Netherland, in North America, were frequent topics of conversation at most of the marts and ports of Holland. Twenty years prior to the residence of the three sons of Rolef Swartwolt in the city of Amsterdam, or more definitely, on Saturday, March 25, 1609 (old style), Henry Hudson, the English navigator, had sailed from the harbor of Amsterdam, in the ship the Half-Moon (de Halve Maan), in the interest of the Dutch East-India Company, to seek in the Arctic Ocean, toward Nova Zemlya, a navigable route to Eastern Asia. Meeting in his course thither an impassable barrier of ice, he proposed to his officers and crew to make a voyage to New France, in North America, between Florida and Labrador, and to explore the river now bearing his name, delineated on maps made in the previous century, as had been suggested to him by Captain John Smith of the Virginia colony, who had sent him certain maps of that part of New France in the belief that the indomitable mariner could find a waterway extending westward from that river through which he might sail to the Indian Ocean.

The project was favored, and he sailed to New France and explored the Great (Grand) River to its navigable height, northward as far as the mouths of the Mohawk, without finding any stream or inlet sufficiently deep by which he could pass westward from it in the Half-Moon. He sailed homeward in the month of October, having his ship freighted with beaver and otter skins and a
VIEW OF THE CITY OF AMSTERDAM, FROM THE 11, IN 1625.

The engraving embellishes an elaborate cartographic representation of the place, made that year, which bears the following Latin title:

quantity of tobacco, for which he had exchanged beads, knives, hatchets, and other things of little value, with the Indians, with whom he had friendly intercourse while his ship lay at anchor at different places in the Great River.1

The high commercial value of the furs brought in the little vessel to Amsterdam influenced a number of merchants to send several ships to trade for peltry to the Great River, on which the Hollanders had bestowed the name of Mauritius, in honor of Prince Maurice of Nassau.2

By a plea of having discovered "certain new lands situate in America," lying "between the fortieth and forty-fifth parallels of north latitude," called by them New Netherland (Nieu Nederlandt), and delineated on a map, a copy of which is preserved in the General Library of the State of New York, at Albany, these adventurers obtained a special license from the Lords States-General of the Netherlands to trade in New Netherland during a period of three years, beginning "on the first day of January, 1615, or earlier."

The commercial advantages of opening a number of distant fields of traffic, particularly in North and South America, having been perceived by certain Holland merchants, they obtained, on June 3, 1621, a charter incorporating the Dutch West-India Company, by which they secured the exclusive jurisdiction of New Netherland, and the privilege of solely enjoying all rights of trading with the natives and future settlers of that country. To them was also granted the liberty of supporting and paying bodies of troops to be provided by the Lords States-General of Holland to garrison the forts and protect the property of the company.

The administration of the affairs of this guild of wealthy Dutch merchants was intrusted to five chambers of managers, represented by a college of nineteen directors, of which number, eight were from the Amsterdam Chamber, four from the Zeeland, two from the Maas, two from the North Holland, two from the Friesland, and one from the government of the United Netherlands.

The successive steps taken by the Dutch West-India Company to advance its interests in New Netherland were, between the years 1622 and 1633, substantially set forth in a series of annually printed compilations, entitled: Historical account of all memorable events here and there in Europe (Historisch

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1 The Discoveries of America to the Year 1525. By Arthur James Weise. 1884, pp. 318, 319.
THE SWARTWOUT CHRONICLES.

The well-informed writer of this rare and valuable work, describing that part of New France, in North America, called "Virginia," says: "It was first peopled by the French," and that "the Lords States-General, observing the large number of their [Holland] people as well as their desire to plant other lands, allowed the West-India Company to settle that same country. Many from the United Provinces did formerly and do still trade there; yea, for the greater security of the traders, a castle, Fort Nassau, had been built on an island [now within the corporate limits of the city of Albany], in forty-two degrees, on the north [west?] side of the River Montagne, now [in 1624] called Mauritius. But as the natives there were somewhat discontented and not easily managed, the projectors abandoned it, intending now [February, 1624] to plant a colony among the Maikans [Mohegans], a nation lying twenty-five [Dutch] miles on both sides of the river upwards.

"This river, or the bay, lies in forty degrees, running well in, being as broad or as wide as the Thames, and navigable fifty [Dutch] miles up. * * * *

"This country, now called New Netherland, is usually reached in seven or eight weeks from here. * * * * The trade of the natives consists mostly in peltries. * * * * In exchange for peltries, they receive beads, with which they decorate their persons, knives, adzes, axes, case-knives, kettles, and all sorts of iron-ware which they require for housekeeping. * * * *

"Among these almost barbarous people, there are few or none cross-eyed, blind, crippled, lame, hunch-backed, or limping. All are well-shaped people, strong in constitution of body, well-proportioned, without blemish."

The circumspect author, under date of "February, 1624," further observes: "To plant a colony near these natives, a ship is fitted out by order of the West-India Company, freighted with families."

The vessel did not depart from the port of Amsterdam until March, that year, in order not to arrive at the Mauritius River before it was clear of ice and navigable. Wassenaer, under the date of "April, 1624," remarks:

"The West-India Company, being chartered to navigate these rivers [the Mauritius, and the South or Delaware], did not neglect so to do, but made ready in the spring a vessel of one hundred and thirty lasts [about two hundred and fifty English tons], called the Nicu Nederlandt, of which Cornelis Jacobsz May, of Hoorn, was captain, with thirty families, mostly Walloons, to plant a colony there.

1 A Dutch mile is about equal to three English miles.  
French refugees.
They sailed in the beginning of March, and, directing their course by the Canary Islands, steered toward the Wild Coast [of Africa], and gained the west [trade] wind, which luckily [bore] them into the river, first named River of the Mountains, now the River Mauritius, lying in forty and one-half degrees.

He [the captain of the ship] found a Frenchman lying in the mouth of the river who would erect there the arms of the King of France, but the Hollanders would not permit him, opposing it by order of the Lords States-General and the directors of the West-India Company. In order not to be frustrated therein, they caused a yacht of two guns to be manned, and with the help of those on board the yacht, the Mackerel, that had lain above, convoyed the Frenchman out of the river, who would have done the same thing in the South River, but by hindrance of the guards there it was prevented.

This being accomplished, the ship ascended forty-four [Dutch] miles near the Maykens [Mohegans]. Having cast up and completed, on the island by them called Castle Island, a fort with four points, they named it Orange. Immediately thereafter they put the spade into the ground and began to till it, and before the yacht, the Mackerel, sailed away, the corn was nearly as high as a man.

Writing under the date of "December, 1624," he speaks of the profitable returns derived by the West-India Company from the trade in furs at Fort Orange:

"As regards the prosperity of New Netherland, we learn by the arrival of the ship of which Jan May of Hoorn was captain, that everything there was in good condition. The colony began to advance bravely and continues in friendship with the natives. The fur, or other trade, remains in the West-India Company, others being forbidden to trade there. Rich beaver, otter, marten, and fox skins are found there. This cargo consists of five hundred otter and fifteen hundred beaver skins, and a few other things, which were in four parcels, [that were sold, on December 20, 1624, at Amsterdam] for twenty-eight thousand, some hundred guilders."

The eligibility of the "Island Manhates," accessible to sailing vessels in winter as in summer, and a suitable place for the residence of the director-general in charge of the property of the West-India Company, led to the purchase of it, in 1626, from the Indians inhabiting it. The report of the transaction transmitted in the fall of that year to the Amsterdam directors is

\[^1\] Historisch verhael aller gheeneckwerdichste geschiedenisse, die hier en daer in Europe, als in Duijtsch-land, Vrijorkreych, Engeland, Spaeengien, Hungergen, Polen, Seven-bergen, Wallachien, Moldavien, Turkijen, en Nederland, van de begijne des jaers 1621 tot den Herfs toe, voor gevallen zijn door Doct. Claes Wassenaer. 1622. T'Amstrelreclam. "T' eerste deel of 't verlochg van het Historisch Verhael. *" * * "Van Octobrec des jaers 1623 tot April des jaers 1624, voorgevalen zijn, fols. 144, 146. "T' tweede deel * * * "Van April desjaers 1624, tot Octobrec voorgevalen zijn, fol. 11. "T' dertich deel, fols. 84, 85.
strikingly laconic: “Our people have bought the Island Manhates from the wild men for the value of 60 guilders [$24.00]; it is 11,000 morgen¹ [22,000 acres] large.”²

Pieter Minuit, the third director-general to be intrusted with the management of the company’s affairs in New Netherland, arrived at the “Island Manhates,” on May 4, 1626. Shortly afterward the construction of a rude fortification of earth and logs was begun on the south end of the island. A number of French and Dutch colonists, who had been brought there from Holland by the West-India Company, built for themselves during the summer and fall about thirty bark dwellings contiguous to the site of the fortifications. The seat of this second colony obtained that year the name of New Amsterdam.

Describing the beginnings of this colony, Wassenaer, writing under the date of “November, 1626,” says: “The colony was planted at this time on the Manhates, where a fort was staked out by Master Krijn Frederijke, an engineer. It will be of large dimensions. The ship which has returned home this month brings samples of all the different kinds of produce there. The cargo consists of seven thousand two hundred and forty-six beaver, six hundred and seventy-five otter, forty-eight mink, and thirty-eight wild-cat skins, and various other sorts; [besides] several pieces of oak and hickory timber.

‘The counting-house there is kept in a stone building, thatched with reed; the other houses are of bark of trees. Each has his own house. The director and the store-keeper (coopman) live together. There are thirty ordinary houses on the east side of the river, which runs nearly north and south.

“The Honorable Pieter Minuit is director there at present; Jan Lempo, sheriff; Sebastien Jansz Crol, and Jan Huyck, [are] visitors of the sick, who while awaiting a clergyman, read to the congregation there on Sundays Scripture lessons with explanatory notes. François, the mill-wright, is busy building a horse-mill, over which will be made a room sufficiently spacious to accommodate a large congregation, and then a tower will be erected in which the bells brought from Porto Rico will be hung. * * * *

“It happened this year that the Maykans [Mohegans], being at war with the Maquaes [Mohawks], requested to be assisted by the commander of Fort Orange and six others. Commander Krieckebeck went up with them a [Dutch] mile from the fort, and met the Maquaes, who peppered them so bravely with a discharge of arrows that they were forced to fly, leaving many slain, among whom were the commander and three of his men. * * * *

“There being no commander [at that post], Pieter Barentsen assumed

¹ Morgen, about two acres of land. ² Holland documents, vol. i., p. 155.
the command of Fort Orange by order of Director Minuit. There was eight families there, and ten or twelve seamen in the company’s service. The fort was to remain garrisoned by sixteen men without women, and the families were to leave there this year in order to strengthen with people the colony near the Manhates [Indians], who were becoming more and more accustomed to the strangers."

Under the date of "October, 1628," Wassenaer further remarks: "There are now no families at Fort Orange, situated higher up the river among the Maykans. They are all brought down. They keep as traders there five or six and twenty persons. Sebastien Jansz Crol is under-director there. He has remained there since the year 1626, when the others came down."

Concerning the growth of New Amsterdam, Wassenaer observes: "In the year 1628 there already resided on the island of the Manhates two hundred and seventy souls, men, women, and children."  

In order that the colonists might enjoy the preaching and religious instruction of a minister of the Reformed Church, the West-India Company induced the Classis of Amsterdam to send the Reverend Jonas Michaelius to New Netherland. Arriving at New Amsterdam, in April, 1628, he began organizing the first church established within the limits of the province.

In a communication, dated at New Amsterdam, on August 11, 1628, and addressed to the Reverend Adrianus Smoutius, dwelling on the Heerengracht (Lords' Canal), in Amsterdam, not far from the house of the West-India Company, he details with evident gratification the success of his initial efforts to better the spiritual condition of the people of the small settlement:

"We have first established the form of a church (gememente); and, as Brother Bastiaen Crol very seldom comes down from Fort Orange, because the directorship of that fort and the trade there is committed to him, it has been thought best to choose two elders for my assistance. * * * * One of those whom we have now chosen is the Honorable Director himself, and the other is the store-keeper of the company, Jan Huyghen, his brother-in-law, persons of very good character as far as I have been able to learn, both having been formerly in office in the church, the one as deacon, and the other as elder in the Dutch and French churches, respectively, at Wesel.

"We have had at the first administration of the Lord’s Supper full fifty communicants—not without great joy and comfort for so many—Walloons and Dutch. * * * * The Walloons and French have no service on Sundays otherwise than in the Dutch language, of which they understand very little."
Some of the Walloons are going back to Fatherland, either because their years here are expired, or because some are not very serviceable to the company. Some of them live far away, and could not come on account of the heavy rains and storms, so that it was neither advisable nor was it possible to appoint any special service for so small a number with so much uncertainty. Nevertheless, the Lord's Supper was administered to them in the French language and according to the French mode, with a preceding discourse, which I had before me in writing, as I could not trust myself extemporaneously. * * * *

"The trade in furs is dull on account of a new war of the Macchibaey [Mohawks] against the Mohicans [Mohegans] at the upper end of this river. There have occurred cruel murders on both sides. The Mohicans have fled and their lands are unoccupied, and they are very fertile and pleasant. It grieves us that there are no people and that there is no intention on the part of the Lords'-Managers [of the West-India Company] to occupy them.

"They fell much wood here to carry to the Fatherland, but the vessels are too few to take much of it. They are making a windmill to saw the wood, and we have also a grist-mill. They bake brick here, but of a poor quality. There is good material for burning lime, oyster-shells in large quantities. The burning of potash has not succeeded; the master and his laborers are greatly discouraged. We are now busy in building a fort of good quarry-stone, which is found not far from here in abundance. * * * *

"I had promised [to write] to the Venerable Brothers, Rudolphus Petri, Joannes Sijlvius, and Dominie Cloppenburg, who with your Honor were charged with the [ecclesiastical] superintendence of these regions, but as this would take long, and the time is short, and my occupations at the present time many, will you, Right Reverend, be pleased to give my friendly and kind regards to their reverences, and to excuse me, on condition that I remain their debtor to fulfill my promise, God willing, by the next voyage."¹

Not long after the beginning of the pastorate of the Rev. Everardus Bogardus, at New Amsterdam, in 1633, a plain wooden church was built, on the north side of Pearl Street, midway between Broadway and Whitehall Street. In 1642, the building having become dilapidated and unsafe, a stone edifice, seventy-two feet long, fifty wide, and sixteen high, was erected inside the fort. The site of the new church, selected by Director-General William Kieft, dissatisfied the greater part of the congregation, particularly when it was discovered that the building intercepted the wind when blowing from the southeast, thereby stopping the revolution of the four-armed windwheel

¹ Documents relating to the colonial history of the state of New York, vol. ii, pp. 703-770.
Amsterdam's oldest estate, and distinct enlargements, by J. Tirion, 1760.

(The seven kinds of points and lines mentioned in the inscription are not shown on this copy of the original diagram.)
operating the public grist-mill standing at the northwest side of the fort, and alerting the inhabitants lest the quantity of flour needed by them should not be ground.

The cultivation of tobacco by the colonists of New Netherland was begun as soon as their tilled fields provided them with food-products sufficient for themselves and cattle. It is said that, as early as the year 1616, when the English colony on the James River comprised three hundred and fifty-one souls, a law was enacted to prevent the settlers there from neglecting the cultivation of food crops in order to engage in that of tobacco. As the indigenous plant grew vigorously in the rich soil of the cleared-forest land of New Netherland, the colonists soon discovered that it would be profitable for them to cultivate it for shipment and sale in Holland, where it then commanded high prices. In 1629, the West-India Company, in a memorial enumerating its financial benefits to Holland, called attention to the fact that its ships had brought there "a considerable quantity of tobacco, which is now an important article of commerce."

The engagement in 1629 of Wybrandt, Tomys, and Herman Swartwout as a firm in the wholesale business of buying and selling tobacco in the city of Amsterdam evidently gave the three brothers no little prominence among its merchants, insomuch as the importation of tobacco into Holland was still in its incipiency at that time. It may also be inferred that their transactions associated them with traders going to and returning from New Netherland, which country had been known by that geographical title fifteen years prior to their residence in Amsterdam.

The site of the city of Amsterdam at the conjunction of the Amstel River, and an estuary of the Southern Sea (Zuiderzee), called the Ij, was originally the site of a castle, built in 1204, by Gysbrecht II., Lord of Amstel, near which he constructed a dam that in time obtained the name of Amsterdam. Two centuries later a flourishing city was attracting there merchants and ships from other marts and ports. In 1490 Maximilian I., Emperor of Germany, conferred the right upon the city of using the imperial crown of that country as the crest of its armorial insignia. In the seventeenth century Amsterdam was recognized as the greatest commercial city in Europe.

The peculiar horseshoe-like curvature of the broad canals, bending southward from the Ij, margined by streets and spanned by bridges, conduces greatly to the picturesqueness of the city. These and other intersecting canals, or grachten as they are styled in Dutch, now divide the city, it is said, into ninety islands connected by nearly three hundred bridges. As described

\[1\] Pronounced as I.
VIEW OF THE SOUTH SIDE OF THE OLD CHURCH, AMSTERDAM, 1765.
by Baedeker: "The depth of water in the gracht is about three or three and a half feet, below which is a layer of mud of equal thickness. To prevent malarial exhalations the water in them is constantly renewed by an arm of the North Sea Canal while the mud is removed by dredgers. The chief concentric canals within the city are the Prinsengracht, Keizersgracht and Herengracht (forty-nine yards wide), flanked with avenues of elms. The finest buildings, including many in the peculiar Dutch-brick style of the seventeenth century, are on the Keizersgracht and Herengracht. *

The houses are all constructed on foundations of piles, a fact which gave rise to the jest of Erasmus of Rotterdam, that he knew a city whose inhabitants dwelt on the tops of trees like rooks. The upper stratum of the natural soil is loam and loose sand, upon which no permanent building can be erected unless a solid substratum be first formed by driving piles (from fourteen to sixty feet in length) into the firmer sand beneath. The operations of the builder below the surface of the ground are frequently as costly as those above it." The Merchants' Exchange (Koopmansbeurs), on the north side of the square, known as the Dam, may be instanced as substantiating these assertions, for it rests on a foundation of three thousand four hundred and sixty-nine piles, requiring the expenditure of a large sum of money.

The most ancient church in Amsterdam is the Old Church (Oude-Kerk), standing in the northern part of the city between Warmoesstraat and the Oude-zijds-Voorburgwal (old side city rampart).

The Gothic edifice, erected about the year 1300, and later enlarged, is two hundred and ninety-four feet long and two hundred and thirteen wide. The steeple (in which there is a large chime of silvery-toned bells on which tunes are played by automatic machinery on the striking of the clock) is two hundred and forty feet high from the ground. The lofty arched wooden ceiling of the auditorium is supported by forty-two columns. A high window, on the right side of the main doorway, displays in colored glass the armorial insignia of all the burgomasters of the city holding office between the years 1578 and 1767. The rich emblazonments of the Adoration of the Magi, the Annunciation, the Visitation, and the Death of the Virgin, in the windows of the Our Lady's Choir (Lieve Vrouwen-Choor), and the Cross-bow Shooters' Choir (Voorhogschutters-Choor) are exquisite in execution. The mortuary monuments and mural tablets in different parts of the spacious building set forth in Latin epitaphs the famous exploits of a number of eminent navigators and soldiers whose remains are there entombed.

The New Church (Nieuwe-Kerk), dating the laying of its first foundation in the year 1408 and the beginning of the erection of its original walls in the year 1414, stands between the Dam and the Nieuwe-zijds-Voorburgwal (the new
VIEW OF THE INTERIOR OF THE NEW CHURCH, SOUTH END, AMSTERDAM, 1765.

An open grave in the foreground.
side city rampart). Despoiled and damaged by fires at different times, the present restored Gothic cruciform structure is considered to be one of the most attractive churches in Holland. It is three hundred and fifteen feet long, and two hundred and ten feet through the transepts. The arched wooden ceiling of the nave and the groined stone ceilings of the aisles are supported by fifty-two clustered columns of stone. The building is lighted by seventy-five large windows. In the middle of the church hang five large and twelve smaller brass chandeliers; the first having respectively thirty and the others sixteen or twenty branches with sconces. The elaborately carved wooden pulpit (predikstoel), with its massive canopy, is a conspicuous feature of the spacious interior. A number of memorial pillars and monuments in different parts of the auditorium serve to preserve the fame of the achievements of some of the great admirals of Holland whose bodies are buried beneath them.

The Palace (het Paleis), opposite the Nieuwe-Kerk, is one of the most imposing buildings in the city. It is two hundred and eighty-two feet broad, two hundred and thirty-five deep, and one hundred and forty-six high, exclusive of the tower, which is forty-one feet in height. After Napoleon I. had made his brother, Louis Bonaparte, King of the Netherlands, the building (the erection of which had been begun, in 1648, as a city hall (Stadhuis), and was finished, in 1655, at cost of eight million florins), was presented, in 1808, to King Louis, by the city, for his majesty’s residence. The great hall (de groote zaal) on the second floor, now the royal reception room, is one hundred feet high, one hundred and seventeen long, and fifty-seven wide. The walls of this magnificent chamber are lined with white marble brought from Italy. "In the centre of the marble floor," as described by Baedeker, "is a representation of the firmament, inlaid in copper, which, however, is covered by a thick carpet manufactured in Deventer, and is not shown to the public. Above the entrance to the throne-room is a representation of Justice, with Ignorance and Quarrelsomeness at her feet; to the left is Punishment, to the right a skeleton (now concealed), and above, Atlas with the globe." From a set of bells, in the clock-tower surmounting the building, is elicited, at the end of each quarter of an hour, a popular tune, by automatic machinery. The foundation of the weighty edifice rests on thirteen thousand six hundred and fifty-nine piles.

The enlargement of the city’s commerce in the beginning of the seventeenth century necessitated the erection of several public weighing-houses. The brick, towered structure, erected in 1488 as a part of the city wall, and used as a gateway, called Saint Anthony’s gate (Sint Antonius-Poort), was, in the spring of 1617, modified and reconstructed for a weighing-house, which obtained the name of Saint Anthony’s weighing-house (Sint Antonieswaag). Its situation at the south end of the Zeedijk, where now is the open space
THE SOUTH SIDE OF THE OLD ARCHIVE, OR SAINT ANTHONY'S WEIGHING-HOUSE, AT AMSTEL-HEIDE.
The New Market in the foreground.
titled the New Market (Nieuwe Markt), between the Geldersche Kanal and the Kloveriersburgwal, being somewhat central, certain rooms in the building were for many years used by several societies, one of which was Saint Luke's Guild (Sint Lucas-Gilde), an association of painters, glaziers, and sculptors. The chamber of the Surgeons' Guild (Chirurgijn-Gilde) was in the upper part of the building, as also was the dissecting room (de Snijkamer), which was made famous by Rembrandt van Rijn's painting, the Anatomical Lecture, in which Doctor Nicholaas Tulp and seven other members of the guild were so notably pictured in 1632.

The antique structure, now known as the Old Archive (de Oud Archief), has become a depository for the preservation of historical manuscripts, and ecclesiastical and civic records of the city of Amsterdam. The baptismal and marriage registers of the different churches of the city, shelved in the stack-rooms, are highly valued sources of genealogical information.

At the time of the extension of the city westward, undertaken in 1611, the large canals, the Heerengracht, Keizersgracht, and Prinsengracht, running southward from the Brouwersgracht toward the site of the later-made Leidscheegracht, were constructed. Westward of the first-mentioned three, another canal, which extended southward along the inner side of the new wall of the city, was excavated and called the Lijnbaan or Baanegracht. A little north of the junction of this canal and the Brouwersgracht, the new Haarlem gate (Nieuwe Haarlemmerpoort), was built in 1615. Between the Heerengracht (once a part of the old city wall) and the new city wall, bordering westward the Lijnbaansgracht, streets were laid out and named, along which, in that and the following decade, a large number of dwellings and warehouses were erected.

The ease of access and egress to and from the Keizersgracht, for sailing vessels crossing the Ij, in all probability led the three members of the firm of the Swartwout Brothers to select this recently laid-out part of the city as their place of business and residence. Standing, as their dwellings and warehouse were, on the street running along the west side of the Keizersgracht and within sight of the Brouwersgracht north of them, they were not far from either the Oude-Kerk or the Nieuwe-Kerk.

Wybrandt Swartwout, probably the eldest of the three brothers, may have been the first to marry. Herman Swartwout had, on May 1, 1629, become, at Amsterdam, the husband of Geertruijt Schutte, of Lockum, a village in the province of Gelderland.

In Holland, at that time, a public announcement of an intended marriage was required to be made in the places where the affianced persons then resided and had recently been residing. It was therefore in compliance with
ATTESTATION FOR THE PUBLICATION OF THE BANNS OF TOMYS SWARTWOUT AND ADRIJETJEN SIMONS.
THE SWARTWOUT CHRONICLES

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this legal enjoinder that Tomys Swartwout, on becoming betrothed to Adrijetjen, daughter of Sijmon Sijmons, a broker (makelaer), dwelling on the Prinsengracht, in the city of Amsterdam, had their proposed nuptials proclaimed in Groningen, whence he had moved to Amsterdam. As entered upon the Proclamation Register, preserved in the Old Archive of Groningen, the following attestation was made concerning the publication of the banns in that city:

"4 Februarii, 1630.

"De Erbare Tomas Swartwolt van Gronyngen in de Lamme Huinger- strate ende de doechsmane dochter Aerijaentijen Sijmans van Amsterdam woort de proclamatie hieer consentert myls dat se daer ock moten proclameert worden, daervan attestatie vertonen."

"February 4, 1630.

"The Honorable Tomas Swartwolt of Groningen [living recently] in Lamhuinge Street, and the virtuous maiden Aerijaentijen Sijmans of Amsterdam; the publication was allowed here inasmuch as it must also be proclaimed there, as the attestation hereof shows."

The attestation for the publication of the banns at Amsterdam, dated March 21, 1630, contained in the Church Registry Book (Kerkelijke Inteekening Boek), and presented here by photography, has a special value as a memorial, inasmuch as it displays the signatures of the man and the woman who were about to be united by the holy bonds of matrimony as husband and wife:

"Compareerden hiervoor Thomas Swartwout van Groningen out 23 Jaeren vertoonende acte van het goen van de geboden tot Groningen, woonende op de Keysersgracht, tabakskooper, en Ariacntje Sijmons van A. out 22 Jaeren geassisteert mit Symon Symonsz haar vader en Tryn Grebbers haar moeder woonende op de Prinsengracht.

"Der soekende hare drie Sondaegse uytroopingen, omme naer de selve de voorsc, trouwe te solenniseren en in alles te voltreeken, so ever daer anders geve vultige verhinderinge voor en valle. Ende naer dien zij hyde waerheyt vereerderen datse vrye personen waren, ende maleanderen in bloede.

"Waar door ecu Christelijk huwelijk mochte verhindert worden, niet en bestonden, zijn hun haer gebeden verwilligheft.

"Tomys Swartwout. Adrijetjen Sijmons."

"For this appeared Thomas Swartwout of Groningen, twenty-three years old (presenting proof of the publication of the banns at Groningen), a tobacco merchant [now], residing on the Keysersgracht, and Ariacntje Sijmons of Amsterdam, twenty-two years old, assisted by her father, Sijmon Sijmons, and by
her mother, Catryna Grebbers, residing on the Prinsengracht, seeking the

crying out of their banns on three Sundays in order to obtain the solemniza-

tion of the aforesaid marriage, and to have it wholly consummated, so far as

otherwise before granted, changed, hindered, and interpreted. And for that

they truly declare that they are free persons and together in extraction.

"Nothing existing where a Christian marriage should be prevented, they

here proffer their compliance.

"Tomys Swartwout. Adrietjen Sijmons."

As recorded in the marriage book (het trouwboek) of the Nieuwe-Kerk,

Tomys Swartwout and Adrietjen Sijmons were joined in holy matrimony on

April 7, 1630, by the Reverend Rudolphus Petri, in the venerable edifice still

standing on the west side of the Dam, but now greatly changed architecturally

inside and outside since the celebration of their marriage.

Their conjugal happiness was unfortunately brief, for, in giving birth to a

son, on the seventeenth of December, that year, the earthly life of the suffering

mother abruptly ended. Jan, their son, who was baptized in the month of

January, 1631, having inherited the sum of four hundred florins, the money

was placed in the hands of his father, who, on the fifteenth of May gave bonds

that he would pay the same to his son at his majority; the grandfather of

the child, Sijmon Sijmons, and his uncle, Wybrandt Swartwout, being ac-

cepted as sureties. Whether the boy lived through childhood, or died while

still an infant, there is no information extant to determine the one or the other

of these alternatives.

It was Tomys Swartwout's good fortune to become acquainted with Hend-

rickjen, the amiable daughter of Barent Otsen, a prominent book-publisher of

the city of Amsterdam. They became engaged shortly thereafter, and as re-

quired by law they subscribed their names to an attestation for the publication

of the banns of their intended marriage as is recorded in the Kerkelijk

Inteckening Boek of the Nieuwe-Kerk, on the tenth of May, 1631.

"Appeared before the Commissioners Heyndrick Coppit and Dirk de Graef,

Thomas Swartwout, of Groningen, widower of Arijaentje Sijmons, residing on

the Keysersgracht, and Heyndrickje Barents, of Amsterdam, twenty years

old, assisted by her father, Barent Otsen, residing in Breestraat, at the

Ossemart. * * * *"

"Tomys Swartwout, Hendrickjen, Barent's daughter."

On June 3, 1631, Tomys Swartwout and Hendrickjen Otsen were married,

in the Nieuwe-Kerk, by Domine Joannes Cornelius Silvius.

1 The Dutch text, "Hendrickjen Barents dochter," translated, means Hendrickjen, Barent's daughter.
ATTESTATION FOR THE PUBLICATION OF THE BAINS OF TOMYS SWARTWOUT AND HENDRICKJEN BARENTS OLSN.
The joyous event was followed by a supper which was made memorable
by the reading of an epithalamium composed by the bride's brother, Otto,
and the singing of two wedding songs of which he was also the author.

The nuptial poem and the bridal sonnets were published by her father. A
translation of the text of the title page of the uniquely-embellished and rare
souvenir reads:

Nuptial Poem
in honor of the desired
marriage, between the honorable,
worthy, wise, prudent bridegroom,
Thomas Swartwout,
and the modest, virtuous, well-
mannered, intelligent, discreet young lady,
Hendrickjen, Barent's daughter,
joined in holy matrimony on the
third of June, at Amsterdam, in the year 1631.

At Amsterdam.
Printed by Barent Otsz, book-printer, residing
outside of the Old Regulator's Gate, in the new Printing-house, 1631.¹

The epithalamium, comprising one hundred and twenty-six thirteen-syllable
trochaic verses, is printed in large and attractive script covering five prettily-
bordered pages. The first marriage-song (bruilofts liedt) is a composition of
six four-line stanzas, and the second of six, each of eight lines. Both are set
in script and are appropriately ornamented. The tunes to which they were
sung are named beneath the titles. The custom in the Netherlands of singing
at wedding festivals songs composed by relatives and friends of the bride and
bridegroom is one of early origin and is still followed. The copies of the prints

¹ The inscription encircling the Eden scene in the vignette, Gelyk Adame sandle de doot ter wereld
bracht so heeft Christus ons met syn bloet gecocht, translated reads: As Adam's sin brought death into
the world so Christ has redeemed us with His blood.

Vide: Photo-engraved pages of the Dutch text of the poem and songs and translations of them
in the Appendix. Document No. 5.
DUTCH TEXT OF THE TITLE PAGE OF THE NUPHIAL POEM.
of the nuptial poem and the songs are about one-third less than the size of the original.

The place of business of Barent Otsen (or Otsz), was then on Broad Street (Breestraat), on which was the space called the Ox Market (Ossmaret), south of the Old Regulator's gate (Oude Regulierspoort). He had established himself in Amsterdam as a printer in 1612, and in 1614, published the once popular but now rare work (a small octavo), titled the Great Riddle Book (T Groote Raedtel Bock). In 1626 he printed for C. L. van der Plasse the precious duodecimo, the Golden Harp (de Gulde Harpe), containing the Little Songs (de Liedekens), composed by Karel van Mander. On October 21, 1619, he was enrolled a member of the Booksellers' Guild (Boekverkoopersgilde) of Amsterdam. His trade device is embellished with his initials and several ecclesiastical symbols.

The birth of Tomys and Hendrickjen Otsen Swartwout's first child, Roeloff, was followed by his baptism in the Oude-Kerk, on June 1, 1634. As was a common custom in Holland, he was given as the first-born son the name of his father's father. Their second son, Barent, baptized in the Oude-Kerk, on
PART OF A MAP OF THE CITY OF AMSTERDAM MADE IN 1625.

Showing the situation of Regulierspoort, the Oos Markt, and Brouwersgracht, west of the Amstel River.
July 15, 1638, was called so in honor of his mother’s father, and their daughter, Trijntje (Catrijna), baptized in the same church, on December 15, 1639, received the name of her father’s mother, and Jacomijnthje, baptized in the Nieuwe-Kerk, on February 10, 1646, that of her mother’s mother.

While Tomys Swartwout was associated with his brothers at Amsterdam as a tobacco dealer, the tulip craze, “Tulipomania,” phenomenally distempered for a time the minds of the stolid Netherlanders. A bulbous plant, called by the Turks tulbend, from the resemblance of its flower to a turban, was brought from Constantinople, and was so finely cultivated in Holland that from the rare beauty of its flowers it began shortly to command exorbitant prices. In 1635 so enormous a sum as 100,000 florins ($40,000) was recognized as the value of forty choice bulbs. A plant of the superb species called Semper Augustus, was sold, a year or two later, at Amsterdam, for 46,000 florins ($1,840), a fine carriage, two high-priced horses, and a double set of handsome harness. “Large fortunes,” an historian remarks, “were acquired by speculations on this article, which, in Amsterdam alone, involved, it is said, no less a sum than 10,000,000 of guilders. Persons of all ranks, sexes, and ages neglected their ordinary vocations to amuse themselves with this novel species of gambling; but as those who purchased were often of slender means and unable to fulfill their engagements, the speculation became so unsafe that men lost their confidence in it, and in course of time it died away of itself.”

The commercial enterprise at that time of the merchants of Amsterdam was returning them great wealth. In 1638 the siege of Antwerp was about to be undertaken by Prince Fredrik Henrik, the stadtholder of the United Provinces. While preparations were making for beleaguering the Belgian city, Comte d’Estrades, the French ambassador, complained to the prince, as is related by Davies, “that the merchants of Amsterdam transmitted to Antwerp constant supplies of arms and ammunition. Fredrik-Henrik, having sent to inquire concerning the matter, one Beyland was brought before the magistrates of the town, accused of having freighted four fly-boats with powder, muskets, and pikes, for Antwerp. Beyland boldly confessed the fact, saying that the merchants of Amsterdam had a right to trade where they pleased, and there were a hundred commissioners from Antwerp in the town, of whom he was one; and he added, that ‘if anything were to be gained by trading to hell, he would risk burning his sails.’ The magistrates acquitted him, on the ground that he had done his duty to his employers; a decision which roused the prince into a transport of rage: ‘You see,’ said he to d’Estrades, ‘what patience I must have with these brutes of merchants; I have no greater enemies than the town of Amsterdam; but if I once gain Antwerp, I will bring them so low

VIEW OF THE INTERIOR OF THE OLD CHURCH, WEST SIDE, AMSTERDAM, 1705
VIEW OF THE FRONT OF THE CITY HALL, AMSTERDAM, 1765.
A part of the east wall of the New Church seen on the west side of the building.
that they shall never rise again;" a speech, affording, perhaps, the best possible explanation of the motives which actuated the citizens on this occasion. The city of Amsterdam, the most influential member of the States of Holland, which, in their turn, were predominant in the States-General, became thus the virtual head of the Union, and as such was ever viewed with a jealous eye by the stadtholders, to whom it appeared as a rival in authority and consideration."

Adverting to the influx of multitudes of refugees of different nations who sought shelter within her boundaries," as causing the rapid advancement of Holland in the esteem of the other nations of Europe, Davies further remarks: "Refugees from the Spanish Netherlands, from Spain itself, Protestants driven from Germany by the miseries of the Thirty Years' War, Jews from Portugal and Huguenots from France, found here welcome, safety, and employment. Nor was it more in the numbers than in the sort of population she thus gained that Holland found her advantage. The fugitives were not criminals escaped from justice, speculators lured by the hope of plunder, nor idlers coming thither to enjoy the luxuries which their own country did not afford; they were generally men persecuted on account of their love of civil liberty, or their devotion to their religious tenets: had they been content to sacrifice the one or the other to their present ease and interest they had remained unmolested where they were; it was by their activity, integrity, and resolution that they rendered themselves obnoxious to the tyrannical and bigoted governments which drove them from their native land; and these virtues they carried with them to their adopted country, peopling it not with vagabonds or indolent voluptuaries, but with brave, intelligent, and useful citizens. Thus not only was the waste in the population of the provinces consequent on the war rapidly supplied, but, by means of the industry and the skill of the new-comers, their manufactures were carried to so high a pitch of perfection that in a short time they were able to surpass and undersell the traders of every other nation. * * *

At the time of the peace, this nook of land (the province of Holland containing scarcely 700,000 souls, and the others proportionally less) found itself mistress of the island of Amboyna and its dependencies; Banda, a part of the Moluccas; Minado, in the Island of Celebes; Timor, the town of Malacca; Tenasserim and Gudjansalang; the fort of Guedèria and the towns of Palicacate and Ulegapatnam, on the coast of Coromandel; with the town of Batavia and the surrounding country in the Island of Java; the fort of St. George, in Africa; and the town and colony of New Amsterdam, in North

America. In South America the possessions of the West-India Company comprised a few years before this period three hundred leagues of territory from Siara to the Bay of All Saints, but were now much diminished by the revolt of the Portuguese. The Dutch had likewise discovered portions of New Holland and Van Diemen's Land, but had not as yet attempted to form a colony on any part of this continent.

"To enumerate the various articles which were the objects of trade in these settlements, as well as almost every country of the globe, would be tedious; everything conducive to the support, convenience, and luxury of man was brought in abundance to the shores of the United Provinces, where, however, but a comparatively small portion was consumed; the remainder being again exported to supply the demands of other nations, while the inhabitants, retaining just sufficient for social decencies and comforts, were content to live in their ancient style of simplicity; nor was the increase of riches among them followed by the usual consequences of luxury, ostentation, or extravagance.

"From another vice, often attendant on increased wealth, that of avarice, they cannot be judged equally free. An excessive greediness of gain began to pervade all ranks of men; which, though not displayed in acts of dishonesty or rapacity, led them to devote themselves with too much passion to pursuits of traffic and speculation. The avarice of the Dutch, however, never interfered with the love of their country; and the same individual whose habits of economy in private life amounted almost to parsimony, was found to contribute cheerfully a portion of his income to the wants of the state and to lavish without grudging large sums to forward the progress of any work having for its object the relief of the poor or the improvement of his native city in strength, beauty, or commodiousness."1

At the beginning of the fifth decade of the seventeenth century, the mercantile and commercial prosperity of Holland began exhibiting signs of a general decline in vigor and magnitude. Davies, commenting upon the great blight that had fallen upon the country in the year 1653, remarks: "Among the Dutch the causes of anxiety for the termination of hostilities [between England and Holland] were increased in ten-fold proportion. The whole of the eighty years' maritime war with Spain had neither exhausted their treasury nor inflicted so much injury on their commerce as the events of the last two years. The province of Holland alone paid from six to seven millions annually as interest of her debt, and while the taxes began to press severely on all ranks of the people, their usual sources of gain were nearly closed; the

Greenland fishery was stopped, the herring fishery, the 'gold mine of Holland,' unsafe and almost worthless, the English having captured an immense number of the boats; and the decay of trade so great, that in Amsterdam alone 3,000 houses were lying vacant."

The gradual disruption of the channels of trade had been circumspectly viewed by Tomys Swartwout, who, on seeing the growing stagnation of general business in Amsterdam and the rapid lessening of the value of property in the city, began to entertain fears respecting the welfare of his family should he continue to invest his means there in business as a merchant under the adverse circumstances then attending trade and commerce in the Netherlands. He and his wife were also seriously concerned, at that time, in determining the character of the advantages which they might afford their offspring before their sons and daughters reached manhood and womanhood. The enticing accounts heard by them of the climate and the productions of New Netherland naturally directed their thoughts to the benefits to be realized by settling within its limits. They pondered the issues of this change of residence with mingled feelings of ambition and affection. They could not debar from their minds thoughts of a separation from their kindred in Holland and an exclusion from the social, educational, and religious privileges so long enjoyed by them in Amsterdam. They mentally surveyed the self-denials to which they would be subjected on becoming denizens of the remote country, where most of their surroundings would be primitive in character, where they would be destitute of many household comforts and conveniences, and be compelled to inure themselves and their children to various hardships incidental to their settlements in "the bush."

At that time the government of New Netherland was administered by General Petrus Stuyvesant, resident director-general of the West-India Company, who had assumed the responsibilities of his office at New Amsterdam, in May, 1647, as successor to Director-General Kieft. In a letter addressed to him on March 24, 1651, the directors of the Amsterdam Chamber of the West-India Company disclose in part the will and purpose of the corporation in opening the territory of New Netherland for the settlement of colonists:

"We direct you herewith, not to grant land to any one without his acknowledging properly the authority of the West-India Company, and you will especially take care that henceforth not more land is granted to people than what in your opinion, after a thorough examination of their means, they will be able and intend shortly to populate, cultivate, and bring into a good state of tillage."

"We direct you therefore expressly not to allow or grant any more land to anybody except under the conditions stated above, and keeping Long Island (which we believe to be the most important and best piece) for the company, to be divided upon occasion for the accommodation of farmers and planters, until a rule shall have been made, how much land shall be allotted to each colonist. * * * *

"It is astonishing that the delegates [who had been sent to Holland from New Netherland] dare spread the report in the community [on their return to New Netherland] that the company owned no other soil in New Netherland then Manhattans Island, while it can be clearly proved that they [the members of the company] have bought vast tracts of land on the South [Delaware] River, on the Fresh [the Connecticut] River, on Long Island, and at many other places in the neighborhood." 1

After many perplexing doubts and interchanges of opinion regarding the advantages accruing to them and their children by becoming colonists of New Netherland, Tomys Swartwout and his wife finally determined to dispose of their property in Amsterdam and engage in such preparations as were necessary for them to make before leaving Holland.

At the beginning of the month of March, 1652, on the day for the sailing of the ship in which they had taken passage for themselves and their children to the Mauritius River, they sorrowfully parted with their kindred and acquaintances gathered on the wharf overlooking the IJ, and embarked, and were borne away from the seat of their first connubial home and early domestic joys. The events of their voyage to New Amsterdam were specialized by no remarkable incidents.

On landing at "Manhattans Island," they were cordially greeted by Director-General Stuyvesant, who graciously expressed a desire to assist them in such ways as would enable them to settle speedily and comfortably upon a bouwerij or farm, which they might select under his direction and approval.

The colonists in the little city of New Amsterdam also hospitably welcomed them, and they were soon provided with a temporary abiding-place and adequate comforts while sojourning there. The rude character of the wooden buildings, stretching across the south end of the island eastward of Fort Amsterdam, ceased in a short time to impress them as a novelty, as also did the dilapidated condition of the fort, partly constructed of stone, logs, palisades, and earth, in which were the church and one or two buildings occupied by the officials of the West-India Company. In their intercourse with the inhabitants they obtained considerable information concerning the growth of New Netherland and the prosperity of the different settlements.

1 Documents relating to the colonial history of the State of New York, vol. xiv., pp. 132, 133.
Looking southwardly across the East River (Oost Rivier), they could see on Long Island (Lange Eylandt) most of the buildings of the settlement to which had been given the name of Breukelen, that of a village in the province of Utrecht, in Holland, about fifteen miles south of the city of Amsterdam. Six English miles southeast of Breukelen, they learned was another small collection of houses and barns which had acquired the name of Amersfoort, that of another well-known village in the province of Utrecht, twenty-nine miles distant from the city of Amsterdam. They were further told that eight miles south of the hamlet of Breukelen was another called Gravesande, and seven northeastward of Breukelen was the site of a number of colonists’ houses denominated Middelburg, the name of a village on the island of Walcheren, in the province of Zeeland, in the Netherlands; and that, three miles northeast of it, was still another settlement which had been called Vlissingen after a seaport on the south side of the island of Walcheren. They were likewise told that twenty miles eastward of Breukelen lay a sixth hamlet, distinguished by the name of Heemstede, the title of a village in the province of North Holland. (See map, page 2.)

One hundred and thirty-four miles north of the city of New Amsterdam, beginning at Bears’ Island (Beerden Eylandt), in the Mauritius or Noord Rivier, the extensive manor of Rensselaerswijck stretched northward along both sides of the river as far as the northernmost mouth of the Mohawk River (Alagwa Kill). Small sections of this vast estate, as Tomys Swartwout and his wife were told, had been divided into farms which were cultivated by colonists
MAP OF NEW BELGIUM OR NEW NETHERLAND, 1656
planted on them by Kiliaen van Rensselaer, under certain privileges granted him as a *patroon* of New Netherland, on November 19, 1629, by the West-India Company. They also learned that, in consequence of an order issued by Director-General Stuyvesant, in March, 1652, for the removal of the buildings erected near the walls of Fort Orange, a village, bearing the name of Beverswijck, had been founded, a little north of the company's fort. They were further informed that certain colonists were cultivating farms on States Island (*Staten Eylandt*) lying south of Manhattans Island.

Among the colonists with whom they became acquainted was Jan Snedeker, who had settled at New Amsterdam, in 1642. Circumspect and resolute, he disclosed to them privately many particulars of his experience which greatly enlightened them respecting the administration of the affairs of the West-India Company in New Netherland, and enabled them to understand what was necessary to be done by them to obtain in an eligible and accessible locality the quantity of land they desired to place under cultivation.

They also formed a lasting friendship with Jan Stryker, then thirty-seven years of age, a recently arrived colonist from Ruinen, a village in the province of Drenthe, about sixty-five miles south of Groningen and eight north of Melle. He also was waiting the grant of a *bouwerij* on which he might reside with his family.

Individually possessing qualities of heart and mind to attach them strongly to one another in lasting fellowship, Jan Snedeker, Jan Stryker, and Tomys Swartwout solicited of Director-General Stuyvesant the right of settling together on the level reach of wild land (*de stache bosch*) or the flat bush, adjacent the outlying farms at Breukelen and Amersfoort. The privilege was granted them, and they were forthwith apportioned the areas of ground severally desired by them. Clearing away the trees, thickets, and vines growing upon the spaces of land intended to be placed under immediate cultivation, they speedily prepared them for seeding with such grain as would mature crops before the season of destructive frosts. The preparation of timber for the construction of their log-houses then engaged their attention. The rude architecture of their reed-thatched dwellings, having the back and sides of thick-walled fireplaces and chimneys constructed of stone or roughly made brick on the outside of one or both their gable-ends, soon began to diversify the features of the level landscape. Barns and other wooden structures also multiplied the conspicuous features of the cultivated stretches of wild land.

Through Tomys Swartwout's suggestion, it would seem, the settlement was given the name of the village of Midwout or Midwolde, lying about twenty-five miles eastward of the city of Groningen, where certain of his ancestors had long resided.
Having brought with them from Holland certificates of church membership, Tomys Swartwout and his wife were formally admitted to the communion and fellowship of the church at New Amsterdam. As entered on page 506 of the Book of Members, or Register of Members heretofore since the year 1649 ('T Ledematen boeck oft Register der Ledematen alhier t' sedert de jare 1649), their names are severally the two hundred and eightieth and the two hundred and eighty-first:

Thomas Swartwout and Hendrickje Barents, his wife ("Thomas Swartwout, en Hendrickje, sijn huysvrouw").

Members of the Canarse tribe of Indians often roved over the unoccupied land around Midwout, and the recently settled colonists soon became accustomed to the presence of the ranging Wild People (Welden) as the savages inhabiting the territory of New Netherland were called by the Dutch. The aboriginal owners of the western part of Long Island were exceedingly friendly in their intercourse with the settlers, although the warriors frequently complained to them of the treatment to which they had been subjected by the officials of the West-India Company. Repeated promises, as they alleged, had been made them by the provincial authorities that they should be remunerated for the tracts of land allotted the colonists, and yet no evident intention had been manifested to fulfill these declarations.

The founders of Midwout, nevertheless, became greatly alarmed on learning that a party of aggrieved Indians had slain, in May, 1652, four colonists on a bouwervrij, near Hell-channel (Hellcgat), because the company had not paid the tribal chiefs anything for it. Their fears were the more intensified a few days later by a report that the Welden intended massacring them should the promised indemnification for the tracts of land embraced in the farms at Midwout be withheld much longer by the director-general and council of New Netherland. The principal men of the settlement at once commissioned Jan Snedeker to importune the director-general to liquidate this claim of the Indians at his earliest practicable opportunity. The value of the land in goods, which the tribe demanded in payment, was estimated at five hundred guilders, equal to two hundred dollars, money of the United States of America.

Jan Snedeker's mission was not an agreeable one. He, as other colonists, had felt the heavy pressure of the demands of the West-India Company for payments of exorbitant duties and taxes; and he, as they, had also observed

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1 On page 500, the one hundred and sixth name registered is that of "Thomas Swartwout," which seems to have been entered there first but was afterward rewritten with that of his wife.

2 On page 506, the two hundred and ninety-fourth name registered is that of "Cornelius Swartwout," which was evidently intended for that of "Cornelius Swart," who is assumed to be the son of "Jacob Hellakers," otherwise called "Jacob Swart" and "Jacob Swartwout," who was not related to the members of the Swartwout family.
that the wealthy company was usually remiss in fulfilling its promises of assistance and protection to settlers when such service was attended with outlays of money; and he, as they, had also seen well-born, highly-educated, and patriotic men so bitterly persecuted in New Netherland that his own manhood seemed debased in witnessing the public humiliations of the fair-minded and virtuous settlers who had dared to criticize openly the sordid selfishness of the directorate of the avaricious corporation.

Confident that the director-general would deny the charge that the West-India Company was indebted to the Indians for the land conveyed to the settlers at Midwout, and would resort to subterfuges of specious reasoning in order to make it appear that the corporation was in no way responsible for the antagonistic attitude of the Wilden, the courageous emissary sought an immediate interview with him. Discovering that he would not concede the fact that the people at Midwout were occupying land for which the previous Indian owners had not been paid, Jan Snedeker thereupon vehemently declared that, should no immediate recognition be taken of the perilous position of the inhabitants of Midwout, upon him as the executive officer of the West-India Company would rest the guilt of recklessly placing an unprotected body of men, women, and children at the mercy of a band of exasperated and revengeful barbarians. Unwilling to be regarded as the author of hostilities that might be inaugurated by the Indians detrimental to the company's interest, the wary official promised to make good whatever money or commodities Jan Snedeker and his associates might contribute to satisfy for a time the savages demanding immediate payment for the land at Midwout.

The provoked delegate, confident that the promise would not be fulfilled should he accept it, surlily quitted the presence of the diplomatic director-general. On disclosing the result of his conference with the irascible agent of the West-India Company, the troubled colonists, compelled by the adverse circumstances attending their settlement at Midwout, determined to arrange as quickly as practicable with the Canarse chiefs the terms upon which they might be compensated for the land of the "dacke bosch farms."

The double-dealing servitor of the covetous corporation was not a little terror-stricken by the grave accusations which Jan Snedeker had made in charging him with breaking faith with the friendly Indians and affording them a pretext for massacring innocent and peaceable settlers and eventually involving the West-India Company in an unnecessary and expensive war. In a letter, dated at New Amsterdam, on Monday, June 17, 1652, and addressed to the members of the Council of New Netherland, Director-General Stuyvesant plausibly endeavored to exonerate himself from any culpability in the matter of seating colonists on land not owned by the West-India Company, and yet
admitted that he had allowed "Jan Snediger to give or to promise secretly a gratification to the savages" claiming the ownership of the land at Midwout. The purpose inciting him to write this communication was, as he too truthfully remarked, to influence the members of the council to draw up and place on record a resolution by means of which he should "have in the future a better defence before the Lords-Directors" of the West-India Company, and which, as he further explained, should "prevent any blame of negligence falling upon us."

"Jan Snediger has been pleased to address us in a most unmannerly way, saying among other things, that upon me and mine should fall the losses and damages hereafter caused by the natives. These words were shouted so loud that every one could hear them, which is derogatory not only to our person but also to our official position, and not willing to submit to such insult, we have been compelled to inform your Honors of the occurrence and call for your advice and assistance.

"As to the matter itself, your Honors should know that shortly before the last murder of colonists by the Indians the said Jan Snediger came to me and reported in the presence of the Reverend Doctor Megapolensis that some savages had come to see him demanding payment for the land at the vlacke bos, but the discussions had about it, our proposals and the consequences resulting from it cannot be known to you. They can be brought under two heads as follows:

"1. Is it expedient and advantageous to uphold the savages in their unmannerly and impudent demand so far as to buy and pay again upon their threats the lands which previously they have of their own good will sold, given, ceded, and received payment for, and which partly have since been occupied?

"2. Would it not lead to serious consequences, if it can be proved, that there is in the midst of the purchased land some which has not been bought, (although we are not quite convinced of it), or what would be the consequences at this conjuncture if we gave a small gratification to the savages, or would their ignoble and insatiable avarice not take advantage of it and consider it as an inducement to murder more Christians, imagining them to be faint-hearted, and threatening a massacre that later on they may obtain money and goods for another piece of wild and waste land?

"Concerning these points, I am somewhat in doubt whether the savages had a better claim to the wild and waste bush, upon which God and nature had grown trees, than any other Christian people; and what proof and assurance could be produced that the savages had a better right and title to this parcel of land than other savages, even than the greatest sachem or chief who
a long time ago had sold, given and ceded the whole piece of land and its dependencies to the former officers of the Honorable West-India Company, and had received according to the declaration of the late director and council satisfactory payment for it in goods.

"Nevertheless and notwithstanding it was improper and contrary to all reason and equity, we have agreed for the sake of preventing blame and new troubles to allow the said Jan Snediger to give or to promise secretly a gratification to the savages, and to make a report to us that in time we might refund it, but we never thought, much less absolutely directed any one to promise for so small a piece of land so large a sum at the expense of the company or of our own funds, especially not on such uncertain conditions and terms.

"To have in future a better defence before the aforesaid Lords-Directors of the West-India Company, and to prevent any blame of negligence falling upon us, we refer this purchase to your Honors' knowledge and discretion that a proper resolution may be drawn up concerning it.""
ground, the felling of large forest trees for suitable timber for their houses, barns, and fences, the exertion of erecting them, the oversight required to keep their cattle from straying while their bouwerijen remained unenclosed, the watchfulness exercised to protect their seeded land and maturing crops from the ravages of insects, birds, and graminivorous animals, these and many other urgent duties and multiplying cares allowed them no time during the summer and fall months to engage in less exacting and less exhausting occupations. Walking, and occasional riding by turns on horseback, to and from New Amsterdam on Sundays, and worshipping with the colonists residing there and in the neighboring settlements, afforded the older members of the households at Midwout enjoyable respite from agricultural and domestic toil. When obstructing depths of snow and the severe cold of winter restricted them to the immediate vicinity of their farms, the cadence of beating flails, the sound of hewing axes, and the lowing of sledge-drawing oxen often revealed the locality and nature of the daily tasks of the busy farmers.

In the summer and fall of 1653, certain colonists on Long Island were robbed of horses and other movable property. The sufferers repeatedly made known their losses to Director-General Stuyvesant, but failed in bringing about the arrest and punishment of the thieves. The indifference of the provincial authorities to their appeals for protection caused them to seek the advice of the people of the neighboring settlements regarding the means to be employed to free themselves from further losses of property. In order to obtain an adequate expression of the views of the other settlers respecting the action to be taken to protect the outlying farms from thieves and marauders, they invited the property-holders of Gravesande, Vlissingen and Middelburg (New Town), to send representatives to New Amsterdam, on November 24, to meet with those of the burgemeesters and schepens of that city.

In order to forestall any action taken at the meeting criminating him for inattention to the appeals of the colonists for protection, and to overrule it in such a manner as would frustrate the purpose for which the delegates were to convene, the crafty director-general, on the twenty-fourth of November, issued the following speciously worded announcement:

"Whereas several complaints have been made to us concerning the incursions and robberies of a certain Thomas Baxter, a fugitive from this province, and his companions, by which among others, Joachim Pietersen Cuyter, Willem Hendricksz., and others, have been injured, and that notwithstanding the measures taken by us to prevent the continuance of such outrages, they have continued, and we hereby declare the said Thomas Baxter, and his companions, to be guilty of the aforesaid robberies and incursions, and that they have taken to flight, and that the said Thomas Baxter and his companions shall be punished, and that all others are to be on their guard against them."

lem Harck, and others have suffered, and particularly the secret and thievish abduction of ten or twelve horses from the village of Amersfoort; and

"Whereas, we cannot but be incensed at this and other robberies and incursions committed by the said Thomas Baxter and his accomplices, which have been complained of by the damaged inhabitants,

"Therefore we have resolved to send letters to and summon from each of the nearest subordinate colonies two deputies, who are to meet at the City-hall in this city, and to whom we think it advisable to join two respected members of our High Council, to wit: the Honorable Mr. Johan La Montagne and Mr. Cornelis van Werckhoven, authorized to make in our name the proposal, and further to deliberate with the other delegates for the protection and greater security of the country and its good inhabitants upon some effective remedies and means to prevent and stop these incursions, of which deliberations they will give us a report with all speed." ¹

The subtle director-general next attempted to control the proceedings of the convention by having one of his representatives preside over it and another present a resolution shielding him and his councillors from odium and reproach. In this he signally failed, for, as soon as the intention of the wilful dignitary became apparent, the English delegates objected to the recognition of the emissaries of the director-general and his council by the convention.

The evident chicanery of the strategic official is sufficiently outlined in the "Journal of the proceedings of the convention," to afford a clear comprehension of its character. Although the so-called "journal" of the convention is not the real one, but an account of the proceedings written by the delegates of the burgemeesters and schepens of the city of New Amsterdam, and partly attested by the representatives of the director-general and his council, yet the reader will be enabled to understand, after perusing the garbled compilation of the minutes of the convention, the immediate issues which led Tomys Swartwout to become a bold advocate of the rights of the oppressed colonists and historically distinguished with his associates for initially pleading at that early day for "a decent respect" to be paid to the will of a taxed people by those governing them. The so-called journal recites:

"On November 26, 1653, the following named delegates from the High Council of New Netherland, Mr. J. La Montagne and Cornelis van Werckhoven, met at the City-hall with the delegates from the Board of burgemeesters and schepens of this city of New Amsterdam, Martin Crigier and Paulus Leendertsen van der Grift; the delegates from the village of Gravesande,

George Baxter and Sergeant Huybert; from the village of Vlissingen, John Hicks and Tobias Feeks; [and] from the village of Middelburg, Mr. Coe and Gootman Hasert.

“Messrs La Montagne and Werckhoven propose verbally and in writing that the respective delegates should express their opinion how and by what means the robberies can be stopped.

“1. Ensign George Baxter and all the other English delegates asked whom Mr. Werckhoven represented, and, upon his answer that he was sent as a delegate from the High Council, they said they would have nothing to do with him and did not acknowledge him as a member of the council, nor would they agree that the director-general or his deputy should preside as he could not protect them.

“2. The English delegates sent a written communication to the Honorable Director-General of the following tenor: that if the director, representing the Privileged West-India Company, will not protect us, we shall be compelled to prevent our ruin and destruction, and it is therefore our opinion that we need not pay to him any more taxes and duties; but they promised to remain faithful to the Lords States-General and the Honorable Company, offering the delegates from the burgemeesters and schepens of this city to enter into a firm alliance with them; to which the delegates from the Board of burgemeesters and schepens gave no answer but left.

“3. The delegates of the city of Amsterdam, summoned before the Honorable Director-General, reported to the council the foregoing proceedings, to which his Honor said the answer was a prompt one, but he had no objection that the burgemeesters and schepens should make a union with them, but as they could not out-vote them, he intended to grant, at the next election, a court of justice to the people of Amersfoort, Breuckelen, and Midwout, so that on all future occasions there might be, with the votes of Fort Orange and the others, a sufficient number against them.

“In the afternoon the aforesaid delegates met again at the same place.

“4. C. van Werckhoven testifies that he had heard and understood what was transacted verbally so far. Messrs. La Montagne and Werckhoven submitted an answer in writing from the Honorable Director-General, wherein he expresses his willingness to protect his people, according to his commission, with the power and means entrusted to him by God and his superiors, [which the English delegates said was not quite satisfactory, for Jochim Pietersen [Cuyter,] Willem Harek and others have already been robbed, and the director-general has as yet done very little to protect others against these robberies, therefore we
must defend ourselves, for if his Honor cannot deliver us from sixteen or sev­enteen men, what could he do against more].

"La Montagne testifies to the correctness thus far.

The meeting resolved to assemble again in the morning of the next day, with the exception of Messrs. La Montagne and Werckhoven, and consider what should be done.

"On the 27th of November, at nine o'clock, A. M., all the aforesaid dele­gates met again with the exception of Cornelis van Werckhoven and La Montagne.

"5. The English delegates unanimously asked Martin Crigier and Paulus Leendertsen [van der Grift], the delegates from the [Board of] burgemeesters and schepens of this city, whether they would live with them in peace like brothers and friends. They were answered, ‘yes, but no firm alliance could be made with them until the Honorable Director-General, the High Council, and all the adjacent districts and villages had been informed of it.’ The English delegates answered: Should the burgemeesters and schepens not join them, and the Honorable Director should not protect them, they would form a union with one another on Long Island. The city delegates suggested that it would be better to write about it to the Lords-Directors [of the West-India Company in Holland], and they promised that in the interval they would keep them [the colonists of Long Island] well-informed regarding and assist them against robbers and other evil-doers of that kind to the best of their ability, and live with them as friends. Regarding the letter to be written to the Lords-Directors [of the West-India Company], the city delegates however requested [that, before any further action were taken concerning it, they desired] to hear the advice of the villages of Amersfoort, Breukelen, Midwout, and [of the colonists] on Staten Island, for at this season of the year, when the ships are ready to sail [to the Netherlands], they could not wait for the advice and opinion of the people at Fort Orange, Rensselaerswyck, and the South River.

"Hereupon it was unanimously resolved to come together again from the respective places on the tenth of December next, in order to write to the Lords-Directors, and then the delegates separated.

"Done this twenty-seventh of November, 1653, at New Amsterdam, in New Netherland."

With the marginal declarations of Cornelis van Werckhoven and Doctor Johannes La Montagne, and the names of Martin Crigier and Paulus Leendertsen van der Grift subscribed to the compiled account of the proceedings of the convention, the over-confident director-general evidently thought that he had in it an open certificate attesting his common care of the colonists and his
general readiness to render such aid and protection as they might require of him from time to time.

In order that the convention to be held in the following month should sit under the sanction of the provincial authorities, the burgemeesters and schepens of the city of New Amsterdam addressed, on November 29, a communication to them, saying: "That on the tenth of next month, delegates from all the English and Dutch towns and villages should meet to report the present state of the country here to the Noble Lords-Directors [of the West India Company] as masters and patrons of this province." With due deference and respect they further remarked: "Therefore we, the burgemeesters and schepens of this city, make the friendly request to your Worshipful Honors to summon delegates from the respective Dutch towns and settlements to appear on the said day and make such a remonstrance to the Lords-Directors for the peace and welfare of the country as in their opinion they shall consider advisable. In expectation of your Worshipful Honors' favorable decision, etc." 1

Although the provincial authorities consented to the holding of the convention, they did not accede to it except on the condition that the "deputies of the High Council" should be permitted to be present at its sittings. They, however, did not refrain from declaring that they "might adduce weighty reasons * * * why this fashion of gathering and individual remonstrations * * * should be discountenanced." They undertook to exonerate themselves from public blame in not securing the arrest of the persons robbing the settlers on Long Island by adverting to the fact that an effort had once been made to apprehend them, saying that the "statements that Jochim Pietersen [Cuyter], Willem Harcks, and others have been robbed without anything having been done, the director-general and council declare to be false and calumnious, for, on account of these robberies of Jochim Pietersen [Cuyter] and the theft of horses, immediately after the return of the director-general from Fort Orange, three yachts, under Paulus Leendertsen [van der Grift], and a land force of about sixty men, under the command of Captain Criiger, were sent out in pursuance of the resolutions and appointments passed and made for this purpose." They also advanced the plea, under a guise of apparent truthfulness, that such robberies as had taken place would not have happened had the orders of the West-India Company and the provincial authorities been obeyed, remarking: "If they add that these persons [who had been robbed] cannot be protected, it must be considered that the said persons and many others, contrary to the general order of the company, and the warnings of the director-general and council, have settled separately far from the villages, hamlets, or neighbors." 2

The false declarations embodied in the last sentence are rendered conspicuous by the wording of the summons issued by the director-general on November 24, for the attendance of delegates at the convention to be held in New Amsterdam on the twenty-sixth day of that month, in which he refers to "the secret and thievish abduction of ten or twelve horses from the village of Amersfoort," which as early as the year 1647 was recognized as a settlement of some importance; and also by a communication addressed him by the Directors-General of the West-India Company, on July 24, 1650, in which they wrote: "Many free people have taken passage on these two ships, the 'Fortuyn' and the 'Jaager,' as by inclosed lists, we desire that you may allot to each, according to his capacities and family, sufficient quantities of land where they choose [to settle], but not on land reserved by the exemptions for the company, as for instance at Pavonia, which the company bought in for certain reasons. * * * * It looks as if many people will come over by every ship, and * * * * we desire that you shall accommodate all newcomers as well as possible."¹

Five days later the settlers at Midwout were notified to elect delegates and send them to the convention.

"Dear Friends:

"As the Board of burgemeesters and schepens of this city have resolved with the knowledge of the Honorable Director-General upon calling for two delegates from each of the adjacent villages, to wit: Amersfoort, Breukelen, and Midwout, to write jointly to the Lords-Patrons concerning the condition of country, we request herewith our friends in the village of Midwout speedily to select two delegates and to send them to this place to-morrow, the ninth instant, provided with the necessary credentials, and directing them to report at the City-hall. Relying thereon, we remain, your affectionate friends.

"By order of the burgemeesters and schepens.

"New Amsterdam, Decbr. 8, 1653. Jacob Kip, Secretary.

"To the Honorable, Dear, and Good Friends, the inhabitants of the village of Midwout."²

The settlers at Midwout, upon the reception of this request, held a meeting and elected and accredited Tomys Swartwout and Jan Stryker to represent them at this first provincial assembly or landdag of the colonists of New Netherland.

² Documents relating to the colonial history of the state of New York, vol. iv., pp. 228, 30, 126.
The Board of burgemeesters and schepens of the city of New Amsterdam sent as municipal delegates: Arent van Hattem, Paulus Leendertsen van der Griff, Martin Crigier, Willem Beeckman, and Pieter Wolfertsen van Couwenhoven; Gravesande, George Baxter and James Hubbard; Vlissingen (Flushing), John Hicks and Tobias Fecks; Middelburg (New Town), Robert Coe and Thomas Hazzard; Heemstede (Hempstead), William Wasborn and John Scaman; Amersfoort, Elbert Elbertsen and Thomas Spicer; and Breukelen, Frederik Lubbertsen and Paulus van der Beecq.

"The dangers to which the people were exposed," as remarked by O'Callaghan, "affected all alike; and the grievances of which they complained were no respecters of persons. The greatest harmony and concord therefore prevailed; so true is it, that the fortuitous circumstances of birth or religion weighed but little with the right-thinking and unbiased masses, except when seized on by those interested in the existence of public abuses to lead the public mind astray so as to secure the continuance of a state of things from which the latter derive either honor or profit." 1

When the delegates assembled, on Wednesday, the tenth of December, at the City-hall, in New Amsterdam, a committee, with George Baxter for its chairman, was appointed to formulate a remonstrance and petition to be sent to the Lords-Directors of the West-India Company and their High Mightinesses the Lords States-General of the United Netherland Provinces. The expressive memorial adopted by the convention on the following day, to which all the delegates subscribed their names, ably sets forth the clearly defined purpose of the intelligent and patriotic representatives of the people of the eight settlements. In dispassionate and dignified language they presented their expostulations regarding the detrimental conditions under which the inhabitants of New Netherland held tenure to the farms allotted them by the West-India Company, and the inattention of the officers of the provincial government to the rightful complaints of the distressed colonists.

"We acknowledge," they declared, "a paternal government which God and Nature have established on the earth for the maintenance and preservation of peace and the good of mankind, not only in conformity to Nature's laws but in accordance with the rules and precepts of God, to which we consider ourselves bound by His word, and therefore submit."

Conceiving their rights and privileges "to be the same" as those of the inhabitants of the Fatherland, they "being no wise a conquered and subjected people," but settled in New Netherland "on a mutual covenant and contract entered into with the Lords-Patrons," they humbly solicited that their remon-

strange and petition might be "received and construed favorably, and be inter-
preted not sinisterly but advantageously."

"We shall, therefore, frankly declare, with all humility, our fear and the
alarm which for some time have broken our spirits and hurt us in our labors
and callings, so that we, being in a wilderness, are unable to promote the
prosperity of the country with the same energy and affection as heretofore;
the causes being:

"1. Our apprehension of the establishment of an arbitrary government
among us. * * * *

"2. We are usually and every year expecting that the natives, by the mur-
ders they commit under a pretext that they have not yet been paid for their
lands, may begin a new war against us. * * * *

"3. Officers and magistrates, although by their personal qualifications de-
serving such honors, are appointed to many places contrary to the laws of the
Netherlands; several acting without the consent or nomination of the people,
whom it most concerns.

"4. Many orders and proclamations, made in days gone by, without the
approbation of the country, solely by the authority of the director and council,
remain obligatory. * * * *

"5. On the promise of deeds and general patents of privileges and exemp-
tions, various plantations have been made at great expense to the inhabitants,
through building houses, constructing fences, and tilling and cultivating the
soil; especially by those of Middelburg and Midwout. * * * * who took
up many single farms, and solicited deeds for such lands, but were always put
off and disappointed to their great loss. This creates a suspicion that innova-
tions are in contemplation, or that other conditions will be inserted [in the
deeds and letters-patent] different from the original stipulations.

"6. Large quantities of land are granted to some individuals for their pri-
ivate profit, on which, here and there, might have been established a village or
hamlet of twenty or thirty families. This, indeed, must in the end, cause an
immense loss hereafter to the patrons by way of revenue, and at present
greatly impair the strength of the province, which, under such circum-
stances, is incapable of defense, unless villages or settlements be planted or
formed."

The Remonstrance and Appeal having been written in English, a Dutch
translation of the document was sent on the following day to the provincial
authorities, addressed and styled: "To the Very Worshipful Honorable
Gentlemen, the Director-General and Council of New Netherland, on the part
of Their High Mightinesses the Lords States-General of the United Provinces,
an Humble Remonstrance and Appeal of the Colonies and Villages in the
Province of New Netherland," with a request that answers to the different points set forth in the memorial be returned to the convention.

The director-general and council, after reading the communication and accompanying paper, sent a request to "the remonstrants" that each member of the provincial council be provided with a copy of the Remonstrance and Appeal, which they criticised as being somewhat obscure in meaning and badly translated. The surly and captious request of the offended officials obtained the following response from the convention:

"The burgemeesters and schepens of this city, together with the respective delegates from the villages of Gravesande, Vlissingen, Middelburg, Heemstede, Breukelen, and Midwout, have seen the answer of the Honorable Director-General and Council to the Remonstrance delivered yesterday to the Honorable Director-General, asking, on account of some obscure or badly-translated passages in the Remonstrance, that a copy thereof be given to each member of the council. The said delegates reply thereto that they have submitted the original of which his Honor, the Director-General, may give copies to the council if he pleases, and they request once more to know whether the Honorable Director-General and High Council will condescend to give a definite answer upon each point or not, for the delegates are here at great expense, and wish to know how to govern themselves."

This communication drew from the officials an arraignment of the delegates peculiarly despiteful: "The Director-General and Council are ignorant of any delegates from the respective villages, the more so as Midwout, Amersfoort, and Breukelen have no court or jurisdiction and consequently no authority to send delegates. As to the other villages, the Director-General and Council declare the present gathering illegal, for it annulled and acted contrary to the resolutions passed by the Provisional Assembly as well as the order and decision made by the Director-General and Council at the request of the burgemeesters and schepens on the third instant. The Director-General and Council find themselves therefore compelled for the protection of the rights of the Lords-Patrons and their deputies to protest against the present gathering, as they herewith do.

"As to the Remonstrance itself, the Director-General and Council do not know whether the original or a copy thereof have been submitted to them; the document shows and proves that it is a translation, and the Director-General and Council further state that they do not feel bound to give a definitive

answer to a private and obscurely-styled remonstrance of a few unqualified delegates assuming the rights and privileges of the whole.

"The Director-General and Council therefore charge and order the aforesaid so-called delegates not to address either them or anybody else under such name and title; but if the burgemeesters and schepens of this city or the magistrates and delegates of the villages have to make remonstrances or requests for their respective places, then they severally shall notify thereof the Director-General and Council, who will give them answer and such satisfaction as the circumstances and the case may require."  

Notwithstanding the delegates were restrained by their individual fortitude and wisdom from manifesting any reprehensible disrespect toward the provincial authorities, they were more strongly stimulated to persist in impressing upon the minds of the director general and the members of his council the lofty and patriotic sentiments which moved them to write again to the disputatious officials, saying:

"On the eleventh of this month the delegates from the respective villages of Gravesande, Vlissingen, Middelburg, Heemstede, Amersfoort, Breukelen, and Midwout, and the deputies of the burgemeesters and schepens of this city, convened at the City-hall, submitted to your Honorable Worships a Remonstrance and Appeal to which they received on the following day in answer a demand for copies of the document in order that a well-considered reply might be given. The said convention made on the same day an answer in writing, whereupon the Honorable Director-General and Council were pleased, instead of giving a decision upon their request, to charge the convention with illegality because of a pretended lack of jurisdiction of the villages of Midwout, Amersfoort, and Breukelen, which in consequence thereof could not send properly qualified delegates to the convention; and to protest against the convention. This appears strange, for the said villages were written to by the burgemeesters and schepens only with the knowledge and consent of the Honorable Director-General and Council; besides, the convention had no other aim than the service and protection of the country, the maintenance and preservation of the freedom, privileges, and property of its inhabitants, but not an unlawful usurpation of the authority of the said Honorable Director-General and Council; on the contrary, their intention was to prevent illegal proceedings, inasmuch as the laws of Nature give all men the right to unite for the welfare and protection of their liberty and property.

"The delegates, convened as above mentioned, request, with the burgemeesters and schepens, that your Honorable Worships will please, after having

declared the aforesaid convention lawful, to answer the points submitted in their remonstrance, inasmuch as they are willing, with due respect, to admit to their meetings and allow all such persons as your Honorable Worships may decide to depute to share in and advise upon all business which may arise.

"In case of refusal, which they hope will not be given, they would find themselves compelled to protest against your Honorable Worships for all the inconveniences which have befallen or may befall the country in general or particular, and they intend to apply to their High Mightinesses, the Lords States-Generals as their sovereigns, and the Privileged West-India Company as their patrons, in order to submit to them a remonstrance on such matters as they believe are required for the service and welfare of the country." This communication, dated at New Amsterdam, on December 10, 1653, was signed by all the delegates except William Wasborn and John Seaman, from Heemstede, who, it would seem, had returned to that settlement; the letter being certified to be a true copy of the original by D. van Scheluyne, a notary-public.

Upon the reading of this unequivocal expression of the criticism and purposes of the resolute representatives of the colonists, the director-general and the subservient members of his council sent a peremptory order, on the following day, to the delegates at the City-hall commanding them "not to assemble any more in such form and manner, but to separate on sight hereof under pain of our extreme displeasure and arbitrary correction." 1

The guileful director-general, two days later, addressed an open letter to the colonists on Long Island, with which Cornelis van Ruyven, secretary of the provincial government, was sent to Breukelen, Midwout, and Amersfoort, to read to the inhabitants, and in which he said: "We are further informed that the burgemeesters and schepens of this city invited in our name delegates from your villages and told you that it had been done with our consent and approval. We hereby declare that it was not so, and therefore require and direct you not to allow such delegates to convene again or come here, especially during this crisis, because it can only be to your disadvantage and injury."

As was the intention of the delegates, a copy of the Remonstrance, with explanatory papers regarding the action of the provincial convention, was sent to Holland in the hands of François Le Bleu, a counselor-at-law (advocaat), who was empowered to present them to the Lords-Directors of the West-India Company through the Amsterdam Chamber.

Apparently under compunctions of his guilt in disregarding the complaints


Documents relating to the colonial history of the state of New York, vol. xiv., pp. 237, 238.
of the colonists, the double-minded director-general, in a paper, dated at New Amsterdam, April 8, 1654, setting forth the commission of Cornelis van Tienhoven and Martin Crigier as envoys to the Honorable Theophilus Eton, governor of New Haven, acknowledged it to be his duty to heed and prevent their complaints, and to exert himself to secure the settlers in the possession of their property, for he wrote: "Some rovers and pirates have appeared—we do not know under what authority or whose commission—who during last summer have uttered threats and committed several hostile acts, invasions, and attacks upon the good inhabitants in the country, Dutch as well as English, on land and sea, robbing and plundering Willem Harck and Jochim Pietersen Cuyter, stealthily taking away a vessel belonging to John Tobyn, stealing and leading off nine or ten horses from the village of Amersfoort on Long Island, and three or four negroes sent out to recapture and bring back some fugitive negroes. Having suffered these and other hostilities at the hands of the said robbers and pirates, not only last year but also again quite recently in the person of Willem Harck, when they added many threats of fire and massacre to be inflicted upon other good inhabitants of this province. We, the Director-General and Council, believe ourselves compelled by our official position and its duties upon the repeated complaints of our good subjects to prevent them by all honest and admissible means as far as we can, and to protect our good subjects against all such rovers, pirates, and thieves."

The despiteful manner in which the director-general and the members of his council vented their reproaches upon the patriotic representatives of the colonists seems less reprehensible than the way taken by the officials of the Amsterdam Chamber of the West-India Company to debase them. Had the number of settlers been larger and more belligerent, probably their appeal would have been differently viewed by the avaricious corporation; or, possibly a revolution might have been inaugurated by the oppressed colonists to acquire a right of representation in the government of New Netherland.

On May 18, 1654, the directors of the Amsterdam Chamber of the West-India Company wrote to the Honorable, Prudent, Pious, Dear, Faithful Director-General and Council in New Netherland, saying: "We have been amazed by the proceedings of the delegates from some colonies and villages, especially because in the whole remonstrance we cannot find anything that could have given them a reason for complaining of some wrong; but from their conclusion and accompanying protestations it may be conjectured that the whole thing consists only of forged pretexts for an imminent factional sedition. We think that you should have proceeded rigorously against the ring-

leaders of this undertaking, and not to have meddled with it so far as to an­swer protests by counter-protests and then let it pass without further notice; for as it is highly arrogant for inhabitants to protest against their govern­ment so do the authorities prostitute their office when they protest against their subjects without punishing them according to the situation and exi­gencies of the code. * * * * We charge you to mete out due punish­ment for what has passed so that in future others may not be led the same way."

The patriotic ambassador of the delegates was also made to feel the implaca­ble resentment of the haughty and despotic lords-directors in a manner par­ticularly disgraceful. Of this they remarked: "The attorney, Mr. François Le Bleu, has been informed by us that he need not calculate upon sailing [to New Netherland] this season. He will be able to draw his own conclusions from that and from what has happened to him here, and report to his em­ployers that we are not at all pleased with such commissions."

A discourteous reprimand was at the same time addressed to the burge­meesters and schepens of the city of Amsterdam, who were threateningly ad­monished:

"We cannot let this occasion pass without informing you that it has ap­peared strange to us that you or some of you have allowed yourselves to be instigated by some evil-minded persons so as not only to help arrange without order a meeting, but also to present remonstrances, which, we think, were at this time very much out of place, although represented differently. We write more in detail on this subject to the director-general and council, who will communicate with you in due time; meanwhile we recommend and charge you to behave quietly and peacefully, to obey the authorities placed over you, and by no means to join with the English or other private parties in holding conventicles, either for the sake of deliberating on affairs of state; which is not your business, or, which is still worse, in order to make the changes in the province and its government. We have wished to warn you and give you advice before we make other dispositions." 1

The desire of having the burgemeesters and schepens of the city of New Amsterdam as well as all the other colonists obey the company’s officers and abstain from attempting to make changes in the government too strongly swayed the thoughts of the covetous men having the exclusive jurisdiction of New Netherland to allow them to think of parting with any of the privileges which they had acquired solely for the advancement and protection of their selfish and sordid interests. The self-seeking policy of these miserly capitalists

was the bane of the prosperity of the settlers of New Netherland and the source of nearly all the political evils afflicting them during the West-India Company's administration of the government of the province.

The settlement of more colonists at Midwout largely expanded the area of its cultivated land. The increase of the number of its inhabitants was sufficient to justify the provincial authorities in establishing there, on March 6, 1654, a local court of justice consisting of three magistrates (schepens), represented in the persons of Jan Stryker, Jan Snedecker, and Adriaen Hegeman. This court sat three-fourths of the year at Midwout and the remaining fourth at Amersfoort until March 31, 1661, when each place was granted a local court. David Provoost, who, in 1654, was sheriff (schout-fiscaal) of the district of Breukelen, was then ordered to include Midwout and Amersfoort in his bailiwick. On January 25, 1656, Pieter Tonneman succeeded him in that office.

The long distance between Midwout and New Amsterdam, which the people of the village were obliged to traverse in going to and returning from Sunday and feast-day services at the church within the walls of Fort Amsterdam, led to the organization of a religious society at the settlement, on February 9, 1654. A request was then sent to the Classis of the Reformed Church at Amsterdam, Holland, to select a suitable pastor for it. Shortly thereafter the Reverend Johannes Theodorus Polhemius (written by him "Polheijin"), arrived in New Netherland, who had been compelled to leave his pastorate at Itamarcas, Brazil, in consequence of the abandonment of that country by the West-India Company in favor of the Portuguese. He was then fifty-six years old. Meanwhile his wife had gone to Holland to try to obtain from the Lords-Directors of the West-India Company the arrears of salary due her husband by that corporation. Finding that his services as a school-teacher and a minister were available, the people of Midwout and those of Amersfoort engaged him to instruct their children and to officiate as pastor of the two congregations.

The first steps taken to erect a building in which religious services might be conducted regularly by him at Midwout, were those consequent upon the authorization, on December 17th, that year, of the Reverend Johannes Megapolensis, "minister of the Gospel in the city of New Amsterdam," Jan Snedecker, and Jan Stryker "to make public and private contracts" for the building of "a house of about sixty or sixty-five feet in length, twenty-eight in width, and twelve to fourteen feet high under the crossbeams, with an extension in the rear, in which a chamber might be partitioned off for the preacher."
In the spring of 1655, the erection of the building was begun. For want of timber the construction of the edifice advanced slowly during the summer. In the month of December, the Reverend Dominie Polhemius complained, in a letter addressed to Director-General Stuyvesant, that the planks he had sent him with which to finish the parsonage had been used for other purposes before he had any knowledge of the boards being in the village. As particularized by him, "twenty-four were delivered to Jan Eversen Meyer, six were put down at the church for benches; of the remainder sixty-nine were taken away with the consent of Jan Snedeker and Jan Stryker, and seventeen carried to Tomys Swartwout and his brother Aldert Swartwout." However, as soon as the purpose for which the boards were intended was known, they were taken to the parsonage and used in completing it.

It would seem that the provincial authorities deemed it conducive to their own and the West-India Company's interests to manifest a spirit of good-will toward such colonists of Dutch extraction as were men of intelligence and integrity, even when their sentiments regarding the administration of affairs of the province were diverse and opposite their own. Thereupon recognizing the qualifications of Tomys Swartwout and the high esteem in which he was held by the people of the settlement, Director-General Stuyvesant and the Council of New Netherland appointed him, on April 13, 1655, a schepen to serve with Jan Snedeker and Adriaen Hegeman, who with him composed the Court of Midwout until the withdrawal of Jan Snedeker, on October 16th, that year, who was succeeded by Jan Stryker. Unwilling to be burdened another term with the responsibilities of a local magistrate, Tomys Swartwout in the spring of the following year declined a proffered appointment to the same office.

The well-founded fears of the colonists, which were so urgently set forth by the Landdag of 1653, that the Indians would at an early day inaugurate a war and attack the unguarded inhabitants, were suddenly verified on September 15, 1655, when a body of savages, estimated as numbering nineteen hundred, landed at daybreak at New Amsterdam and occupied the streets of the city.

The alarmed citizens prudently dissembled their terror in the presence of the insolent invaders. Having shot a citizen in the breast with an arrow and struck down another with an axe, they were fortunately driven to their canoes by the soldiers garrisoning the fort, leaving three of their number dead on the

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1 Aldert Swartwout is named as plaintiff in a trial in the City-hall, New Amsterdam, on October 31, 1656. *Tibbitt*: Records of New Amsterdam. Edited by Berthold Finkow. 1892, vol. ii., p. 213.

east shore of the North River. Passing over to the west side of the river, they burned at Hoboken and Pavonia, and also on Staten Island, many houses and barns of the settlers.

“During the three days that this storm raged,” as related by O’Callaghan, “the Dutch lost one hundred people, one hundred and fifty were taken into captivity, and more than three hundred persons besides were deprived of house, home, clothes, and food. Twenty-eight bouweries and a number of plantations were burned, twelve to fifteen thousand schepels of grain destroyed, and from five to six hundred head of cattle killed or driven off. The damages inflicted on the colonists were estimated at two hundred thousand florins, or eighty thousand dollars.

“A visitation so dreadful, it may easily be conceived, spread the greatest consternation abroad. All the country people except those of Amersfoort, Breukelen, and Midwout, and the negro hamlets ‘took wing’ and fled to the Manhattans.”

The magistrates of Midwout, Adriaen Hegeman and Tomys Swartwout, then reduced to two by the withdrawal of Jan Snedeker, recognizing the insecurity of the place should the Indians attempt a massacre of the settlers there, began immediately to concert plans for their protection. Aware of the importance of having them reside near one another so that all their dwellings might be within the limits of a smaller area which might be fenced then with palisades with less expense and labor, the prudent schepens induced the householders to agree to do what seemed most imperative in view of their defenseless situation. In order to secure the sanction of the provincial authorities, they presented the following petition:

“To the Noble and Respected Lords, the Director-General and the Honorable Members of the Council of New Netherland.

Noble and Respected Lords:

“The magistrates of Midwout, authorized and representing all the inhabitants of the aforesaid village, set forth to your Honors how dangerous it is in this critical juncture if each inhabitant should continue to reside on his own farm, wherefore the suppliants, having first consulted the other inhabitants who embraced their proposal, are of the opinion that it would be desirable for the security of their persons and property to concentrate the aforesaid inhabitants on a smaller space in such a manner as might be approved by your Honors, wherefore we solicit your Honors that it may please you as soon as it is possible to have the limits of our village fixed so that each inhabitant may

ascertain without difficulty where to place his dwelling and what rule he has
to follow.

"Expecting soon a favorable answer, we remain

"Your Honors' obed't servants,

"Adriaen Hegeman,

"Tomys Swartwout."

The memorial having received the approval of the authorities of New
Netherland, who that day had appointed Jan Stryker a scheepen to succeed
Jan Snedeker, the following order, dated October 16, 1655, was issued:

"Whereas Jan Stryker, Adriaen Hegeman, and Tomys Swartwout, in-
habitants and magistrates of the village of Midwout situate on Long Island,
have this day exhibited to us a certain plan and petition annexed, to be em-
powered to effect the concentration of the aforesaid village for the greater
security thereof and for enabling the inhabitants in general, when necessary,
the more readily and effectually to assist one another, which being examined
by us the Director-General and Council of New Netherland, we have ap-
proved thereof and so deemed it proper and necessary.

"We, therefore, do hereby authorize said magistrates, Stryker, Hegeman,
and Swartwout, to lay out the aforesaid village according to the exhibited
plan, provided that five or six lots be reserved for public buildings, such as for
the sheriff, the minister, the secretary, schoolmaster, village-tavern and public
court-house, hereby commanding the inhabitants of the said village in general
to submit themselves without opposition provisionally, and until further order,
to the proposal of the aforesaid magistrates and this our good intention.

"Done at the assembly of the Honorable Director-General and Council
of New Netherland, holden in Fort Amsterdam."

In another ordinance, dated February 22, 1656, it was further ordered that
the schout Pieter Tonneman and the magistrates of the village be peremptorily
ordered and commanded "to lay out the settlement and lots thereunto re-
quired in the form agreeably to the aforesaid model, and allot them to the first
that is ready to build without distinction of persons and without making any
alteration in the plan; hereby commanding at the same time all inhabitants
already residing or hereafter coming to live in the aforesaid village, to submit
themselves to the aforesaid order, model and survey, and to the taxes or as-
sessments, which the aforesaid sheriff and magistrates shall find necessary to
collect with the advice of the Director-General and Council, in order to pro-
mote the setting off of the aforesaid village with palisades and a blockhouse." 1

The environment of the village with a fence of palisades was shortly thereafter begun, and continued until the fall of 1656, when it was completed.

Of the three villages, Amersfoort, Breukelen, and Midwout, the last-named settlement was not only then the most populous but also the wealthiest. Besides having the precedence of having a house for religious worship, the place contributed more generously than either Amersfoort or Breukelen toward the support of the Reverend Dommie Polhemius, for, on December 29, 1656, the people of Midwout agreed to give yearly four hundred florins toward his salary, those of Amersfoort three hundred, and those of Breukelen a like sum. The magistrates of the villages, in a communication addressed to the provincial authorities, on January 13, 1657, adverting to the way in which they hoped to
fulfil their part of the agreement, remarked: "That after several meetings, they could find no other way than to impose upon each lot and parcel of land, of which there are about forty in Midwout, a tax of ten florins yearly in proportion. This tax of ten florins yearly for every lot proportionally would make up the sum of four hundred florins, which we of the Court of Midwout have promised in the presence of the Honorable Director-General to contribute to the yearly pay of the said Dominie Polhemius. But as each one of the inhabitants and neighbors has not the same amount of property, one having less, the other more, we must and cannot tax all alike, but each in proportion to his property and real estate."¹

The church, which the people of Midwout began to erect in September, 1658, on the plot of ground where now stands the third edifice, built in 1796, was a plain wooden structure, which, as reported on September 30, 1660, had cost four thousand and fifty-seven florins and nine stivers, or, in present money, one thousand six hundred and twenty-three dollars and twelve cents. By order of the provincial authorities, the Building Committee was discharged on January 4, 1663.²

The burgomasters and magistrates of the city of New Amsterdam, having, on January 22, 1657, petitioned the Honorable Director-General and Council of New Netherland to grant them the privilege of conferring upon such of the inhabitants of the place as might desire to enjoy the rights and immunities derived from burghership (burgers-recht), they, on January 30, 1657, were empowered to invest any reputable citizen with either the great or small burgher-right whom they might adjudge worthy of possessing the one or the other. A citizen, therefore, who, by subscription or oath, had acknowledged himself a subject of the government of the West-India Company, and had covenanted to bear his share of the burdens, expenses, expenditures, and watches that were incumbent upon the burghers, and had paid fifty guilders for a great burgher-right, was thereafter "qualified to fill all the municipal offices and dignities within the city and consequently to be nominated thereto; secondly, be exempt for one year and six weeks from watches and expeditions; and thirdly, be free in his person from arrest by any subaltern court or judicial benches of the province:" and one, having paid twenty guilders for a small burgher-right, although not eligible to civil office and not permitted to enjoy the same exemptions as those granted to a citizen holding a great burgher-right, was allowed "to exercise within the city any public-store, business, or handicraft trade."³

² Ibid. pp. 381, 382, 383, 520.
It would seem that Tomys Swartwout, in 1658, intended to engage in a mercantile business in the city of New Amsterdam, for, on February 28, that year, he solicited the Board of Burgomasters and Magistrates to grant him “the small burghe-right, and took the oath in court, signing an obligation for twenty gilders, beavers payable for it.” Evidently, in order to reside there with his family, he purchased, in the following year, a lot on the corner of Broad and Beaver streets, which, by a miscarriage of other investments, he was compelled shortly thereafter to return to a creditor of the original owner.

Having for many years vainly solicited letters-patent for the land occupied and cultivated by him at Midwout, he received, on March 7, 1661, from Director-General Stuyvesant, the long-desired instrument of writing, placing him in legal possession of his farm of fifty-eight morgens, or about one hundred and sixteen English acres. Intending to change his residence to Wiltwijck, he sold, on March 15, 1661, one-half of this farm to his friend and neighbor, Jan Snedeker. Tomijis Swartwout's signature is found in the original record-book of the Reformed Dutch Church of Wiltwijck, attesting the former membership in Holland of a woman who became a member on that day of the church in that village, lying on the Esopus Kill. He is also named in the baptismal register of the same church, as a sponsor, on January 8, 1662, for his son Roeloff's second son, Antoni. Tradition relates that he returned to Holland (perhaps after the decease of his wife), where he died.

1 Records of New Amsterdam. Edited by Berthold Fernow. 1897, vol. ii., pp. 342, 343. In lieu of money, a good merchantable beaver-skin had at that time a value of six gilders, or that of two dollars and forty cents, present money.
CHAPTER III.

ROELOFF SWARTWOUT, SCHOUT OF ESOPUS.

1634-1715.

THE hostilities in 1616 between the Mohawk and Mohegan Indians having caused the colonists at Fort Orange to abandon the settlement and be conveyed to New Amsterdam, no steps were taken to induce others to occupy and cultivate land on the Upper Hudson until Kiliaen van Rensselaer, one of the wealthy stockholders of the West-India Company, became a patron of New Netherland.

The lords-directors of the company, believing that an enriching revenue could be derived from the country should its territory be divided into manors and these be granted under certain privileges and exemptions to proprietary lords called patrons (patroons), formally approved, June 7, 1629, this plan for the colonization of the province, which was duly ratified and confirmed by their High Mightinesses, the Lords States-General of the United Netherlands.

The person accepted by the company as a patroon was required to settle upon the tract of land granted him a colony of fifty people within a period of four years. All of the colonists included in that number were required to be over fifteen years of age. Upon such conditions as these, Kiliaen van Rensselaer, and his heirs, came into possession of the extensive manor known as that of Rensselaerswijk, extending along both sides of the Hudson River, from Beeren Island to the site of Waterford, in Saratoga County, and forming an estate twenty-one miles long and forty-six wide.

The famous French Jesuit missionary, Father Jogues, in his description of this part of New Netherland, in 1646, writes: "There are two things in this settlement (which is called Rensselaerswijk, or in other words the settlement of Rensselaer, who is a rich Amsterdam merchant), first, a miserable little fort called Fort Orange, built of logs, with four or five pieces of Breteuil cannon and as many swivels. This has been reserved and is maintained by the West-India Company. This fort was formerly on an island in the river. It is now
on the mainland toward the Iroquois, a little above the said island. Second, a colony sent here by this Rensselaer, who is the patron. This colony is composed of about a hundred persons, who reside in some twenty-five or thirty houses, built along the river as each one found most convenient. In the principal house lives the patron's agent; the minister has his apart, in which service is performed. There is also a kind of bailiff here, whom they call the seneschal, who administers justice. Their houses are solely of boards and thatched, with no mason-work except the chimneys. The forest furnishes many large pines; they make boards by means of their mills, which they have here for the purpose.

"This settlement is not more than twenty leagues from the Agniehrorons [or Mohawks], who can be reached by land or water, as the [Mohawk] river, on which the Iroquois lie, falls into that river [named the Hudson], which passes by the Dutch [at Fort Orange], but there are many low rapids [on the Mohawk], and a fall [at Cohoes], where the canoe must be carried a short half league."  

On the death of Kiliaen van Rensselaer, in 1646, Johannes, his eldest son, became patroon of Rensselaerswijck. He was then a minor, and the management of the affairs of the manor was intrusted to Brandt van Slechtenhorst. The first member of the Van Rensselaer family that took personal charge of the New-Netherland estate was Jan Baptiste, the third son of Kiliaen van Rensselaer, who arrived in 1651, at Fort Orange.

As the site of Fort Orange began to be regarded about this time by the Van Rensselaers as a part of Rensselaerswijck, some of their colonists erected dwellings around it. The knowledge of this false impression having reached Director-General Stuyvesant, the circumspect official concluded that it would be well to efface it. He therefore, in 1652, peremptorily ordered the colonists to transfer the buildings beyond the range of a ball fired from a cannon on the ramparts of the fort. As a consequence, an area of ground six hundred paces north of Fort Orange, bordering the river, became in April, that year, the seat of the village (dorp) of Beverswijck (Beaver-district), which name was changed twelve years later to that of Albany.

At that time the office of the secretary of the colony of Rensselaerswijck was held by Antoine de Hooges, who, not long after his arrival in New Netherland, on November 29, 1641, succeeded Arendt van Corlear, who had been long and actively identified with the affairs of the manor. Not many years after his appointment to the responsible office of secretary of Rensselaerswijck, Antoine de Hooges married Eva, daughter of Albert Andriessen and Annetje.
Barents Bratt. Her father, known as the Norman (de Noorman), settled in Rensselaerswijck in 1630, and later held a mill-privilege on the creek flowing into the Hudson, about two miles south of Beverswijck, from whom the stream derived its name, the Norman's Kill.

Roeloff Swartwout, baptized at the Oude-Kerk, in Amsterdam, Holland, on June 1, 1634, having attained his majority while living on his father's bouwten, at Midwout, visited Beverswijck, in 1656, with an intention of settling there. During his sojourn in the village he became acquainted with Eva Albertse Bratt, the widow of Antoine de Hooges, the late secretary of Rensselaerswijck, residing on the northwest corner of Bever and Handelaars (Broadway) streets, south of the block-house church, then building in the square formed by the intersection of Jonkers and Handelaars streets. On finding himself enamoured with this attractive woman, he solicited her hand in marriage. His father attended their marriage on August 13, 1657. On the morning of that day the following marriage contract was entered into and signed by the betrothed parties:

"In the name of the Lord, Amen. Be it known by the contents of this present instrument that, in the year sixteen hundred and fifty-seven, on the thirteenth day of the month of August, appeared before me, Johannes La Montagne, in the service of the General Privileged West-India Company, deputy at Fort Orange and the village of Beverswijck, Roeloff Swartwout, in the presence of his father, Thomas Swartwout, on the one side, and Eva Albertse, widow of the late Antoine de Hooges, in the presence of Albert Andriessen [Bratt] her father, on the other side, who, in the following manner, have covenanted this marriage-contract, to wit: that for the honor of God the said Roeloff Swartwout and Eva Albertse, after the manner of the Reformed religion, respectively held by them, shall marry; secondly, that the said married people shall contribute and bring together all their estates, personal and real, of whatsoever nature they may be, to be used by them in common, according to the custom in Holland, except that the bride, Eva Albertse, in presence of the orphan-masters, recently chosen here, to wit: Honorable Jan Verbeeck and Evert Wendel, reserves for her and Antoine de Hooges's children, for each of them, one hundred guilders, to wit, for Maricken, Anneken, Catrina, Johannes, and Eleonora de Hooges, for which sum of one hundred guilders for each child respectively, mortgages her house and lot lying here in the village of Beverswijck; it was also covenanted by these presents, by the
MAR créd D C O ALCT OF KUOCTT SWAENWOLT AND EVA ALBERTSE BART DE HODGEN.
mutual covenant of the aforewritten married people, that Barent Albertse [Bratt] and Teunis Slingerland, brother and brother-in-law of the said Eva Albertse and uncles of said children, should be guardians of said children, to which the aforesaid orphan-masters have consented; which above-written contract the respective parties promise to hold good on pledge of their persons and estates, personal and real, present and future, the same submitting to all laws and judges.

"Done in Fort Orange, et supra, in presence of Pieter Jacobsen and Johannes Provoost, witnesses called for the purpose.

"This is the mark of + Eva Albertse.

"Roeloff Swartwout.

"Thomas Swartwout,
"Albert Andriessen,
"Jan Verbeeck,
"Evert Wendel,
"Teunis Cornelissen.

"Johannes Provoost, witness.

"This is the mark of + Pieter Jacobsen.

"Acknowledged before me,

"La Montagne,

"Deputy at Fort Orange." 1

Of the little information extant concerning Roeloff Swartwout while residing in Beverswijck, there appears to be none regarding any business to which he may have devoted his attention. The patroon of Rensselaerswijk, Jeremias van Rensselaer, who, being the second son of Kiliaen van Rensselaer, had taken, in 1658, the management of the affairs of manor, it would seem was somewhat apprehensive that Roeloff Swartwout's presence in Beverswijck might be associated with unknown interests detrimental to those of the colony and sought to discover what they were by instituting an inquiry regarding them. Evidently nothing prejudicial to the interests of the patroon was learned, for the records of the manor do not disclose any information elicited by the inquiry.

Four years prior to Roeloff Swartwout's marriage, a number of colonists in Rensselaerswijk, believing that they could more advantageously advance their individual interests by cultivating land exempt from the restrictions and jurisdiction of a manorial proprietor, bought from the Indians several tracts of land lying along Esopus Creek, on the west side of the Hudson, about fifty-five miles south of Beverswijck.

1 Deed Book A, p. 131, in Albany County clerk's office.
MARRIAGE CONTRACT OF EKOF SWARTWOLF AND EVA ALBEKSE BARTH DE HOOGHS.
In 1659, about sixty people were settled there, having "nine hundred and ninety schepels\textsuperscript{1} of grain in the ground," and employing a layman "at their own expense" to read to them, when assembled on Sundays for religious services, the liturgy of the Reformed Protestant Church and selected sermons.

In the summer of that year, having decided to become a settler at Esopus, Roeloff Swartwout determined to make a voyage to Holland in order to provide himself with needed agricultural implements and to secure the service of several young and robust farmers. Requiring money adequate for his outlays, he sold, on August 15, 1659, "a garden lying in the village of Beverswijck," previously the property of Antoine de Hooges; and on the following day he mortgaged his dwelling, and the lot on which it was standing, for "the sum of one hundred and forty-seven guilders in good whole merchantable beaver skins," which debt he promised to pay on July 1, 1660.\textsuperscript{2}

While at Amsterdam he was frequently questioned by the different lords-directors of the West-India Company regarding affairs in New Netherland, and particularly concerning the prospects of the colonists settled at Esopus. Learning that it was the intention of the company to establish a local court there, he solicited the lords-directors to appoint him schout of the settlement. Perceiving that he was in many ways highly qualified to discharge the duties of the office, and finding that his relatives and friends in the city eagerly vied with one another in bearing personal testimony to his fitness, they, on the day of his sailing to New Netherland, made known to him the following appointment:

"The directors of the Incorporated West-India Company, department of Amsterdam, being especially directed and authorized to manage the affairs of New Netherland, make known, that whereas it is necessary for the promotion of justice in the village of Esopus that a suitable person perform the duties of a provisional sheriff, for which one Roeloff Swartwout has been proposed to us, who has been in that country a long time, therefore placing confidence in the capability, piety, and fitness of the said Roeloff Swartwout, we have provisionally appointed and commissioned him sheriff in the aforesaid village, on the Esopus, giving him full power, order, and authority to occupy this position in the said place, and in that district, to attend to and perform the duties according to the usages of the sheriffs here in this country, and the instructions given him or which may in future be given him, to bring to trial all who obstruct and break political, civil, and criminal laws, ordinances and edicts, and sue all delinquents in the said village and its jurisdiction according to his aforesaid

\textsuperscript{1} Schepel, a bushel.
instructions, and to have them conformably mulcted, executed, and punished by the punishment set forth therein, to demand that upon his order and complaint all criminal matters and abuses shall be settled and abated, and all sentences be executed speedily and without delay, and to do further in this regard what a good and faithful sheriff is in duty bound to do, on the oath taken by him.

"We command, therefore, all burgemeesters, schepens, and inhabitants within the jurisdiction of the aforesaid village to acknowledge and respect the aforesaid Roeloff Swartwout as our officer and sheriff as aforesaid, and if asked, to give him all necessary and possible assistance in the performance of his duties, for we have found this to be necessary for the service of the company and the promotion of justice.

"Done at the meeting of the directors at Amsterdam, this fifteenth of April, A.D. 1660.

"Jacob Pergens.

"By his order,
"C. van Seventer."  

In the "instructions for Roeloff Swartwout, as provisional sheriff in the village on the Esopus, in New Netherland," he was ordered to "take rank of the burgemeesters and schepens" of the place and sit in their meetings as president when they were judicial ones. To prevent "licentiousness and violence," it was his duty "to be always at hand," and have his deputies "go through the place," and have them "in churches, on the market-place, and at other centres where people congregated." He was also to take care that the village was "kept free from unruly people and pedlers." For his services as sheriff he was allowed to "receive one-half of all civil fines," and one-half of all fees for tax and court-notices, and one-third of everything that fell to the village in criminal cases, and also "such salary as in time" might "be allowed him."  

In a letter to Director-General Stuyvesant, dated April 16, 1660, the Amsterdam directors wrote:

"One Roeloff Swartwout, who now comes over with some young men and farmers to settle at the Esopus and engage in agriculture, has petitioned us here for the office of sheriff of that place, and although it is premature in our opinion, we have granted the aforesaid request to encourage the man, and to promote justice as soon as a court is established, and have engaged him in this quality provisionally on the usual emoluments and such further salary as may

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1 New York colonial manuscripts: New Netherland Correspondence, etc. 1659-1660, vol. xiii., p. 90.

be granted him in due time, subject to our approval; this for your Honors’ in-
formation and government.”

Having taken passage on the ship *de Bonte Koe* (the Spotted Cow), sailing
from the port of Amsterdam, on April 15, 1660, Roeloff Swartwout reached
New Netherland about the end of June, having brought with him divers agri-
cultural implements and three farm-laborers: Cornelis Jacobz van Leeuwen,
Arent Meuwens, from Gelderland, and Ariaen Huyberts, from Jena.

His appointment as provisional *schout* of Esopus greatly displeased the pro-
vincial authorities of New Netherland. They not only felt themselves slighted in
not having it referred to them for approval, but considered themselves to
have been treated with a spirit of contempt for which the Amsterdam directors
of the West-India Company were censurable. Inasmuch as they were not dis-
posed to incur any reproach for insubordination and obtrusive conduct, they
nevertheless undertook to debase the character of Roeloff Swartwout and to
depreciate his fitness for the office. In asserting that he had not yet reached
his majority, they were untruthful, for he was then twenty-six years of age. In
order to disparage him in the estimation of the lords-directors, they, on June
25, wrote:

“*We have been very much astonished by the appointment to and the delivery
of the sheriff’s place at the Esopus to one Roeloff Swartwout as well because
of his minority as on account of his unfitness for the place, especially when a
court shall be needed there, which, as your Honors say, is as yet prema-
ture, as there is for the present no court of justice there, and it does not ap-
pear that one will be in a long while for want of inhabitants fit to sit upon
the bench.*

“Anyway, if in the course of time this should occur, a man of greater age,
capacity, and esteem will be required to take the sheriff’s place, he should be
one, who, at the same time, would be able to attend then to the duties of a com-
missary for the company.”

The disrespect of the director-general and the provincial council in object-
ing to the appointment evidently affronted the lords-directors, for they wrote
to those officials on September 20, saying:

“*We have more reason to be astonished over the rejection of and objection
to our choice made of the person of Roeloff Swartwout as sheriff on the Esopus
than your Honors have had in regard to his having been chosen, in which as

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1 New York colonial manuscripts: New Netherland Correspondence, etc. 1659–1660, vol. xiii., pp. 84, 116.
Documents relating to the colonial history of the state of New York, vol. xiii., pp. 156, 177.
we have had sufficient judgment we also believe possess power and authority
to have our orders and commands strictly obeyed, and we desire this especially
in this case, unless much can be said of the said Swartwout's life, for in other
respects he is old enough to be fit, and if there were any deficiency therein,
then he has time to outgrow it, as he cannot execute his duties as long as there
is no court of justice established there, which will not be the case yet for some
time as your Honors say yourselves."

Having rented a bouwverij, embracing forty-three morgens or about eighty-
six acres, belonging to Jacob Jansen Stol's widow, her husband having been
killed by the Indians at Esopus, in October, 1659, Roeloff Swartwout occupied
it shortly after his return from Holland.

The Reverend Hermanus Blom, called to preach at Esopus while visiting
the place in 1659, having returned from Holland to New Netherland in the
following year with a license from the Classis of Amsterdam, dated February
16, 1660, constituting him a minister of the Reformed Protestant Church
and authorizing him to preach principally in Esopus, "both on water and
on the land, and in all the neighborhood," began his pastorate there, on Sept­
ember 5, that year.

To provide him a home the settlers were taxed two-and-a-half guilders
on each morgen of land possessed by them. "Roeloff Swartwout, tenant, for
Widow Stol," is entered on the tax-list as having forty-three morgens, for
which he was rated to pay a tax of one hundred and seven guilders and ten
stivers.

Seventeen members of the congregation partook of the Lord's Supper,
celebrated at the Esopus for the first time on Sunday, December 26, 1660.
Among them were Roeloff Swartwout and his wife, Eva.

Director-General Stuyvesant having been requested to visit Esopus and
allot parcels of ground to different persons desiring to settle there, sailed from
New Amsterdam, on April 26, 1661, to define the metes and bounds of the lots
to be granted them. The site of the village, as he then demarcated it, extend­
ed north and south between North Front and Main streets, and east and west
between East Front and Grace streets, as they were thereafter delineated on the
maps of Kingston, and was about a quarter of a mile square. The wide plateau
on which it was laid out has an elevation of about forty feet above Esopus
Creek, which, rising in the northwest corner of Ulster County and after several
deflections reaches Marbletown and flows thence on a northeast course, pass­
ing Kingston, empties its waters into the Hudson at Saugerties, ten miles north of Kingston. A high fence of palisades, with here and there a gate, had previously been constructed around the place. On the west side of the settlement there was a gate known as the mill-gate and a gradual descent to the valley, through which ran a brook on which a grist-mill was seated. Southeast of the village, near the mouth of Rondout Creek, was a small fortification or redoubt, from which this stream derived its corrupted name. The wide prospect of rich alluvial flats and of higher stretches of fertile undulating farming land surrounding the village is picturesquely featured by the bold ranges of the Catskill Mountains in Greene County and the lower spurs of the Shawangunk Mountains westward. Upon the small collection of rudely built dwellings, mostly thatched with reeds or straw, with stone chimneys outside them, Director-General Stuyvesant bestowed the name of Wiltwijck.

Before his return to New Amsterdam, on May 5, he appointed Evert Pels, Cornelis Barentsen Sleight, and Albert Heymansen Roose schepens, to administer the laws of the province as recited in the instructions formulated for the officers of the Court of Wiltwijck. This court, consisting of the sheriff and the three magistrates, was empowered to hear, examine, and determine
"by definite judgment to the amount of fifty guilders and below it, without appeal," all cases as should be brought before it "relative to the police, security, and peace of the inhabitants." The sheriff was required to "summon, in the name of the director-general and the council, the appointed schepens," and to "preside at their meeting," "collect the votes and act as secretary until further ordered, or until the population increased."

Deeming it expedient as well as courteous for him to open a way for his installation as sheriff of the settlement, Roeloff Swartwout formally petitioned the provincial authorities to invest him with the office by sending them the following request:

"To the Worshipful, Valiant and Rigorous, the Right Honorable Director-General and High Council of New Netherland:

"I, Roeloff Swartwout, request very respectfully their Noble Honors, the Worshipful Director-General and High Council of New Netherland, while I submit myself as a subject to your Honors’ wise government, that whereas the Honble Director-General has been pleased to favor and provide us here in Wiltwijck with a lower court of justice for the safety of the pious inhabitants and punishment of evil-doers, so that we may now live in freedom and peace, your Honble Worships of the High Council, not excepting the Right Honble Director-General, or all your Honble Worships together, will please to consider me worthy to serve here in the capacity of schout and I produce herewith the recommendation from the Lords-Directors of the Incorporated West-India Company, my Lords and Masters, submitting obediently to your Honble Worships’ order and asking herewith for a short marginal decision.

"Thus by me, your Honble Worships’ humble and obedient servant.

"Roeloff Swartwout.

"Actum Wiltwijck,
"the 16th May, Anno 1661."

"In haste."

This petition he addressed "To the Valiant, Wise, Very Learned Governor-General and the High Council of New Netherland." 

The following minute of the action taken on the commission of the applicant is entered in the record of the proceedings of the meeting of the director-general and council of New Netherland, held on May 23:

"The foregoing letter of Roeloff Swartwout was opened and read in council, in which he substantially requests to be appointed and installed as schout for the Esopus. Although the Director-General and Council do not deem the said Swartwout a fit person for that office for several reasons, yet taking up again

   Documents relating to the colonial history of the state of New York, vol. xiii., p. 199.
the order and directions of the Noble Lords-Directors, dated the [16th of April, 1660], they have appointed and installed the same as provisional schout on the Esopus, and have given him the following commission:

"The Director-General and Council of New Netherland to all who shall see this or hear it read, greeting:

"Know ye, that in conformity with directions of the Noble Lords-Directors of the Incorporated West-India Company, department of Amsterdam, we have appointed and installed, as we herewith appoint and install Roeloff Swartwout as provisional schout in the village of Wiltwijck, on the Esopus, to serve there in the capacity of schout in accordance with this commission and the instructions already given to him or hereafter to be given, as a good and faithful schout is bound to do.

"We therefore command and charge all and everybody to acknowledge the said Roeloff Swartwout as such, and to afford and give him any help and assistance, when called upon, in the performance of his duties."

Having thus complied with the orders of the lords-directors of the Amsterdam chamber of the West-India Company, Director-General Stuyvesant wrote to them, on July 21, remarking:

"Far be it from us, Most Worshipful Gentlemen, to slight your Honors' authority and disapprove the choice, made by your Honors, of Roeloff Swartwout for schout at the Esopus; we have only delayed his installation until a fit opportunity should offer and the arrival of your Honors' further orders, for we mistrusted his capabilities and kept the place vacant so far. In pursuance of your Honors' special request he is now appointed, and we leave the result to his behavior and suitableness."1

The nature of the laws regulating the peace and welfare of the inhabitants of Wiltwijck is partly indicated by the following clauses extracted from ordinances in force in 1661:

"No person shall be permitted to perform on the Sabbath by us called Sunday any work at his ordinary business. * * * Much less shall any one on the Sabbath of the Lord give entertainment in taverns, sell or give away, under any pretext whatsoever, beer, wine, or any strong drink."

"In order to prevent fires and calamity, no person shall be permitted to construct, or to have any plastered or wooden chimneys, or to kindle any fire in houses with walls or gables made with straw, or in the centre on the floors of other houses covered with thatch, unless there be a good solid plank ceiling in the aforesaid houses."

"The schout and commissaries are ordered and commanded to appoint two fire-wardens, who shall go around once every fourteen days or three weeks, at farthest, every month, to inspect all the houses and chimneys and see if they are properly constructed and cleaned."

"Whereas the public fence or palisades, erected around the village for its defence and that of the inhabitants at great cost and labor, begins to decay here and there, and openings are here and there made and to be seen, which remain through the night unclosed to the imminent danger of the place and advantage of the enemy, the schout and commissaries, and also, especially the sergeant, are hereby required, authorized, and commanded to have the aforesaid palisades, where it is necessary, repaired, the small, decayed and rotten palisades removed and others better and more suitable put in their places."

Desiring to erect a dwelling for himself and family, Roeloff Swartwout obtained, in 1662, from the director-general and council of New Netherland a ground-brief, or deed, for a lot in Wiltwijck, one hundred and seventy feet in depth (Holland measure), extending one hundred and sixteen feet along the street west of it, and ninety along the one on the east side of it. The plot lay south of the lot owned by Louis Du Bois, a French Walloon, and north of the one belonging to Thomas Harmensen. At the same time, he was also allotted by the provincial authorities a plot of ground outside the village. The tenure of these two parcels of land was confirmed to him on July 16, 1668, in letters-patent granted by Richard Nicolls, governor-general of the province of New York.

A new village or dorp having been laid out on the right bank of Esopus Creek, three miles southwest of Wiltwijck, in April, 1662, he further acquired on the twenty-fifth day of that month, by an allotment, eight morgens of land "lying neare unto ye New Durp," and another parcel, contiguous to the first, containing twenty-four acres, together "with a Lott in ye Durp, to ye West of Evert Pell's, to ye East of ye Minister's Lott, having in Breadth Heaven and in depth twenty Rod." Later he purchased eight morgens, or sixteen acres, of land at Wiltwijck, previously owned by Hendrick Cornelissen van Holstein, all of which were confirmed to him by letters-patent, granted, on July 23, 1667, by Governor Nicolls.

The organization of a militia company having been effected at Wiltwijck, on May 30, 1662, by the appointment of Thomas Chambers as captain, Hendrick Jochemsen, lieutenant, and Pieter Jacobsen, the miller, sergeant, and

1 Laws of New Netherland, pp. 415, 416, 417.
2 Book of Patents 3, p. 72, in office of the secretary of the state of New York.
3 Ibid., 2, pp. 245, 246.
Roeloff Swartwout, Cornelis Barentsen Sleight and other settlers to subordinate positions, the inhabitants of Wiltwijk became less apprehensive of any sudden attack of the place by the Indians. The energetic schout, however, was alert and mindful of their safety, and did not permit himself to ignore any evidences of danger observed by him in the conduct of the settlers and the savages. The surreptitious selling of intoxicating liquors to the natives by people of the village being a violation of the law, he could not refrain from writing to the provincial authorities regarding his fears of the direful consequences of the frequent infringements of their ordinances prohibiting such barter. In a communication, dated September 5, 1662, he called their attention to this evil, observing:

"We could not omit informing your Honorable Worships that the situation here is such that if no precautions are taken we are in great danger of drawing upon us a new war. The cause will be the selling of liquor to the savages, which (God better it!) begins to increase notwithstanding that I, your Honors' servant, do my best by watching by day as well as by night, and sometimes with the assistance of the commissaries and the good-will of many citizens, who try to prevent it with all their power, but the experience of stricter inquiries has proved that we are nevertheless often imposed upon, we as well as the sergeant of the garrison. * * * * The greatest mischief which we have to expect therefrom is caused by the contraband-traders who try to swallow up this place and sell a pint of brandy for a scheepel of wheat."¹

His well-grounded apprehensions were startlingly realized nine months later. In a letter, addressed to Director-General Stuyvesant, on June 10, 1663, the sheriff and magistrates of Esopus appalled him with the intelligence that the savages had attacked the settlers, killed a number, and wounded and taken into captivity others, and had burned the new village and a part of the old.

"On the 7th, an unexpected, sudden attack was made by them, and pitiable, lamentable murders and arson have been committed by them among us. They took a good time to attack, for the village was almost bared of men, for most of them were pursuing their necessary occupations in the fields.

"The Indians have burned twelve dwelling-houses in one village, murdered eighteen persons, men, women, and children, and carried away as prisoners ten more persons. The new village has been burned to the ground, and its inhabitants are mostly taken prisoners or killed, only a few of them have come safely to this place, so that we find about sixty-five persons to be missing in

general, either killed or captured, besides these nine persons in our village who are severely wounded."

On June 20, they further particularized the incidents of the massacre in a report made by them to the director-general and council:

"They surprised and attacked us between the hours of eleven and twelve o'clock in the forenoon, on Thursday, the 7th instant. Entering in bands through all the gates, they divided and scattered themselves among all the houses and dwellings in a friendly manner, having with them a little maize and some few beans to sell to our inhabitants, by which means they kept them within their houses and thus went from place to place as spies to discover our strength in men. After they had been about a short quarter of an hour within this place, some people on horseback rushed through the mill-gate from the new village, crying out: 'The Indians have destroyed the new village!' On hearing these words, the Indians here in this village immediately fired a shot and made a general attack on our village from the rear, murdering our people in their houses with their axes and tomahawks and firing on them with guns and pistols. They seized whatever women and children they could catch and carried them prisoners outside the gates, plundered the houses, and set the village on fire to windward; the wind blowing at the time from the south. The remaining Indians commanded all the streets, firing from the corner houses, which they occupied, and through the curtains outside along the highways, so that some of our inhabitants, on their way to their houses to get their arms, were wounded and slain.

"When the flames were at their height the wind changed to the west. Had it not been for that the fire would have been much more destructive. So rapidly and silently did Murder do his work that those [of the inhabitants] in different parts of the village were not aware of it until those who had been wounded happened to meet one another, in which way most of the others also had warning:

"The greater number of our men were abroad at their field labors, and but few were in the village. Near the mill-gate were Albert Gysbertsen with two servants, and Tjerck Claesen de Wit; at the sheriff's, himself with two carpenters, two clerks, and one thresher; at Cornelis Barentsen Sleight's, himself and son; at the dominie's, himself and two carpenters and one laboring man; at the guard-house, a few soldiers; at the gate toward the river, Hendrick Jochemsen and Jacob the brewer; but Hendrick Jochemsen was very severely wounded in his house by two shots at an early hour. By these aforesaid men, most of whom had neither guns nor side arms, were the Indians, through God's mercy, chased and put to flight on the alarm being given by the sheriff."
"Captain Thomas Chambers, who was wounded on coming in from without, issued immediate orders (with the sheriff and commissaries) to secure the gates, to clear the gun and drive out the savages, who were still about half an hour in the village aiming at their persons, which was accordingly done. *
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After these few men had been collected against the barbarians, by degrees others arrived, who, as it has been stated, were abroad at their field labors, and we found ourselves, when mustered in the evening, including those from the new village who took refuge among us, in number sixty-nine efficient men, both qualified and unqualified. The burnt palisades were immediately replaced by new ones, and the people distributed during the night along the bastions and curtains to keep watch. *
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We humbly and respectfully request your Honors to be pleased to send us here for the wounded, by the earliest opportunity, some prunes and linen, with some wine to strengthen them, and whatever else not obtainable here that your Honors may think proper; also carabines, cutlasses, and gun-flints, and we request that the carabines may be snaphance [spring-lock] as the people here are but little experienced in the use of the arquebuse or firegun (eijer roer)."

The treachery and bloodthirstiness of the savages, who wrought so many direful changes in the lives and fortunes of the surviving inhabitants of the two villages, would have been attended by still more afflictive consequences had the chief men of Wiltwijck displayed less courage and fortitude in the awe-inspiring emergency. The intrepid schout's conduct in hastening from his partly built dwelling and venturing through the corpse-strewn streets to alarm and collect a small body of armed men and with them dauntlessly searching through the smoky and cinder-littered surroundings of the burning dwellings for the murdering invaders and driving them from the scene of their blood-shedding, incendiarism, and plunder, must ever be regarded as memorable evidence of his fitness for the responsible office then held by him. As will hereafter appear, his descendants from generation to generation have notably displayed the heritage of his courage in all the perilous circumstances of war with which they have been surrounded.

Twenty-four persons, embracing men, women, and children, were slain by the savages, and forty-five taken prisoners by them. In Wiltwijck, they burned twelve houses, and in the new village all the buildings erected there except an unfinished barn. As related by Dominie Blom, on September 18, 1663, thirteen of the colonists, who had been carried away as prisoners, were still held as captives by the Wilden.

On July 4, a detachment of soldiers, under the command of Captain Martin Crigier, sent on a sloop by the director-general and council of New Netherland, arrived at Wiltwijck. In the autumn of that year, the fortified villages of the Esopus Indians were assaulted and burned, and many of their warriors killed and captured, to the extreme satisfaction of the afflicted settlers.¹

In November, that year, Director-General Stuyvesant, having learned that the members of the consistory of the church at Wiltwijck and the magistrates had disagreed regarding the disposal of certain moneys derived from the settlement of the estates of deceased persons, addressed letters to the two parties then in open contention. To the members of the church consistory he wrote:

"It appears strange to us that you oppose the magistrates in matters of such a nature, for upon them falls the duty properly to appoint administrators and to have the estates inventoried. The consistory has no direction in it, much less should it pronounce any interdict through the court-messenger against rendering an account to the commissaries or to the administrators appointed by them for the estate left behind by this or that person without heirs or testamentary disposition, for they are bound by their official duties to take care of the estates through orphan-masters or curators, that after the liabilities and assets have been adjusted, absent heirs may obtain their own. In case the overseers of the poor or the consistory should have or pretend to have some claim upon an estate for advanced money, given either for funeral expenses or on interest, or as a loan to this or that person, then they could not be their own judges, much less arrogate the estate on their own authority, but they must proceed according to law and get an order of attachment, when it is required.

"You are therefore hereby required not to make any opposition to the inventory of any intestate estate, much less to order anybody through the court-messenger, or forbid him to give a specified account or reliqua to the court or the guardians appointed by it, nor to forbid or prevent the payment of a debt in any other manner than by attachment and other such legal proceedings before the court. You may appeal in behalf of the deacons or the church if you find yourself wronged.

"As renewed complaints have been made in this regard by the magistrates, we trust that the error committed by you will be promptly corrected and avoided in future."

The director-general, having enclosed a copy of his letter to the consistory in a communication addressed to the magistrates of Wiltwijck, wrote as follows to them: "We have also been informed from that side, and we shall learn in due time whether it is true or not, that you have arrogated the disposal of what

is collected in the community either for the church or for the poor. If it is so, then it is our opinion, and we command that the disposal and the distribution of it shall only concern the consistory and remain until further orders in its hands."

The evident reprehensible character of the letter sent by the magistrates of Wiltwijck in answer to the communication of the director-general regarding the disagreement existing between them and the members of the church-consistory causes one to wonder why those officials were prompted to use the disrespectful and unwarranted language which it contained. Whatever influenced them to express themselves in the manner in which they did regarding the commands of the director-general and council, it is difficult to assign a satisfactory reason for their rash and intemperate strictures on the governmental policy of the provincial authorities. Regarding the contents of the letter received from them, the officers of the court of Wiltwijck, on December 23, 1663, wrote:

"Your Honorable Worships' letter was thankfully received by us on the 26th of November last past, and we accepted most of its contents with pleasure, but we are highly astonished that your Honorable Worships, as our supreme authority here in New Netherland, should have taken away the small privileges of this village and destroyed the authority of the commissaries, for we see by your Honorable Worships' order that the surplus resulting from estates left behind by this or that person shall be placed in the hands of the overseers of the poor that it may be better and more safely taken care of by them. The magistrates of this village are therefore much dissatisfied, unless your Honorable Worships had appointed orphan-masters for the place, or mistrusting us, had required security, as is done in court when guardians are appointed. If your Honorable Worships should think fit to persist in this first order, then we request that your Honorable Worships will transfer not only part but all the duties and rights of the commissaries to Dominie Hermanus Blom and his consistory, Albert Heymansen, for before or during our time no deacon has been elected who could either read or write, except the dominie alone, who sides with Albert Heymansen, who has shown himself more than once as an instigator of quarrels."  

For his imprudence in being induced to subscribe his name to the discourteous communication, bearing the signatures of four other members of the Court of Wiltwijck, Roeloff Swartwout was summarily dispossessed of the office of schout. This action on the part of the authorities of New Netherland was made known to him in a letter dated at Fort Amsterdam, on December 19,

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2 Ibid., p. 318.
1663, and written by them "to the schout and commissaries of the village of Wiltwijck."

"We shall not reply for the present to the insolent expressions in your last letter of the 12th inst., much less correct them on account of the unfavorable season and the approach of winter, for without doubt this will be the last yacht going up or down before the frost sets in. But in the meantime the schout, Roeloff Swartwout, is hereby suspended from this position and duties, subject to the fiscal's proceedings against him, and we appoint in his place until further orders and provisionally, that the course of justice may in no way be delayed, Mathys Capito, who shall at the same time act as before as clerk in all civil and military sessions.

"As to the present commissaries, who, we trust, if not all, at the least the majority of them, were either misled or not well informed, we do not intend to continue them any longer in office, if they persist in their unbearable expressions and proceedings, except on the condition intimated in their last insolent answer, which we cannot as yet agree to. All and every one in particular, who should persevere in this insolent obstinacy are hereby informed that they in resigning their office (subject as before to the action of the fiscal) must leave and remove from the village and its jurisdiction within the time of six months, and the bearer hereof, our captain-lieutenant, Martin Cregier, is hereby authorized to fill the places of the obstinate and evil-minded officers by others, selected from the most pious and honest inhabitants, so that the necessary administration of justice and all official proceedings may be attended to."

Conscious of his manifest error in signing the contemptuous communication and desiring to acknowledge his weakness in being associated with the authors of it, the deposed schout shortly afterward wrote to the incensed authorities at New Amsterdam soliciting their forgiveness for his censurable contumacy. Dutifully inclined to be recognized by them as willing to be governed by their orders and commands and wishing to be reinstated in the office of schout, he, on February 14, 1664, further supplicated them to regard his mistake and request with special leniency and favor.

"To the Noble, Very Worshipful, Honorable Director-General and Council of New Netherland.

"Shows with all humility Roeloff Swartwout, who has served as schout in the village of Wiltwijck on the great Esopus, but was suspended for reasons by your Honorable Worships, that he, the petitioner, has before now informed your Honorable Worships by an humble petition, that he had been induced by

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1 Fiscal, attorney-general.
2 New York colonial manuscripts: New Netherland Correspondence, vol. xx., p. 84.
fair words, persuasions, and impositions to sign a certain document, known to your Honorable Worships, and whereas the petitioner, after further thinking of it, perceives that by signing the same officially he has made a grave mistake which he regrets from the bottom of his heart having done, and that on account of it he may get into difficulties unless he is pardoned by your Honorable Worships' special grace. Therefore, he, the petitioner, humbly turns to your Honorable Worships, praying and requesting that your Honorable Worships will first please to consider that the said error of signing was not committed by the petitioner intentionally but through credulousness and upon persuasion, while he confesses that he could not distinguish the office of an executive officer from that of a commissary.

"On the other hand your Honorable Worships will please to take into consideration that the petitioner (it is said without boasting), has heretofore never forgotten himself, but has always acted honestly and piously. Thirdly, your Honorable Worships' attention is called to the fact that the petitioner is encumbered with a wife and eight small children and has performed the schout's duties all through the war and the troubles on the Esopus, hoping that sometime after the end of these troubles the place would increase in wealth and population and that he would reap more profit and advantages from his office as schout than heretofore. He, the petitioner, has employed and consumed all his little means, and if your Honorable Worships should resolve to dismiss him from the place, which he trusts will not be done, he would be reduced to poverty, misery, and hardship. Whereas the petitioner really needs and requires the emoluments and profits of the said schout's office to support his large family and to protect and maintain honorably his little property, therefore he very humbly prays and requests that your Honorable Worships will please to pity and commiserate him and pardon his aforesaid error with special grace, reinstating the petitioner in his former position as schout and giving him a letter of pardon in optima forma, while he, the petitioner, promises to serve as schout honestly and faithfully, with due regard and obedience to his superiors, and with courtesy, urbanity, modesty, temperateness, and simplicity towards the inhabitants there. He hopes to perform henceforth his aforesaid duties in such a manner that your Honorable Worships will not only have reason to continue him but also to promote him. Which doing he remains

"Your Noble, Worshipful Honors' humble subject,

"ROELOFF SWARTWOUT.""

The undoubted truthfulness with which the candid petitioner cogently presented his plea for forgiveness and the evident Straits to which the recent Indian

outbreak had reduced him financially, appealed too strongly to their humaneness to prevent them rendering an adverse decision to his forcible request. They therefore with but little severity of manner granted him the desired pardon and reinstated him in the office of schout by the following order:

"The Director-General and Council of New Netherland received and read the humble petition of Roeloff Swartwout, who has served as schout in the village of Wiltwijck and was suspended for reasons, as he confesses, that he made a grave mistake by not obeying the orders of the Director-General and Council, and regrets having done so, asking that the error committed by him might be forgiven; therefore, although the unfitness of the said Roeloff Swartwout to act as schout to the advantage of the Honorable Company and the good inhabitants has several times become apparent, the Director-General and Council graciously forgive this time, in the hope of amendment, the committed error, and reinstate the said Swartwout into the office of schout.

"Actum Fort Amsterdam, in New Netherland, the 14th February, A.D. 1664." ¹

The multiplying evidences of a wider settlement of the country north, west, and south of Wiltwijck having suggested the profitableness of having a deputy of the West-India Company reside there "for the administration and promotion" of its "affairs in the Esopus and its neighborhood," Wilhelm Beeckman, who had served several years in the same capacity on the South (Delaware) River, was appointed, on July 4, 1664, by the director-general and council of New Netherland, as their commissary and chief officer at Wiltwijck.² As the performance of the schout’s duties was involved in this appointment, the services of Roeloff Swartwout as schout were terminated by it.

The English having claimed the territory on the assumption that John Cabot discovered the mainland of North America in 1497, Charles II., King of England, granted, on March 12, 1664, a royal patent to his brother James, the Duke of York and Albany, giving him all the territory of New England, and "all that island or islands commonly called by the several name or names of Matowacks, or Long Island," also the stream "called Hudson’s river and all the land from the west side of Connecticut to the east side of Delaware Bay."

In 1664, Colonel Richard Nicolls was sent with four ships and a force of four hundred and fifty soldiers to take possession of New Netherland. In the latter part of the month of August, that year, the fleet took anchorage in Nyack Bay, north of the Narrows, on the west side of Long Island, without hindrance. The West-India Company, unprepared as it was by its penurious policy to oppose the entrance of these ships of war into waters under its jurisdiction, was

¹ Documents relating to the colonial history of the state of New York, vol. xiii., pp. 357, 358.
² Ibid., p. 385.
discreditably compelled to surrender the territory of New Netherland to the English officer, which was formally done by Director-General Stuyvesant, on September 8, at New Amsterdam, which city thereupon was called New York, in honor of James, the Duke of York.

Colonel George Cartwright was deputed to go to Beverswijck to obtain the surrender of that village. Having accomplished the purpose of his mission and named the place Albany, in honor of James, the Duke of Albany, he, on his way back to the city of New York, accepted the submission of the Esopus colonists, to the crown of England at Wiltwijck.

Captain Daniel Brodhead, who had been placed in command of "the militia in the Esopus" on September 14, 1665, by Governor Richard Nicolls, began to conduct himself in a highly offensive manner by permitting the English soldiers to go unpunished for repeated acts of lawlessness, and by imputing, without evidence, misdemeanors to a number of Dutch settlers.

Among the inhabitants assaulted by the disorderly soldiers was Roeloff Swartwout, who had prevented one from killing a colonist. The violence and threats of the English military became so alarming that Wilhelm Beeckman, Roeloff Swartwout, and Jan Joosten, each of whom had held offices of trust under the West-India Company, addressed, on February 14, 1667, a memorial to Governor Richard Nicolls, describing the "sad condition of the colonists and the disgraceful offences of the commander of the garrison and his men."

On April 16, a commission, consisting of three reputable men, was appointed by him "to go to Esopus and hear, receive, and determine such and so many complaints" as they should "judge necessary or of moment, and to pass sentence of imprisonment, fine, correction, or suspension of office against those found guilty." Captain Brodhead, who admitted that the charges brought against him were true, was suspended from duty. However, none of the soldiers composing the garrison were found guilty for the reason that their comrades' testimony invalidated that of the people of the village.1

During the sittings of another commission at Esopus, from the seventeenth to the twenty-ninth day of September, 1669, which Governor Francis Lovelace had appointed, the village was called Kingston, in honor of one of the places of residence in England of the mother of the governor of the province, and the name of Hurley given to the new village, and that of Marbletown to a third village, laid out in 1668, seven miles southwest of Kingston.

Of the number of inhabitants of Kingston that became residents of Hurley in 1669, Roeloff Swartwout was one. Having acquired, on May 28, 1686, the title and tenure of forty-seven acres of land, on the north side of Esopus Creek,

1 Documents relating to the colonial history of the state of New York, vol. xiii., pp. 405-415.
and of lots eleven and thirteen, comprising meadow-land, he built a dwelling
within the precincts of Hurley, in which he thereafter resided. On March 30,
1670, he transferred four acres of his bowweij, near the village, to the people of
Marbletown.¹

Charles II. of England having declared war, on March 17, 1672, against the
United Netherlands, a Dutch fleet of twenty-three vessels unexpectedly en­
tered the lower bay of New York, on July 29, 1673, and obtained the surren­
der of the province to which again was given the name of New Netherland.
A change in the names of the most important places in it was consequently
made, the city of New York being titled New Orange (Nieuw Oranje); Al­
bany, Willemstadt; and Kingston, Swancnburgh.

Two years later, the province again reverted to the British crown under
the treaty of Westminster, signed on February 19, 1674, when all the “lands,
islands, cities, havens, castles, and fortresses” taken by the United Nether­
lands from Great Britain during the late war were restored to that power.
The Dutch names distinguishing the province and places in it were thereupon
changed to those previously bestowed upon them by the English.

On the death of Charles II., on February 6, 1685, his brother, the Duke of
York and Albany, succeeded to the crown of Great Britain under the title of
James II. “This event,” it is said, “was welcomed with premature exultation
by his subjects in New York. They had long been soliciting a formal grant of
the constitution which was now in force, and the duke had not only promised
to gratify them, but had actually signed a patent in conformity with their
wishes, which required only some trivial solemnity to render it complete and
irrevocable.”² But the king held himself absolved from the obligations of the
duke; and the renewed solicitations of the incorporated bodies and the major
part of the inhabitants of the province were unhesitatingly rejected. He not
only refused to confer new privileges, but revoked such as he had already
granted. In the second year of his reign he issued a new commission to
[Governor Thomas | Dongan,³ empowering him, with the consent of his coun­
cil, to enact laws and impose taxes; and specially commanded him to suffer no
printing-press in his government.”

² “The notable change in the form of the government of the province, whereby the voice of the free­
holders was substituted for the will of the lord-proprietor, had its consummation on the seventeenth of
October, 1653, when the first General Assembly of New York began its sessions in Fort James, in the city
of New York. Eighteen representatives were elected as ordered by Governor Dongan on the thirteenth
of September, each of the three ridings of Long Island selecting two, Staten Island one, Pamaquid one,
Martha’s Vineyard and Nantucket one, New York and Haerlem four, Esopus two, Albany and Rensse­
laerswijck two, and Schenectady one.” History of the city of Albany. By Arthur James Weisc. 1884,
p. 181.
³ Colonel Thomas Dongan was commissioned in September, 1682, governor of the province of New
York and its dependencies, by James, the Duke of York and Albany. Governor Dongan arrived at New
York on August 25, 1683.
The papistical bigotry of King James II., it is said, was particularly favorable for the furtherance of the political interests of France in Canada. In order to render Roman Catholicism dominant in the province of New York, as related by Dunlap, "he ordered Governor Dongan to favor the introduction of priests and Jesuits among [the five tribes or nations of Indians, inhabiting the northern part of the province of New York and known as] the Iroquois, but the governor, although himself a papist and willing to aid in bringing over the colonists to the religion of himself and master, was too prudent as a politician not to see that the intention of the French was to gain the Five Nations from the English interest by pushing their emissaries among them under pretence of propagating the Christian religion. Dongan saw that the Jesuits acted as spies for the governors of Canada and counteracted the efforts of the English to introduce and increase the trade of the province he governed as well as to overcome, in the Iroquois, that jealousy of France, which made them a frontier rampart to New York in time of war. Though active in otherwise promoting the king's religious views * * * * the governor insisted that the French should not hold conferences under the pretence of making treaties with the Iroquois without his intervention. * * * *

"Dongan did not give up the point but continued his exertions among the Iroquois, whose alliance he saw was so necessary to New York. This, with his continuing in other respects not to press the arbitrary measures of James, caused the king to add New York to the other dominions already entrusted to the more compliant, or more tyrannic disposition of Sir Edmund Andros, and thus supersede Dongan at a time when the discontents of the people and their fears of popery were ready to break forth in England, to the overthrow of James, and in America to the suspension of both his governors and the annihilation of his government." 1

By the annexation of the territory of Rhode Island, Connecticut, New York, and the Jerseys to that of the other English provinces north of them, by King James II., on April 5, 1688, the province of New York became then a part of the territory called New England, over which Sir Edmund Andros, as governor, exercised provincial authority. Having thus been superseded as governor of New York, Colonel Thomas Dongan retired to his farm on Long Island, where he continued to reside until 1691.

"It is well known," says Dunlap, "that James endeavored to make every institution bend to his arbitrary will and to his intention of making the religion of Rome predominant within his territories. He exercised what is called the dispensing power to establish, contrary to existing laws, papists in offices of

trust, by which many men were induced to adopt or profess the creed which led to preferment.

"Hume [in remarking this religious bias of King James II.] says, 'the whole power of Ireland was committed to Catholics.' The king entrusted the government of Scotland chiefly to converts from the Protestant to the Roman Catholic religion. He dismissed from their employments even his brothers-in-law, Rochester and Clarendon, because they adhered to Protestantism. The doors of the church and universities were attempted to be thrown open to papists. The king assumed the power at will of dispensing with the tests, which had been established to exclude men from office who professed the faith of Rome, and among other promotions of persons of that creed, he brought four lords—Powis, Arundel, Bellasis, and Dover—into his privy council. * * * *

"Although the university of Oxford was bound by oath not to elect any officer of the faith of Rome, yet James expelled the fellows of Magdalen College for refusing to elect a papish president of his appointing. And we know that Sir E. Hayes and Lord Sunderland, with the Scotch earls of Murray, Perth, and Melfort changed their religion (or profession of it) to accommodate themselves to the views of the king, and that many inferiors followed their example."

The command of King James that the royal proclamation suspending the penal laws enacted for the suppression of religious dissent should be read in the churches of the realm having been disregarded by the prelates of the Church of England, on the ground that the abrogation of those laws was unconstitutional and obnoxious, the enraged monarch ordered their imprisonment in the Tower of London. The acquittal of the prelates on the charges brought against them was received by the churchmen with many manifestations of delight, and on the Sunday following the trial, the churches of London were crowded with worshippers "eager to pour forth their gratitude to God" for the verdict of the jury. "O what a sight was that," says Nichols, "to behold the people crowding into the churches to return thanks to God for so great a blessing, with the greatest earnestness and ecstasy of joy, lifting up their hands to heaven; to see illuminations in every window and bonfires at every door, and to hear the bells throughout all the city ringing out peals of joy for the wonderful deliverance."

As said by another historian: "The tories had long taught the doctrines of the divine right of kings and passive obedience to the will of the sovereign, denouncing all resistance as sinful, but when the monarch began to exercise his prerogatives as head of the church in a spirit of distinct hostility to the prin-

ciples on which the church had been established, they found themselves involved in difficulties which every day became more embarrassing. The trial of the bishops was the crisis of their loyalty. It was justly regarded as a kind of declaration of war by the monarch against the national establishment and all the friends of that establishment felt themselves coerced to take measures for its defence and protection."

As a well-known consequence of King James's efforts to promote the interests of the Roman Catholics and blight those of the Protestants, a revolution was inaugurated in England for his overthrow. An urgent petition of the churchmen and tories was addressed and carried to William, Prince of Orange, the stadtholder of the United Netherlands, to come to England and assist them in maintaining the Protestant religion. Although the distinguished Hollander was the husband of Mary, King James's eldest daughter, he was held in high esteem by the English Protestants for vigorously upholding the religious liberty of the Continental Protestants, while strenuously opposing the sinister designs of Louis XIV. of France, who was seeking to disunite the Netherland provinces and bring them under his power.

The landing of the Holland stadtholder, at Torbay, in Devonshire, on November 5, 1688, while assuring the English Protestants of his willingness to aid them in protecting themselves in the enjoyment of their religious privileges, did not obtain at first the joyful and general recognition that it was expected to receive. So small was the number of those who came there to welcome him and place themselves at his command that he began to entertain thoughts of returning immediately to Holland. The period of his despondency, however, was short and he was surprised to find his following soon augmented by large accessions of men of rank and martial distinction. On learning the formidableness of the army marshalled under the prince's banners and seeing the daily diminution of his own forces, King James abandoned his throne and fled in December to France.

The intelligence that William, Prince of Orange, had landed in England and that King James had taken refuge in France forthwith stimulated the Protestant citizens of Boston to release themselves from the authority and power of Sir Edmund Andros, then governor of New England by commission of King James. On April 18, 1689, a delegation of resolute men was sent to Governor Andros to demand his relinquishment of the official power exercised by him. His contemptuous declination to accede to the dictation of the committee greatly exasperated the excited people, who thereupon debarred him of his liberty to act as governor by putting him in prison.

The summary manner in which the Protestants of Boston released themselves from the burden of their apprehensions of Governor Andros's ability to
comply with any commands of King James, caused, it is said, in conjunction with a report that France had declared war against England, "a great fret and tumult" in the city of New York. Lieutenant-Governor Francis Nicholson, commanding Fort James, having conferred with the officers of the militia in regard to the defence of the city, it was determined that Fort James should thereafter be guarded not only by the soldiers of the garrison but also by daily details from the five companies of militia under the regimental command of Colonel Nicholas Bayard. Three days later, instructions were sent by the lieutenant-governor to the authorities of Albany "recommending them to keep the people in peace" and the militia "well exercised and equipped."

The French, having for many years regarded the reduction of the province of New York as practicable with a large and effective military force moving southward from Canada by way of Lake Champlain and Lake George, now became active in advancing such an undertaking. A communication, written in January, 1689, by Sieur Chevalier Hector de Callières Bonnevue, the governor of Montreal, to the Marquis de Seignelay, clearly defines the manner in which it seemed practicable.

"The plan is to go directly to [Fort] Orange, the most advanced town of New York, one hundred leagues from Montreal, which I would undertake to get possession of and to proceed thence to seize Manathc [the city of New York], the capital of that colony, situated on the sea-coast; on condition of being furnished with supplies necessary for the success of the expedition.

"I demand for that only the troops at present maintained by his majesty [Louis XIV.] in Canada. * * * * * These troops number thirty-five companies which, at fifty men each, ought to give seventeen hundred and fifty. * * * * * I propose * * * * to select the best of them to the number of fourteen hundred, and to add to these the choice men of the militia to the number of six hundred. * * * * * I propose to embark the two thousand men with the supplies necessary for their subsistence in a sufficient number of canoes and flat-boats. * * * * *

"My design is to conduct them by the Richelieu River to Lake Champlain [and] as far as the carrying place, which is within three leagues of the Albany [Hudson] River that runs to [Fort | Orange.

"I shall conceal this expedition, which must be kept very secret, by saying that the king has commanded me to proceed at the head of his troops and militia to the Iroquois country to dictate peace to the Iroquois, on the condition it has pleased his majesty to grant them without the interference of the English, inasmuch as the Iroquois are his true subjects, without letting any one

1 About two hundred and forty-five miles.
know our intention of attacking the English until we have arrived at the point whence I shall send to tell the Iroquois by some of their nation that I am not come to wage war against them but only to reduce the English.

"As the batteaux cannot proceed farther than the carrying place, my intention is to erect there a small log-fort, which I shall build in three days, and to leave two hundred men in it to guard the batteaux; thence to march direct to [Fort] Orange, embarking our supplies on the river in canoes, which we shall bring and which can be conveyed by land, we marching with the troops along the river as an escort.

"I hope to seize in passing some English villages and settlements where I shall find provisions and the conveniences for attacking the town of Orange.

"This town is about as large as Montreal, surrounded by palisades, at one end of which is a fort of earth, defended by palisades and has four bastions. There is a garrison of one hundred and fifty men of three companies in the fort and some pieces of cannon. The town of Orange may contain about one hundred and fifty houses and three hundred inhabitants capable of bearing arms, the majority of whom are Dutch, besides a number of French refugees and some English people.

"After having invested the town and summoned it to surrender, with the promise not to pillage it if it capitulate, I propose, in case of resistance, to cut or burn the palisades, in order to afford an opening, and enter the town sword in hand and seize the fort. These palisades, which are only about fourteen feet high, can easily be scaled by means of the conveniences we shall find when masters of the town, or by blowing in the gate with a few petards or two small field pieces, which may be of use to me and which I shall find the means of conveying there.

"After I shall have become master of the town and the fort of Orange, which I expect to accomplish before the English can furnish it any succor, my intention is to leave a garrison of two hundred men in the fort with sufficient supplies which I shall find in the city, and to disarm all the inhabitants, granting, at his majesty's pleasure, pardon to the French deserters and inhabitants I shall find there, that they may follow me.

"I shall seize all the vessels, batteaux, and canoes that are at Orange to embark my force on the river which is navigable down to Manathe, and I shall forward with the troops the necessary provisions and ammunition, and some pieces of cannon taken from Fort Orange to serve in the attack on Manathe.  *  *  *  *

"It is necessary for the success of this expedition that his majesty shall give orders to two of the ships of war destined this year to escort the merchantmen going to Canada and Acadie [from France], or the fishermen going [from
France] for cod to the Great Bank [of Newfoundland], that, after having con-
voyed the merchantmen, to come toward the end of August into the bay of
Manathee and cruise there during the month of September, as well to prevent
succor from Europe, which may arrive from Europe or Boston, as to enter the
harbor when on my arrival I shall give the signal agreed upon, so as to aid us
in capturing the fort, which may be cannonaded from aboard the ships while I
attack it on land.” 1

The Mohawk Indians and those of the four nations with which they were
confederated, having heard a rumor that Sir Edmund Andros, the imprisoned
governor of New England, had expressed an intention to allow the Canadians
to extirpate them, began to entertain misgivings that the officers of King James
were disposed to deal treacherously with them. Peter Schuyler, the mayor of
Albany, on learning the apprehensions of the Iroquois, made known the fears of
the Five Nations to Lieutenant-Governor Nicholson, writing him that they
were “very jealous,” and that if their suspicions were not soon removed they
would “cause great mischief.” The lieutenant-governor in answering the
mayor’s communication declared the allegation concerning Sir Edmund Andros’s
willingness to have the Iroquois exterminated by the French “utterly false,”
and advised the municipal authorities of Albany “to hinder the Indians going
to Canada,” and, in order to assure them of the continued friendship of the
English Government, “to present each nation with a barrel of powder.”

The knowledge of the hostile attitude of Louis XIV. of France in support­
ing the right of James II. to the English throne, together with the horrifying
accounts given by the persecuted Huguenots of the French monarch’s malig­
nant treatment of them for clinging to the Protestant faith, seriously deepened
the concern of the Protestant people of Albany, whose forebodings regarding
a descent upon the city by an invading force of French from Canada became
more depressing as the interval of their waiting for information respecting the
progress of the revolution in England lengthened. Their fears also were
heavily burdened by the fact that Major Jervis Baxter, a Roman Catholic, had
command of Fort Albany, who, should he be swayed by his religion, might be
disposed to serve a secret behest of Louis XIV., for the surrender of the fort
to an invading force of French.

The arrival at Albany of several commissioners from Boston, on May 18,
1689, to participate in renewing a league with the Iroquois, furnished the
citizens with the latest intelligence respecting political affairs in England. It
was so startling in its character that some of the principal citizens declared that
Major Baxter should no longer be allowed to have command of Fort Albany.

1 Documents relating to the colonial history of the state of New York, vol. ix., pp. 401-408.
On learning the unwillingness of the people to have him remain in command of it, he determined to quit the place, from which he quietly departed a few days later. Certain military officers were then put in charge of the fort, which was shortly thereafter garrisoned by twenty-five trustworthy men.

Among the reputable and wealthy citizens of New York at that time was a shipping merchant, a German, from Frankfurt, named Jacob Leisler. He had come to New Netherland, in 1660, in the military service of the West-India Company, and settled at New Amsterdam, where, on October 2, 1661, he was received into the Reformed Church as a member, and later elected a deacon, in which office he served the congregation for a number of years. He married, on April 11, 1663, Elsje Tijmens, a daughter of Govert Lookermans, the widow of Pieter Cornelis van den Veen, also a popular and rich merchant. The fruit of this marriage was two sons and six daughters. After the province became, in 1664, an English possession, he engaged in the business of a trader. On the surrender of New York to the Dutch, in 1673, he was appointed by Governor Anthony Colve one of the commissioners of the forced loan levied by the Dutch official.

Shortly after the repossessing of the province by the English, Sir Edmund Andros, at the instance of James, Duke of York and Albany, appointed the Reverend Nicolaas van Rensselaer, an ordained deacon of the Church of England, to be the ministerial colleague of the Reverend Gideon Schaets, pastor of the Reformed Church at Albany. The ministers and people of the Dutch congregations of New York and Albany thereupon strenuously opposed his serving as an assistant minister on the plea that it was contrary to the laws of their denomination. The Reverend Wilhelms van Nieuwenhuysen, pastor of the Reformed Church in New York, for the same reason, in 1675, forbade him to baptize the children of certain members of his congregation. This antagonism caused the Reverend Nicolaas van Rensselaer to appeal to Governor Andros, who summoned the Dutch minister to appear before the provincial council to answer to the charges brought against him by the offended clergyman.

The Reverend van Nieuwenhuysen, at this arraignment, having admitted in a written declaration that "a minister of the Church of England was sufficiently qualified to be permitted to serve and administer the sacraments in a Dutch Church within his majesty's dominions who had previously promised to conduct himself in his ministrations conformable to the constitution of the
Reformed Church of Holland," the charges brought against him were withdrawn. The Reverend Nicolaas van Rensselaer unfortunately foisted certain misstatements of Reformed-Church doctrine in a sermon preached by him at Albany, on Sunday, August 13, 1676, which the Reverend Gideon Schaets declared were heretical, and he wrote a letter to the consistory of New York expressing his opinion respecting them. The unpopular colleague of the senior pastor was shortly afterward called before the church council at Albany, and, on examination, was found guilty of preaching heresy.

The consistory of New York, in order to compel the Reverend Nicolaas van Rensselaer to retire from the pulpit of the Reformed Church at Albany, authorized Jacob Leisler to take legal means to accomplish that purpose. Deacon Leisler, with Jacob Milborne, a reputable Englishman, engaged in business at Albany, carried the matter before the magistrates of the court of that city. A hearing was given the Reverend Nicolaas van Rensselaer, who failed to exonerate himself from the charges, and he was imprisoned. The incarcerated minister appealed to the governor and council of the province. An "extraordinary court" was held at Albany, on the twenty-eighth of September, which rendered the remarkable decision: "Resolved, unanimously, and by a plurality of votes that [the] parties [the Reverend Gideon Schaets and the Reverend Nicolaas van Rensselaer] shall both forgive and forget as becomes preachers of the Reformed religion to do; also that all previous variances, church differences, and disagreements and provocations shall be consumed in the fire of Love, a perpetual silence and forbearance being imposed on each respectively to live together as brothers for an example to the worthy congregation, for edification to the Reformed religion, and further for the removal and banishment of all scandals."

As shown by the vindictive features of their order, the governor and council of the province wilfully and falsely charged Jacob Leisler and Jacob Milborne as having originated "the first occasion of the difference," and on that ground demanded of them the payment of the expenses of the trial of the Reverend Gideon Schaets and the Reverend Nicolaas van Rensselaer.

"Whereas there was an amicable and friendly agreement made by the church officers (or kerkenraad) at Albany of the difference between Dominie Nicolaas van Rensselaer on the one part, and Jacob Leisler and Jacob Milborne on the other, only as to the matter of charge, the which was referred to the governor and council here.

"The same being taken into consideration, it is ordered that Jacob Leisler and Jacob Milborne do pay the whole charge, both at Albany and here, as giving the first occasion of the difference, and that Dominie Van Rensselaer
be freed from bearing any part thereof, and this to be a final end and determination of the matter between the parties upon this occasion."

In 1678, Jacob Leisler, while on a voyage to Europe, was, with several other citizens of New York, made a prisoner by the Turks, and for his freedom was compelled to pay two thousand and fifty pieces of eight, having the value in United States coin of two thousand four hundred and sixty dollars. His companions were ransomed with money subscribed by people of the province of New York. Governor Thomas Dongan, influenced by the wealthy merchant's standing and ability, appointed him, on September 15, 1683, one of the commissioners of the Court of Admiralty sitting in the city of New York. His popularity and integrity caused him to be selected, on September 10, 1684, a captain of one of the five militia companies of the city. His sympathy for the distressed Huguenot refugees, who were seeking an asylum in America, led him to purchase for them, on September 20, 1689, of John and Rachel Pell, six thousand acres of land, now embraced in the township of New Rochelle, Westchester County, New York. His popularity as a military officer, it will be seen, led him into a different field of official service and fame.

The month of May, 1689, had nearly ended before any further commotion arose among the citizens of New York affecting their subjection to the commands to the officers appointed by Governor Andros under commissions from King James II. The "fret and tumult," which, in April, had influenced Lieutenant-Governor Nicholson to permit details from the five companies of the city militia, commanded by Colonel Nicholas Bayard, to form a part of the garrison of Fort James, had wholly disappeared when a report of the summary action of the people of Albany in taking charge of the fort in that place reached the city. The accounts of the revolution in England carried to Albany by the commissioners from Boston also became current. The excited Protestants residing in the city at once began clamorously to demand the immediate withdrawal of the English officers and soldiers from Fort James.

The first direct step evidently taken to accomplish this change in the military protection of the city was made on Thursday, the thirtieth of May, when Lieutenant Hendrick Cuyler, commanding the guard of the city militia on duty in the fort, ordered Hendrick Jacobsen, a corporal in Captain Abraham de Peyster's company, to place a sentinel at the sally-port, but was not permitted by one of the king's soldiers. On the following day a number of the city militia-men set forth, in a public declaration, certain facts relating to an interview held with Lieutenant-Governor Nicholson by Lieutenant Cuyler, which had led them to proclaim themselves free from obedience to King James's officers. Be-

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sides particularizing in it the causes influencing them to renounce their allegiance to them, they declared that they had recognized the imminent peril in which the Protestant residents of the city were placed by having papistical officers in charge of the fort and had resolved to obtain possession of it, which it was their good fortune to have accomplished, on the thirty-first of May, "without resistance and bloodshed." 1

On Sunday, the second of June, a rumor having become current in the city of an intention of the Roman Catholics to attack Fort James, and massacre the members of the congregation of the Reformed Church engaged there in divine worship, a large number of excited people hastened in a tumultuous manner to Captain Leisler's residence and urged him to take immediate command of the fort and garrison it with such men of his company as he regarded trustworthy Protestants. Complying with their earnest solicitations, he marched there that day with forty-nine members of his company and assumed the duties of a commandant of the fort.

Following the example of the people of Boston, the Protestant citizens of New York elected a committee of safety in order to preserve the peace and assure themselves of temporarily possessing the means for protecting life and property in the event of any insurrectionary disturbances. As soon as the committee was formally organized, its members committed the command of the garrison of the fort to Captain Leisler. This action of the committee greatly incensed Colonel Nicholas Bayard, commanding the five companies of city militia, who deeply felt the slight of having one of his subordinate officers preferred before himself for the important position. The mayor also, the Honorable Stephanus van Cortlandt, was greatly offended because the people deemed it disadvantageous to their interests to have him a member of the Committee of Safety and a counsellor during this turn in the affairs of the government.

The accounts contained in the London newspapers of the elevation of Prince William of Orange and the Princess Mary to the throne of England, on the thirteenth of February, and a proclamation calling for an acknowledgment of allegiance to them, caused the Committee of Safety to publish, on the eighth of June, its purpose in placing Captain Leisler in command of Fort James.  

"There being a present necessity that a captain of y* fort at New Yorke should be appointed to be constantly there attending, and to command and order y* soldiers appointed by this Committee of Safety to serve [in] y* fort in behalfe of their majesties till orders shall come, and to order all matters of y* fortifications of said fort necessary at present, this committee therefore doe think fitt that Captain Jacob Leisler shall be captain of said fort as above said.

till orders shall come from their majesties, and that the said Captain Jacob Leisler shall have all aid and assistance, if need be, and demanded by him, from [this] city and county, to suppress any foreign enemy, and prevent all disorders which evidently may appear."

On June 13, the General Court of Connecticut, sitting at Hartford, having appointed Major Nathan Gold and Captain James Fitch to visit New York and confer with Captain Leisler regarding the means for the protection of the two contiguous provinces in the event of an insurrection of the Roman Catholic inhabitants and a descent from Canada upon the provinces by the forces of the King of France, the Connecticut Commissioners, on the day following their arrival in the city of New York (June 22), gave Captain Leisler copies of English newspapers in which was an order for the proclamation of King William and Queen Mary as occupants of the throne of England, in all places over which they were reigning sovereigns. Captain Leisler immediately "had the drum beaten" for the parade of the military composing the garrison of the fort, and had "the king and the queen proclaimed." In honor of the event, he changed the name of Fort James to that of Fort William. Proceeding with a number of officers and soldiers to the City-hall, he assembled a concourse of citizens by the sound of a trumpet and then had the proclamation read there. The occasion, it is related, was marked with many expressions of gladness on the part of the people. The mayor and other municipal officials—who had with considerable bitterness of invective and political rancor declaimed against the action of the Committee of Safety in selecting Captain Leisler as commandant of Fort James—came later to the place where the people had congregated to hear the proclamation read, and as a consequence of their tardiness were not received with such displays of deference and respect as were usually extended them by the citizens. It is further related, that Captain Leisler courteously invited the city officials to accompany him to Fort William, to drink the healths of the king and the queen, "but their fears made it an uneasy visit, and they soon retired thinking themselves not safe." Later in the day, while the commissioners from Connecticut were inspecting Fort William in company with Captain Leisler, the turret of the old stone church was discovered on fire in three places, and as the magazine of the fort, which was near the edifice, contained about six thousand pounds of powder, the wildest excitement prevailed until the flames were extinguished. The fire was forthwith regarded as being "a papistical design, hellishly wicked and cruel," and projected for the destruction of the commandant, the commissioners, and the garrison.

At a convention held at Albany, on August 1, and attended by the munic-

1 Documentary history of the state of New York. 8vo ed., vol. ii., p. 11.
ipal authorities, justices of the peace, and the military officers of the city and county, it was "resolved that all public affairs for the preservation of their majesties' interests in the city should be managed by the mayor, aldermen, justices of the peace, the commissioned [military] officers and their assistants in the city and county, until such time as orders should come from their most sacred majesties, William and Mary, king and queen of England."  

This action of the convention at Albany caused the New York Committee of Safety, on August 16, to appoint Captain Leisler "to exercise and use the power and authority of a commander-in-chief of the said province, to administer such oaths to the people, to issue out such warrants, and order such matters as" should "be necessary and requisite to be done for the preservation and protection of the peace of the inhabitants, taking always seasonable advice from the militia and civil authority as occasion" should "require."  

In order to be advised and assisted in furthering the peace and welfare of the province, Captain Leisler, as commander-in-chief of the provincial military, shortly thereafter solicited the different counties to send delegates to an assembly of representatives of the inhabitants to be convened in the city of New York, on December 10, to express their views on such affairs of moment as might be brought before them for consideration.

Meanwhile, Louis XIV., King of France, had instructed Louis de Buade, Comte de Frontenac, an old lieutenant-general in the French army, to proceed to Canada and carry out the plans submitted by Chevalier de Calilieres. On the seventh of June, 1689, he was ordered by the king "to act as far as possible in such a manner" that the people of Albany might "not be advised of his march" so that he might "surprise this first post," and afterward "secure the number of vessels" required "to descend on Manathe."

The reported presence of a number of Frenchmen and Canadian Indians in the vicinity of Lake Champlain in the latter part of August greatly alarmed the citizens of Albany, and although they for some time had manifested considerable superciliousness toward Captain Leisler and the Committee of Safety of the city of New York, nevertheless the convention held at Albany, on September 4, which comprised the mayor, the recorder, the captains of the city militia, justices of the peace, and other officials, resolved, in view of the "eminent danger threatened by the French of Canada," to come there "to kill and destroy their majesties' subjects," that "immediately an express be sent down to Captain Leisler and the rest of the militia officers of the city and county of New York for [the] assistance of one hundred men or more for the securing of their majesties' fort and the outer plantations" in that county, as also for a supply of

six hundred weight of powder and four hundred ball, namely two hundred two-pounders and two hundred four-pounders, with some match [for igniting the powder in loaded guns], and one hundred hand grenades out of their majesties' stores, and two hundred pounds [of money] out of their majesties' revenue," which, as the convention understood, was daily collected "to employ the Maquas [Mohawk] and other Indians in their majesties' service for securing the frontier parts of that county from any incursions of the said Indians or French." This demand for the use of munition and money belonging to their majesties, King William and Queen Mary, it should be remembered, was fully sanctioned by the municipal, military, and magisterial officials of the city and county of Albany.

The messenger, on his return to Albany, reported, on September 17, to the convention that he had delivered the letter as directed but had received no written answer except a communication addressed to Captain John Wendel and Captain Jan Janse Bleeker, and that he had heard Captain Leisler remark "that he had nothing to do with the civil power, that he was a soldier and would write to a soldier." The letter, directed to Captains Wendel and Bleeker, signed by Captain Leisler, and read to the convention, contained the information that forty pounds of match from their majesties' stores, two hundred pounds of powder belonging to the merchants of Albany, and four small guns had been forwarded to Albany, but as regarded the transmission of money, there was none to send nor had any one the authority to order the militia of the city and county of New York to proceed to Albany.

The antagonistic attitude of the officials of the city and county of Albany toward Captain Leisler and the New York Committee of Safety was not easily disguised, for the request made by him for the selection of two delegates to represent the city and county in the assembly to be convened in the city of New York in December was detractively entered in the minutes of the convention as a "desyre" on the part of Captain Leisler "to induce the common people to send two men" to take part in the conference. As the fears of the people of Albany of an invasion of the province by the French lessened as winter approached, they did not renew their importunities for military aid with the commandant of Fort William.

Colonel Nicholas Bayard, who had incurred the ill-will of Captain Leisler and his supporters by an injudicious attempt to destroy their popularity with "the common people," as he and his Albany partisans arrogantly titled those who had not been recognized as provincial gentry by the English officials commissioned by James II., was then temporarily residing in Albany. Imagining it to be in his power to induce some of the officers and soldiers previously

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under his command in the city of New York to disregard the authority of
Captain Leisler as commander-in-chief of the militia of the province, he, on Oc­
tober 20, addressed a letter to “Captain Abram de Peyster and Captain John
de Bruyn, commanders of the two respective companies of the trained bands in
New York;" writing them:

“Whereas, Jacob Leisler and some of his associates have in a hostile and
illegal manner invaded their majesties' fort at New York, and withal infringed
and subverted all manner of government by law established within the city of
New York and some parts adjacent, not having the least shadow of authority
from our gracious sovereigns, King William and Queen Mary, so to do, I, there­
fore, considering the obligations lying upon me by the several commissions as
being one of the council of this their majesties' dominions and colonel of the
regiment of the train bands in New York, both from the crown of England,
neither of which (notwithstanding the said invasion, insurrection, or other
troubles), are [in] any ways vacated or superseded, find it to be my present
duty to the crown of England, and do hereby strictly require and command
you, and each of you, that you, upon immediate sight hereof, desist from any
ways counselling, aiding, assisting, or abetting the illegal proceedings of the
said Jacob Leisler and his associates, and not to suffer any of the soldiers
under [your] command to be made use of or employed upon any service what­
soever of the said Leisler, either in the fort or elsewhere, as being most per­
nicious, dangerous, and contrary to the peace of [our] sovereign lord and lady,
King William and Queen Mary, their crown and dignity.”

The discrediting assertion of Colonel Bayard that Captain Leisler and his
associates “had not the least shadow of authority” from King William and
Queen Mary, was untrue. Relating how King James’s officials had been de­
posed in the city of New York, Bancroft observes:

“A committee of safety of ten assumed the task of reorganizing the gov­
ernment, and Jacob Leisler received the commission to command the fort of
New York. Of this he gained possession without a struggle. An address to
King William was forwarded, and a letter from Leisler was received by that
prince, if not with favor, yet with respect, and without rebuke.”

About the beginning of December, a messenger, named John Riggs,
brought from England to the city of New York two dispatches addressed:
“[To our trusty and well-beloved Francis Nicholson, Esq., our lieutenant-gov­
ernor and commander-in-chief of our province of New York in America; and,
in his absence, to such as for the time being take care of the peace and admin­
istering the laws in our said province of New York in America.]” The com-

munications, one from their majesties' privy council, and the other from his majesty, King William III., had been written in the latter part of July before the arrival in England of Lieutenant-Governor Nicholson.

As related by Dunlap, Colonel Nicholas Bayard, who had clandestinely come from Albany to New York to visit a sick son, "was at this time secreted in his own house [in the city of New York]. Another [former member] of the council of [Governor Thomas] Dongan and King James was likewise in town, Frederick Phillipse, a man only distinguished for his riches. To him, Bayard, ever restless and on the watch to get himself or others into trouble, or power, sent a notice of the arrival of Riggs, and persuaded Phillipse to seek the king's messenger and bring him to the place of Bayard's concealment. Riggs was accordingly brought by Phillipse on the night after his arrival to the house of Colonel Bayard, who, in conjunction with his fellow king's-counsellor and officer of James, a passive instrument in his hands, endeavored to persuade the bearer of dispatches that, although the government of the province was in other hands and the governor's council had not met for months, the latter belonged to such of the council as were to be found, viz., Bayard and Phillipse."

In commenting upon the attempt of Bayard and Phillipse to obtain possession of the dispatches intended for the person who was preserving the peace and administering the laws of the province, Dunlap makes the following observations concerning "the notions" held by the so-called "gentry" and "people of figure," who, on account of their wealth and association with the immediate officers of the king's government—the governors, lieutenant-governors, and military leaders born in Europe, and bearing commissions emanating from his sacred majesty—deemed themselves "favorites of royalty," and as such "distinguished and separated them from the people. They were provincial nobles, deriving splendor, though at second-hand, from the fountain of honor; whether a licentious Charles, the hired tool of France, or a bigoted James, the worshipper of Rome and the pope." 1

On learning the arrival of the messenger with letters addressed to Lieutenant-Governor Nicholson, or in his absence to the person administering the government, Captain Leisler sent an escort of soldiers to conduct their majesty's courier to the province-house. On the delivery of the dispatches, he, as advised by the Committee of Safety, opened and read them. On making known their purport, the committee further advised him to regard himself as temporarily empowered to discharge the duties of a lieutenant-governor and commander-in-chief of the province.

Among the delegates sent to the provincial assembly, convened in the city

of New York, on December 11, was Roelof Swartwout, representing the people of Ulster County. As soon as the body of delegates was ready to take action on matters brought before it, Captain Leisler, as acting lieutenant-governor, requested the assembly to afford him its judgment of the fitness of certain well-known men of the province to be members of his council. Whereupon, after due deliberation and consultation, the assembly recommended Peter De la Noy, Samuel Staats, Hendrick Jansen, and Johannes Vermilye of the city and county of New York; Captain Gerardus Beekman of Kings County; Samuel Edsall of Queens County; Captain Thomas Williams of Westchester County, and William Lawrence of Orange County. On the acceptance of these gentlemen by the acting lieutenant-governor, they conformably took the oath qualifying them to act as members of the provincial council.\footnote{Documentary history of the state of New York. 5vo ed., vol. ii., p. 45.}

Jacob Milborne, whom, on December 12, the provincial council elected its secretary, was born in England about the year 1648. In 1663, he was living in Hartford, from which place he went in 1668 to the city of New York, and obtained a position as a clerk and book-keeper from Thomas Delavall, a prominent merchant, in whose employment he remained until 1672. Subsequently he was a resident of Albany. Later he engaged in merchandizing in the city of New York and was frequently absent from the province while furthering his business interests. On his return from England, on August 25, 1689, Captain Leisler, then acting as a commander-in-chief of the military forces of the province, desiring the service of an English secretary, installed him in that service at the government-house. His brother, the Reverend William Milborne, who had settled as a pastor of a church at Saco, Maine, in May, 1685, was serving a church in Boston, in 1690, as a minister.

The seditious character of Colonel Nicholas Bayard's letter to Captain Abraham de Peyster and Captain John de Bruyn, and his attempt to obtain possession of the dispatches brought from England by the king's courier, led to the issuance of a warrant for his arrest, on January 17, 1690, under a charge of having committed "high misdemeanors against his majesty's authority," and for "writing execrable lies and pernicious falsehoods" detrimental to the peace of the province and the execution of his majesty's commands. As a consequence, he was arrested and put in prison, where, on January 24, he addressed an "humble petition" "To the Honorable Jacob Leisler, Esquire, lieutenant-governor of the province of New York and the Honorable Council," in which he acknowledged "his great error in disregarding the authority" of the provincial officers, "which, he humbly owned," they properly possessed. Praying for pardon and a release from "dismal detention," he promised "to perform what-
ever" their honors should "be pleased to adjudge against him." Unfortunately for him, his misdemeanors were considered by the provincial authorities too criminal to permit them to sanction his immediate release from prison.

Following the instructions contained in one of the dispatches received from England, Captain Leisler, as acting lieutenant-governor, sent orders, on December 19, to the chief magistrates of the different counties to proclaim "William and Mary, prince and princess of Orange, king and queen of England, Scotland, France, and Ireland, if not already done."

Among the persons appointed by him to offices of trust and honor in the province was Roeleff Swartwout, whom he, on December 24, constituted a justice of the peace and a collector of the king's revenue in Ulster County.

Comte de Frontenac was at that time collecting at Montreal a force of French soldiers and Canadian Indians to invade the province of New York and attack Albany. About the middle of January, 1690, one hundred soldiers and a like number of Indians, under the command of Sieur Le Moyne de Sainte Helene, began an arduous and perilous march through a heavy depth of snow to accomplish their hostile purpose. When the invaders reached a point where a trail diverged toward Schenectady, the French officer determined to surprise that place. On the night of February 8, about eleven o'clock, the undetected enemy arrived at the palisaded settlement. "The village had given itself," says Bancroft, "calmly to slumber. Through open and unguarded gates the invaders entered silently, and having, just before midnight, reached its heart, the war-whoop was raised (dreadful sound to the mothers of that place and their children!) and the dwellings set on fire. Of the inhabitants, some, half clad, fled through the snows to Albany; sixty were massacred, of whom seventeen were children."

The horror of this startling event greatly alarmed the people of Albany. Regarding themselves as the intended victims of the enemy's violence and ill-will, they immediately began to concert plans for the defence of the city and the discomfiture of the foe. At a meeting held there, on February 27, Reynier Barents, one of the assistant aldermen, was elected to go to the city of New York and wait on the authorities, and solicit aid in men, munitions, provisions, and money. Aware of their past discourteous conduct toward Captain Leisler and his counsellors, they apprehensively instructed their commissioner to set before him and them their perilous situation, and to beseech him and them "to lay aside all animosities" and exert their "power to crush the common enemy."

Unwilling to be regarded as "at the beck and call" of the disaffected people of Albany, and having the opportunity to afford them the requested aid in a way peculiarly objectionable to the arrogant and dissembling burghers of the frontier city, the acting lieutenant-governor and council, on March 4, constituted and empowered Johannes de Bruyn, Johannes Provoost, and Jacob Milborne, to take into their care and under their direction and command all the forces then raised in the city of New York and the adjacent counties, with ammunition and provisions, and proceed forthwith to Albany, where they were to superintend, direct, order, and control all matters and things relating to his majesty King William's interest and the security and safety of his people.1

The need of corn for the provincial forces at Albany caused the commissioners to authorize Roeloff Swartwout, collector of the king's revenue in Ulster County, to procure from the farmers in his district as much as they could spare, and ship it at his earliest opportunity. The following translation of a letter shows his painstaking to obtain the quantity of grain desired:

"Captain Milborne, friends and brothers:

"I cordially salute you. Your communication of April 5th has been shown me. I have obtained as much maize as I could find, which I send to your honors by Teunis Pietersen's yacht. I am busy in getting as much money for the king's revenue as will satisfy the people from whom I obtained the corn. The sum will appear on the list enclosed.

"Touching the election of two delegates [to attend the convention of representatives from the counties to be held in May in the city of New York], it will be done on the 15th inst. It was put off until your honors' arrival here. I fear a contest about it. I admit it ought to be a free election for all classes, but I would be loath to allow those to vote or to be voted for who have refused to this day to take the oath [of allegiance], lest so much leaven might again taint that which is sweet, or our head men, which probably might happen.

"I received yesterday a letter from Pieter De la Noy. There is no further news from sea. I expect rapid progress and consequent success for the expedition against the French, our enemies, both by water and by land.

"I shall expect to see your honors on the arrival here of the [yacht] coming down. In closing I commend your honors to God's protection, and remain

"Your honors' servant to command.

"Kingston, Ulster County,

"April 11, 1690.

"To Captain Jacob Milborne, at present at Albany."2

2 Ibid., pp. 179-181; 191, 192, 195; 230, 231.
His wish, that in the choice of delegates to the May convention in the city of New York, that "it ought to be a free election for all classes," is a declaration most noteworthy in character, especially when it is associated with the action taken by the patriotic representatives of the people of the province of New York, described by Bancroft:

"On the first of May, 1690, New York beheld the momentous example of an American 'congress.' The idea originated with the government of Massachusetts, established by the people in the period that intervened between the overthrow of Andros and the arrival of the second charter; and the place of meeting was New York, where, likewise, the government had sprung directly from the action of the people. Thus, without exciting suspicion, were the forms of independence and union prepared. * * * *

"At that congress it was resolved to attempt the conquest of Canada by marching an army, by way of Lake Champlain, against Montreal, while Massachusetts should, with a fleet, attack Quebec. Thus did Massachusetts, Connecticut, and New York, having, at that time, each a government constituted by itself, in the spirit of independence, not only provide for order and tranquillity at home, but, unaided by England, of themselves plan the invasion of Acadia and Canada." 1

In July, about five hundred militia and a body of Indians were concentrated at Albany for the overland expedition. Major-General Fitzjohn Winthrop was given command of this force. About the beginning of August the march toward Canada was begun. At Wood Creek, at the south end of Lake Champlain, the army for want of canoes, promised by the Indian allies, was compelled to return to Albany.

The inconsequential result of the naval expedition was no less fruitful than that of the overland in criminations and fault-finding: "Repulsed from Canada," as remarked by Bancroft, "the exhausted colonies attempted little more than the defence of their frontiers. Their borders were full of terror and sorrow, of captivity and death; but no designs of conquest were formed."

Although their majesties, King William and Queen Mary, on January 4, 1689, committed to Colonel Henry Sloughter the administration of the government of the province of New York, he delayed entering upon it until March 19, 1691. On the arrival of Major Richard Ingoldsby, in January, 1691, in the ship the Beaver, in the harbor of New York, with a body of English soldiers, "Leisler," as related by Bancroft, "offered him quarters in the city. 'Possession of his majesty's fort is what I demand,' replied Ingoldsby, and issued a proclamation requiring submission." Captain Leisler, conscientiously adhering to his

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THE SWARTWOUT CHRONICLES.

and the Committee of Safety's declaration of retaining possession of the fort until their majesties' order should be presented, commanding its transfer to the person commissioned by them to take charge of it, refused to surrender Fort William to the peremptory English officer on his individual demand, and expressed his intention to continue in command of the fort until Governor Sloughter's arrival.

"On the evening on which the profligate, needy, and narrow-minded adventurer, who held the royal commission, arrived in New York," as narrated by Bancroft, "Leisler sent messengers to receive his orders. The messengers were detained. Next morning he asked, by letter, to whom he should surrender the fort. The letter was unheeded; and Sloughter, giving no notice to Leisler, commanded Ingoldsby 'to arrest Leisler and the persons called his council.'

"The prisoners, eight in number, were promptly arraigned before a special court constituted for the purpose by an ordinance, and having inveterate Royalists as judges. Six * * * * made their defence, were convicted of high treason, and were reprieved. Leisler and Milborne denied to the governor the power to institute a tribunal for judging his predecessor, and appealed to the king. On their refusal to plead, they were condemned of high treason as mutes, and sentenced to death. * * * *

"Meantime the assembly, for which warrants had been issued on the day of Leisler's arrest, came together. * * * * It passed several resolves against Leisler, especially declaring his conduct at the fort an act of rebellion; and Sloughter, in a time of excitement, assented to the vote of the council that Leisler and Milborne should be executed. * * * *

"Accordingly, on the next day [Saturday, May 16], amidst a drenching rain, Leisler, parting from his wife Alice, and his numerous family, was, with his son-in-law, Milborne led to the gallows [erected near the site of the present Hall of Records]. Both acknowledged the errors which they had committed 'through ignorance and jealous fear, through rashness and passion, through misinformation and misconstruction;' in other respects, they asserted their innocence, which their blameless private lives confirmed. 'Weep not for us, who are departing to our God,' these were Leisler's words to his oppressed friends,—but weep for yourselves, that remain behind in misery and vexation;' adding as the handkerchief was bound round his face, 'I hope these eyes shall see our Lord Jesus in heaven.' Milborne exclaimed, 'I die for the king and queen, and the Protestant religion, in which I was born and bred. Father, into thy hands I commend my spirit.'"

As the two heroic men were launched into eternity, many of the people witnessing the piteous spectacle, cried in grief and horror, not a few women fainted and others ran away wildly hysterical. It is also said that when the bodies of the dead patriots were taken from the gibbets they were beheaded, and the remnants buried in a plot of ground belonging to Captain Leisler, lying east of the commons, near the corner of a short thoroughfare called Gray Street, between Spruce and Frankfort streets, not far from the site of the present Tribune building.

At a provincial council, held at Fort William Henry, on the day of the execution of Leisler and Milborne, “a bill for pardoning such as have been active in the late disorders,” was “assented unto by the governor and council, and ordered to be enrolled and enacted.” As disclosed by the last provision of the bill, the men who had been prominently identified with the administration of the government by Captain Leisler were not pardoned but were more effectively stigmatized by the enactment of the bill, as was desired by their rancorous enemies.


The crime of treason having been legislatively imputed to Leisler and Milborne and six of their associates, the members of the families of these men consequently became attainted or stained with infamy, and under the law forfeited all rights to their property. Leisler’s son having made an appeal to his majesty King William, the estates of Leisler and Milborne “were restored to their families.” “Dissatisfied with this imperfect redress, the friends of Leisler,” as Bancroft relates, “persevered till an act of Parliament reversed the attainder.”

The act of Parliament reversing the attainder of Jacob Leisler, Jacob Milborne, Abraham Gouverneur, Gerrardus Beckman, Johannes Vermilye, Mindert

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Courten, Thomas Williams, and Abraham Brasier "attainted of treason and murder," which the king approved on May 3, 1695, repealed, reversed, made and declared null and void * * * * the said several convictions, judgments, and attainders of the said Jacob Leisler, deceased, Jacob Milborne, deceased, and the said Abraham Gouverneur, and every of them."  

The other active partisans of these patriotic and loyal men, who were named with them in the bill of May 16, 1691, which excepted them from pardon, were also declared, in 1699, innocent and free from any imputations of treason as set forth in "an act for indemnifying of all such persons as were excepted out of the general pardon made by act of General Assembly in this province in the year of our Lord 1691."

"And be it further enacted by the authority aforesaid, that all and every of the above named * * * * among them Roeloff Swartwout, and Anthony, his son, be and are hereby forever indemnified for all and every of their acts in the late happy revolution, as aforesaid; and all judgments and executions had against their persons or estates for, or by reason as aforesaid, are hereby declared to be null and void, and the same are hereby repealed and reversed, any law, usage, or custom to the contrary notwithstanding."  

A further recognition of the loyalty and patriotism of the men, who not only actively co-operated with Captain Leisler to preserve the peace of the province and advance the welfare of the inhabitants, but generously contributed money to defray the expenses of the government, was justly made by the passage, in 1717, of "an act for paying and discharging several debts due from this colony to the persons therein named," and for "divers services performed during the time of the late happy rebellion."

As will be seen, the liquidation of Roeloff Swartwout's contribution was authorized by the following provision of the act:

"To Thomas Swartwout, Barnardus Swartwout, and Jacob Kip [a son-in-law], their or either of their executors or assigns, for themselves and the rest of the children of Roeloff Swartwout, deceased, and their executors and assigns, the quantity of sixty-four ounces ten pennyweight of plate aforesaid, to be equally divided among them."  

Bancroft, commenting on the execution of Leisler and Milborne, truthfully remarks: "The event struck deep into the public mind. Long afterward their friends, who were distinguished always by their zeal for popular power, for toleration, for opposition to the doctrine of legitimacy, formed a powerful,
and ultimately a successful party. The rashness and incompetency of Leisler were forgotten in sympathy for the judicial murder by which he fell; and the principles which he upheld, though his opponents might rail at equality of suffrage and demand for the man of wealth as many votes as he held estates, necessarily became the principles of the colony."

Unwilling to permit the remains of the martyred protector of the liberties of the people to lie in an unhallowed plot of ground, his steadfast partisans obtained for them right of sepulture in the Dutch Reformed Church, in Garden Street, now Exchange Place. On October 20, 1698, they were disinterred and borne with much solemnity to the sacred edifice, and with befitting services entombed there in the presence of a vast concourse of citizens.

The crime of the persons who had precipitately adjudged Leisler and Milborne guilty of treason and murder so deeply imbued the minds of many intelligent and just men with its heinousness that they took frequent occasion to depict it in language aglow with righteous indignation and burning invective. The eminent New England divine, the Reverend Increase Mather, in a letter, dated at Boston on January 20, 1708, and addressed to a distinguished member of the court which had convicted Leisler and Milborne, thus wrote:

"I am afraid that the guilt of innocent blood is still crying in the ears of the Lord against you. I mean the blood of Leisler and Milborne. My Lord Bellamont said to me that he was one of the committee of Parliament who examined the matter; and that those men were not only murdered but barbarously murdered. However, the murdered men have been cleared by the King, Lords and Commons.

"It is out of my province to be a judge in things of this nature. Nevertheless, considering what the proper judges, who have had impartial hearing of the case have said, and what the gentlemen, who drew up a bill for taking off the attainder from these poor men, have written me about it, I think you ought, for your family’s sake as well as your own, to lay that matter to heart, and consider whether you ought not to pray as Psalms li. 14: ‘Deliver me from blood-guiltiness, O God.’"

While the people of the province continued to relate the incidents of this deplorable political tragedy, fruitful fields and multiplying cattle gradually enriched the farmers of Hurley, and gave them an enjoyable recompense for their varied and successful toil. Surrounded by a wide prospect of finely cultivated land bounded by distant mountains and less remote forests, Eva Albertse, wife of Roeloff Swartwout, died there about the year 1689, having borne him

2 Collections of the New York Historical Society. 1868, pp. 211, 425.
four sons and four daughters. Two years later, or more accurately, on October 8, 1691, he married, in the city of New York, Francijnje Andries, the widow of Abraham Lubbertszoon. Surviving his second wife, he continued to reside at Hurley until his death, in May, 1715. On March 30, 1714, thirteen months before his decease, he made his last will and testament in the language of his forefathers. His bequests to his heirs, he specialized as follows:

"Fourth. I give to my eldest son Thomas, his order or heirs, £25 current money of New York, for his right as first born, and he shall not claim anything more on that account.

"Fifth. I give to my said son Thomas and to my son Barnardus my entire real and immovable estate, belonging to me in the county of Ulster, to them, their order or heirs, to be equally divided between them, on condition that they together turn over and pay to my other heirs, named below, the sum of £325, current money of New York, within two years after my death, provided, however, that if my said sons are not able to pay the before-named sum within the said time of two years, then they shall have four years time in which to pay it, giving five per centum interest to my other heirs.

"Sixth. I give to my daughter Hendrickje, wife of Hubert Lambertszen, or to her order or heirs, the sum of £65, to be paid to her as above said.

"Seventh. I give to the children of my son Anthony, their order or heirs, the sum of £65, current money of New York, to be paid them by my two sons as prescribed above.

"Eighth. I give to the children of my daughter Cornelia, deceased, the sum of £65, current money of New York, to be equally divided among them, and to be paid as aforesaid.

"Ninth. I give to my daughter, Ragel [Rachel], wife of Jacob Kip, the sum of £65, current money of New York, to be paid her as above.

"Tenth. I give to my daughter Eva, wife of Jacob Dingman, her order or heirs, the sum of £65, current money of New York, to be paid to her as described above.

"Eleventh. It is my will and wish that my entire personal estate or movable goods shall be equally divided among all my aforesaid heirs.

"Twelfth. All my clothing for my body is given to my sons Thomas and Barnardus, to be equally divided between them."  

CHAPTER IV.

THE PATENTEES OF MAGHAGHKEMECK.

1696-1756.

The early occupation of land in the province of New York remote from the Hudson River was effected by certain colonists in order that they might enjoy the advantage of bartering with the Indians for the skins of fur-bearing animals in localities contiguous to the hunting and trapping grounds of the savages. At such places these enterprising frontiersmen were farther removed from the observation and competition of the agents of the fur-merchants, called by the French runners of the woods (courriers du bois), and by the Dutch bosk-loopers, who, by promises of numerous gifts and compensatory goods, had for many years enticed the Indians to carry their beaver, otter, mink, and other skins to the peltry dealers’ stores at Albany, Kingston, or New York.

In the ninth decade of the seventeenth century, the western part of the present territory of Orange County, New York, was so vaguely known under the descriptive name of "Minnessinck" or "the Land of Bacham" (Minnessinck ofte’t Landt van Bacham), that a person unacquainted with the county’s later geographical area would fail to comprehend with any clearness the situation of that part of the South or Delaware River which was then regarded as forming its western limit. As described in the act of Assembly of November 1, 1683, erecting it, Orange County stretched from the Hudson River along the bounds of East and West Jersey, and extended "westward into the woods as far as Delaware River." The same want of comprehension would exist regarding the situation of the southern boundary of Orange County, for at that time the northern limits of East Jersey were still undetermined.

As delineated on the map of New Netherland made in 1656 (page 64), the Zoundt Rivier (the Delaware) had its rise in the country of "Minnessinck," or the Land of Bacham, and had represented the Great Esopus River (Groote Esopus Rivier), as a tributary, but which, as now better known as Esopus Creek, did not flow into the Delaware, but into the Hudson. This frontier region, which had obtained the name of "Minnessinck" (Zinc-Mines)
before the occupation by the Dutch of that part of the territory of New France, is mentioned in a letter written in Amsterdam, Holland, on April 22, 1659, by the Commissioners of the Delaware Colony to Vice-Director Jacob Alrichs, who speak of Claes de Ruyter, an early colonist, as having dwelt there with the Indians.

"We have indirectly heard that there is a great probability of minerals being discovered in New Netherland, and even some copper ore, which has come from there, has also been shown to us. In order, then, to inquire further about it, we have examined Claes de Ruyter, an old and experienced inhabitant of that country, from whom we have learned thus much, that the reported copper mine does not lie on the South River, but that a crystal mountain was situated between that colony and the Manhattans, whereof he himself had brought divers pieces and specimens; furthermore, that the acknowledged gold mine was apparently there, for he, having kept house some time with the Indians living high up the river [the Delaware], and about Bachom’s Land, had understood from them that quicksilver was to be found there. Of the truth of this matter we can say nothing, but this is generally believed for a certainty, that minerals are to be had there. You are therefore hereby recommended to inquire into the matter there, and, if possible, to employ for that purpose the aforesaid de Ruyter, who is returning to New Netherland, in order that you may be able to ascertain the truth of the report. In such case, you are not to neglect sending us specimens, both of the ore and the other, to be tested here, which we shall then, at the proper time, anxiously expect." 1

The diversion of the “peltry trade” from Kingston and Albany by the Jersey frontiersmen cultivating farms along the west and north branches of the Delaware River was regarded by Governor Thomas Dongan as highly detrimental to the interests of the fur-merchants having stores in the two places. In a report to the committee of the Lords of Trade, dated February 22, 1687, he advised the construction of a fort near the confluence of the Delaware and Neversink (Maghaghkemeck) rivers, designated on “a chorographical map of the province of New York,” made in 1779, 2 as the site of the fort of the Jersey colony, at “Mohockamaek Fork,” where the agents of the New York fur-traders might more successfully compete with those of East Jersey for the beaver and other skins possessed by the Indians hunting and trapping along the western frontiers of Orange and Ulster counties. 3

2 A chorographical map of the province of New York, compiled from actual surveys deposited in the patent office at New York, by order of his Excellency Major-General William Tryon, by Claude Joseph Sauthier, Esqr. London, January 1, 1779.
ORANGE COUNTY, AS SHOWN ON SAULTIER'S MAP OF THE PROVINCE OF NEW YORK, IN 1779.
The hamlet of Marbletown, seven miles southwest of Kingston, was, at that time, in that locality, the farthest settlement west of the Hudson River. It was on the highway called the Mine Road, running a hundred miles or more southwesterly from Kingston to and along the Delaware River, where, near Paquarry Flat, are still to be seen cavities suggestive of long-abandoned mines.

The first New York colonist to cultivate a farm in the western section of Orange County was William Titsort, one of the inhabitants of Schenectady, who escaped from that village when it was burned by the French on the night of February 8, 1690. Some of the chiefs of the Minnessinck Indians, having made his acquaintance and learned that he was a blacksmith, and desiring the services of one to keep their guns in repair, induced him to reside in their country by giving him a quantity of land, at a place called by them Schaiknecksamick, for which he obtained from them a deed, on June 3, 1700.

The first person to acquire by letters-patent land lying along the Delaware River contiguous to the mouth of the Neversink River, was Captain Arent Schuyler, to whom Governor Benjamin Fletcher, on May 20, 1697, granted the right and title to "a certain tract of land, in the Minnessinck's country, called by the native Indians Sankhekenock, otherwise Maghawaem; as also of a certain parcel of meadow or vly, called by the said Indians Warinsagskmek, situate, lying, and being upon a certain river called by the Indians and known by the name of Minnessincks, before a certain island called Monagnock, which is adjacent or near unto a certain tract of land called by the said natives Maghaghemecke."  

Information concerning the fertility and eligibility of the last-named tract, lying north of the Delaware River and stretching along the west side of the Neversink River, having been conveyed to Thomas Swartwout and his brothers Anthony and Barnardus, Jacques Caudebecq, Pierre Guimar, Jan Tysen, and David Jamison, they entered into an agreement, in 1696, to apply as co-partners for letters-patent whereby to be invested with the tenure of it.

Thomas, the eldest son of Roeloff Swartwout, born in Beverswijck, probably in 1660, had married, about 1682, Lysbeth, daughter of Jacobus Janse and Josijna Gordinier. He was a highly esteemed yeoman of Ulster County, and had zealously participated in the advancement of the interests of the hamlet of Hurley, where he resided. Anthony, born in Wiltwijk and baptized there on May 11, 1664, had married, in 1695, Janetje, daughter of Jacobus Coobes. Barnardus, also born at Wiltwijk, and baptized there on April 26, 1673, was still unmarried.

1 Book of patents in the office of the secretary of the state of New York, 7, pp. 71, 72.
Jacques Caudebecq, a native of Normandy, France, a Huguenot refugee, had settled at Kingston, about the year 1689, where, on September 1, that year, he took the oath of allegiance to King William and Queen Mary, with other inhabitants of Ulster County. On October 21, 1695, he married, in the city of New York, Margareta, daughter of Benjamin Provoost, who had been constituted one of the trustees of Kingston, on May 19, 1687, under letters-patent granted by Governor Thomas Dongan.1

Pierre Guimar, a native of Moize, in Saintonge, France, also a Huguenot refugee, son of Pierre and Anne D’Amour Guimar, had sailed from Holland in the same ship with Jacques Caudebecq, and had also settled at Kingston, where, on September 1, 1689, he attested his loyalty to King William and Queen Mary by taking the oath of allegiance. On April 18, 1692, he was united in marriage, at New Paltz, to Hester, daughter of Jean and Anne D’Oyaux Hasbroucq.2

Jan Tysen, a Dutch colonist, living at Wiltwijck as early as 1666, had married, on October 15, 1668, Madeline, daughter of Matthieu and Madeline Jorisen Blanshan, from Artois, France, who had settled at Esopus in 1660. On April 30, 1699, he was holding, in Kingston, the office of a justice of the peace.3

David Jamison, a Scotchman, residing in the city of New York, who had been appointed, on October 12, 1691, clerk of the colonial Court of Chancery, became, in 1697, deputy-secretary of the colonial government. On May 7, 1692, he had married, in the city of New York, Maria Hardenbroeck.

The seven co-partners, in order to facilitate the purchase of the land from the Indian proprietors, made an agreement with certain other colonists, evidently associated with Arent Schuyler in buying from them the tract about to be granted to him by letters-patent, to join them in indemnifying the native owners for it and the second tract. This is clearly disclosed in the following covenant:

"Be it known by these presents that, before us, the underwritten, are agreed, viz.: Thomas Swartwout and company, who have obtained a grant from his excellency and council to buy Maghaghkemock of the Indians, and Gerrit Aertsen, Jacob Aertsen, and Conradt Elmendorf, for them[elves] and company, who have obtained a grant to buy Great and Little Minnessinck of the

1 The children of Jacques and Margareta Provoost Caudebecq were: Maria, baptized in Kingston August 2, 1690; Benjamin, baptized in Kingston, February 19, 1699; William, baptized in New York, June 21, 1704; Jacobus, baptized in New York, July 7, 1706.

2 The children of Pierre and Hester Hasbroucq Guimar were: Anna, baptized in Kingston, June 3, 1694, married, May 30, 1721, Jacobus Swartwout; Hester, born May 3, and baptized in Kingston, May 16, 1697, married Philip Du Bois; Rachel, baptized in Kingston, March 24, 1700; Mary, baptized in Kingston, January 24, 1701; Elizabeth, born March 22, 1703, baptized in Kingston, March 24, 1703; Pierre, born November 15, 1703. The will of Pierre Guimar, senior, is dated September 24, 1731.

3 The children of Jan and Madeline Blanshan Tysen were: Margareta, baptized in Kingston, October 15, 1668, and Matthys, also baptized there, June 18, 1671.
Indians from his excellency, \textit{et al.}, that they both mix their grants together, and that the land that is specified in both grants, be jointly bought and paid for; \textit{viz.}: for Thomas Swartwout and company seven shares, and, for Gerrit Aertsen and company twenty shares, and that what money has been expended in obtaining the said grants, or otherwise paid, shall in no way be brought into the common account, but all what has already been paid to the Indians by any of the said parties, on account of said land, when the Indians owned the same, it must be allowed and paid for in twenty-seven shares; as also that Thomas Swartwout and company shall have and enjoy as a prerogative, without giving any particular satisfaction for the same, seventy-seven morgens of land out of the land of Manjoar, the Indian, but that lots shall be cast for the same, and what lot falls to the said Thomas Swartwout and company shall be the property of the said Thomas Swartwout and company as soon as the land shall be bought of the Indians. In King's Town, the third day of June, 1696.

"Henry Beckman, Johannis Wyncoop,

"Derik Schepmoes, William De Myer."

As soon as the land was purchased, Thomas Swartwout and his co-partners obtained letters-patent for the tract called Maghaghkemeck. Inasmuch as the legal instrument comprises a wordy amplification of the subject-matter too expanded to be presented here in its entirety, an epitome of it may serve the reader for a satisfactory comprehension of its important and descriptive particulars:

"William the third, by the grace of God, king of England, Scotland, France, and Ireland, defender of the faith, \textit{et al.}.

"To all to whom these presents shall come, greeting:

"Whereas our loving subjects Jacob Cōdebec, Thomas Swartwout, Anthony Swartwout, Barnardus Swartwout, Jan Tys, Peter Gimar, and David Jamison have by their petition presented unto his Excellency Col'. Benjamin Fletcher, our captain-general and governour-in-chiefe of our province of New York, in America, \textit{et al.}, prayed our grant and confirmation of a certaine quantity of land, for which they had lycence to purchase from the Indians, at a place called Maghaghkemeck, being the quantity of twelve hundred acres, beginning at the bounds of the land called Nepenack [and extending] to a small runn of water, called by the Indians' name Assawaghkemeck, and so alongst said runn of water and the land of Mansjoor, the Indian, which request we being willing to grant, know yee, that of our speciall

grace, certaine knowledge, and mere mocon, we have given, granted, ratifyed, and confirmed, and by these presents do, for us, our heirs, and successours, give, grant, ratifie, and conforme unto the said Jacob Codebec, Thomas Swartwout, Anthony Swartwout, Barnardus Swartwout, Jan Tys, Peter Gimar, and David Jamison, the quantity of twelve hundred acres within the limites and bounds aforesaid, where most convenient for them, * * * * [they] yielding, rendering, and paying therefore unto us, our heirs, and successours, at our city of New Yorke, on the feast-day of the Annunciacon of our blessed Virgin Mary, for the first seven years next ensuing, twenty shillings yearly curr. money of New Yorke, and thereafter forever the annual rent of forty shillings like money. * * * *

"In testimony whereof we have caused the great scale of our province of New Yorke aforesaid to be hereunto affixed.

"Witness our trusty and welbeloved Col'. Benjamin fletcher, captain-general and governour-in-chiefe of our province of New Yorke and the territories depending thereon in America, and vice-admirall of the same, our lieut. and commander-in-chiefe of the militia and of all the forces, by sea and land, within our colony of Connecticut and of all the forts and places of strength within the same.

"In council, at New Yorke, the fourteenth day of October, in the ninth year of our reigne, anno Domini, 1697.

"Ben. fffletcher.

"By his excellencyes command.

"DAVID JAMISON,

"D. Sec'ry."

On dividing the land purchased from the Indians according to the agreement of June 3, 1696, Gerrit Aertsen and company were unwilling that Thomas Swartwout and company should have, as had been stipulated, seventy-seven morgens or one hundred and fifty-four acres "out of the land of Manjoar, the Indian," and at the same time objected to the restriction which excluded them from occupying any other part of the purchased land except Great and Little Minnessiack. Under the pretext that the land described in the letters-patent granted the two companies was too ambiguously defined and would occasion differences between them as well as law-suits, and further, by asserting that the letters-patent of Thomas Swartwout and company had been surreptitiously obtained, they attempted to beguile the Earl of Bellamont, Governor Fletcher's successor, and the members of the General Assembly to

1 Book of patents, in the office of the secretary of the state of New York, 7, pp. 167-169.
pass a bill putting them in possession of a part of the land acquired by Thomas Swartwout and his associates. Having knowledge of these undertakings, Thomas Swartwout and his co-partners succeeded in having the stipulations of the agreement of June 3, 1696, inserted in a bill which was passed by the General Assembly, on November 1, 1700, entitled "An Act for [a] confirmation of a certain agreement made by Thomas Swartwout and company of the one part and Gerrit Aertsen and company of the other part."

A clause of considerable historical importance forms a part of the bill. It sets forth the enjoinement that no provision of the act nor any particular of the letters-patent granted Thomas Swartwout and his associates should be construed to debar William Titsort, his heirs or assigns, from occupying the land given and conveyed to him by the Indians.

Another tract of land contiguous to the territory granted to Thomas Swartwout and his associates and that given to Arent Schuyler was conveyed by letters-patent to Matthew Ling, Ebenezer Willson, John Bridges, and their associates, on August 28, 1704. Described as "lying and being in Orange and Ulster counties," New York, the tract nevertheless extended into East Jersey along the east side of the Delaware River, beyond the mouth of the Neversink River, to the south end of Great Minnessinck Island: "Beginning at a certain place in Ulster County aforesaid, called [the] hunting house or Yager House, lying to the northeast of the land called Bashes Land [the Land of Bacham], thence to run west by north until itt meet with the fishkill or maine branch of Delaware River, thence to run southerly to the south end of Great Minisincks Island, thence due south to the land lately granted to the above-named John Bridges and company, and so along that patent as it runs northward and the patent of Captain John Evans and thence to the place itt first began." From it was excepted "a certain tract of Land called by ye native Indians Sankhekeneck, otherwise Maghawaen, and a certain parccll of meadow called Warinsagskmek, which land and meadow contains one thousand acres and no more, formerly granted to Arent Schuyler by patent bearing date the twentieth day of May in the yeare of our Lord one thousand six hundred ninety and seven, and alsoe one other tract of land called Maghaghkemeck, being twelve hundred acres, and beginning at the western bounds of the land called Nepenack to a small runn of water called by the Indian name Assawagkkemeck, formerly granted to Thomas Swartwout and David Jamison and others by patent bearing date the fourteenth day of October in the sd year of our Lord one thousand six hundred and ninety-seven."²

It is highly probable that no part of Maghaghkemeck was occupied by any

² Book of patents 7, pp. 266-270, in the office of the secretary of the state of New York.
of the patentees until after the granting of the letters-patent on October 14, 1697. Those who settled upon the tract were evidently Thomas and Anthony Swartwout, Jacques Caudebecq, and Pierre Guimar who, with the members of their families, numbered at that time nineteen souls.

Anthony Swartwout having died in 1700, his widow Jannetje, married, on January 19, 1701, Hermanus Barentsen van Nijmegan (Inwegan) who, it would seem, took charge of the family's land at Maghaghkemeck. Barnardus Swartwout did not accompany his brothers Thomas and Anthony, but remained at Hurley until 1721, when he became a settler of Dutchess County.

As delineated on a map made by Jacob Hoornbeck, and copied by Peter E. Gumaer (a descendant of Pierre Guimar), on May 9, 1854, the twelve hundred acres of the tract called Maghaghkemeck stretched along the west side of the Neversink River, and the Bashe's Kill from a point about one and one-fifth miles north of the confluence of these two streams to another point about four and eight-tenths miles south of the first point; or about three miles north of the confluence of the Neversink and Delaware rivers. The middle section of the tract was about three-fifths of a mile wide, being bounded on the east by the Neversink River. The northern section along the Bashe's Kill was about one-fifth of a mile wide; the southern terminating in an acute angle on the Neversink River.

A controversy between the governments of East Jersey and New York soon arose regarding the location of the points on the Hudson and Delaware rivers to which the boundary line separating the two provinces extended. As related by Stickney, in his history of the Minisink region, both "agreed on a point on the Hudson River, in latitude 41 degrees, but the New York men insisted that the line should reach the Delaware at the southern extremity of what is called Big Minisink Island, and the Jerseymen as stoutly contended that it should touch the Delaware a little south of where Cochecton now stands, thus leaving a [section of] territory in dispute several miles wide at the west end and tapering to a point at the east. This included a good part of the Minisink [or Minnessinck] region." ¹

As a large part of the territory embraced in the "Minisink patent" lay along the east side of the Delaware River, between the mouth of the Neversink River and a point opposite the south end of "Big Minisink Island," now in Sussex County, New Jersey, it is evident that the government of the province of New York had no right to grant tenure to land lying in the province of East Jersey. This part of the patent, says Snell, in his history of Sussex and Warren Counties, New Jersey, "covered the two largest and most fertile

islands of the Delaware River, with the adjoining flats along the Jersey shore; Mashipacoug Island, lying between Carpenter's Point [at the mouth of the Neversink River] and the Brick House, and Minisink Island lying below the Brick House. The two islands alone contain 1,000 acres of cultivated land, and together, with the shore flats and grazing lands, between the extremes named, more than 10,000 acres.

"The settlement first made [there] was located opposite the lower end of the island * * * upon the higher portion of Minisink flats, just at the foot of the ridge on the south running parallel with the river. This settlement took the name of Minisink. * * * * Johannes Westbrook settled upon one side of the small stream (forming the present boundary between the townships of Montague and Sandyston) and Daniel Westfall (said to be his son-in-law) upon the opposite bank. * * * * Others settled above and still others below; the first settlers all placing their dwellings near the old Esopus or Mine Road. * * * * The Westbrook family was represented by three brothers, John, Cornelius, and Anthony, who located at Minisink after 1700." 1

"The proprietors under the Jersey government," as Stickney further relates, "parceled out the land in tracts to different persons, and these came on to assume possession. The Minisink people having enjoyed possession for a long time refused to agree to this [occupation of their land] and determined to maintain their claims. Recriminations and retaliations followed and a general border warfare took place. Numbers of Minisink people were taken prisoners and lodged in the jails of New Jersey, and a state of alarm and danger prevailed. The men went constantly armed, prepared to defend themselves to the last extremity, and keeping a constant lookout for the appearance of their meddlesome foes." 2

Desiring to have verifiable evidence that their land lay within the bounds of the province of New York, Thomas Swartwout and his co-partners petitioned the General Assembly to take immediate action for the establishment of a boundary between New York and East Jersey. On November 1, 1700, the members of the House of Representatives collectively sent a petition to his Excellency Richard the Earl of Bellamont, governor of the province, setting forth this request of the settlers in the "Minnessinck" valley:

"Whereas, some differences do arise between the county of Orange, within this province, and the province of East-New Jersey, [we] therefore humbly pray your excellency to take into your consideration the settling of the bounds between the province and the said province of East-New Jersey."

Inasmuch as no boundary between the two provinces was definitely established and marked by monuments until 1774, frequent contentions, as already remarked, embroiled the settlers claiming tenure of land lying contiguous to the mouth of the Neversink River.

The same indefinite knowledge regarding the position of the boundary line between Orange and Ulster counties existed. In order to define the situation of Maghaghkemeck and that of Great and Little Minisink, the General Assembly, in 1701, enacted that that part of Orange County should be annexed immediately to the county of Ulster until the bounds between the two counties should be settled, and that in the interval the freeholders of the three districts should cast their votes for representatives in the County of Ulster "as if they actually lived in the said county." It may further be remarked that the first boundary line separating the two counties extended across the territory of the present town of Deerpark not far south of the village of Huguenot to a point on "the northwardmost branch" of the Delaware River, near Sparrowbush. The position of the original line is shown on Sauthier's map, on page 140.

Among the names of tax-payers in Ulster County, listed on January 26, 1715, are those of Thomas Swartwout, Harmanus Barentsen van Inwegen (Nijmegen), Jacques Caudebecq, Pierre Guimar, and Jacobus Swartwout of Maghaghkemeck.

On the death of Thomas Swartwout, about the year 1723, Samuel, his son, took charge of the family property. When Jesijntje, his sister, married Jan van Vliet, junior, on March 11, 1725, she was given the portion which she had inherited. Barnardus, the son of Anthony Swartwout, having attained his majority, also received his portion of his deceased father's land. As disclosed by the records of Orange County, the following persons were freeholders at Maghaghkemeck on July 7, 1728: Samuel Swartwout, Barnardus Swartwout, Jan van Vliet, junior, Harmanus Barentsen van Inwegen, Pierre Guimar, and Jacques Caudebecq.

Jacobus, the third son of Thomas Swartwout, early displayed admirable evidences of courage and force of character. Before he was eighteen years of age and prior to the year 1710, when the frontier settlements, during Queen Anne's war (1702–13), were exposed to all the horrors of Indian cruelty and ruthlessness, he commanded as captain a company of Orange County militia. In 1715, his name and that of his father were enrolled as those of other members of the militia company commanded by Captain Johannes Vernooy in the Ulster County regiment, of which Jacob Rutzen was colonel. His youngest brother, Samuel, is known as serving in 1738 as a corporal in the Rochester foot-company of Ulster County militia, commanded by Captain Cornelius Hoorn-
beck. His cousin Jacobus, the second son of Antoni Swartwout, was also distinguished for intrepidity and military ability. He, in 1738, was captain of the fourth company of foot-militia in the Orange County regiment commanded by Colonel Vincent Mathews. The strong influence he wielded over the warriors of the Wolf and the Turkey tribes of Cocheecton Indians led shortly thereafter to his promotion to the majorship of the regiment.¹

Evidences of an intended descent by the French Indians upon the western borders during the winter of 1745-46, caused Governor George Clinton, on December 11, 1745, to lay before the provincial council several letters which he had received from the frontiers relating to their defence and the apparent designs of the enemy. In the consideration of the important information contained in these communications, the provincial authorities did not fail to recognize Major Swartwout's valuable services at Maghaghkemek, and as a consequence passed the following resolution: “That Major Swartwout should be commended for his diligence, and be admonished to have the militia in readiness at all events and to give the governor early advice of the designs of the enemy.”²

The Cocheecton Indians having in the fall of 1745 withdrawn themselves from Orange County to their hunting-houses west of it, Colonel Thomas De Kay, Major Jacobus Swartwout, and Ensign Coleman, in company with Adam Wisner, an interpreter, and two Indians, visited them there, on December 21, that year, in order to learn why they had removed themselves from the county where they usually traded and hunted. Their sole reason, which they frankly told, was that, having seen the settlers going about armed, they became suspicious that some harm was intended them, and had therefore betaken themselves to their hunting-houses. Colonel De Kay at once allayed their fears by informing them that Governor Clinton, apprehending a sudden descent upon the frontiers by the French and their savage allies, had ordered the settlers to go armed in order to protect themselves should the enemy come unexpectedly upon them. As an assurance of their fidelity, the pleased Indians promised to send, if the weather permitted, a delegation of their chiefs to Goshen to renew their former covenants of friendship and brotherhood. On January 3, 1746, this engagement was kept by them, on which day, a sachem in company with twelve or more warriors of the two tribes made their appearance in Goshen, bringing with them a belt of wampum. Having, in the presence of a number of prominent settlers, chained themselves about an hour to Colonel

¹ Second annual report of the State Historian of the state of New York. Hugh Hastings, State Historian. 1897, pp. 435, 558, 559, 574, 616.
De Kay as a token of being again united to the English in bonds of amity and alliance, they gave him the belt of wampum, which he was to convey to Governor Clinton.  

To the farming land at Maghaghkemeck which had descended to him from his father, Major Jacobus Swartwout, on October 28, 1741, added by purchase that inherited by his brother Roeloff. On the same day, he bought of his uncle Barnardus, then settled at Poughkeepsie, “all that full lot, number one, which fell unto him, the said Barnardus Swartwout, by the second division of the twelve hundred acres.”

In 1737, the Rev. Georg Wilhelm Mancius organized the first four Dutch Reformed congregations known in the valley of “the Minnessinck:” the Machackemech (Maghaghkemeck), the Menissinck (Minnessinck), the Walpeck, and the Smithfield. The first house of worship of the Machackemech congregation, a log structure, was built about a half mile east of the site of Port Jervis, in the town of Deerpark, Orange County, New York, and a half mile northeast of the confluence of the Neversink and Delaware rivers, and on the Mine Road; that of the second congregation was built at Menissinck, about eight miles south of the Machackemech church, in East Jersey, on the Mine Road; that of the third society stood about sixteen miles farther south in East Jersey, and that of the fourth congregation southwest of the one at Walpeck, at Smithfield, on the west side of the Delaware River, now in Monroe County, Pennsylvania.

The Reverend Georg Wilhelm Mancius served the four congregations from 1737 to 1740, and, in June, 1741, was succeeded by the Reverend John Casparus Fryenmoet. As some of the settlers were unwilling to contribute to the minister’s salary, the following resolution was passed by the consistory of the Machackemech society, on August 23, 1737: “That every one dwelling among us requiring the services of the minister shall pay for the baptism of a child six shillings, and those who live without our bounds shall pay for the baptism of a child three shillings.” On December 6, 1741, “it was approved and resolved by the consistory” of the Machackemech Church “that persons who” should “desire to have their marriage recorded” should “pay three shillings to the clerk and three shillings to the church.” On that day also, the consistory “resolved that persons” desiring to enter into “the state of marriage should have their purpose published by the minister and be married by him, or, with the consent of the minister, by one of his majesty’s justices of the peace.”

On February 4, 1745, the following appointments were made for the sacra-
ment of the Lord’s Supper (AvondmaaC) : “On the incoming Easter (Paasch­
dag) at Menissinck; in June at Smithfield; in September at Machackemech, and
on Christmas (Kers-dag) at Walpeck.” On the same day it was resolved that
the four congregations should severally contribute yearly £17 10s, or collectively
£20 for the minister’s salary, and one hundred schepels (seventy-five bushels) of
oats for his horse. Besides providing their pastor with a suitable dwelling-house,
the churches, excepting that of Smithfield, were to provide him with a sufficient
quantity of firewood every year. At a consistory meeting, held at Namenack,
on March 31, 1746, the boundaries of the churches of Walpeck and Menissinck,
were thus established: “On the Jersey side the church of Walpeck should ex­
tend to the house of Abram Kermers, and on the Pennsylvania side the church
of Menissinck should extend to the house of Samuel Schammers.”

Major Jacobus Swartwout, “upon a satisfactory confession of faith and life,”
was received, on April 16, 1747, a member of the Reformed Church at Machack­
emeck. On April 21, he was elected, and, on May 10, the same year, in­
stalled an elder of the society.

The prominent part taken by him in the controversies and contentions aris­
ing among the settlers of the valley of “the Minnessinck” respecting rights of
tenure to lands claimed by them, although it obtained for him enviable distinc­tion, was nevertheless hazardously won by indomitable persistency and a
fearless disregard of many afflictive consequences

On July 8, 1755, he was commissioned a justice of the peace and thereby
became an assistant judge in the inferior Court of Common Pleas. He made
his last will and testament on October 4, 1754, and died, on August 21, 1756, on
his farm, which bore the name of Sandeohquon, and to which his youngest son,
Philip, ultimately fell heir.

The rivalry of the English and the French for the possession of North
America, inaugurated, in 1754, the French and Indian War, which for nine
years familiarized the people of the provinces with frightful scenes of bloodshed
and barbarity. The disaffection of different tribes of Indians previously friendly
to the settlers living along the frontiers of the colonies frequently manifested it­
self in murders and massacres of a most horrifying character.

The first intimation which the Minisink settlers had of the hostile spirit of
the savages of that locality, as Stickney relates, “was the disappearance of the
Indians from their neighborhood. Those of them who had been on the most

1 Translation of the original records of the Reformed Dutch Church at Machackemeck (Deerpark).

lxxxviii., pp. 12, 141; vol. lxxix., p. 69.
3 Record of commissions, liber iii., pp. 90, 91, in the General Library of the state of New York.
friendly terms with the whites were suddenly missed, and the few Indians that remained told them that they had gone to join the hostile tribes near Cochecton and farther west. The settlers knew enough of Indian character to foresee the ordeal to which they were to be subjected and began to prepare for the worst. The women and children were first sent to places of safety, Old Paltz, Rochester, and Wawarsing, in Ulster County, and to Goshen, in Orange County, at all of which places the majority of them had relatives by marriage or otherwise, for they knew the fury of the Indians would be vented alike on the strong and the helpless.”

There were settlers likewise living in exposed localities south of Minisink whom the frontier Indians there regarded as inimical to their welfare. Anthony Swartwout, a son of Barnardus, and a nephew of Major Jacobus Swartwout, four-and-thirty years old, was cultivating a farm lying not many miles distant from the church at Walpeck, and now in Stillwater township, in Sussex County, New Jersey, and bordering upon the pond now known by the name of Swart­wood Lake. His wife, Magdalena Decker, had borne him two sons and three daughters, two of whom, as will be related, were the frightened witnesses of the killing of their parents by a party of Indians in 1755.

Five savages, belonging to one of the neighboring tribes which had become disaffected toward the English and had withdrawn from its hunting and trapping grounds in that part of East Jersey and had gone into Pennsylvania, secretly returned, in 1755, to wreak their resentment upon Anthony Swartwout, Richard Hunt, and a settler, surnamed Harker, who had incurred their ill-will.

Finding Richard Hunt absent from home and only his brother Thomas and a negro at his house, who had barred the windows and doors against them, the savages so terrified the two inmates by undertaking to burn the building that they speedily surrendered themselves to the wily barbarians.

Unsuspecting the presence of any hostile Indians in the neighborhood, Mrs. Swartwout, intent upon accomplishing her daily dairy-tasks, passed from the backdoor of the homestead to go to the milk-house near a runlet of water. Being seen by the Indians ambushed at the barn, she was shot and killed. Her husband, hearing the report of a gun, looked from a window of the house and saw the prostrate body of his wife and the Indians running toward it. Greatly shocked, he quickly barred the doors and windows, and with his rifle in hand stood ready to defend himself and his crying children.

While holding the savages at bay between the house and barn, he exacted from them a promise that they would neither harm him nor his children should he yield himself a prisoner to them. Permitted by them to bear the lifeless

"History of the Minisink region. By Charles E. Stickney, pp. 60, 61."
THE SWARTWOUT CHRONICLES.

form of his scalped wife within doors and lay the bloody corpse upon a bed, he and his weeping children were conducted by their captors from the house; he going first with his wrists bound together behind his back with strong thongs of deerskin, and the sobbing children following him in front of the urging savages.

It is said that the Indians would not have violated their pledge to him had not a certain settler named Benjamin Springer met them, who wishing to gratify his enmity toward Anthony Swartwout, persuaded them to kill him. Therefore, as is related, the Indians tied him to a tree, tomahawked him, and left his body to the birds and beasts of prey. His two children were taken to the Indian town, Shawnee, now Plymouth, on the Susquehanna River, on the opposite side of that stream, and five miles below the site of the city of Wilkesbarre, in Pennsylvania.

It is further related that Benjamin Springer was arrested and confined in the jail of Essex County. Judge Allinson, commenting on the "act for the trial of Benjamin Springer," passed by the General Assembly of the province of New Jersey, October 22, 1757, authorizing his trial to take place in Morris County, "it being apprehended that the incursions of the Indians and the commotions thereby occasioned rendered it difficult if not dangerous to hold a Court of Oyer and Terminer" in Essex County, remarks: "On the positive testimony of Swartwout's son, and the contradictions in the prisoner's own story, after a full and fair hearing, at which an eminent counsellor charitably attended in his behalf, he was convicted to the satisfaction of most or all present, and was executed in Morris. He declared himself innocent of the crime, and, on the return of Thomas Hunt and the negro, who had been taken [prisoners] a few miles distant [from Anthony Swartwout's house] by the same party of Indians that captivated Swartwout's family (with which party, it was proved at the trial, Springer was, and that he killed Swartwout), it appearing by the declarations that they did not see Springer until they got to the Indian town, some [were] inclined to believe he might not have been guilty. Thus, the question seemed obscured. It is, however, agreed that his trial was deliberate and impartial, and many still think his life was forfeited to the laws of his country." ¹

The pond, on the banks of which Anthony Swartwout was killed, in time acquired the name of Swartwood Lake, and, in 1852, the village of New Paterson, near it, and also in the township of Stillwater, in Sussex County, New Jersey, was given the name of Swartwood, in order to facilitate the

delivery of letters there and thereby avoid having those directed to New Paterson go wrongly to Paterson as had frequently happened.

The necessity of having defensible places of refuge for the settlers along the western frontier of New York becoming more and more apparent to the provincial authorities, Governor Charles Hardy, on January 13, 1756, transmitted to the General Assembly a message calling its attention to the need of the frontier settlements and advising the construction of a number of block-houses along the remote borders of Orange and Ulster counties from Maghaghkemeck northward.

At that time, Philip, the third son of Major Jacobus Swartwout, was residing with his wife and three small children in a log farm-house, standing on the east side of the Mine Road, immediately east of the site of the village of Huguenot, where an unused well still marks the locality of his early home. On February 23, that year, a band of depredating Indians made a sudden descent upon the settlers at Maghaghkemeck, and left many evidences of their barbarity and rapacity to be viewed thereafter by those who had fortunately escaped massacre and captivity. Intelligence of this distressing affliction having been conveyed to Governor Hardy, he, on March 2, sent to the General Assembly a message in which he particularized some of the afflictive acts of the savages:

"On Tuesday last, about noon, a party consisting of thirty or forty Indians attacked and burnt the house of Philip Swartwout, in Ulster County, murdered five of the people, took a woman prisoner, and destroyed the cattle. * * *

"I therefore earnestly recommend to you to make provision for supporting a sufficient force to drive off the enemy, and pursue them even to the places of their residence or retreat, and thus reduce them to the necessity of desiring peace."

Many of the sorrowful and impoverishing afflictions which the French and Indian War brought upon the people of the frontier settlements are still unchronicled, and many of the harrowing particulars which tradition long recalled to remembrance have now been forgotten. The capitulation of the city of Quebec, on September 18, 1759, and the surrender of Montreal to the British forces before it, on September 8, 1760, finally closed the sanguinary struggle of France and England for the possession of North America.

CHAPTER V.
COLONIAL OFFICERS.
1720-1762.

Most conspicuous of the topographical features of the territory of Dutchess County—so named in 1683 in honor of the duchess of York and Albany—is the range of mountains early called the High Lands which border it on the south. The longest of the streams meandering through its fertile valleys to the Hudson River is the creek originally specialized in letters-patent by the name of the Fresh Kill and subsequently called by the Dutch the Visch Kill (Fish Creek), flowing into the Hudson about seven miles south of the mouth of Wappinger Creek. Two miles north of the last-named stream is a smaller watercourse once familiarly known as Jan Casper’s Kill.

It was early and is still a Dutch custom to measure distance on land by the space of time in which an able-bodied man can walk it. In Holland, at the intersection of roads one may see finger-boards pointing in the direction of localities through which the several highways pass and bearing inscriptions of the hours going (uur gaans) to them. One hour’s walk (een uur gaans) is considered by Netherlanders as equaling three English miles. (See half uur gaans on map, page 3.)

The first persons to acquire legal tenure to land included within the later territorial bounds of Dutchess County were François Rombout and Gulian Verplanck, who at the time were engaged as a firm in merchandising in the city of New York. Having solicited Governor Thomas Dongan to permit them to buy from the native Indians a tract of land comprising about eighty-five thousand acres, they were duly licensed, on February 28, 1683, to purchase it.

On August 14, that year, twenty-two warriors of the Wappinger tribe of Indians, in the name of their sachem, “Megriesken,” conveyed to the two

1 In the act erecting the county and other similar divisions of the territory of the province of New York it is titled "the Dutchesses County."
DUTCHESS COUNTY, AS SHOWN ON SAUTHIER'S MAP OF THE PROVINCE OF NEW YORK, IN 1779.
merchants, for certain measures of powder, lead, wampum, rum, beer, hatchets, knives, pipes, tobacco, blankets, cloth, and other goods, the desired quantity of land lying on the east side of Hudson's river, north of the High Lands, and more particularly described as "beginning from the south side of a creek called the Fresh Kill and by the Indians Matteawan, and from thence northward along said Hudson's river five hund\textsuperscript{d}, rodd [about one and a half English miles] beyond the Greate Wappins Kill [or Wappingers Creek], called by the Indians Mawenawasigh, being the northerly bounds, and from thence into the woods four hours going, always keeping five hund\textsuperscript{d}, rodd distant from the north side of said [Greate] Wappins Creek, however it runs;—as alsoe from the said Fresh Kill or Creek called Matteawan, along the said Fresh Creek into the woods, att the foot of the said high hills, including all the reed or low lands at the south side of said creek, with an easterly line four hours going into the woods, and from thence northerly to the four hours going or line drawne att the north side of the five hund\textsuperscript{d}, rodd beyond the Greate Wappinger Creek or Kill, called Mawenawasigh."\textsuperscript{1}

Gulian Verplanck having died before letters-patent were granted him and François Rombout as possessors of the tract, Stephanus van Cortlandt became associated with François Rombout as a partner, who, with Jacobus Kip, then the husband of Henrica, the widow of Gulian Verplanck, obtained, on October 17, 1685, the right and title to it by letters-patent.

Meanwhile, on September 26, 1683, François Rombout married Helena van Balen, a widow, by whom he had a daughter named Cathryna, who, when eighteen years of age, became the wife of Roger Brett, an Englishman merchandising in the city of New York. Having inherited on the death of François Rombout, in 1691, his property, they, about the year 1712, settled on that part of the Rombout manor comprising the site of the village of Matteawan, and built a home, later known as "the Teller Mansion," on a rise of ground, on the north side of the Fish Kill, about a mile east of the Hudson River. At the mouth of the Fish Kill, on the north bank of the stream, they erected and operated a grist-mill, which, for many years was titled "Madam Brett's mill."

In the act erecting Dutchess County, on November 1, 1683, its territory is described as lying within the following boundaries: "The Dutchesses County to be from the bounds of the county of Westchester, on the south side of the Highlands, along the east side of Hudson's river as far as Roelof Jansen's Creek, and eastward into the woods twenty miles."\textsuperscript{2}

On the division of the province into counties, or more accurately, on July

\textsuperscript{1} Book of patents, 5, pp. 206–210.
\textsuperscript{2} Documents relating to the colonial history of the state of New York, vol. xiii., p. 575.
30, 1685, Robert Sanders and Myndert Harmanse, residing in the city of Albany, obtained a “deed of sale” from a number of native Indians for a tract of twelve thousand acres of land in Dutchess County, “bordering upon the Hudson, called Minnisink,” being “north of the land of Savereyn, alias called the Baker, with the arable and woodland, [and] marshes, with the creek called Wynachkee, with trees, stones, and further range, or outdrift for cattle, and the fall of waters called Pondanickrein, and another marsh, lying to the north of the fall of waters, called Wareskeechen.”

Right and title to this manor was granted them in letters-patent by Governor Thomas Dongan, on October 24, 1686, with the provision that it should not encroach upon that confirmed to Stephanus van Cortlandt, François Rombout, and their associates.

Peter Schuyler, mayor of the city of Albany, on June 2, 1688, acquired by letters-patent from Governor Thomas Dongan a tract of land bounded on the north by that of Robert Sanders and Myndert Harmanse, and described as lying “at a certaine place called the Long Reach, bounded on the south and east by a certaine creek [later known as Jan Casper’s Kill], that runs into Hudson’s river, on the north side of a certaine house now in the possession and occupation of one Peter, the Brewer, the said creek being called by the Indians where it runs into the river, Thanackkonen, and where it runs further up into the woods, Piotawickiquassetek.”

Eleven years later, on August 30, 1699, Peter Schuyler conveyed this tract of land to Robert Sanders and Myndert Harmanse. Shortly afterward the extensive manor of the two proprietors began to be designated by a name which after many corruptions is now written Poughkeepsie.

Myndert Harmanse seated himself and his family upon a part of it, where, prior to the year 1799, he built a saw-mill. His partner, Robert Sanders, died in the city of New York, probably in 1706, as is indicated in a conveyance, dated June 17, 1707, in which are named, “Myndert Harmeen of Pogkeepsink,” yeoman, and Helena, his wife; Elsje, widow of Robert Sanders, “late of the city of New Yorke, deceased.”

Among the number of yeomen cultivating farms, in 1712, lying within the bounds of the manor of Poughkeepsie, was Thomas, the eldest son of Robert

1 Baptized in New Amsterdam, November 10, 1641. He married Elsje Barents, of Albany. He was the son of Thomas Sanders, a smith, from Amsterdam, Holland, who married, in New Amsterdam, September 16, 1640, Sara van Gorcum, where he obtained a patent for a lot, July 13, 1643. He was among the first settlers of Gravesend, Long Island. In 1654, he owned a house and lot in Beverswijk. Later he returned to New Amsterdam, where he was living in 1664, when New Netherland was surrendered to the English.

2 Book of patents, 6, pp. 325-327. Wareskeech, or the mouth of the stream called Wareskeech, flowing into the Hudson, is about one and two-fifths miles north of the mouth of the Fall Kill or Wynachkee, otherwise written Wynogkee and Wynnikee.

3 Book of patents, 6, pp. 325-327.

4 In different deeds it has been found written: Pokkepsink, Pogkeepsink, Pogkeepsen, Pokkepsen, Pochkeeps, Pokkepsing, Pockepeke, Pockepeken, Pockepeck, Pochkepeck, Pogkeepsen, Pogkeepsy, Pogkeepsing, Pokkepsen, Pogkeepsick, Poegkeepsingk, and Poughkeepsie.
Sanders, who, while residing in the city of New York, had pursued the calling of a mariner. Two years later there were in Dutchess County sixty-seven heads of families, who with their households and slaves formed a population of four hundred and forty-five souls.

Barnardus, the fourth son of Roeloff Swartwout, was at that time still living at Hurley, where his father had died in 1715. He had married, on May 19, 1700, being then twenty-seven years of age, Rachel, daughter of Dirk Janse and Maria Willems Schepmoes of Kingston. On October 2, 1702, he with twenty-eight other of "the chiefest and principal inhabitants of the County of Ulster," had signed and dispatched an "address to his Excellency, Edward Lord Viscount Cornbury, governor of the province of New York." As is disclosed by the records of the village, he was one of the seven freeholders, appointed in 1719, the first trustees of Hurley.

On August 3, 1720, he purchased for £320, a farm of five hundred acres in the manor of Poughkeepsie, belonging to Thomas Lewis, and "adjoining upon the south line of Henry van der Burgh's thousand acres," extending southerly along Jan Casper's Kill to the land of Thomas Sanders. Having in view the occupation of this bouwcrij, he, on January 5, 1721, resigned the office of trustee of the village of Hurley, and, in the spring of that year, moved with his family to Dutchess County. There, on September 13, 1723, he bought of Andrew Teller, a merchant engaged in business in the city of New York, for £180, two hundred acres of land bounded on the west by that of Thomas Lewis, on the north by that of Madam Brett, and on the south and east by that of Andrew Teller. Two days later he purchased of Madam Brett, for £45, forty-five acres, with improvements, lying along Jan Casper's Kill, and north of the land which he had bought of Andrew Teller. He further enlarged his farm by buying of Thomas Lewis, on May 6, 1727, for £100, one hundred acres stretching southward to the Stony Flats (Steen Vlachte). Having never occupied any of the sections of the manor of Maghaghkemeck allotted him in the division of it, he, on October 28, 1741, sold to his nephew Jacobus, the second son of Antoni Swartwout, for £126, "all that full lot, number one, which fell unto him the said Barnardus Swartwout by the second division of the twelve hundred acres of land which were formerly purchased by the said Swartwouts and company, which said lot is situate, lying, and being on a certain tract of land known and called by the name of Manjoar's..."  

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THE SWARTWOUT CHRONICLES.

Land.” On his death, his widow and sons conveyed to “Jacobus Swartwout, junior, of the Menisincks, in the County of Orange, marchant,” the seventh share which the deceased had owned in the manor of Maghaghkemeck.

Rudolphus, the eldest son of Barnardus Swartwout, having married, on June 2, 1725, Elsje, the second daughter of Thomas and Aeltje Sanders, her parents, on April 23, 1726, “in consideration of the love, good-will, and affection” which they bore toward their “loving son-in-law, Adolph Swartwout,” conveyed to him one hundred acres of land stretching along the Hudson River and adjoining other land belonging to them. On February 25, 1731, they conveyed to him thirty acres lying on the east side of his farm and easterly on Jan Casper’s Kill.6

Johannes, the fifth son of Barnardus, having become the husband of Neeltje, a daughter of Myndert van de Bogaerdt, an early settler in the manor of Poughkeepsie, purchased for £26 10s. on March 3, 1747, of his father-in-law, forty-eight and a quarter acres of land, lying about two and a half miles from the Hudson River and immediately north of the road passing through Filkin-Town to the village of Poughkeepsie. To this estate he added, on January 27, 1754, by the payment of £80 to Madam Cathryna Brett, forty-three acres and two rods of land lying on the north side of Jan Casper’s Kill, and stretching northward to the road leading from Filkin-Town to Poughkeepsie and bordering on the east the road running to Du Bois’s mills.7

It is not unlikely that Cornelis, the sixth son of Barnardus Swartwout, born in 1718, who died in Albany, on July 4, 1747, was serving in the provincial army organized for the expedition to be undertaken against Canada that year.

The disagreements and contentions of the settlers at Maghaghkemeck and Minnessinck evidently influenced Captain Jacobus, the third son of Thomas Swartwout, who had married, on October 5, 1714, Gieletjen, a daughter of Cornelis Gerrits and Jannetje Kunst Nieuwkerk of Hurley, to remove from Maghaghkemeck, and settle in Dutchess’ County, where, at Wiccopee,4 on November 9, 1721, he had purchased of Cathryna Brett a farm of three hundred and six acres of land.5 Lying immediately south of the Fish Kill, about

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1 Book of deeds, iii., p. 25, in the office of the clerk of Orange County, in Goshen.
2 Book of deeds, i., pp. 142, 145-147, in the office of the clerk of Dutchess County.
4 Said to be the name of a tribe of Indians once inhabiting that part of the territory of the state of New York. The name also designates a small stream flowing there northward into the Fish Kill.
5 The deed dated May 7, 1757, given by the heirs of Jacobus Swartwout to Matthew Allen, recites that the land conveyed to him was “a part of that tract of land containing three hundred and six acres purchased by the said Jacobus Swartwout, deceased, of Cathryna Brett, by one certain warrantee deed under her hand and seal, bearing date of the ninth day of November, 1721.” Book of Deeds, iii., pp. 313-31, in the office of the clerk of Dutchess County.
MAP
OF
THE SOUTH PART OF DUTCHESS CO., N.Y.
BY
JOHN ALDRICH.

* Copied from the original by him about 1765. Scale: 48 chains = one inch, as protracted by him.
nine miles east of the Hudson River, his bouwerij was contiguous to the farms of Johannes Buys and Johannes Ter Bos, whose baptismal names were later incorporated in the designation Johnsville bestowed upon the small village near the Highlands, about a mile southeast of Brinckerhoffville. The fertile acres of his farm are now embraced in the two farms respectively owned by Stephen J. Snook and Francis Burroughs; the one lying about one-half and the other three-fourths of a mile east of Johnsville, and on the north side of the highway running from that place to the village of East Fishkill. On Sauthier's map of the province of New York, made in 1779 (see page 157), the locality is titled "Swartwouts."

"In the twelfth year of the reign of Queen Ann, on the twenty-third day of October, 1715," as remarked by T. van Wyck Brinckerhoff, in his historical sketch of the town of Fishkill, "an act was passed 'for Dutchess County to elect a supervisor, a treasurer, assessors, and collectors.' Up to this time no election had been held in Dutchess County. This arrangement continued in force until 1719, when the county was divided into three districts or wards, called the middle, northern, and southern wards, with power to choose a supervisor in each. In 1737, these wards were again subdivided into seven precincts, with power to elect a supervisor and town officers in each, and this provision was coupled with the act, 'that the wages of each supervisor shall not exceed three shillings for each day.'"¹ The precinct of Poughkeepsie embraced the territory of the manor of Poughkeepsie, and the Rombout or Fishkill precinct all that part of Rombout manor lying south of Wappinger's Creek.

The following transcripts of parts of the early records of Dutchess County of which there are none extant prior to the year 1718 may serve to enlighten the reader regarding those of the first settlers of Rombout manor who were invested with local offices: "At an Election held in Dutchess County in the South Ward, on the first Tuesday in April, it being the second day of said Month, 1722. These following are chosen for Dutchess County for the South Ward:—John Montross, Constable and Collector; Jacobus Swartwout, Supervisor; Peter Du Boys [Dubois], Assessor; Johannes Ter Boss [Ter Bos], jr., Assessor; Jan De Lange, Overseer of the King's Highway; Jacobus Terbos, Overseer of the Highway; Jan Buys, Surveyor of the fences; Garrit Van Vliet, Surveyor of the fences. Henry Vanderburg, Clerk."²

"The Inhabitants, Residents, and Freholders of Dutchess County [in the South Ward] are rated and assessed by ye assessors for the same, the 16th day of Jan. Anno. Dom. 1623-4, * * * * John Montross, 14 [pounds];

¹ Historical sketch of the town of Fishkill, from its first settlement. By T. van Wyck Brinckerhoff. Fishkill Landing : Dean & Spaight, publishers. 1866, p. 57.
² Book of old miscellaneous records in the office of the clerk of Dutchess County, p. i.
Captain Jacobus Swartwout, having been elected to serve as supervisor of the south ward in 1722–24, was again chosen to fill that office on April 5, 1727.¹

The seat of the first and largest community of settlers in Dutchess County was established about the beginning of the eighteenth century at the mouth of the Fall Kill, flowing into the Hudson River. The site of the village having been early designated by a name meaning "safe harbor," of which Poughkeepsie is a corrupted form, the place thereafter retained that peculiar appellation. Two decades later the hamlet of Fishkill, five miles east of the Hudson River, was bearing the name of the stream flowing by it. In 1729, mention was made of the two settlements in a published description of the county. "The only villages in it are Poughkeepsie and Fishkill, though they scarcely deserve the name."

The first religious society in the village of Poughkeepsie was organized in 1716, by the Reverend Petrus Vas, the fifth pastor in charge of the Reformed Dutch Church in Kingston, who, in the same year, formed another in the village of Fishkill. The two congregations were served until 1731, by different ministers of the Reformed Dutch Church, who visited the two places to conduct divine worship, and preached on appointed days. The first pastor having charge of the two congregations was the Reverend Cornelius van Schie, who came, in 1631, from Holland, in answer to a united call made by them to secure the services of a minister of the Reformed Dutch Church. One of the fifteen signatures subscribed to the agreement, written in Dutch, to send the call, is that of Jacobus Swartwout.²

The Poughkeepsie congregation erected its first house of worship, it is said, in 1723, on the north side of Main Street, nearly opposite the site of the present court-house. There were thirty-eight pews on the ground floor and eighteen in the gallery, which afforded sittings for three hundred and eighty-six people.

Among the contributors to the salary of the pastor of the congregation in 1744 were Barnardus Swartwout and his three sons, Rudolphus, Abraham, and Johannes. Abraham was elected a deacon of the church in 1752, and Johannes an elder in 1755.

¹ Book of old miscellaneous records in office of the clerk of Dutchess County, p. 27.
² The signatures as written are: Piter Dv Boys, Leonardus van Clees, Abraham Brinkerhoff, Abraham Buys, Johannes van Kleeck, Abraham Brinkerhoff, Elias van Benschouten, Johannes Coerten van Voorhees, Mynhart van de Bogart, Hendrick Phyllys, Pieter van Kleeck, Hans de Lange, Henry van der Beugl, Jacobus Swartwout, Hendrick Peels.
The Fishkill congregation erected its first house of worship in that village in 1731. It was a stone building with small apertures in the walls through which firearms might be thrust and fired on any attack of the place by Indians or other foes. It was covered with a hip-roof, above the apex of which was a small tower in which a bell was hung and rung to summon the people to the meetings held in the plainly-built edifice. The small panes of glass affording light to the interior were held in place by narrow strips of lead, attached to the window-frames. Captain Jacobus Swartwout, who had been admitted to membership in the church on June 17, 1732, was the holder of nine sittings: "five places in pew No. 11; one for himself, and one for his wife Gieltje, and one for his daughter Jacomintje, and one for Catrina, and one for his son Tomas, and four places, above in the gallery, in pew No. 4; one for his son Cornelis, and one for Rudolphus, and one for Samuel, and one for Jacobus." On the death of the father, his sitting in the pew on the ground-floor was transferred to his son Cornelis."

The satisfactory manner in which Captain Jacobus Swartwout had discharged the duties of the office of supervisor caused the freeholders of the south ward of Dutchess County to elect him, on April 7, 1730, to serve with Johannes Ter Bos as an assessor in that district. Governor George Clinton, recognizing his integrity and ability, appointed him, in 1743, a justice of the peace, which office constituted him and James Duncan, a contemporary justice of the peace, assistants to the judge of the Court of Common Pleas, sitting in Dutchess County.

In 1745, Justice Jacobus Swartwout gained considerable distinction for the able manner in which he, as judge of the Inferior Court of Common Pleas of Dutchess County, had conducted the trial of Daniel Hunt, found guilty of the charge of passing ten counterfeit twenty-shilling bills of Rhode Island money. At the termination of the trial, he wrote as follows to his Excellency, the Honorable George Clinton, governor of the province of New York:

"Poughkeepsing, May ye 24th, 1745.

"May it Please your Excellency:

"Agreeable to your Excellency's order, I send enclosed all the proceedings had before me relating to the counterfeit money passed in this county or elsewhere to my knowledge, and if anything
further shall be discovered by me, I shall * * * * inform your Excellency thereof, who am

"Yr Excellency's
"Most obedient, humble servant,
"JACOBUS SWARTWOUT."  

In his last will and testament, made on December 1, 1744, he bequeathed to his oldest son, Thomas, "sixty pounds, or the choice of one of" his "negroes for his birthright," and to his five sons: Thomas, Cornelis, Rudolphus, Samuel, and Jacobus, his estate, which he ordered to be divided equally among them. He died on April 3, 1749, and his remains were interred in the graveyard on the west side of the Reformed Dutch Church, in the village of Fishkill, where,

near the edifice, stands a massive brown-stone slab marking the place of their sepulchre and bearing an inscription in Dutch: "Here lies the body of Jacobus Swartwout, being rested in the Lord on the third day of April, 1749, being fifty-seven years, one month, and twenty days old."

In order to comply with the provisions of the will of their father, Thomas Swartwout and Mary, his wife; Cornelis Swartwout and Elizabeth, his wife, and Rudolphus and Dinah, his wife; Samuel Swartwout and Phebe, his wife, and Jacobus Swartwout, sold, on May 7, 1757, for £705, to Matthew Allen of Rombout Precinct, late of Ulster County, two hundred and thirty-five of the three hundred and six acres purchased by Jacobus Swartwout, in 1721, of Madame Brett. On April 13, 1758, the two brothers, Thomas and Rudolphus, as heirs, made a conveyance to each other of three hundred and ninety-three acres (seven of which Rudolphus had bought of Madame Brett), which lay "on the south side of a brook called the Fish Kill, in Rombout Precinct," and "on the west side of the road, near Thomas Swartwout's new house, and along the road leading from Wiccopee to the landing on Hudson's river;" Thomas taking the easterly section, comprising one hundred and ninety-three acres, which, on October 31, 1792, he sold for £1,000, to Joseph Burroughs; and Rudolphus, the western section, containing two hundred acres.

Cornelius, the second son of Justice Jacobus Swartwout, whose Christian name was that of his mother's father, purchased, on May 27, 1757, of John Andres, one hundred acres of land lying on the south side of the Fish Kill, and on the north side of the road leading from Beekman's Precinct to Fishkill Landing. Whether or not he lived on this farm with his family it is difficult to determine. When he conveyed it to Michael Rogers, on May 1, 1762, for £300, the purchaser was occupying it.

The disastrous character of the surrender of Fort William, at the south end

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1 "Hier Lydt Het Lichaam [Lichaam] van Jacobus Swartwout Zynde In de Heere Gerust Daer 3 Dagij van April, 1749, Oudc Zynde 57 Jaaren Een Maant En 20 Dagen."
2 Book of deeds, iii., pp. 313-316; 9, p. 406, in the office of the clerk of Dutchess County; and a deed in the possession of Francis Burroughs, now owning the eastern farm.
3 "To Be Sold, an Excellent Farm, Belonging to the estate of Rudolphus Swartwout, deceased, situated in Rumbout's precinct, in Dutchess County, four miles east from Fishkill and nine from the Landing, on the post-road leading from Fish Kill to Fredericksburgh and Danbury, adjoining the farm of Judge Van Wyck, deceased; containing about Two Hundred Acres of Good Land, very level and clear of stones, and a great part of it most excellent Meadow Land, which yields above fifty tons of exceeding good Hay yearly. There is likewise on the premises a Large Stone House, with a convenient Kitchen, Cellar Kitchen and Cellar under the house, a very good Barn and wagon House, both covered with cedars and an exceeding good Orchard; said farm is well watered and in good fence and repair. "Fish Kill, Dec. 11, 1782."
4 "JACOBUS SWARTWOUT, Executors."
5 Book of deeds, xxvi., pp. 61-64, in the office of the clerk of Dutchess County.
of Lake George, on August 9, 1757, to the French, made the people of the province of New York realize the importance of immediate action on the part of the British Government to prevent the farther advance of the enemy and at the same time recognize the imperative necessity of driving him into Canada as quickly as practicable. As loyal subjects of King George II., they heartily approved the course taken by the crown early in the year 1758, when, on March 25, James De Lancey, his majesty's lieutenant-governor and commander-in-chief, in and over the province of New York, and the territories depending thereon, issued a proclamation for the enlistment of "two thousand six hundred and eighty effective men, officers included, to be employed in conjunction with a body of his majesty's British forces and the forces of the neighbouring colonies against the French settlements in Canada," promising "each able-bodied man entering voluntarily into the said service the sum of ten pounds as a gratuity." As particularized in this provincial call for volunteers, the "rates of pay to the non-commissioned officers and men" were the following: Sergeants, one shilling and eightpence a day; corporals and drummers, one shilling and sixpence; and privates, one shilling and threepence.

Cornelius, the son of Justice Jacobus Swartwout, at that time thirty-six years of age, bore a creditable part in the campaign of 1758 as captain of a company of Dutchess County volunteers. His company served under Major-General Ralph Abercrombie, who undertook the reduction of Fort Carillon at Ticonderoga. Having the command of seven thousand regular British troops, and ten thousand volunteers and militia, furnished by different provinces, "he embarked his forces on Lake George in one hundred and twenty-five whale-boats and nine hundred batteaux, attended by a formidable train of artillery, transported on rafts, with every other requisite of success. In crossing the isthmus between Lake George and Champlain, Lord George Viscount Howe, at the head of the right-centre column, fell in with the advanced guard of the enemy, which, in retreating from Lake George, like the English column, was lost in the woods. He attacked and dispersed them, killing several, and making one hundred and forty-eight prisoners. But, though only two officers on the British side were slain, Lord Howe was one. * * * *"

"Learning from the prisoners the force under the walls of Ticonderoga, and that a reinforcement of three thousand men was daily expected, Major-General Abercrombie proposed to storm the place, and caused the works to be reconnoitered. Upon a superficial and imperfect survey, the fatal resolution was taken to attempt the fort, before the artillery arrived. The troops marched intrepidly to the assault, on July 6, but could make no impression; the felled trees in front of the entrenchment, which had been unobserved, and a breast-
work of eight or nine feet, presented unexpected and insurmountable obstacles,
before which the assailants were exposed to a murderous fire for four hours,
with a loss of two thousand men.

“This rash attempt was not more ill-advised than the subsequent hasty retreat. The fort was, in truth, unfinished, and at one point easily approachable, and the garrison did not exceed three thousand men; and, from the dread of the British, greatly superior in numbers, the French general had actually prepared to abandon this position, with Crown Point.”

After the retreat of Major-General Abercrombie to the south end of Lake George, a detachment of three thousand men, under Colonel John Bradstreet was sent by the way of Albany to reduce Fort Frontenac, at the eastern end of Lake Ontario. On the twenty-seventh of August, the English were in possession of it. This success inspired Great Britain to prosecute with greater vigor the war against France, in North America.

In a proclamation, dated on March 7, 1759, Lieutenant-Governor James De Lancey made another call for the enlistment in the province of two thousand six hundred and eighty effective men, officers included, promising a bounty of fifteen pounds to each volunteer. “Whereas,” as he remarks, “his majesty hath nothing so much at heart as to improve the great and important advantages gained [in the] last campaign as well as to repair the disappointment at Ticonderoga, and by the most vigorous and extensive efforts, to avert, by the blessing of God on his arms, all dangers which may threaten North America from any future irruptions of the French,” all of which were to be accomplished by “invading Canada and carrying war into the heart of the enemies’ possessions.”

Under this call for provincial troops to serve in the campaign of 1759, Jacobus, the youngest brother of Captain Cornelius Swartwout, was appointed, in 1759, captain of a company of Dutchess County volunteers. The four companies of volunteers raised in the county (the three others being those commanded by Captains John Pawling, Samuel Badgeley, and Richard Rae), were transported by river-craft, in May, to Albany, where they were incorporated in the army of twelve thousand regular and provincial troops commanded by Major-General Jeffrey Amherst, which moved from that city, in July, to attack Fort Carillon. The French, aware of their inability to cope successfully with this large force of British and provincial troops, quickly withdrew from Ticonderoga and Crown Point, leaving the forts there to be occupied by the English forces.

“In order to complete the reduction of Canada,” Lieutenant-Governor De

Lancey, on March 22, 1760, issued another call for the enlistment of "two thousand six hundred and eighty effective men, officers included," with a promise of fifteen pounds bounty to each volunteer. By a commission, dated March 22, 1760, Captain Jacobus Swartwout was again placed in command of a company of Dutchess County volunteers, of which Nicholas Emanuel Gabriel and Isaac Bush (Ter Bos) were lieutenants. The company, as shown by the muster-roll of May 1, 1760, was composed of men who had previously enlisted in the companies of Captains Cornelius Swartwout, Henry Rosekrans, Eleazer Dubois, and other officers named on it.

The meritorious services in this war of Abraham, son of Abraham and Tryntje van Kleeck Swartwout, born in Poughkeepsie in 1743, and second cousin to Captains Cornelius and Jacobus Swartwout, frequently obtained for him honorable mention for being an exemplary soldier and admirable officer. On April 8, 1760, at the age of seventeen years, he enlisted in Captain Peter Harris's company of Dutchess County volunteers, of which Joseph Powell and Isaac Conclin were lieutenants. His initiative experience in the campaign of 1760 influenced him to enlist in the same company on April 11, 1761, under the call of the Honorable Cadwallader Colden, president of his majesty's council and commander-in-chief of the province of New York, on April 4, for volunteers "to be employed in securing his majesty's conquests in North America." As entered upon the muster-roll of the company, Abraham Swartwout was then six feet and one inch in stature. In the campaign of 1761, he held the position of a sergeant.

Among the commissions given by Lieutenant-Governor Cadwallader Colden to officers about to serve in the campaign of 1762, were those of lieutenant to Teunis Corsa and Abraham Swartwout in Captain Peter Harris's company of Dutchess County volunteers, in the Second New York Regiment, commanded by Colonel George Brewerton. As a part of the force of volunteers would be employed in an intended attack upon the city of Havana, on the island of Cuba, for Spain had become, in January, 1762, an ally of France, Lieutenant-Governor Cadwallader Colden, in order to assure those of the volunteers who were willing to participate in the reduction of Morro Castle and other Spanish strongholds in Cuba, that they would not thereafter

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1 Fifteen days before the date of this commission, Captain Jacobus Swartwout had been married to Aeltje, the daughter of Isaac and Sarah Brinckerhoff, of Rombout Precinct. He was then twenty-five years old and she nineteen. Her father, born at Flushing, on Long Island, January 12, 1713, was the twin brother of Jacob, and the third son of Uerick Brinckerhoff. He was married to Sarah Rapelje, on February 28, 1737, by whom he had two children: Derick, born May 21, 1739, and Aeltje, September 23, 1740.

2 April 26, 1759, Captain Jacobus Swartwout was paid £1,872 bounty for 117 men. May 7, 1760, Captain Jacobus Swartwout was paid £1,508 bounty for 98 men.

be retained in the service of Great Britain as regular troops, issued the following proclamation:

"Having received Information that the Inlistment of Volunteers to serve in the Forces in the Pay of this Colony has been greatly discouraged from an Apprehension that they may be compelled to enter the King's Regular Forces, and that such of them as already or may be hereafter embarked, are to proceed on some service from whence they will not speedily return: In order to remove such Prejudices, and the Obstruction that might arise thereby to the King's service, You are to make known to the Volunteers already inlisted, and to all Persons whom you shall endeavour to inlist in the Pay of this Province, that His Excellency, Sir Jeffrey Amherst, Commander in Chief of His Majesty's Forces, hath assured me the Provincial Troops of this Colony shall not by any Means be compelled to inlist in the Regular Service. Those who embark, amounting to Five Hundred and Fifty-Three, shall, as soon as the Service they be destin'd for is effected, which cannot be of long Duration, immediately return to New York. That the Remainder of the Troops of this Province are ordered to Albany, and from thence to Oswego, where they will be employed as last year, unless other Services shall call them from thence; and that when the Campaign is over they will of Course be sent back to their Homes.

"You are also to notify That the Troops who embark will receive an additional Bounty of forty Shillings allowed by the Province as a farther Encouragement to induce them to go on that Service with Cheerfulness and Alacrity.

"Given under my Hand at Fort George, in New York, the Twenty-first Day of May, 1762.

"Cadwallader Colden.

"To Colonel Michael Thodey, commanding officer, and to all officers authorized to inlist Volunteers to serve in the Forces in the Pay of the Colony of New York."

"Havana," as described by Bancroft, "was then as now, [in 1852,] the chief place in the West Indies, built on a harbor large enough to shelter all the navies of Europe, capable of being made impregnable from the sea, having docks in which ships of war of the first magnitude were constructed, rich from the products of the surrounding country, and the centre of the trade with Mexico. Of this magnificent city England undertook the conquest. The command of her army, in which Carleton and Howe each led two battalions, was given to Albe-


Document No. 8, in the Appendix.
marie, the friend and pupil of the Duke of Cumberland. The fleet was in­trusted to Pocoke, already illustrious as the conqueror in two naval battles in the East.

"Assembling the fleet and transports at Martinico, and off Cape St. Nicholas, the adventurous admiral sailed directly through the Bahama Straits, and on the sixth day of June came in sight of the low coast around Havana. The Spanish forces for the defence of the city were about forty-six hundred; the English had eleven thousand effective men, and were recruited by nearly a thousand negroes from the Leeward Islands, and fifteen hundred from Jamaica. Before the end of July, the needed reinforcements arrived from New York and New England; among these was Putnam, the brave ranger of Connecticut and numbers of men less happy, because never destined to revisit their homes.

"On the thirtieth of July, after a siege of twenty-nine days, during which the Spaniards lost a thousand men, and the brave Don Luis de Velasco was mortally wounded, the Moro Castle was taken by storm. On the eleventh of August, the governor of Havana capitulated, and the most important station in the West Indies fell into the hands of the English. At the same time, nine ships of the line and four frigates were captured in the harbor. The booty of property belonging to the king of Spain was estimated at ten millions of dollars.

"This memorable siege was conducted in mid-summer against a city which lies just within the tropic. The country round the Moro Castle is rocky. To bind and carry the fascenes was of itself a work of incredible labor, made possible only by aid of African slaves. Sufficient earth to hold the fascenes firm was gathered with difficulty from crevices in the rocks. Once, after a drought of fourteen days, the grand battery took fire by the flames, and crackling and spreading where water could not follow it, nor earth stifle it, was wholly consumed. The climate spoiled a great part of the provisions. Wanting good water, very many died in agonies from thirst. More fell victims to a putrid fever, of which the malignity left but three or four hours between robust health and death. Some wasted away with loathsome disease. Over the graves the carrion-crows hovered, and often scratched away the scanty earth which rather hid than buried the dead. Hundreds of carcasses floated on the ocean. And yet, such was the enthusiasm of the English, such the resolute zeal of the sailors and soldiers, such the unity of action between the fleet and army, that the vertical sun of June and July, the heavy rains of August, raging fever, and strong and well-defended fortresses, all the obstacles of nature and art, were surmounted, and the most decisive victory of the war was completed."

Environed by such shocking and depressing scenes as these, heroically suffering the same privations, courageously co-operating in the face of numerous reverses and discomfitures to accomplish the reduction of fortifications strongly built on steep and rocky eminences, Lieutenant Swartwout manfully bore his part in the brunt of the siege of Havana and the storming of Morro Castle and other Cuban strongholds in the successful campaign of 1762. He with other provincial volunteers was undoubtedly among those who received prize-money, as is disclosed by the following advertisement:

"This is to give Notice to all Officers and Soldiers belonging to the New York Regiment in the Yeare 1762, that were at the Reduction of the Havannah, under the command of Col. George Brewerton;—That from certain Advice received from London lately, there are Powers [of Attorney] agreeable to proper Forms to be made out here for the Recovery of the Prize Money due to such as are entitled to it; and applying either to Col. Michael Thodey, or Col. George Brewerton in New York, they may be put into the proper Method for the Recovery of such Part as they shall respectively be entitled to. Those who are entitled from the Wills and Powers [of Attorney] of the Deceased, in the first Division made of the Prize Money shared at the Havannah, and not receipted for by me, will likewise have a Form given them, if they think the Expence will answer their Expectations.

"GEORGE BREWERTON, jun." ¹

Besides serving as a captain of a company of volunteers in the French and Indian War, Jacobus Swartwout was commissioned on December 30, 1769, "one of the coroners of the county of Dutchess." ²

¹ The New York Mercury, May 21, 1764.
² Record of commissions. Liber iii., pp. 430, 431, in the general library of the state of New York.
CHAPTER VI.
SIRS AND SONS OF THE REVOLUTION.
1775-1777.

The people of the thirteen North-American colonies, perceiving that the government of Great Britain arrogantly disregarded their successive appeals for a recognition of their political rights as subjects of the crown, finally elected and sent representatives to a general congress, which opened its sessions in Carpenters' Hall, in Philadelphia, on Monday, September 5, 1774.

The convened delegates, "in order to obtain such establishment" for "the inhabitants of the English colonies in North America" as was not subversive of "their religion, laws, and liberties," set forth certain claims in a series of resolutions, in which the following were embraced:

"Resolved, nemine contra dicente [or unanimously]; 1. That they are entitled to life, liberty, and property, and they have never ceded to any sovereign power whatever a right to dispose of either without their consent.

"Resolved, nemine contra dicente, 2. That our ancestors, who first settled these colonies, were at the time of their emigration from mother country, entitled to all the rights, liberties, and immunities of free and natural-born subjects, within the realm of England." 1

On October 20, 1774, for the purpose of quickening into serviceable activity the patriotism of the colonists, the colonial representations drafted a memorial of association, in which it was advised "that a committee be chosen in every county, city, and town by those who are qualified to vote for representatives in the legislature, whose business it shall be to observe attentively the conduct of all persons touching this association; and when it shall be made to appear, to the satisfaction of a majority of any such committee, that any person, within the bounds of their appointment, has violated this association, that such majority do forthwith cause the truth of the case to be published in the gazette to the end that all such foes to the rights of British America may be publicly known and universally contemned as the enemies of American

1 Journals of the American congress, vol. i., p. 20.
liberty, and that thenceforth we respectively will break off all dealings with him or her.”

The first of the inhabitants of the province of New York to comply with this request, it seems, were those of the city of New York, who, on November 18, 1774, appointed sixty of the citizens to be a committee of observation. Elsewhere in the province, committees of observation were also elected to act in conformity with the enjoinderment of the general congress.

On May 29, 1775, the New York provincial congress, in convention in the city of New York, “Resolved that it be recommended, and it is hereby accordingly recommended, to all the counties in this colony (which have not already done it), to appoint county-committees and also sub-committees for their respective townships, precincts, and districts without delay in order to carry into execution the resolutions of the continental and this provincial congress.

“And that it is also recommended to every inhabitant of this colony who has hitherto neglected to subscribe the general association, to do it with all convenient speed. And for these purposes that the committees in the respective counties, in which committees have been formed, do tender the said association to every inhabitant within the several districts in each county. And that such persons in these counties or districts, who have not appointed committees as shall be appointed by the members of this congress representing such counties and districts respectively, do make such tender as aforesaid in such counties and districts respectively, and that the said committees and persons respectively do return the said association and the names of those who shall neglect or refuse to sign the same to this congress by the fifteenth day of July next, or sooner if possible.”

In the town of Fishkill, Dutchess County, the following named persons composed its committee of observation: Dirck G. Brinckerhoff, chairman; Captain Jacobus Swartwout, deputy chairman; John H. Sleight, clerk; Jacobus de Graff, Captain Isaac Hageman, Elias van Bunschoten, Captain Joseph Horton, Thomas Storm, Colonel Abraham D. Brinckerhoff, John Myers, John S. Brinckerhoff, John A. Brinckerhoff, Richard van Wyck, Henry Godwin, John Langdon, William van Wyck, Captain Jacob Griffin, Matthew van Bunschoten, Captain Isaac Ter Boss, Henry Schenck, Henry Rosecrans, junior, Doctor Theodorus van Wyck.

Among the first steps taken by the general congress to organize the American continental army was the appointment, on June 15, 1775 (two days before the battle of Bunker Hill), of “George Washington, esq.,” general and

1 Journals of the American congress, vol. i., p. 35.
2 Minutes of the provincial congress, vol. i., p. 97.
3 Historical sketch of the town of Fishkill, from its first settlement. By T. van Wyck Brinckerhoff, pp. 75, 76. 1866.
commander-in-chief of “all the continental forces, raised or to be raised for the defence of American liberty.” Two days later, Artemas Ward of Massachusetts was chosen first major-general, Charles Lee of Virginia, second major-general, and Horatio Gates, also of Virginia, adjutant-general, having the rank of brigadier-general. On June 19, Philip Schuyler of New York was appointed third major-general, and Israel Putnam of Connecticut, fourth major-general.

Six days after his appointment, General Washington departed from Philadelphia for Cambridge and, on July 3, took command there of the continental army.

The pledge, or general association, which the New York provincial congress had urged the people of the different countries to sign and maintain, was tendered to the inhabitants of Rombout Precinct in the following form:

“Persuaded that the salvation of the rights and liberties of America depends, under God, on the firm union of its inhabitants in a vigorous prosecution of the measures necessary for its safety; and convinced of the necessity of preventing the anarchy and confusion which attend a dissolution of the powers of government; we, the freemen, freeholders, and inhabitants of Rombout’s Precinct, being greatly alarmed at the avowed design of the [British] Ministry to raise a revenue in America, and shocked by the bloody scene now acting in the Massachusetts-Bay, do, in the most solemn manner resolve, never to become slaves, and do associate under all the ties of religion, honour, and love to our country, to adopt and to endeavour to carry into execution whatever measures may be recommended by the continental congress, or resolved upon by our provincial congress, for the purpose of preserving our constitution and opposing the execution of the several arbitrary and oppressive acts of the British parliament until a reconciliation between Great Britain and America, on constitutional principles (which we most ardently desire) can be obtained; and that we will in all things follow the advice of our general committee respecting the purposes aforesaid, the preservation of peace, good order, and the safety of individuals and private property.”

The first meeting of the committee of observation of Rombout Precinct was held on Thursday, July 13, 1775, at the public house known as the “Rendezvous,” of which Captain Jacob Griffin was the popular landlord. Standing on the west side of the road leading from the village of Fishkill to Hopewell, a quarter of a mile north of the junction of the New Hackensack road and that highway, the noted wayside-inn was in open view from the residence of Captain Jacobus Swartwout, on the east side of the New Hackensack road.

1 Captain Jacobus Swartwout’s first purchase of land, at Swartwoutville, was a farm of 192 acres, now owned by Edward Lane. Later he bought the farm owned by David Barlow, and certain meadow-land belonging to William B. Alger, both parcels embracing about 580 acres.
When the committee of observation of Rombout Precinct held its second meeting, on Saturday afternoon, July 29th, at Captain Jacob Griffin’s inn, the persons who had been appointed to tender the association to the inhabitants and freeholders of the precinct returned the association papers to the committee, which, having taken into consideration that a number of persons had not signed them by reason of not having an opportunity, occasioned by the shortness of time in which they were to be returned to the committee, and that there were others who were still unconvinced of their duty to sign them, ordered that the chairman of the committee should write a letter to the president of the provincial congress, at New York, to acquaint him with the causes for the delay in returning the papers, and to request permission to retain them until the fifteenth day of August. On that day the committee again met at the inn, and having made “a true copy of the names of those persons who signed and who refused signing the association,” the chairman was “ordered to transmit the same to the provincial congress with the utmost dispatch, and keep the original in his hand for the inspection of the committee.” Among those who signed were Captain Jacobus Swartwout, deputy chairman of the committee, and his two brothers, Dalf (Rudolphus) and Samuel; the two sons of Samuel, Jacobus and Johannes; the two sons of Captain Jacobus’s deceased brother, Thomas, Jacobus (James) and William; and the two sons of his deceased brother, Captain Cornelius Swartwout, Jacobus (C.) and Cornelius, all of whom were residents of Rombout Precinct.¹

The members of the Poughkeepsie branch of the Swartwout family were no less patriotic and prompt in signing the pledge of association tendered the inhabitants of that part of Dutchess County. Among the names subscribed to it there, in June and July, 1775, are found those of Johannes Swartwout, who was then entering the sixtieth year of his age; that of his nephew, Barnardus, the son of his deceased brother, Rudolphus; that of his nephew, Lieutenant Abraham; the son of his deceased brother, Abraham, and those of his three sons, Barnardus, Minnard (Myndert) and John.²

Among the inhabitants of Orange County who signed the pledge of association in June, at Goshen, was Anthony Swartwood [Swartwout], of the district of Blooming Grove; and among those in Mamacating [Maghaghkemeck] Precinct, Ulster County, were Justice Philip Swartwout and his three sons, Jacobus, Philip, and Gerardus.³

The people of the colony of New York evidently first placed themselves in a hostile attitude toward Great Britain, when, on May 31, 1775, the pro-

¹ Historical sketch of the town of Fishkill. By T. van Wyck Brinckerhoff, pp. 76, 78.
⁴ Ibid. p. 506.
The provincial congress, holding its sessions in the Exchange, in the city of New York,

"Resolved, that it be recommended to the inhabitants of this colony in general, immediately to furnish themselves with necessary arms and ammunition, to use all diligence to perfect themselves in the military art, and, if necessary, to form themselves into companies for that purpose, until the further order of this congress.

"Ordered, that this resolve be printed in the newspapers, and that five hundred copies hereof be printed in handbills. * * * *

"Resolved, that in compliance with the resolution of the continental congress of the twenty-fifth instant, this congress will use all possible diligence in embodying men according to the said resolution."

For the furtherance of this intention, fourteen members of the New York provincial convention were then appointed "a committee to report an arrangement of the troops to be embodied for the defence of the colony."

Meanwhile, on June 28, warrants were issued through the military committee designating the officers of four infantry companies to be enlisted in Dutchess County. The New York provincial congress, on July 8, appointed Captain Jacobus Swartwout muster-master of the four companies of troops to be raised there "in defence of American liberty."1

Later, in compliance with the resolution of the provincial congress, four regiments of infantry and one company of artillery, known as those of the New York continental line, were organized, and, on August 4, were given the following rank by the military committee:

The regiment raised in the city of New York was made the first or senior regiment, having for its field officers: Alexander McDougall, colonel; Rudolphus Ritzema, lieutenant-colonel, and Herman Zedwitz, major.

That of Albany County, the second regiment, having for its field officers: Goose van Schaick, colonel; Peter Yates, lieutenant-colonel, and Peter Gansevoort, junior, major.

That of Ulster County, the third regiment, having for its field officers: James Clinton, colonel; Cornelius D. Wynkoop, lieutenant-colonel, and Henry Livingston, junior, major.

That of Dutchess County, the fourth regiment, having for its field officers: James Holmes, colonel; Philip van Cortlandt, lieutenant-colonel, and Barnabas Tuthill, major.

Of the artillery company raised in the city of New York, John Lamb was captain.2

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2 Military committee, vol. 25, p. 119.
THE SWARTWOUT CHRONICLES.

"All four regiments, and also Lamb's artillery company, served in the Canada campaign of 1775, under [Brigadier-General Richard] Montgomery, and in the operations which resulted in the capture of the forts at St. Johns and Chamblee. In the middle of November, General Montgomery entered Montreal, and immediately began to reorganize his army for the winter campaign. The six months for which the New York men had enlisted expired with that month, but, in the language recorded by one of their officers in his diary, they 'resolved to see an end to the campaign.' Accordingly a large number of them re-enlisted to the 15th of April, 1776, and accompanied General Montgomery to Quebec. In the siege and during the assault of that place, where their commanding general fell, the New York men bore a conspicuous part, and a number were killed, wounded, and taken prisoners. Lamb's artillery company was almost destroyed, and he himself dangerously wounded and captured." 

The first person bearing the surname of Swartwout to serve as a soldier in the war of the Revolution was Cornelius, son of Johannes and Neeltje van der Bogaerdt Swartwout of Poughkeepsie Precinct. He enlisted on June 5, 1775, when eighteen years old, and did duty until September 28, that year, as a fifer in Captain Lewis Dubois's company in the Third New York Regiment of the continental line, commanded by James Clinton. On November 15, he again enlisted, and inspired with the martial music elicited from his fife the movements of Captain Elias van Bunschoten's company in the same regiment until February 16, 1776. He again volunteered on July 29, 1776, and became the fifer of Captain Barnardus Swartwout's company in Colonel Jacobus Swartwout's regiment of minute-men. Although he enlisted on December 18, that year, in Captain James Gregg's company in the Third New York Regiment, he remained, it would seem, until February, 1777, in Captain Barnardus Swartwout's company. He then became connected with the Third New York Regiment, and in it served until the end of the war, when he was honorably discharged."

"From the meagre information extant concerning the organization of the four New York regiments of the continental line, on June 28, 1775, and particularly that respecting the constitution of the companies belonging to the Fourth New York, or Dutchess County, Regiment, of which James Holmes was made colonel on June 30, it is difficult to determine the precise dates of the enlistment of Henry, son of Captain Cornelius and Elizabeth Ter Bos

1 Montreal surrendered on November 13, 1775.
2 Quebec assaulted and Brigadier-General Montgomery killed on December 31, 1775.
4 His name is signed to a pay and receipt-roll of Captain Barnardus Swartwout's company, dated February 3, 1777. Vide manuscripts belonging to Captain Barnardus Swartwout in possession of one of his descendants.
Swartwout, or that of John, son of Samuel and Phebe Pudney Swartwout, or that of William, son of Thomas and Mary Garseling Swartwout. The three cousins, it would seem, enlisted in the summer in the company of which James (Jacobus) Rosekrans was made captain, on August 3, 1775."

The faithful service of Henry Swartwout obtained for him, on November 21, 1776, the commission of an ensign, with rank from March 28, that year. On December 23, the company having for its officers: Jacobus Rosekrans, captain; Henry Dodge, first-lieutenant; Samuel Dodge, second-lieutenant, and Henry Swartwout, ensign, was transferred to the Fifth New York Regiment, commanded by Colonel Lewis Dubois. He was taken prisoner at Fort Montgomery on October 6, 1777. He was promoted from ensign to lieutenant on February 28, 1780, and, on December 17, that year, exchanged. On January 1, 1781, having temporarily served as a lieutenant in Captain Benjamin Hick's company, in the First New York Regiment, commanded by Colonel Goose van Schaick, he was transferred to that regiment, and served as a lieutenant in Captain Henry Tiebout's company until the close of the war.1

The New York provincial congress, having authorized the raising of two regiments of minute-men in Dutchess County, appointed, on September 2, 1775, the following persons to be the field officers of one of the battalions: Captain Jacobus Swartwout, colonel; John Bailey, junior, lieutenant-colonel; Malcom Morrison, and Henry Schenck, majors; Joshua Carman, junior, adjutant; and Henry Godwin, quarter-master.

The officers appointed for the other battalion were: John van Ness, colonel; Cornelius Humphrey, lieutenant-colonel; Robert G. Livingston, junior, and James Reed, majors; Reuben Hopkins, adjutant; and Joseph Ketcham, junior, quarter-master.2

About the beginning of January, 1776, General Washington, having learned that Lieutenant-General Henry Clinton purposed to sail from Boston with a force of British troops, and apprehending that his destination was the city of New York, ordered Major-General Charles Lee, who was at that time on detached service in Connecticut, "to take such volunteers as he could quickly assemble on his march, and put the city of New York in the best posture of defence which the season and circumstances would admit of."

On February 4, Major-General Lee reached the city. A few hours later a British man-of-war, having on board Lieutenant-General Henry Clinton,

1 Historical register of officers in the continental armies. By F. B. Heineman.
Records of the Revolutionary war. War Department, Washington, D. C.
anchored off Staten Island. As it was afterward learned, the vessel had put into the bay to permit him to pay his respects to Governor William Tryon, who was still exercising official authority over the province. The arrival of the British vessel, which was attended by several transports, caused great consternation in the city.

"Rumors magnified Clinton's two or three transports into a British fleet of nineteen sail," and many citizens, overcome by fear, hastened to betake themselves and families to interior farms and villages. Merchandising and kindred occupations lost their activity, and little else than personal safety seemed for the time to concern the greater number of the inhabitants. After a week's stay, Sir Henry Clinton departed and proceeded on his way by water to South Carolina.

In order to increase the number of troops under the command of Major-General Lee, and to prevent the landing of any British force upon the territory of his department, the following order was transmitted by Robert Yates, chairman of the committee of safety of the colony of New York, to Colonel Jacobus Swartwout:

"New York, February 9, 1776.

Sir:

You will see by the inclosed resolution that Major-General Lee, now at New York, is authorized to call in as many of the minute-men of this colony as he may think necessary.

I am directed by the general to have some regiments of minute-men called here immediately. Your regiment is fixed on by the committee of safety of this colony as proper to be called; you are therefore, on receipt hereof, to march with your regiment to New York, with all possible dispatch. Take care that your men have their knapsacks and blankets with them, and provision for their march. The quarter-master ought, by all means, to come with the regiment.

It is not doubted but you will give orders that your troops observe the greatest regularity in their march, and if you order the several companies to precede each other a few miles in their march, they will be more easily accommodated. Suffer no delay in bringing in your regiment.

I am, respectfully, yours.

R. Yates, chairman.

"To Colonel Jacobus Swartwout.

"P. S.—It is expected that Colonel Drake will leave a sufficient guard of his regiment at the cannon beyond King's Bridge. He will be a proper judge how many will be necessary for that small service."

A similar order was transmitted the same day to Colonel Joseph Drake, commanding a regiment of Westchester County minute-men.

King's Bridge, which spanned Spuiten Duivel Kill, flowing into the Hudson at the north end of Manhattan Island, was a wooden structure, on the post-road running thence northward and eastward by divergent highways. The cannon, at a point north of the bridge, where Colonel Drake had been ordered to leave a guard, it may be well to remark here, had been spiked recently by tories residing in that neighborhood.

Colonel Jacobus Swartwout promptly obeyed the order and marched his partly organized regiment of minute-men to the city of New York, where he arrived on the fifteenth day of February. On that day the provincial congress, then in session in the city, planning to provide quarters for the troops ordered there, expressed its preliminary action in the following preamble and resolution:

"Whereas, a large body of troops are daily expected from the neighboring counties and colonies for the defence of this city against the ministerial army and navy, in which case it will be necessary (as the barracks are already filled with those already arrived) to provide proper houses for their reception: It is therefore

"Resolved and ordered, that the general committee for the city and county of New York be requested forthwith to cause a return to be made to them of all the empty houses in this city, and that they, or a sub-committee of their body, select a sufficient number of the said houses for the accommodation of the troops that shall from time to time arrive."

On February 16 the provincial congress, having been informed "that the floors were laid in the hospital lately erected in this city," resolved, "that Colonel Swartwout be authorized to demand the keys of the hospital, lately erected in this city, and open the same; that he examine the rooms and apartments, and if he think them proper for quartering troops in, that he be authorized to make use of the same for his regiment of minute-men."

In a communication addressed to the provincial congress by Colonel Jacobus Swartwout on February 20, in which, after referring to the companies severally commanded by Captain John Schenck, Captain Joshua Barnum, and Captain James Weeks, belonging to his regiment, with which he had arrived in the city, he remarks: "I expect the following captains in hourly: Captain Phenix Woodward, from Pawling's precinct; Captain Comfort Ludington, from Fredericksburgh precinct; Captain William Clarke, from Reekman's precinct, and Captain John Dorlon, from Rombout precinct." 

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By the accession of the three regiments of minute-men, the American force in the city numbered about seventeen hundred men; Colonel David Waterbury's Connecticut regiment having been the first to reach the metropolis; next the First New Jersey Regiment, commanded by Lord (Brigadier-General William Alexander) Stirling; and the last of the six, Colonel Andrew Ward's Connecticut regiment, which arrived on the twenty-fourth day of February.

Major-General Lee, having been ordered to take command of the Department of the South, quitted the city on March 7, leaving Lord Stirling to continue the work on the fortifications. "This officer's energy was conspicuous. His predecessor had already found him a great acquisition, and he pushed on the defences of the city as rapidly as his resources would permit. The force under his immediate command, according to the returns of the 13th, amounted to a total of two thousand four hundred and twenty-two officers and men, besides the city independent companies, under Colonel John Lasher and William Hayes, and local militia, which swelled the number to about four thousand."  

The British having evacuated Boston on March 17, Brigadier-General William Heath of the American army was ordered on the following day to march to the city of New York with five regiments of infantry and several companies of artillery. On March 29 Major-General Putnam was instructed to proceed thither and take command of the troops found there, and to advance as rapidly as possible on the work on the fortifications. General Washington, on reaching the city, on April 13, "arranged the army into five brigades, with the view of putting them into suitable and permanent camps. To the command of these he assigned Heath, Spencer, Sullivan, Greene, and Stirling, in the order of their rank. The twenty-five battalions, which made up the force at this date, numbered together not quite ten thousand men."

"But hardly were the orders for this new arrangement issued before events required its modification. Our affairs proving to be in a bad way in the direction of Canada, it became necessary to dispatch General Sullivan with six regiments to the northward, and, on the 29th of April, the troops in New York were formed anew into four brigades and assigned to their respective camps."

The sixth person surnamed Swartwout to become in the order of time an active participant in the war was Lieutenant Abraham Swartwout of Poughkeepsie. The committee of safety of Dutchess County, having, on February 8, 1776, recommended him as worthy of a captaincy in one of the four regiments to be raised for continental service, he, on February 19, was appointed

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1 Privates present fit for duty: Stirling's regiment, 407; Waterbury's, 457; Ward's, 489; Drake's, 104; Swartwout's, 186; Van Ness's, 110; Captain Ledyard's company, New York, 64.


to that position. On March 22, a part of his company was mustered into service at Poughkeepsie, and the other division of it, on April 15, at Fort Montgomery. There, on April 27, the company was designated the sixth of the companies assigned that day to the Second New York Regiment, commanded by Colonel James Clinton, with which battalion it remained until it was transferred, on November 21, 1776, to the Third New York Regiment of which Colonel Peter Gansevoort, junior, was given the command. In May, 1778, his name was omitted from the regimental roll. On October 19, 1779, he was appointed by the Council of Appointment captain of a company in the regiment of Associated Exempts, of which Zephaniah Platt was then appointed colonel.

Cornelius, son of Rudolphus and Elsje Sanders Swartwout, engaged in business in the city of New York, on recognizing the urgent want of more troops for continental service enlisted, on April 16, 1776, in Captain Sebastian Bauman's company of New York City artillery, raised for it, on March 16, by the provincial congress. On May 25, after the company was attached to Colonel Henry Knox's regiment of continental artillery, Cornelius Swartwout addressed a petition to "the Honorable Provincial Congress," writing:

"I am requested by Captain Bauman to lay before your honors that, with his approbation, I have done duty in his company of artillery as third lieutenant, and we recruited great part of the men both in town and country. I have already passed review before Lord Stirling. His lordship and Colonel Knox having given orders for the company to pass general muster with the regiment of artillery to-morrow morning, I beg your honors will be pleased to grant me that appointment, which will confer an honor upon one who always has been and ever shall be ready to lay down his life in defence of his country."

The request was granted, and he was appointed second lieutenant of the company on July 1, 1776, to rank from May 27. From that position he was promoted on January 1, 1777, to be first lieutenant, at which time the company was transferred to the second regiment of the continental corps of artillery, commanded by Colonel John Lamb.

At the beginning of the summer of 1776, the colony of New York had five regiments in continental service: the First New York Regiment, commanded by Colonel Alexander McDougall; the Second, by Colonel James Clinton; the Third, by Colonel Rudolphus Ritzema; the Fourth, by Colonel Cornelius D. Wynkoop; the Fifth, by Colonel Goose van Schaick. The First, Second, and Third were assigned to the defence of the city of New York; the Fourth was stationed at Ticonderoga, and the Fifth was placed on duty in detachments at different points between Half-Moon Point (Waterford) and Crown

1 Calendar of historical manuscripts relating to the war of the Revolution, vol. i., p. 309.
On August 9, Colonels McDougall and Clinton were promoted to the rank of brigadier-generals.

Barnardus Swartwout, of Poughkeepsie Precinct, a brother of Cornelius, who was second lieutenant in Captain Sebastian Bauman’s artillery company, having been appointed on July 25, 1776, a captain to command an infantry company, was authorized on the same day “to enlist three sergeants, three corporals, one drummer, one fifer, and fifty privates to serve in the state of the colony until the last of December, unless sooner discharged.” The men were promised ten dollars bounty at their first mustering, and ten at their second, in addition to their monthly pay of fifty-three shillings and four pence. The equipment of each man was “a good gun, or musquet, a cartridge-box, and other accoutrements, and one blanket,” and every sixth man was provided with a camp-kettle.

As ordered, the company marched on Monday, August 5, from Poughkeepsie to Fishkill, and on the following day to Peekskill, where, on Wednesday, one day’s allowance of pork was issued to the men.

The specified daily ration of a soldier in continental service at that time was three quarters of a pound of pork, or one pound of beef or of salt fish, one pound of flour or of bread, three pints of peas or of beans weekly, one pint of milk or one penny in lieu thereof, one pint of Indian meal or of rice weekly, twenty-four pounds of soft or eight of hard soap to every hundred men weekly, and candles for men on guard-duty at night.

Leaving Peekskill on Wednesday, August 7, Captain Barnardus Swartwout’s company reached Lent and Chace’s Landing late in the afternoon of the same day. Proceeding on Sunday thence southward by short marches, it arrived on Tuesday evening of the following week at “headquarters,” near King’s Bridge, where it joined Colonel Jacobus Swartwout’s regiment of Dutchess County minute-men.²

Not long thereafter, it is probable, that the Dutchess County company, of which Cornelius van Wyck was captain, also joined the regiment commanded by Colonel Jacobus Swartwout. Among the men who had enlisted in it, evidently in July, was Jacobus, the eldest son of Captain Cornelius and Elizabeth Ter Bos Swartwout of Rombout Precinct.

By the order of General Washington, Major-General William Heath, on August 17, took command of the troops and posts at the north end of Manhattan Island and on the opposite side of King’s Bridge. Two brigades, one commanded by Brigadier Thomas Mifflin and the other by Brigadier-General...
George Clinton, composed Major-General Heath's division. The first was posted at Fort Washington, built on an eminence overlooking the Hudson, not far south of the mouth of Spruiten Duivel Kill, and the other at Fort Independence and at other works near it, immediately north of the same stream. According to an official return made of the five New York regiments forming Brigadier General George Clinton's brigade at that time, there were eighteen hundred and twelve men in it fit for duty; in Colonel Isaac Nicholl's regiment, 289; in Colonel Thomas Thomas's, 354; in Colonel Jacobus Swartwout's, 364; in Colonel Levi Pawling's, 368, and in Colonel Morris Graham's, 437.

"Pass these men in review, and we have before us not a small proportion of those 'fathers' of the Revolution, to whose exertions and sacrifices America owes her independence. It was a crude, unmilitary host, strong only as a body of volunteers determined to resist an invasion of their soil. Here and there was an officer or soldier who had served in previous wars, but the great mass knew nothing of war. The continental or established regiments formed much less than half the army, and some of these were without experience or discipline; very few had been tested under fire. As to arms, they carried all sorts—old flint-locks, fowling-pieces, rifles, and occasionally good English muskets captured by privateers from the enemy's transports. Not all had bayonets or equipments. Uniforms were the exception; even many of the continental were dressed in citizens' clothes. The militiamen, hurriedly leaving their farms and affairs, came down [to the metropolis] in homespun, while some of the state troops, raised earlier in the spring, appeared in marked contrast to them, both in dress and discipline. * * * * The general and regimental officers in the army were distinguished by different-colored cockades and sashes.

"For regimental colors, each battalion appears to have carried those of its own design. One of the flags captured by the Hessians, on Long Island, was reported by a Hessian officer to have been a red damask standard, bearing the word 'Liberty' in its centre. Colonel Joseph Read's Massachusetts continental's carried a flag with a light buff ground, on which was the device of a pine-tree and Indian corn, emblematical of New England fields. Two officers were represented in the uniform of the regiment, one of whom, with blood streaming from a wound in his breast, pointed to children under the pine, with the words, 'For posterity, I bleed.' * * * *

"Washington's army, at the opening of the campaign on August 27th, consisted of seventy-one regiments or parts of regiments, twenty-five of which were continental, aggregating in round numbers twenty-eight thousand five hundred officers and men. * * * * Between eight and nine thousand were on

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the sick-list or not available for duty, leaving on the rolls not far from nineteen thousand effective, most of them levies and militia, on the day of the battle of Long Island." 

Major-General Heath, who had been unfit for duty by small-pox in May, writes in his "Memoirs," under date of August 8: "About, and a little after this time, the army was more sickly than at any other period. The newspapers of Philadelphia and Boston rated the army at seventy thousand strong, and in high spirits, and asserted that it would soon clear the enemy from America. This was not a little mortifying to General Washington, who had the evidence that the army did not exceed forty thousand, officers included; and a large portion of these were levies and militia, called out for short periods and unacquainted with camp life. Hence, the number of sick amounted to near ten thousand; nor was it possible to find proper hospitals or proper necessaries for them. In almost every barn, stable, shed, and even under the fences and bushes, were the sick to be seen, whose countenances were but an index of the dejection of spirit and the distress they endured." 

"A far more perfect and formidable army was that which lay encamped on Staten Island, seven miles down the bay. It was the best officered, disciplined, and equipped that Great Britain could then have mustered for any service. The fact that she found it difficult to raise new troops to conquer America only made it necessary to send forward all her available old soldiers. The greater part of Howe's army, accordingly, consisted of experienced regulars. He had with him twenty-seven regiments of the line, two battalions of the king's guards, three brigades of artillery, and a regiment of light dragoons, numbering in the aggregate about twenty-three thousand officers and men. The six thousand or more that came from Halifax were the Boston 'veterans.' These had been joined by regiments from the West Indies; and among the reinforcements from Britain were troops that had garrisoned Gibraltar and posts in Ireland and England, with men from Scotland, who had won a name in the 'Seven Years' war.' 

"The Hessians or 'foreigners' formed more than one-fourth of the enemy's strength. They numbered eight thousand officers and men, which, added to the distinctively British force, raised Howe's total to over thirty-one thousand. His total effectives on the 27th of August was something more than twenty-four thousand. 

"At length, upon the twenty-second of August, after days of expectation and suspense in the American camp, the British moved forward. Thoroughly 

2 Memoirs of Major-General Heath, pp. 51, 52.
informed of Washington's position, the strength of his army, and the condition of his lines at every point, Lord Howe matured his plan of action deliberately, and decided to advance by way of Long Island. An attack from this quarter promised the speediest success and at the least cost, for should he be able to force the defences of Brooklyn, New York would be at his mercy; or, failing in this, he could threaten Washington's flank from Hell-Gate or beyond, where part of the fleet had been sent through the Sound, and by a push into Westchester County compel the evacuation of the city."

On the twenty-seventh of August, the battle of Long Island was fought on and around the site of Prospect Park, in Brooklyn. It began about three o'clock in the morning and continued until nearly two in the afternoon. Less than five thousand Americans * * * had been swept up or back by nearly twenty thousand British and Hessians. For the American troops it was a total defeat. They had been forced to abandon the outer line of defence—the very line Washington wished should be held 'at all hazards'—and had been driven into the fortified camp on the Brooklyn peninsula."

None of the regiments of the New York continental line participated in the battle, nor did Colonel Jacobus Swartwout's regiment, then in Brigadier-General George Clinton's brigade, in Major-General Heath's division.

On the night of the twenty-ninth of August, the Americans evacuated Long Island in a highly creditable manner, and were transported by boats to Manhattan Island. In the forenoon of the thirty-first, the British appeared at Newtown, seven miles northeast of Brooklyn, "where they pitched a number of tents. It is now evident," Major-General Heath observes, "that the next object of the enemy will be to get possession of the city of New York. This night," he writes, "several of the regiments of General Mifflin's brigade of his division lay on the hills towards New York, and General Clinton's on their arms."

In a regimental order, issued by Colonel Jacobus Swartwout, at King's Bridge, on September 4, he directed that all men off duty and fatigue should parade, on the afternoon of that day, on the hill nigh Fort Swartwout, in order to be reviewed by the colonel commanding, and to receive the other half of their bounty. On the morning of that day, Captain Barnardus Swart-
wout made a return of his company, in which he reported two commissioned and three non-commissioned officers and forty-five men as fit for duty.¹

A question of precedence in rank, based upon the dates of their commissions as colonels, having become a matter of dispute among the commandants of the regiments forming Brigadier-General George Clinton's brigade, Colonel Jacobus Swartwout, in a letter to the New York committee of safety, dated at "Headquarters, King's Bridge," September 10, 1776, wrote:

"General Clinton tells me he has written you about the rank of the several regiments. I am almost confident my commission is the oldest of the regiments now raised, but, as the general has left the matter to you, I am content to submit the same to your consideration, not doubting but you will do justice."²

On September 15, a force of British troops landed on Manhattan Island, at Kip's Bay, in the East River, opposite the mouth of Newtown Creek. Being unopposed, "the British army at once marched to the heights of Inclenburg, or Murray's Hill, and a subsequent debarkation of troops was advanced so far northward as to make a chain of posts across the island from Bloomingdale to Horn's Hook, near Hell-Gate. General Howe established his own headquarters at the Beekman mansion, not far from those [at Robert Murray's house], just vacated by General Washington on Murray Hill. * * * *

"On the twelfth day of October, 1776, General Howe began the execution of his plan to cut off Washington's army from New England and Upper New York, and fasten it to his own lines for future capture. Unwilling to attempt the costly enterprise of storming the craggy and broken heights, where the whole country was defensive by small parties against superior force, and of forcing so many successive lines of earthworks and redoubts, he resolved to move from the coast of Long Island Sound across to the Hudson River, where his ships were lying, and also to occupy the entire rear of the American army by this movement. * * * *

"The Guards, Light Infantry, Reserve, and Donop's Hessian corps were embarked upon large vessels, and were transferred from the city to Frog's Neck [on the south-eastern extremity of Westchester County projecting into Long Island Sound, once known as Throckmorton's, or Throck's Neck, on the same day in safety."³

"It now became necessary," writes Major-General Heath, "immediately to quit the position in the neighbourhood of King's Bridge, the British being in the rear of the left of our army; and it is not a little unaccountable that they

¹ Diary and memoranda of Ensign Barnardus Swartwout, in possession of the New York Historical Society.
THE SWARTWOUT CHRONICLES.

did not attempt to stretch themselves across to the Hudson which might have been done with great ease." Instead they moved farther northward into Westchester County on the eastern side of the little river Bronx, which was commonly fordable.

Having left Colonel John Lasher’s regiment of New York troops at Fort Independence, Major-General Heath, on October 21, moved with his division from the north side of King’s Bridge, and with it, having marched all night, reached the next morning about four o’clock the foot of Chatterton’s Hill, distant less than a mile from the village of White Plains, in Westchester County.1 Other parts of the army followed and went into position west of that place, and awaited, “behind rapidly augmenting breastworks on eligible ground for defense,” the advance of the British.

If the assertion of Colonel John Haslet be true, his Delaware regiment was the first body of troops to get into line of battle on Chatterton’s Hill, on October 28, where it was joined by “one of Brigadier-General Benjamin Lincoln’s Massachusetts militia regiments under Colonel John Brooks on its right. They were followed immediately by McDougall’s brigade, consisting of what was lately his own battalion, which had no field officers, Ritzema’s, Smallwood’s, and Webb’s. The troops formed along the brow of the hill, and stood waiting for the enemy. The two-gun battery brought up at the same time was Captain Alexander Hamilton’s.

“The British marched up in brilliant array towards Washington’s position, but unexpectedly declined to make an attack in front, although the centre was the weakest point. Chatterton’s Hill appeared to engage Howe’s attention at once, and it became the first object of capture. The troops assigned for this purpose were the second British brigade and Hessians under Donop, Rall, and Lossberg, in all about four thousand men. They crossed the Bronx, under cover of their artillery, and prepared to ascend the somewhat abrupt face of the hill on the other side [of the stream].”

As described by Major-General Heath (whose division was on the left of the American line, and who had ordered Colonel William Malcom, with his regiment of New York troops, and Lieutenant Fenno of the artillery with a field-piece to take a position on the skirt of a wood crowning a piece of high ground near by), the British advanced in two columns. “The right column, * * * preceded by about twenty light-horse in full gallop, and brandishing their swords, appeared on the road leading to the court-house, and directly in front of Major-General Heath’s division. The light-horse leaped the fence of a wheat-field at the foot of the hill on which Colonel Malcom’s regiment had been

1 Memoirs of Major-General Heath, pp. 73, 74.
posted, of which the light-horse were not aware until a shot from Lieutenant Fenno's field-piece gave them notice by striking in the midst of them and pitching one from his horse. They then wheeled short about, galloped out of the field as fast as they had come into it, rode behind a hill in the road and faced about, the tops of their caps only being visible to Major-General Heath from where he was standing.

"The column came no farther up the road, but wheeled to the left by platoons as they came up, and, passing through a bar, or gateway, headed towards the troops on Chatterton's Hill, now engaged. When the head of the column had gone nearly across the field it passed out of sight, nor could the end of its rear at that time be seen.

"The sun shone brightly, the arms of British troops glittered, perhaps were never shown to more advantage than at that time. The column as far as it was visible halted, and for a few minutes the men all sat down in the same order in which they had stood, no one appearing to move out of his place.

"The cannonade continued briskly across the Bronx. A part of the left column, composed of British and Hessians, forded the river and marched along under the cover of the hill until they had gained sufficient ground to the left of the Americans. When they briskly ascended the hill the first column resumed its march with a quicker step."1

"McDougall's men reserved their fire until the enemy were within short range, when they poured a destructive shower of bullets upon them. The British recoiled, but moved up again to the attack, while Rall came around more to the left, and after a brisk fight, in which the militia facing Rall failed to stand their ground, they succeeded in compelling McDougall to retreat. Had the militia held their own, the fight might have been another Bunker Hill for the enemy. As it was, Colonel Rufus Putnam compared it to that engagement. In falling back, McDougall suffered some loss, but the whole force escaped to the right of our lines with fewer casualties than they inflicted on the enemy. The latter lost about two hundred and thirty men; the Americans something over one hundred and forty. * * * * On the side of the Americans not more than sixteen hundred troops were engaged, but the action was an important one as it had the effect of changing the direction of future operations."2

The First New York Regiment (known as McDougall's) and the Third (Ritzema's), which supported Colonel William Smallwood's Maryland regiment in making two successful charges and checking the first advance of the British, were nowise wanting in valor at the supreme moment of the flood-

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1 Memoirs of Major-General Heath, pp. 75, 77, 78.
tide of the engagement. The Second New York (Clinton's) Regiment was elsewhere on special service.

Among the casualties, those reported in Colonel Jacobus Swartwout's regiment were Thomas McCutcheon, a private in Captain Abraham Schenck's company, killed on October 27th, and Captain Cornelius van Wyck, killed on October 31.

On the morning of the first of November the British advanced with a number of field-pieces to the north of the road, near Washington's late headquarters (a heavy column appearing behind on the hill ready to move forward), and commenced a furious cannonade on Major-General Heath's division, which was nobly returned by Captain-Lieutenant Bryant and Lieutenant Jackson of the artillery. Major-General Heath's first anxiety was for Colonel William Malcolm's regiment on the hill, to the east of the hollow on the left, lest the enemy should push a column into the hollow and cut the regiment off from the division. He therefore ordered Major Israel Keith, one of his aids, to gallop over and order Colonel Malcolm to withdraw immediately with Lieutenant Fenno's artillery. But, upon a more critical view of the ground in the hollow (at the head of which there was a heavy stone wall, well situated to cover a body of troops to throw a heavy fire directly down it while an oblique fire could be thrown in on both sides), he ordered Major Pollard, his other aid, to gallop after Major Keith and countermand the first order and direct Colonel Malcolm to remain at his post, and [inform him that] he should be supported.

"A strong regiment was ordered to the head of the hollow to occupy the wall. The cannonade was brisk on both sides, through which the two aides-de-camp passed in going and returning. Just at that time, General Washington rode up to the hill. His first question to Major-General Heath was: 'How is your division?' He was answered, 'It is all in order.' 'Have you,' said the commander-in-chief, 'any troops on the hill over the hollow?' He was answered, 'Malcolm's regiment is there.' 'If you do not call it off immediately,' said he, 'you may lose it should the enemy push a column up the hollow.' He was answered that even in that case its retreat should be made safe, for a strong regiment had been posted at the head of the hollow behind a stone wall, and that that regiment, with the oblique fire of the division, could so check the enemy as to allow Malcolm to make a safe retreat. The commander-in-chief, on departing, said, 'Take care that you do not lose them.'

"The artillery of the division was so well directed as to throw the British artillerymen several times into confusion, and finding that they could not here

make any impression drew back their pieces; the column not advancing. The British artillery then made a circuitous movement, and came down toward the American right. There, unknown to them, were some twelve-pounders, upon the discharge of which they made off with their field-pieces as fast as their horses could draw them. A shot from the American cannon at that place took off the head of a Hessian artilleryman. They also left one of their artillery horses dead on the field. What other loss they sustained was not known. Of Major-General Heath’s division, one man only, belonging to Colonel Levi Pawling’s regiment of New York troops, was killed.” The British, it is further related, made no other attack on the American army while confronting it at White Plains, at long cannon-range.

Captain Barnardus Swartwout, having been ordered by the commanding general to take command of a company of soldiers detailed from Colonel Jacobus Swartwout’s regiment and carry out the instructions given him, quitted King’s Bridge, on the night of the twenty-third of October, and marched his detachment to Morrisania, in Westchester County, on the east side of the Harlem River, opposite Harlem on the west side, where he remained until the twenty-seventh, when he returned to King’s Bridge, and burned the barracks there, and on the night of the twenty-eighth marched to Fort Washington, and crossed the river to Fort Lee, and then marched on the following day to Hackensack, on the next to Tappan, on the next to Noyels, and on the next, at night, to King’s Ferry, and there crossed the river, and on the second of November, marched to Peekskill, and on the succeeding day to Crom Pond, and on the next back to Peekskill, where he rejoined Colonel Jacobus Swartwout’s regiment.1

On the fifth of November, as related by Major-General Heath, “the British sentinels were withdrawn from their advanced posts. It was apprehended that they meant a movement. The American army was immediately ordered under arms. At two o’clock in the afternoon the enemy appeared, formed on Chatterton’s Hill and several hills to the westward of it. Several reconnoitering parties which were sent out reported that the enemy were withdrawing.”

The British forces having gone into camp “at and below Dobb’s Ferry,” four miles south of the site of Tarrytown and about seven west of White Plains, “a new disposition of the American army” as Major-General Heath writes, on the eighth, “is now to be made. The southern troops are to cross over into the Jerseys [then known as East Jersey and West Jersey]. Gen-

eral Lee with his own, Spencer's, and Sullivan's divisions were to remain, to
secure and bring off the stores and were then to follow into the Jerseys.” On
the same day also Major-General Heath was ordered to march with his di­
vision to Peekskill where, on the afternoon of the tenth of November, it ar­
rived, and, about sunset, General Washington.

On the following day, the commander-in-chief requested Major-General
Heath “to attend him in taking a view of Fort Montgomery, [on an eminence
on the west side of the Hudson immediately north of the mouth of Pollepel
Creek, about four miles above Peekskill and five below West Point,] and the
other works up the river. Lord Stirling, Generals James and George Clin­
ton, General Mifflin, and others were of the company. They went as far up
the river as Constitution Island, which is opposite to West Point, the latter of
which was not then taken possession of, but a glance at it without going
ashore evinced that that post was not to be neglected. There was a small
work and block-house on Constitution Island. Fort Montgomery was in con­
siderable forwardness.

“On the twelfth, the commander-in-chief directed Major-General Heath to
ride early in the morning with him to reconnoitre the grounds at the Gorge of
the Highlands, and, on his return, gave him the command of the troops and
posts in the Highlands, on both sides of the river, with written instructions to
secure and fortify them with all possible expedition, making a distribution of
his troops to the different posts; and, at about ten o'clock, that morning,
General Washington crossed over the river into the Jerseys.

“On the next day, Major-General Heath made a disposition of the troops
under his command to their several destinations. Colonel Jedediah Hunting­
ton's and Colonel John Tyler's Connecticut regiments, to the west side of the
Hudson, to Sydnam's Bridge on the Ramapaugh River, to cover the passes
into the Highlands, on that side; Colonel William Prescott's and Colonel
Jonathan Ward's Massachusetts regiments and Colonel Samuel Wylly's Con­
nnecticut regiment of Brigadier-General Samuel Holden Parson's brigade, (as
were the other two regiments) to the south entrance of the Highlands, beyond
Robinson's Bridge; Brigadier-General George Clinton's brigade, to the
heights above Peekskill Landing; Brigadier General John Morin Scott's
brigade, with three regiments of Brigadier-General Parson's brigade and
Brigadier-General James Clinton, with the troops under his command were
at the forts up the river. * * * *

“On the sixteenth, the British made their attack on Fort Washington.
General Knyphausen, with a heavy column of Hessians, advanced by King's
Bridge. They were discovered by the Americans, from the high grounds
north of Fort Washington, as the day broke, and cannonaded from the field-
pieces placed at that advanced post. The Hessian column divided into two columns, the right ascending the strong broken ground towards Spuytenduyvel Creek, the left nearer to the road towards the Gorge. The first obtained the ground without much difficulty; but the Americans made a most noble opposition against the last, and, for a considerable time, kept the troops forming it from ascending the hill, making a terrible slaughter among them, but the great superiority of the assailants, with an unabating firmness, finally prevailed. The British loss was greater here than at any other place. Meanwhile the British, having crossed Haarlem Creek in two different places, charged, and finally routed the Americans on that side, and possessed themselves of the strong post of Laurel Hill, on the other side of the road, from Fort Washington, and not very distant from it; and Lord Percy at the same time advancing, with the troops under his command on the island, towards the fort on that side. The Americans, now generally driven from their out-works, retired to the fort, which was crowded full. * * * *

"The British had summoned Colonel Robert Magaw to surrender, and were preparing their batteries to play on the fort when Colonel Magaw thought it best to surrender the post, which he accordingly did; between two and three thousand men becoming prisoners. * * * *

"Elated with the easy reduction of Fort Washington, the British determined to cross into the Jerseys and attack General Washington on that side.

"On the eighteenth, Lord Cornwallis, with a strong body of the British forces, landed at Closter Landing, on the Jersey side, above Fort Lee, the garrison of which were obliged to leave that post, and some cannon, stores, and provisions, which could not be removed, fell into the hands of the enemy."

The fourth provincial congress of the colony of New York convened at White Plains, on July 9, 1776, and "took the title of 'The representatives of the state of New York,' and exercised all the powers of sovereignty until the establishment of the government under the constitution." This body having appointed committees to visit respectively the army in the northern department under Major-General Philip Schuyler and the main continental army under General Washington in order to obtain from the general officers the characters of the New York officers then in continental service, which committees extended their inquiries also to the volunteer and militia regiments of the state then in actual service, in order to obtain recommendations from them, "the full committee of arrangements of the New York convention met in Fishkill, on the fifteenth day of November, 1776, and after hearing the reports of the respec-

tive subcommittees on their return from the main and northern armies, began to consider the characters and merits of all the persons recommended for commissions in the reorganized New York continental line. * * * *

"On the twenty-first of November, 1776, the officers of the first four New York continental regiments were announced, and soon afterwards, on the fourteenth of December, those of the fifth regiment. Colonel Goose van Schaick was assigned to the first regiment; Colonel Philip van Cortlandt, who had succeeded Rudolphus Ritzema as colonel, was made commandant of the second regiment; Colonel Peter Gansevoort, junior, late lieutenant-colonel of Colonel van Schaick's regiment, was promoted to the command of the third regiment; Colonel Henry Beekman Livingston, late lieutenant-colonel of Colonel James Clinton's, was given the fourth regiment, and Colonel Lewis Dubois, lately commissioned a colonel by congress, was appointed to the fifth regiment." 1

Evidently the youngest of the persons surnamed Swartwout to take up arms against Great Britain in the war of the Revolution was Barnardus, the only son of Captain Barnardus and Maria van Steenberg Swartwout, born in the city of New York on September 26, 1761. In November, 1776, a month after he had entered upon the sixteenth year of his age, he importuned his father to permit him to enlist in his company, then in Colonel Jacobus Swartwout's regiment, encamped at Fishkill. His sire, unwilling to repress the patriotic ardor of his son, granted him his request. In January and February, 1777, he was holding, at Fort Constitution, the position of second lieutenant in the company, of which Rudolphus Brower was named as first lieutenant. 2

Captain Barnardus Swartwout, the father, having been ordered, on April 28, 1777, to take the command of the company previously under Captain William Jaycock, in Colonel John Freer's fourth Dutchess County regiment, "until the further order of the legislature," took charge of the company of which Peter Andrew Lossing was first lieutenant, Abraham Fort, second, and Simon Lossing, ensign. On May 28, 1778, when he was appointed "captain of the company of the beat" in which he resided, and belonging to Colonel John Freer's regiment, the commissioned officers of the company were Abraham Fort, first

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2 'Wappings Creek, January 6, 1777. We acknowledge to have rec'd of Captain Barnardus Swartwout one full month's wages for the month of November in full. * * * * Barnardus Swartwout, jan't." "Wappings Creek, January 6, 1777. Received of Captain Swartwout our full wages for ye month of December. In full for ye last month. * * * * Barnardus Swartwout, jan't." "At Peekskill, Oct. 6, 1777. "An account of rations due to the commissioned officers of Captain Barnardus Swartwout's company, being a detachment of Colonel Jacobus Swartwout's regiment, who served to do garrison duty at Fort Constitution, from the first day of January till the last day of February; both days included, 1777. [Feb. 28.] Officers names: Barnardus Swartwout, captain; Rudolphus Brower, first lieutenant; Barnardus Swartwout, second lieutenant."—Memoranda of Captain Barnardus Swartwout.
lieutenant, Simon Lossing, second, and Abraham van Keuren, ensign. On March 4, 1780, Abraham Fort succeeded him as captain of the company.

In the fall of 1776, the obstructions to prevent the British from ascending the Hudson in their ships were placed in the river between Fort Montgomery and the rocky base of the mountain figuratively called Anthony's Nose, on the east side of the stream (see map, page 157). Opposite this conspicuous eminence in Westchester County, about four miles north of Peekskill, the river is about a quarter of a mile wide. The stretching of the iron cable across the river was begun not long after the following action was taken by the New York committee of safety, on October 22, 1776:

"Resolved, That Mr. Gilbert Livingston be one of the secret committee directed to be sent down with the utmost dispatch to Fort Montgomery with such parts of the chain as is fixed in the logs, and that Mr. Henry Wisner, junior, co-operate with him in carrying the measure into execution in the most safe and expeditious manner possible."

The strength of the chain was not adequate to withstand the great strain of the current, and it broke in two places. Concerning the undertaking Major-General Heath, writing to General Washington, from Peekskill, on November 18, remarks: "The chain which has been extended across the river above this place has broken twice. I must confess that from my first hearing of the intention I expected no real advantage from it."

Pierre van Cortlandt, president of the New York committee of safety, writing two days later to the president of the congress of the United States, discloses the character of the mishap: "In projecting the obstruction between Anthony's Nose on the eastern shore, and Fort Montgomery, we endeavored to avail ourselves of the model of that which had proved effectual on the river Delaware, and were assisted by the advice and experience of Captain Hazelwood. But the great length of the chain, being upwards of eighteen hundred feet, the bulk of the logs which were necessary to support it, the immense weight of water which it accumulated, and the rapidity of the tide, have baffled our efforts; it separated twice after holding only a few hours, and we have too much reason to despair of its ever fully answering the important purpose for which it was constructed."

Gilbert Livingston and Henry Wisner having made a report of the miscarriage of the undertaking, the New York convention, on November 23,

"Resolved, That a copy of the said report be transmitted to General Schuyler with a request that he will favor the convention with his advice on the best and most effectual plan for obstructing the navigation of Hudson's river, that the committee of the convention of this state, appointed to obstruct the navigation of Hudson's river, be instructed to cause a nautical survey to be
made of such parts of the river as may be most effectually obstructed, so as not only to impede the navigation but likewise to prevent the landing of troops below such obstruction; that they endeavor to procure the advice of the general officers and engineers respecting the obstructions.

"Resolved, That the committee appointed to obstruct the navigation of Hudson's river be instructed not to pay the blacksmiths who made the chain which was lately drawn across the said river, and broken by the tide, until such time as the sufficiency of their work can be properly examined; and that the said committee take proper measures for that purpose."

The greater part of the chain, which had been brought from Fort Ticonderoga, had been previously used as an obstruction in the South River. The other part of the iron cable had been made at Poughkeepsie.

In order to ascertain whether the breaking of the chain should be ascribed to the carelessness of the blacksmiths, the committee, having in charge the work of obstructing the river opposite Fort Montgomery, began the necessary investigations. The following certificate was accepted as exonerating the blacksmiths employed at Poughkeepsie in making a part of the cable:

"Fort Montgomery, December 9, 1776.

These are to certify that the chain that has been stretched across the North River at this fort has been broken twice; the first time a swivel broke which came from Ticonderoga, which was not welded sound. The second time a cleavin broke, which was made at Poughkeepsie, in a solid part of the cleavin, and no flaw to be seen in any part of said chain; which we do certify at the request of Messrs. Odle and Van Duzer.

"James Clinton, brigadier-general, "Ja. Rosekrans, captain.
"Abram Swartwout, captain." "Daniel Lawrence, lieutenant."

This explanation was regarded as exculpating the blacksmiths, and they were ordered to be paid according to the agreement made with them. Different officers and engineers were later consulted, and, during the spring and summer of 1777, the chain was more securely linked and fastened to resist the force of the tides and diverse currents of the river.¹

The privations of the men in the army at that time caused no little sympathy to burden the hearts of the officers placed over them. Brigadier-General James Clinton, who had command of the garrison of Fort Montgomery, writing to the president of the New York convention, on December 11, 1776, strikingly describes the destitution afflicting the soldiers on duty there:

"I have but a small garrison here at present, consisting of five companies

of my regiment, excepting the artillery, and many of them without shoes and other necessary clothes. They have received no pay since the first of August last, and if they had money there is no clothing nor shoes to be purchased here. The chief of Captain [Abraham] Swartwout's company insist that their times are out the first of this instant, and their officers acknowledge it to be so. Five of his company went off this morning without leave, almost barefooted. I have sent out a party after them, but if they be taken they will be of no service here, and many more of them without shoes, and some other necessaries, which, if they were provided with, I believe they would serve a while longer contentedly; if not, in my opinion it would be better to discharge them. I wish there would be some shoes and stockings sent here for the men. * * * * But without shoes and some clothing, we will not be able to keep up our guard and get firewood, and do other necessary duty of the garrison."

Colonel Jacobus Swartwout, then in charge of Fort Constitution, six miles south of Fort Montgomery, on the east side of the Hudson, and opposite West Point, writing to the New York convention, on December 20, indicates by his timely suggestions concerning the garrisoning of that fort that he was moved to offer them wholly on the ground of economy and prudent forethought. "Whereas the limited time we engaged in the service will expire by the last day of this month, which is nigh at hand, except we are relieved or stay longer than our time, this garrison will be left vacant; but in all probability you have provided a relief to relieve us at that day; but, on the contrary, if you have not, it would be best to let me know per first opportunity in what manner to act. It is reasonable to think that the greatest part of the men will be very anxious to get home when their time expires; notwithstanding, I believe with the other officers, we might prevail upon a sufficient number to garrison this fort until a proper relief might be procured from the continental troops. But if you have already a sufficient number of continental troops it will be saving money by sending them, as they are under pay. I should be loath to leave this garrison with my regiment till I heard from you gentlemen, as there are many things here which will not admit of leaving without a guard, such as cannon, ammunition, etc."

The five New York regiments of the continental line began the campaign of 1777 at such places in the state where, in the absence of any armed forces of militia, the peculiar exigencies of the time required their temporary presence. The first New York, Colonel Goose van Schaack's regiment, which had been quartered at Fort George, was sent in the spring to Cherry Valley, to defend the inhabitants from attacks of bodies of Indians, who

had become partisans of Great Britain. In May, detachments of the regiment were posted at Saratoga (Schuylerville), Fort Edward, Fort Ann, and Fort Dayton on the German Flats, seventy-five miles west of Albany, on the Mohawk River. The second, then under command of Colonel Philip van Cortlandt, having been recruited and organized “for the war,” was stationed at Peekskill. The third, to the command of which Colonel Peter Gansevoort, junior, had been appointed, was assigned to garrison duty at Fort Constitution. The fourth, commanded by Colonel Henry B. Livingston, was, as the second, stationed at Peekskill. The fifth, in command of Colonel Lewis DuBois, was garrisoning Forts Montgomery and Clinton, on the opposite banks of the Pohlepel Kill.

Major-General Heath having been appointed to the command of the eastern department, Brigadier-General Alexander McDougall was given the command of the troops at Peekskill.

On March 22, shortly after the breaking up of the ice on the Hudson, several British warships ascended the river as far as Peekskill. About five hundred troops of the English army disembarked and burned the buildings in which the stores of the continental army were deposited. No attempt was apparently made to prevent the enemy from accomplishing the destruction of the buildings and their contents until late in the day, when a part of the Third New York Regiment, under command of Lieutenant-Colonel Marinus Willett, advanced toward the British force. It is related that as soon as the continental approached within the range of its muskets, the enemy fired upon them, and then retreated toward the vessels anchored in the river. It is further said that so great was the trepidation of the British troops “that in the course of two hours they were all on board of their shipping. What baggage the enemy had was left. It consisted only of a few blankets and cloaks. Lieutenant-Colonel Willett had but two men killed and four or five wounded.”

The report that about fifteen hundred British troops had burned the valuable stores at Peekskill Landing, and an apprehension of further destruction of property near the river, caused the New York provincial congress to take, on March 25, the following action:

“Resolved, That Colonel Jacobus Swartwout be and he hereby is authorized, empowered, and required at his discretion to call out all or such part of the militia of Dutchess County as he may from time to time think necessary for the security of the important forts and passes in the Highlands and to oppose the incursions of the enemy into this state, and that he have power to

2 A narrative of the military actions of Colonel Marinus Willett. 1851, pp. 40-42.
impress horses, teams, and carriages, and pay for the reasonable hire or use of the same." It was further resolved that the militia so called out should be allowed continental pay and rations.¹

The command of the Department of the North, which had been assigned to Major-General Philip Schuyler, was transferred on the twenty-fifth of March, 1777, to Major-General Horatio Gates. At that time the most distant of the forts on the western frontier of New York was Fort Schuyler, originally named Fort Stanwix. Built as it was by provincial troops under General John Stanwix, in 1758, at what was then called "Oneida Station," or "Oneida Carrying Place;" its site, about five hundred feet west of the Mohawk River, is now a part of the city of Rome, one hundred and twelve miles from Albany, and about sixty from Lake Ontario, by the way of Oneida Lake and the Oswego River. The stretch of land where Fort Stanwix was constructed had early obtained the name of "the Carrying Place," because at that point the Indians and fur-traders commonly took their canoes, boats, or bateaux from the Mohawk River and bore them thence to Wood Creek, which flows into Oneida Lake, thirteen miles farther westward. The Carrying Place was a point where a number of old paths or trails diverged in the direction of the palisaded villages or castles of the Indians inhabiting the country adjacent the little and great lakes, which diversify that part of Western New York.

The fort was a square work, constructed of logs and earth, with four bastions, the salient angles of which were exteriorly two hundred and fifty feet from one another. It was "surrounded by a ditch of considerable width and depth, with a covert way and glacis around three of its angles; the other being sufficiently secured by low, marshy ground. In front of the gate there had been a drawbridge covered by a salient angle, raised in front of it on the glacis. In the centre of the ditch, a row of perpendicular pickets had been erected with rows of horizontal pickets fixed around the ramparts under the embrasures. But since the conclusion of the French war the fort had fallen into decay, the ditch was filled up, the pickets had rotted and fallen down."²

At the beginning of the year 1777 the garrison of Fort Schuyler was under the command of Colonel Samuel Elmore of Connecticut. As it was recognized as an available key with which to lock that door of entrance into the state against an enemy, and also an advantageous point of observation for acquiring knowledge of the movements of hostile Indians along the western and northern frontiers, it became a matter of special concern to the government to determine the fitness of the officer who should be put in charge of this important border fastness. The personal merits and exemplary military conduct of Colonel

¹ Journals of the provincial congress. 1842, vol. 1., p. 847.
² A narrative of the military actions of Colonel Manus Willett, p. 43.
Peter Gansevoort, at that time twenty-eight years of age, readily commended him for this particular service, and he, by Major-General Horatio Gates's order, on the twenty-sixth of April, was directed to proceed to Fort Schuyler and take command of it.

The intention of Great Britain to attempt on the line of the northern lakes and the Hudson River the separation of New England from the other colonies, and thereby render inoperative and ineffective the movements of the continental army, began to be practically carried out on the twenty-seventh of March, when Lieutenant-General John Burgoyne departed from London to proceed to Quebec, where he arrived on the sixth day of May. He immediately imparted to Lieutenant-General Sir William Howe, who was in possession of the city of New York, the instructions given him to effect by the way of Lake Champlain and Lake George, a junction with his forces at Albany, after the capture of such forts of the Americans as lay upon the line of his march toward that city.

The preliminary camp [of Lieutenant-General Burgoyne] was established on the Boquet River, on the western shore of Lake Champlain, and the troops reached that station as early as the twentieth day of June. The Indians, who had been looked upon as valuable auxiliaries, were yet to be secured. In response to a well-circulated appeal, addressed to various tribes, about four hundred Iroquois, Algonquins, Abeenaquies, and Ottawas, met General John Burgoyne in conference on the twenty-first day of June, at his headquarters.

In view of the odium which was cast upon this officer by an unwise proclamation at that time issued, it is proper to say, that in his address to the warriors who agreed to take up the hatchet for the king, he expressly stated the necessity of restraint of their passions, and that they must be under control, in accordance with the religion, laws of warfare, principles, and policy which belonged to Great Britain, positively forbidding bloodshed, when not opposed in arms, declaring, aged men, women, children, and prisoners, sacred from the knife, even in the time of conflict, and otherwise instructing the savages, that the war must not be made as when they went forth alone, but under the absolute will and control of the army of the king.

His proclamation to the Americans, as well as his address to the Indian chiefs, assumed all that could possibly be asserted as to the guilt of rebellion; and while extremely pompous and extravagant in language, preshadowed the extreme vengeance of savage auxiliaries if resistance should be prolonged. It was extremely unprofessional, and more in harmony with the abstract political dogmas of the crown than with Burgoyne's own character. Its much ridiculed assertion of personal title, and of royal prerogative, was quite in harmony with
his instructions, and somewhat offensive for its vanity, while it lacked the wis­
dom which a better knowledge of his opponents soon inculcated. It aroused
sensible men to a more stubborn resistance, and was more effective than ap­
peals of congress, to induce the people of New England to take up arms for border defence. They knew well from experience just what a war with savages
meant, and they were induced to class the British troops who employed them
in the same list of enemies with the savages themselves.

"Washington issued a counter-proclamation. One paragraph is worthy a
space in all records of that war, and is peculiarly expressive of the character,
consistency, and faith of the man, while it affords an index of his firmness in
the path of duty. It reads as follows:

"‘Harassed as we are by unrelenting persecution, obliged by every tie to
repel violence by force, urged by self-preservation to exert the strength which
Providence has given us to defend our natural rights against the aggressor, we
appeal to the hearts of all mankind for the justice of our course; its event we
leave to Him who speaks the fate of nations, in humble confidence, that as His
omniscient eye taketh note even of a sparrow that falleth to the ground, so He
will not withdraw His countenance from a people who humbly array themselves
under His banner, in defence of the noblest principles with which He has
adorned humanity.’"

"The army advanced to Crown Point, rested three days, and moved for­
ward on the thirtieth. The British light infantry and grenadiers, with the
twenty-fourth British foot, some Canadians and Indians, with ten pieces of ar­
tillery, marched down the west shore and took post within four miles of Ticon­
deroga. The German reserve, Brunswick chasseurs, light infantry and gren­
adiers followed the east shore, and General Burgoyne accompanied the fleet.

"On the first of July the investment [of the fort at Ticonderoga] began. General Burgoyne, muster of that date, gave his force rank and file as follows:
British regulars, 3,724 men; German, 3,016; artillery, 473; Canadians and
Provincials, about 250; Indians, about 400; total, about 7,863 men."

The retreat of the American troops from Ticonderoga on the sixth of July,
the disastrous skirmish at Hubbardton on the following day, their abandon­
ment and burning of Fort Ann, and the further destruction of Fort Edward by
them, and the withdrawal of the Army of the North to Saratoga (Schuylerville),
at the end of the month, not only brought great dismay to the patriotic inhab­i­
tants of the Hudson and Mohawk valleys, but led them to asperse with much
bitterness of feeling Major-General Schuyler, who had been reinstated in May
to the command of the Department of the North. The false interpretation

made of his inability to cope successfully with the enemy's well-equipped, larger, and better-disciplined army, was not in any way justifiable. Deficient in ammunition, numerically weak, and daily lessened by disease and desertions, his army was wholly incapacitated for preventing at that time the southward advance of Lieutenant-General Burgoyne.

The lack of bullets in the Army of the North was so great in July, that Major-General Schuyler suggested that a temporary supply might speedily be afforded him, should the Albany Committee of Safety require the citizens to extract the lead framed in the windows of their houses, and in those of the churches, and have it melted into musket-balls. The want of this particular munition is forcibly expressed by him in an order to the deputy quartermaster-general:

"The citizens of Albany only can supply our immediate exigencies; recourse must therefore be had to the committee, begging their interposition to collect such lead as is in the city; the lead windows and weights may, perhaps, afford a supply for the present. As soon as it is collected, Mr. Van Rensselaer will have it made into ball, and send it up without a moment's delay. Should a wagon be sent off with one box, as soon as it is ready it must be pushed off; also all the buckshot."

Writing to General Washington, previous to the retreat of the army from Fort Edward, he graphically depicts its condition:

"Desertion prevails, and disease gains ground; nor is it to be wondered at, for we have neither tents, houses, barns, boards, nor any shelter, except a little brush; every rain that falls, and we have it in great abundance almost every day, wets the men to the skin. We are besides in great want of every kind of necessaries, provisions excepted. Camp kettles we have so few that we cannot afford one to twenty men."

The inconsequential character of the efforts made to oppose the enemy's progress toward Albany, evidently induced Lieutenant-General Burgoyne, on the sixth of August, to set forth, in his report to Lieutenant-General Howe, that he was then "well forward," "impatient to gain the mouth of the Mohawk," but not likely "to be in possession of Albany" before "the twenty-second or twenty-third" of the month.

"Menaced on its borders," as Bancroft truthfully observes, "from the Susquehanna to Lake Champlain, and on every part of the Hudson, New York became the battle-field for the life of the young republic."

Lieutenant-Colonel Marinus Willett, having remained at Fort Constitution to obtain recruits for the Third New York Regiment, was ordered on the eighteenth of May to join Colonel Peter Gansevoort in command of Fort Schuyler. Reaching Albany, on the twenty-first, on board of three sloops, he and the re-
mainder of the battalion marched thence to Schenectady, and there, having secured a number of bateaux on which to transport the provisions and other munitions westward to the Carrying Place, they slowly proceeded along the south bank of the Mohawk River to their destination, where they arrived on the twenty-ninth of the month.

The dilapidation of Fort Schuyler was a matter of grave concern to the energetic commandant. Immediately on his taking charge of the remote outpost the work of repairing and strengthening it was begun. On the accession of the recruits brought by Lieutenant-Colonel Willett, a larger force of men was employed to further the renovation of the parapets and outworks.

The information that it was the purpose of the British crown to send by the way of the St. Lawrence River, Lake Ontario, the Oswego River, and Oneida lake, a force of regular troops, provincial royalists and Indians under Brigadier-General Barry St. Leger to reduce Fort Schuyler, and thereafter to co-operate with Lieutenant-General Burgoyne, was unknown to Major-General Schuyler until about the middle of the month of June. Then it was disclosed to him by a Canadian who had been arrested as a spy. When this intelligence was communicated to Colonel Gansevoort, he forthwith redoubled his exertions to get Fort Schuyler in as strong a defensible condition as practicable before it was invested by the enemy.

On Thursday, the thirty-first of July, he was again informed by a bearer of dispatches that five bateaux, loaded with ammunition and provisions for the garrison, were ascending the Mohawk River under an escort of two hundred men of the Ninth Massachusetts Regiment, under the command of Lieutenant-Colonel James Mellen of that battalion. As the defence of the fort for any length of time would largely be contingent upon the possession of an adequate quantity of ammunition and a sufficiency of provisions, a detachment of one hundred men was sent to the river to give additional protection to the approaching supplies and to facilitate their speedy carriage to the fort.

The boats reached their destination about five o’clock on Saturday evening, the second of August, and the provisions and ammunition were immediately conveyed into the fort. Soon after their arrival spirals of smoke were seen ascending from a number of fires made about a mile to the northwest of the fort. The transfer of the stores from the bateaux had not been accomplished too quickly for, not long afterward, the officer and the men left in charge of them at the landing were fired upon by a party of Indians, and as a consequence two men were killed, one was wounded, and the captain taken prisoner.

The accession of the two hundred men belonging to the Ninth Massachusetts Regiment increased the strength of the garrison to about seven hundred and fifty men, including officers and artificers, leaving the number of the
officers and men of the Third New York Regiment, at that time in the fort, to be reckoned at five hundred and fifty.¹

The force under Brigadier-General Barry St. Leger comprised a detachment of one hundred men from the Eighth British Regiment, another, of one hundred men, from the Thirty-fourth, three hundred and forty-two officers and men of the Hanau chasseurs, one hundred and thirty-three of Sir John Johnson’s New York royalists, called “the Greens,” to which probably a thousand Canadians and Indians should be added, the Indians being under the leadership of Joseph Brant.

The first of these seventeen hundred English regulars, Hessian mercenaries, provincial royalists, Canadian and Indian partisans, to come in view of Fort Schuyler, was a detachment of thirty men of the Eighth, or the king’s, Regiment, under Lieutenant Bird, and two hundred savages under Thayendanegea and another Indian chief named Bull. By the order given him, Lieutenant Bird was instructed “to seize fast hold of the lower landing-place, and thereby cut off the enemy’s communication with the lower country.” They were discovered on Sunday morning “in the edge of the woods below the fort, where they took post [near the road running from Albany to Oneida lake] in order to invest it upon that quarter, and to cut off communication with the country” eastward toward Schenectady.

Under a flag of truce, a peremptory demand was made that morning for the surrender of the fort. The emphatic negative which the intrepid commandant returned afforded the enemy little ground on which to base an expectation other than that a close and continuous siege might accomplish its reduction. The bearer of the flag also brought with him a copy of the pompous proclamation issued by Lieutenant-General Burgoyne on reaching Lake Champlain.

¹ The field and line officers of the regiment there at that time were, as seems to be confirmed by the records existent, the following:

Peter Gansevoort, colonel; Marinus Willett, lieutenant-colonel; George Syzer, adjutant; Thomas Williams, quartermaster; Humlock Woodruff, surgeon; John Elliot, junior, surgeon’s mate.

First company: Elias van Bunschoten, captain; Henry Diefendorf, first lieutenant; Thomas Ostrander, second; Peter Magee, ensign.

Second company: Thomas De Witt, captain; William Tapp, first lieutenant; Benjamin Bogardus, second.

Third company: Cornelius T. Jansen, captain; Nanning van der Heyden, first lieutenant; Moses Yeomans, second; Josiah Bagley, ensign.

Fourth company: Abraham Swartwout, captain; Philip Conine, first lieutenant; Gilbert R. Livingston, second; Samuel Lewis, ensign.

Fifth company: Aaron Aorson, captain; John Ball, first lieutenant; Gerrit Staats, second; Eldert Ament, ensign.

Sixth company: James Gregg, captain; Levi Stockwell, first lieutenant; Thomas Warner, second; George L. Denniston, ensign.

Seventh company: Henry Trebout, captain; Isaac Bogert, first lieutenant; Thomas McClellan, second; Christopher Hutton, ensign.

Eighth company: Leonard Bleeker, captain; John Welch, first lieutenant; Prentice Bowen, second; William Colbrath, ensign.
In obtaining the distinction of being free from the governmental control of Great Britain, the thirteen American colonies took no speedy steps to devise the ensigns representing their combined interests as a political power. The first-known use by the continental army of a standard symbolical of the confederation of the colonies was that made of the one denominated "the grand Union flag of thirteen stripes."

General Washington, in a letter to Joseph Reed, written at Cambridge, on January 4, 1776, makes mention of it, saying: "We are, at length, favoured with a sight of His Majesty's most gracious speech, breathing sentiments of tenderness and compassion for his deluded American subjects. The echo is not yet come to hand, but we know what it must be; and as Lord North said (and we ought to have believed and acted accordingly), we now know the ultimatum of British justice. The speech I send you. A volume of them was sent out by the Boston gentry, and, farcical enough, we give great joy to them, without knowing or intending it; for, on that day, the day which gave being to the new army, but before the proclamation came to hand, we hoisted the Union flag, in compliment to the United Colonies. But, behold, it was received in Boston as a token of the deep impression the speech had made upon us, and a signal of submission. So we hear, by a person out of Boston last night. By this time, I presume, they begin to think it strange that we have not made a formal surrender of our lines."

The Pennsylvania Gazette, issued in Philadelphia, on January 15, 1776, in like manner remarks, under "advices from camp at Cambridge, of the third and fourth instant": "That upon the king's speech arriving at Boston, a great number of them were reprinted and sent out to our lines on the 2d of January, which being also the day of forming the new army, the great Union flag was hoisted on Prospect-Hill in compliment to the United Colonies. This happening soon after the speeches were delivered at Roxbury, but before they were received at Cambridge, the Boston gentry supposed it to be a token of the deep impression the speech had made, and a signal of submission. They were much disappointed at finding several days elapse without some formal measure leading to a surrender, with which they had begun to flatter themselves."

The captain of an English transport, in a communication to the London owners of the vessel, dated at Boston, on January 17, 1776, makes a similar reference: "I can see the Rebels' camp very plain, whose colours, a little while ago, were entirely red; but, on the receipt of the king's speech (which they burnt), they have hoisted the Union flag, which is here supposed to intimate the union of the provinces." 

In the *Annual Register*, for the year 1776, published in London in 1788, the Union flag is described as having thirteen stripes: “The arrival of a copy of the king’s speech, with an account of the fate of the petition from the continental congress, is said to have excited the greatest degree of rage and indignation amongst them; as a proof of which, the former was publicly burnt in the camp; and they are said upon this occasion to have changed their colours from a plain red ground, which they had hitherto used, to a flag with thirteen stripes, as a symbol of the number and union of the colonies.”

As no mention is made of the color of the thirteen stripes constituting this particular flag, it has been assumed that they were alternately red and white.

The first legislative action, ordaining the symbols of the flag of the United States of America, was taken by the American congress on Saturday, June 14, 1777, when it

"Resolved, That the flag of the thirteen United States be thirteen stripes, alternate red and white: that the union be thirteen stars, white on a blue field, representing a new constellation.”

This genesis of the national standard may have been preceded by discussions by members of the congress concerning the propriety of the use and the signification of the banner’s emblematic colors, stars and stripes, but there are no minutes known as extant of such debates nor any traditions to render the supposition authoritative.

It has been confidently asserted that the style of the United States flag as established by congress was derived from a star-spangled banner, made in Philadelphia, by Mrs. John Ross from a rough drawing furnished her by a committee of congress, in June, 1776. The claimant of this particular knowledge, William J. Canby, of Philadelphia, read in 1870, before the Historical Society of Pennsylvania, a paper, in which he alleges that his maternal grandmother, Mrs. John Ross, was “the first maker and practical designer of the stars and stripes.” “Three of Mrs. Ross’s daughters,” who “were living when Mr. Canby wrote his paper,” are said made the same allegation, “founding their belief not upon what they themselves saw—for the incident occurred many years before their birth—but upon what their mother had told them concerning it.”

In a letter to Rear Admiral George Henry Preble, of the United States Navy, written by Mr. Canby soon after the reading of his paper before the Historical Society of Pennsylvania, he says: “It is not tradition, it is report from the lips of the principal participator in the transaction, directly told not to one or two, but a dozen or more living witnesses, of whom I myself am

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one, though but a little boy when I heard it. I was eleven years old when Mrs. Ross died in our house, and well remember her telling the story. * * * *

"Washington was a frequent visitor at my grandmother's house before receiving his command of the army. She embroidered his shirt-ruffles, and did many other things for him. He knew her skill with the needle. Colonel George Ross, with another member of the committee, who is thought to be Robert Morris, and General Washington called upon Mrs. Ross, and told her they were a committee of congress and wanted her to make the flag from the drawing, a rough one, which, upon her suggestions, was redrawn by General Washington in pencil in her back-parlor. This was prior to the Declaration of Independence, and I fix the date to be during Washington's visit to congress from New York, in June, 1776, where he came to confer upon the affairs of the army, the flag being no doubt one of these affairs."

"Mr. Canby, in later letters, contends that the stars and stripes were in common if not general use soon after the Declaration of Independence, and nearly a year before the resolution of congress proclaiming them the flag of the United States of America."

Swayed as one might be into a belief that Mr. Canby's allegations are true regarding his grandmother's fabrication of a United States flag of thirteen alternate red and white stripes, with a blue field, on which were displayed thirteen white stars, before the American congress had taken any action to establish the style of one, and that shortly after the Declaration of Independence banners of its kind were borne by continental and militia regiments and were flying on ships of the American navy, one must not forget that his asseverations are not substantiated by any documentary proof and as yet have no historical value.

A pernicious misstatement has recently been made in this form: "The construction of the first 'Stars and Stripes' took place under the personal direction of George Washington, aided by Robert Morris and Colonel Ross, a committee of congress 'authorized to design a suitable flag for the nation.' Some time between the twenty-third of May and the seventh of June, 1777, the design was taken to a little house * * * * then the home of a noted needlewoman, Mrs. Betsy Ross. * * * * Mrs. Ross suggested that a five-pointed star would be more pleasing to the eye than the six-pointed one in the original design; and her suggestion was carried out. The following day the flag was ready, and on June 14th, 1777, congress adopted it. * * * * A little later congress issued an order on the treasury to pay $1472. 2d. to Betsy Ross for the making of the flags for the fleet in the Delaware."

A perversion of the subject-matter of certain records of the Navy-Board

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of the State of Pennsylvania evidently gave rise to a part of this unwarranted
assertion. As the term "ships' colours" means flags, ensigns, and pennants
used on ships, it is not improbable that those made for the Pennsylvania navy
were of different patterns and bore such devices as distinguished each particular
vessel composing the fleet on the Delaware River and others representing the
proprietary title of the State of Pennsylvania.

William Richards, having, on May 21, 1776, been made the husband of the
vessels belonging to the fleet, wrote to the council of safety, on August 19,
that year, saying: "I hope you have agreed what sort of Colours I am to have
made for the Galleys, &c., as they are much wanted.

"You will please to order how you will have the Goods paid for, that are
bought for the Provincial Store, for I am in want of a Sum of money for that
and the Signals."

Again, at Philadelphia, he wrote, on October 15, that year, to the council
of safety, saying:

"The Commodore was with me this morning, and says the Fleet has not
any Colours to hoist if they should be called on Duty, it is not in my power to
get them done, until there is a design fix'd on to make the Colours by."

Some time within the succeeding seven months certain flags, ensigns, or
pennants, were made as is set forth in the following order on the paymaster of
the Pennsylvania navy:

* * * *

"State Navy-Board, May 29, 1777.

An Order on William Webb to Elizabeth Ross, for fourteen pounds
twelve shillings and two pence, for Making Ships' Colours, &c., put into William
Richards' Store, £14 12 2." 1

The fact that the origin of the flag of the United States is solely traceable
to the resolution, passed by the American congress, on the fourteenth of June,
1777, is established by unimpeachable testimony. The newspapers it will be
seen were the immediate sources of information from which the people derived
their knowledge of the action taken by congress to decree the style of the
national standard.

The following extract from the journal of Doctor James Thacher, who
served as a surgeon in the continental army during the Revolutionary war,
attests the truth of this declaration. Under the date of "August 3d," 1777, he
wrote at Albany:

"It appears by the papers, that congress resolved on the 14th of June

Pennsylvania archives. Second series. Published under the direction of Matthew S. Quay, secre­
tary of the commonwealth. Edited by John B. Linn and Wm. B. Egle, M.D. Harrisburg, 1874. Min­
A REDUCED FAC-SIMILE OF THE COVER OF CAPTAIN ABRAHAM SWAMPWORTH'S LETTER OF AUGUST 29, 1778.
[Handwritten text in cursive, difficult to read due to handwriting style and ink smudging.]

[Signature]

[Handwritten date]

[Handwritten note at bottom]

A REDUCED FAC-SIMILE OF CAPTAIN ABRAHAM SWARTWOUT’S LETTER TO COLONEL PETER GANSEVOORT.
last, that the flag of the thirteen United States be thirteen stripes, alternate red and white, that the union be thirteen stars, white in a blue field, representing a new constellation."

The official announcement of the passage of the resolution appeared in different newspapers several months later; the Boston Gazette printing it at the head of the first column of its second page, on the fifth of September.

From the city of Albany, it seems, a newspaper containing the resolution was carried to Fort Schuyler, either in the package of dispatches delivered there on Thursday, the thirty-first of July, or by one of the officers or men forming the convoy of the five bateaux, which arrived there on Saturday evening, the second of August. The last assumption is probably the more exact, and consequently affords good ground for the inference that as soon as the action of congress became known to the garrison, an eager desire was manifested by the officers and men to have the established flag displayed above the walls of the isolated post. So wishful were they to see the tri-colored emblem of the independence of the united colonies streaming in sight of the investing forces of the enemy, that a quest was made early in the following morning, Sunday, the third of August, for the requisite material with which to fabricate it.

An ample quantity of homespun linen and red cloth for the stars and stripes was readily found, but nothing suitable in color for the field seemed obtainable. Disconcerted by their inability to find stuff of the proper dye for the canton, the searchers were finally gladdened by the generous tender made by Captain Abraham Swartwout of his blue-cloth cloak for the material of the field. The unsolicited contribution of the unostentatious officer, whose services in Cuba as a volunteer from the province of New York, in 1762, had won for him the high esteem of his comrades-in-arms, when learned by Colonel Peter Gansevoort, elicited from the pleased commandant the promise of a gift of broadcloth of the quantity and value of that of the serviceable and costly mantle.

The order of the thirteen stripes being defined as "alternate red and white," the making of the flag was begun with a red horizontal stripe. The space to be given to the union and the arrangement of the stars were less easy to determine. The expression of opinion regarding the manner in which the thirteen stars should be displayed may have consumed considerable time.

1 Military journal during the American Revolutionary war, from 1775 to 1783. By James Thacher, M.D. Boston, 1823, p. 104.

2 "My aged grandmother, a daughter of Major-General Philip Schuyler, informed me the red stripes were furnished by the scarlet cloak of one of the women of the beleaguered garrison. Such cloaks were much worn at that time in this country." Vide: Our national flag, the stars and stripes. By Schuyler Hamilton. Magazine of American History, vol. i., No. 7, July, 1877, p. 429.
Whatever was the preponderating judgment concerning the initial presentation of the stars, there is no information to enlighten inquisitive historians. Possibly those embellishing the primal standard of the rising republic in the western hemisphere were constellated to represent the geographical positions of the thirteen united colonies. The inference seems warranted by the phraseology of the resolution which authorizes the grouping of the stars in an inexistent order. Should they have been arranged in a circle or in the form of a triangle, or clustered to resemble a familiar object, they could not have been regarded as bringing before the mind something new. As pertinently remarked by a thoughtful writer: "This 'new constellation' meaning no more than a new grouping of stars different from any of those mentioned in astronomy, has proved a stumbling block for the hyper-critics, eager to seek some hidden symbolism in the most indifferent things, and they have supposed the constellation to mean Lyra, because Lyra is a symbol for union. Lyra, however, is an old constellation, and the resolution calls for a new one."

The incidents of that bright and memorable first Sunday in August, on which the flag of the United States of America first rippled its rich blazonry in the free air of heaven, need little garniture of the imagination to obtain for them a permanent haven in the memory of every man, woman, and child claiming nationality under the attractive emblems of the beautiful ensign which had its auspicious consecration at Fort Schuyler.

The planting of a pole of a suitable height on the northeast bastion was accomplished in the afternoon. When the shadow of the west wall of the fort began to darken the inner side of the east parapet, the finished flag fastened to a halyard running to the top of the tall staff lay covered on the ground by it.

THE FIRST FLAG OF "THE NEW REPUBLIC."
Then the drummer on duty beat "the assembly," and the garrison, excepting that part on guard, obeyed its summons, and informally congregated in the central open space within the fort canopied by the unclouded blue sky. From the group of officers the adjutant of the regiment advanced a few steps and announced the orders of the day. Unfolding a newspaper handed him, he read the resolution of the American congress, particularizing the insignia of the flag of the new republic.

Standing at less than an arm's length from one another as were the seven hundred and more officers and men, they formed a scene strangely impressive in many of its features. The sharply defined lineaments of each sun-embrowned face turned toward the adjutant plainly expressed a firm adherence to a cause which needed for its support men of recognized stability of character and of unwavering faithfulness. The robust yeomen, hardy mechanics, and hale merchants, forming that compact body of continental soldiery, were commonly dressed in clothing made of pliant buckskin or durable homespun. Their commanding stature and healthful appearance were significant of their physical ability to win creditable renown in frequent and long-sustained conflicts with the troops of Great Britain. It apparently mattered little to those stalwart patriots whether their swords were patterned by skilled armorers or forged by rural blacksmiths, whether their fire-arms were long, smooth-bore rifles or heavy flint-lock muskets, save that they were weapons of war sufficient when properly used to hold in check or defeat an enemy.

While silently watching the hoisting of the flag and the breaking out of its brilliant colors in the baptismal light of the descending sun of that holy day, they were suddenly so enraptured by a conception of the honor of possessing so glorious a banner to symbolize their country's rise and independence, that with one accord they unitedly voiced their joy in loud and hearty cheers while the drummer beat an accompanying salute.

"Beneath that primal banner stood
Heroes from vale and shadowy wood;
Grave veterans from New England's soil,
And men well used to battles' broil,
From where broad Hudson rolls its tide,
From sunny glen and green hill-side;
Gathered to battle for the right,
To win or perish in the fight."

On Monday, the men engaged in heightening the walls early became targets for the enemy's German riflemen, who killed one and wounded seven. On the following day only one man was killed by the Hessian sharp-shooters, although several bombs, thrown into the fort from the five-inch mortars or
1. Fort Schuyler.
2. Besiegers' Approaches.
3. Three-gun Battery.
4. Four Mortars.
5. Three-gun Battery.
6, 6, 6. Enemy's Redoubts.
7. Point of Willett's Attack.
8, 8, 8. English Encampment.
9, 9. Provincial Royalists' Encampment.
10, 10, 10, 10, 10, 10, 10. Indian Camps.

Dotted lines: Road running from Oneida Lake to Albany.
Stream at the northwest corner: Wood Creek.

SKETCH OF FORT STANWIX.
AND
POSITION OF THE BRITISH AND INDIAN FORCES AT ITS SIEGE, IN AUGUST 1777.
"royals" planted about six hundred yards distant from the northeast bastion, harmed no one.

Shortly after dark, on Tuesday night, as is related by Lieutenant-Colonel Willett, "the Indians, who were at least one thousand in number, spread themselves through the woods, completely encircling the fort, and commenced a terrible yelling, which was continued at intervals the greater part of the night."

Brigadier-General Nicolaus Herchheimer, purposing to go to the relief of the besieged fort, began marching toward it with a thousand Tryon County militia.¹ On Wednesday, the sixth of August, about eleven o'clock in the morning, three men brought a letter from him to Colonel Gansevoort apprising him that he and a part of the succoring force had reached Oriskany, eight miles distant, and desiring him to signal the arrival of the dispatch-bearers by firing a cannon. Having complied with the request, Colonel Gansevoort immediately planned a diversion to favor the safe arrival of the militia. He ordered Lieutenant-Colonel Willett to sally upon the camp of the provincial royalists south of the fort with a body of two hundred men—one-half the number to be taken from the Third New York Regiment and the other from the Ninth Massachusetts—which was ultimately supplemented by fifty men under Captain Abraham Swartwout to guard "a light iron three-pounder," under the direction of Major Badlam. The sortie was, however, delayed nearly an hour by a heavy shower of rain.

Meanwhile Brigadier-General Herchheimer had not waited to hear the firing of the cannon at the fort notifying him of the receipt of the message, but had advanced and fallen into an ambuscade of the enemy, and was there unexpectedly attacked. Although the foremost militia bravely defended themselves, yet the disconnected manner in which the different companies were marching, led to a deplorable loss of valiant men and a speedy discomfiture of the wounded officer's confused force.

"As soon as the rain ceased, Lieutenant-Colonel Willett lost not a moment in sallying forth from the gate of the fort. As the enemy's sentries were directly in sight of the fort, his movements were necessarily very rapid." The British picket-line was driven in and the outlying guard attacked and dispersed without any embarrassing delay. "Sir John Johnson, whose regiment was not over two hundred yards distant from the advance guard, and who himself, the weather being warm, was in his tent with his coat off, had not time to put it on before his camp was forced. * * * * "

"Adjoining the camp of Sir John Johnson was that of the Indians. This also was soon taken, so that a very few minutes put Lieutenant-Colonel Wil-

¹ Tryon County embraced that part of the State of New York then lying west of Albany County.
lett in possession of both of these encampments. Sir John Johnson with his troops took to the river, and the Indians fled into the woods. The troops under Lieutenant-Colonel Willett had fair firing at the enemy while they were crossing the river.

"The quantity of camp equipage, clothing, blankets, and stores, which Lieutenant-Colonel Willett found in the two camps, rendered it necessary to hasten a messenger to the fort, and have the wagons sent, seven of which were stored in the fort, with horses. These wagons were each three times loaded while Lieutenant-Colonel Willett and his men remained in the camps of the enemy. Among other articles they found five British flags, the baggage of Sir John Johnson with all his papers, the baggage of a number of other officers with memoranda, journals, and orderly-books, containing all the information which could be desired.

"Lieutenant-Colonel Willett, in returning to the fort, found Brigadier-General St. Leger stationed with such force as he could collect opposite the landing on the other side of the river, not more than sixty yards from the direction in which he was marching, with the intention of intercepting him. Lieutenant-Colonel Willett's position, however, enabled him to form his troops so as to present him with a full fire in his front, while at the same time he was enfiladed by the fire of the small field-piece; and, though Brigadier-General St. Leger was sufficiently spirited in returning his fire, it was so wild as to be altogether without effect. Lieutenant-Colonel Willett returned in triumph to the fort, without having lost a single man.

"Upon his return, the five flags taken from the enemy were hoisted on the flag-staff under the continental flag; when all the troops in the garrison, having mounted the parapets, gave three as hearty cheers as perhaps were ever given by the same number of men." ¹

The engagement as described by Lieutenant-Colonel Willett in a letter written by him, at "German Flatts," on the twelfth of August, six days afterward, and published, on Monday, the first of September, in the Boston Gazette, was an event of memorable importance, inasmuch as it occasioned the capture of five British flags which were the first taken from the enemy after the making of the first flag of the United States of America and the first displayed beneath the streaming colors of the national standard.

"Wednesday morning there was an unusual silence; we discovered some of the enemy marching along the edge of the woods downwards. About eleven o'clock three men got into the fort, who brought a letter from General Harkaman, of the Tryon County militia, advising us that he was at Eriska (eight

¹ A narrative of the military actions of Colonel Marinus Willett, pp. 51-55, 130-133.
miles from the fort) with a part of his militia, and proposed to force his way to
the fort for our relief. In order to render him what service we could in his
march, it was agreed that I should make a sally from the fort with two hundred
and fifty men, consisting one-half of Gansevoort's, and one-half of Massachu­
setts men, and one field-piece (an iron three-pounder). The men were in­
stantly paraded, and I ordered the following dispositions to be made: Thirty
men for the advanced guard, to be commanded by Captain van Benscoten and
Lieutenant Stockwell; thirty for the rear guard, under the command of Cap­
tain Allen of the Massachusetts troops, and Lieutenant Dauffendroff; thirty
for flank guards, to be commanded by Captain ——, from Massachusetts, and
Ensign Chase. The main body formed into eight subdivisions [to be] com­
manded by Captain Bleeker, Lieutenants Conine, Bogardus, M'Clennar, and
Ostraundcr; Ensigns Bayley, Lewis, and Denison; Lieutenant Ball, the only
supernumerary officer, to march with me; Captain Jenson to bring up the
rear of the main body; Captain Swartwoudt with Ensigns Magee and Amant
and fifty men to guard the field-piece, which was under the direction of Major
Badlam. Nothing could be more fortunate than this enterprise. We totally
routed two of the enemy's encampments, destroyed all their provision that was
in them, brought off upwards of fifty brass kettles, and more than a hundred
blankets (two articles which were much needed by us), with a number of mus­
kets, tomahawks, spears, ammunition, clothing, deerskins, a variety of Indian
affairs, five colours, which, on our return to the fort were displayed on our flag­
staff under the continental flag."

"On the evening of the next day," as further remarked in the 'narrative of
the military actions' of Lieutenant-Colonel Willett, "the enemy fired a few
cannon at us from high ground, about a half a mile north of the fort, where
they had erected a small battery. The next day, being Friday, the 8th, they
threw a number of shells from the battery, none of which did any exe­
cution.

"In the evening they sent us a flag, with which came their adjutant-gen­
eral Captain Armstrong, Colonel John Butler, and a surgeon; the surgeon to
examine [Lieutenant] Singleton's wounds" [who had been wounded and taken
prisoner on Wednesday].

"The principal business of the flag was to acquaint us that General St.
Leger had with much difficulty prevailed on the Indians to agree that if the
commanding officer would deliver up the fort the garrison should be secured
from any kind of harm, that not a hair on the heads of the troops should be
touched, but if not, the consequence to the garrison, should it afterwards fall
into their hands, would be terrible; that the Indians were very much enraged
on account of their having a number of their chiefs killed in the late action, and
were determined, unless they got possession of the fort, to go down the Mohawk River valley and fall upon its inhabitants."

The answer given the bearer of the message was an assurance that the commandant of the fort intended to retain possession of it as long as the garrison could defend it, and that if the blood of any of the unarmed people living along the Mohawk River should be shed by the ruthless savages employed by Great Britain, their murderous work would justly be regarded thereafter as instigated by the commander of the forces at that time besieging the fort.

Still hopeful that his promises and threats might obtain the surrender of Fort Schuyler, Brigadier-General St. Leger, on Saturday, August 9, sent a lengthy communication to Colonel Gansevoort reciting the dire evils that would befall the defenders of the fort and the exposed people of the frontier farms should it not speedily capitulate, and that if an immediate surrender of it were made, what magnanimous concessions the officers and men should receive, and saying:

"I now repeat what has been told you by my adjutant-general, 'that, provided you will deliver up your garrison with everything as it stood at the moment the first message was sent,' your people shall be treated with every attention that a humane and generous enemy can give."

A curt and conclusive answer was returned him:

"Fort Schuyler, August 9, 1777.

Sir:

Your letter of this day's date I have received, in answer to which I say that it is my determined resolution, with the forces under my command, to defend this fort to the last extremity in behalf of the United States, who have placed me here to defend it against all their enemies.

I have the honor to be, sir,

Your most obedient, humble servant,

Peter Gansevoort,

"Colonel commanding Fort Schuyler."

"General Barry St. Leger."

The speedy relief of the fort having been considered at a conference of the officers of the garrison, Lieutenant-Colonel Willett signified his willingness to make an attempt to reach Fort Dayton at the German Flatts, about twenty-eight miles distant, where it was assumed he could obtain the needed succor of an adequate body of militia or continental troops. He and Lieutenant Levi Stockwell, on the following Sunday night, quitted the fort and cautiously passed the sentinels and camps of the enemy. By a long and roundabout course,
they were successful in eluding observation, and on Tuesday afternoon, August 12, they safely reached their destination. There they were informed that Brigadier-General Learned was then marching to the relief of Fort Schuyler with his brigade of Massachusetts troops, which had been in camp on Van Schaick's Island, at the confluence of the Mohawk and Hudson rivers.

On Wednesday morning the two zealous officers set out on horseback to meet the advancing force. The information given them by Brigadier General Learned that Major-General Benedict Arnold had the command of the troops then on their way to the besieged fort, caused Lieutenant-Colonel Willett to proceed on Thursday to Albany, where he learned from Major-General Arnold that the First New York Regiment was also marching toward Fort Dayton. On the following Sunday, the commanding general and Lieutenant-Colonel Willett arrived there, "where the whole force intended for the relief of Fort Schuyler was assembled."

It evidently was Brigadier-General St. Leger's final purpose to get possession of Fort Schuyler by sapping and mining, for his troops shortly began making advances toward it by throwing up a series of approaches on the open ground north of it. The constructed parallels were extended so near the fort by Wednesday, August 20, that the well-directed fire of the garrison's riflemen greatly hindered any further rapid advancement of the work on them.

About that time the first intelligence of the presence of a large body of American troops at Fort Dayton reached the busy besiegers. "Long before its approach," as related by Bancroft, "an Indian ran into Saint Leger's camp, reporting a thousand men were coming against them, another followed doubling the number, a third brought a rumor that three thousand men were close at hand; and deaf to remonstrances and entreaties from their superintendents and from Saint Leger, the wild warriors robbed the British officers of their clothes, plundered the boats, and made off with the booty. Saint Leger in a panic, though Arnold was not within forty miles, hurried after them before nightfall [on August 22nd], leaving his tents, artillery, and stores." This pusillanimity terminated the siege.

The historic genesis of the flag of the United States of America at Fort Schuyler, where, under its streaming insignia, in that brief space of nineteen days, were witnessed those spirited acts of fidelity and valor that ever notably crown men with renown, was most glorious and auspicious. What omens of success could better cheer the armed patriots strenuously battling to vindicate their right to be free and independent than the five flags hanging beneath the waving colors of that emblematic standard?

In attestation of the valorous conduct of the garrison, the American congress, on Saturday, October 4, 1777, unanimously

"Resolved, That the thanks of congress be given to Colonel Gansevoort, and to the officers and troops under his command, for the bravery and perseverance which they so conspicuously manifested in the defence of Fort Schuyler." ¹

CHAPTER VII.
SIRES AND SONS OF THE REVOLUTION.
1777-1783.

THE occupation of different parts of the territory of New York by the British forces compelled the provincial congress, or, as it was later styled, "the convention of the representatives of the State of New York," to quit the city of New York, and subsequently to convene at Harlem, King's Bridge, White Plains, Odells, Fishkill, and Poughkeepsie. A committee having been appointed on August 1, 1776, to frame a constitution, a draft of one was submitted on March 12, 1777, to the convention, and, on April 20, the instrument was adopted. Among its noteworthy provisions were those relating to the qualifications fitting a male inhabitant of the State of proper age to exercise the privilege of an elector. The possession of a freehold of the value of twenty pounds, or of a leasehold of the annual value of forty shillings, qualified one to vote for a member of the assembly, and that of a freehold of the value of one hundred pounds, clear of all indebtedness, for a senator. Senators were required to be freeholders, but no property-qualification determined the fitness of an elector to be an assemblyman.

The convention of the representatives of the State of New York by an ordinance for organizing and establishing the government of the State, ordered that the sheriffs of the counties of Albany, Ulster, Orange, Westchester, Dutchess, Tryon, Cumberland, Charlotte, and Gloucester to cause elections to be held for members of assembly for the respective counties in July. As it was then impracticable, on account of the presence of the enemy, for electors in the southern district, the county of Westchester excepted, to choose representatives, it was further ordered that the persons named in the said ordinance should respectively be representatives in the assembly for the city and county of New York, and for the counties of Suffolk, Queens, Kings, and Richmond, until the electors they represented should be enabled to elect representatives.

On July 9, 1777, the returns of the first elections were made to the council of safety of the State. Brigadier-General George Clinton, who was elected
THE SWARTWOUT CHRONICLES.

governor, was inducted into that office on July 30, at Kingston. Colonel Jacobus Swartwout was one of the seven assemblymen elected in Dutchess County; his six colleagues being Egbert Benson, Dirck Brinckerhoff, Anthony Hoffman, Gilbert Livingston, Andrew Morehouse, and John Schenck. Until the organization of the legislature at Kingston, on Wednesday, September 10, the governor and council of safety administered the government.

The importance of having forts at suitable points along the Hudson River was early considered by the continental congress, and, on August 18, 1775, commissioners were appointed to erect immediately those reported as proper to be built. Bernard Romans, an engineer, on October 16, that year, made the following suggestion concerning the eligibility of the rocky knolls on the north and south sides of the mouth of the Pollepel Kill, on the west side of the river, the northern knoll being now in the town of Cornwall, in Orange County, and the southern in the town of Haverstraw, in Rockland County: "At Pooploop's Kill, opposite to Anthony's Nose, is a very important pass. [See map, page 157.] The river is narrow, commanded a great way up and down, full of counter-currents, and subject to almost constant fall winds; nor is there any anchorage at all, except close under the works to be erected, etc. I understand it will be an easy matter to obstruct the navigation of the river so as to confine it to twelve or fourteen feet, and in that case it remains large enough for our use, etc."

The construction of Fort Montgomery, on the north side of the mouth of the creek, was shortly afterward begun, and later the obstruction of the river between it and the mountain called Anthony's Nose, on the east side of the river, about four miles north of Peekskill. Fort Clinton, on the opposite side of the Pollepel Kill, a much smaller work, had an elevation of one hundred and twenty-three feet above the Hudson.

At the time that the British Lieutenant-General, Sir Henry Clinton, then occupying the city of New York, undertook the reduction of the two forts, in order to gain possession of the entire river, and afford Lieutenant-General John Burgoyne such assistance as would permit him to reach Albany with his army, Major-General Israel Putnam, who had the general command of the Highlands, had his head-quarters at Peekskill, where he had a force of fifteen hundred men.

The garrison of Fort Montgomery, under the command of Colonel John Lamb, consisted, on Monday, October 6, "of militia from the surrounding country, many of whom were unarmed, with one company of artillery and a few regulars" of the continental line. That of Fort Clinton, commanded by Brigadier-General James Clinton, was "similar in character with that which occupied Fort Montgomery."

"On the third of October, eleven hundred British troops were transported
from New York to Spuyten Duyvil Creek, thence to Tarrytown, where they landed early on the morning of the fourth. A second division, which Commodore Hotham reports at about the same number, marched from King's Bridge to Tarrytown by land, reaching that place the same day. The third division took transports from New York, on the fourth, under convoy of the Preston frigate, the Mercury, and the Tarar, and in the course of the same tide arrived off Tarrytown. On the same night, the wind favoring, and by the use of a large number of flat-boats previously collected, the entire command was advanced to Verplanck's Point [about five miles south of Peekskill], where it landed, on or about the fifth. The expedition was managed with signal skill. General Putnam's report shows that he was entirely deceived by the manoeuvres of Sir Henry Clinton.

"On the afternoon of the fifth, a detachment from the British army embarked on forty flat-boats, besides ships and galleys, under convoy of the vessels of Sir James Wallace, and made every appearance of their intention to land both at Fort Independence [on the east side of the river, five miles south of Fort Clinton] and Peekskill." Governor Clinton was keenly watchful of every movement. He adjourned the legislature, then at Kingston, and hastened to Fort Montgomery to give his personal support to the garrison, and to watch the approaches by the Haverstraw Road which passed through the mountains, and with which he was familiar.

"Sir Henry Clinton transferred his army from Verplanck's Point to Stony Point [opposite it], early on the morning of the sixth. The demonstration of Sir James Wallace up the river completely masked the main movement by King's Ferry [between Verplanck's Point and Stony Point], and a heavy fog so obscured the view that General Putnam, who discovered a large fire at the ferry on the west side, supposed that a party had landed for the sole purpose of destroying the store-houses at that point.

"Five hundred regulars, consisting of the fifty-second and twenty-seventh regiments, and Emerick's chasseurs, with four hundred provincials commanded by Lieutenant-Colonel Campbell, and Colonel Robinson of the provincials, second in command, marched to occupy the pass at Dunderberg (Thunder Hill). This detachment was ordered 'to make the detour of seven miles around this hill and Bear Hill, to the rear of Fort Montgomery.' General Vaughan, with twelve hundred men, consisting of grenadiers, light infantry, the twenty-sixth and sixty-third regiments, one company of the Seventy-first, and one troop of dismounted dragoons, and the Hessian chasseurs, covering the corps of Lieutenant-Colonel Campbell until it should pass Dunderberg, was to halt at the point where that corps took its course around Bear Hill to the left, and upon its approach to Fort Montgomery, was to move by the right to storm Fort
Clinton from the south. General Tryon with the seventh regiment, and the Hessian regiment of Trumbach, while co-operating with General Vaughan, was to occupy the pass and preserve communication with the fleet; and ultimately that officer joined General Vaughan and participated in the final assault upon Fort Clinton.

"The approach to Fort Clinton was steep and difficult. Besides an advanced redoubt, large trees had been felled and distributed as abatis down the slope, and a heavy stone wall crossed the foot of the hill below the timber, extending from the Hudson to Sissipink pond or lake.

"On the evening of the fifth, Sunday, Governor Clinton sent Major Samuel Logan [of the Fifth New York Regiment], who was well acquainted with the ground, through the mountains to reconnoitre. He returned at nine o'clock on Monday, with the information that a considerable force was between King's Ferry and Dunderberg; but the numbers could not be discovered on account of the fog." Lieutenant Pattin Jackson [of the same regiment] marched out two miles on the Haverstraw Road with a small party, but was compelled to retire. Lieutenant-Colonel James S. Bruyn [of the same regiment] with fifty continental troops, and as many militia under Lieutenant-Colonel James McClaughry [of the second regiment of Ulster County militia], was sent to support Lieutenant Jackson, but he was too late to seize the pass, and fell back slowly, in good order, 'disputing the ground inch by inch.' Governor Clinton was the life of the defence of both posts.

"A dispatch was sent to General Putnam asking for reinforcements, and Lieutenant-Colonel Lamb was directed to send a six-pounder, the only field-piece at Fort Montgomery, with sixty men and a supporting party of the same strength, to check the advance of Lieutenant-Colonel Campbell, who was approaching that fort. This detachment fought with great spirit, but was compelled to retire, abandoning the gun after spiking it. A second detachment was hurried to their support, and a twelve-pounder was advanced to cover their retreat, which was accomplished with some loss, including Captain Fenno taken prisoner. This was about two o'clock in the afternoon, as stated in the official report of Governor Clinton. The attack upon the fort was maintained until five o'clock, when a flag was sent, demanding a surrender. This was refused, and the fight continued until dusk, when the works were stormed on all sides, and the garrison made their best efforts to escape.

"In Sir Henry Clinton's report he states that 'after the advanced parties before Fort Clinton were driven into the works, Trumbach's regiment was posted at the stone wall to cover our retreat in case of misfortune,' and 'the works were stormed at the point of the bayonet, without a shot being fired.'

"He reports his 'loss as not very considerable, excepting in some respect-
able officers who were killed in the attack.' Lieutenant-Colonel Campbell was killed in the assault upon Fort Montgomery. Count Grabowski, aid-de-camp of Clinton, Majors Sill and Grant, and Captain Stewart, were among the killed. Commodore Hotham in his official report, states the British loss at about forty killed, and one hundred and fifty wounded.

"The American loss was not far from three hundred killed, wounded, and missing." 1

Among the American officers and men who were engaged in the defence of the two forts were Lieutenant Cornelius Swartwout in Colonel John Lamb's artillery regiment; Ensign Henry Swartwout in Colonel Lewis Dubois's regiment (the Fifth New York); and one, if not three, of the sons of Philip and Antje Wynkoop Swartwout of Magaghkemeck—Jacobus, 2 Philip, and Gerardus—privates in Captain Abraham Cuddeback's company, in Lieutenant-Colonel James McClaughry's regiment of Ulster County militia. Ensign Henry Swartwout was of the number taken prisoners.

"Brigadier-General James Clinton received a bayonet wound, but escaped to the mountains, as did the larger part of the garrison; and Governor Clinton safely crossed the Hudson in a skiff, and joined General Putnam. * * * *

"One hundred cannon, including sixty-seven in the fort and others on vessels, and very considerable quantities of powder, cartridges, and shot were trophies of the assault. The boom, chain, and chevaux de frise, which they protected, were displaced, and the frigates Montgomery and Congress, which had been ordered down the river by General Putnam for the defence of the boom, were burned. * * * *

"As the result of the occupation of these forts, Peekskill was abandoned, then Forts Independence and Constitution; and General Putnam retreated to Fishkill. * * * * General Vaughan, under escort of Sir James Wallace, went up the river as far as Esopus (Kingston), and [on October 16], burned the village. On their return, Forts Clinton and Montgomery were thoroughly ruined, and Sir Henry Clinton retired to New York." 3

At that time, Captain Barnardus Swartwout was stationed with his company at the mouth of Wappinger Creek, nine miles south of Poughkeepsie and twenty-seven south of Kingston. On October 18, he was ordered by the commanding officer, having his head-quarters at Poughkeepsie, "to continue at Wappinger Creek, to guard the shore on the river and protect the inhabitants." He was further instructed to "draw up all the vessels and craft as far into the

1 The names of two hundred and thirty-seven prisoners are listed in an outline history of Orange County, N. Y., by Samuel W. Enger, 1846-7, pp. 567-578.
2 For services on May 15, 1782, he received a certificate; Vide: Treasurer's certificates, No. 18574, vol. iv., p. 59.
creek as possible and sink them.” Should any force of the enemy approach that point and make an attempt to land there, he was ordered to notify the commanding officer without delay.

The first, second, and third New York regiments having taken part in the engagements at Bemis's Heights and Saratoga, on October 7 and 12, and witnessed the surrender, on October 17, of the British army of five thousand seven hundred and sixty-three officers and men by Lieutenant-General John Burgoyne to Major-General Horatio Gates, at Saratoga (Schuylerville), shortly afterward marched southward, and joined the main army under General Washington in New Jersey, and later went into winter-quarters at Valley Forge, on the south side of the Schuylkill River, in Pennsylvania.

By the general orders issued at Valley Forge, on May 31, 1778, the First New York Regiment was substituted for the Eighth Pennsylvania Regiment, in the second Pennsylvania brigade, in Major-General Thomas Mifflin's division. The three New York regiments participated in the battle of Monmouth, fought on June 28, at Wenzrock Creek, in Monmouth County, New Jersey. Thence they marched with the main army to the Hudson River, where, at King's Ferry, they crossed it, and occupied a position at White Plains. There, on July 22, as ordered by General Washington, the New York continental brigade was formed with the First New York (Van Schaick's), Second New York (Van Cortlandt's), Fourth New York (Henry B. Livingston's), and the Fifth New York (Lewis Dubois's), and placed under the command of Brigadier-General James Clinton, which, “by its perfect discipline, good conduct and gallantry in action, attracted the favorable notice of the continental officers from other states, and of the officers of the French army,” to the end of the war of the Revolution.\footnote{The New York Continental Line of the Army of the Revolution. By Asa Bird Gardner. Magazine of American History, vol. vii., No. 6, pp. 407-410.}

Prior to the construction of bridges across unfordable streams in the first settled parts of North America, there were to be found, at certain points along such water-courses, farmers, who, having ferry-boats, became subject to the calls of wayfarers and the people of the neighborhood for conveyance over such streams. These places soon became known, and were called ferry-farms. The exclusive right to enjoy this remunerative privilege largely contributed to the value of such freeholds, and a lessee, to secure the use of one, was commonly obliged to pay a rent proportionate to the patronage acquired by the ferry belonging to the farm. The name pont-post, by which the Dutch settlers styled a ferry-farm, in time became corrupted, and was often phonetically spelled peenpack and peenreck.

A ferry-farm having early been established near the confluence of the Never-
sink and Delaware rivers, not far from the site of Port Jervis, in Orange County, the southern part of Maghaghkemeck shortly afterward began to be known as the ferry-farm neighborhood, and later as the Peenpack neighborhood. Within its limits, in 1778, lay the farm of Justice Philip Swartwout, four miles north of the ferry. 1 About a mile directly north of his house was a small log palisaded fort, built for a place of refuge and defense when the lives of the farmers and their families were endangered by the presence of bands of hostile Indians in the neighborhood. A brook, having its source in a bubbling

spring of limpid water near and northwest of his door-yard, ran eastward on the north side of the house, to the Neversink River, less than a half a mile distant.

Fifty years of age, robust, more than six feet in height, Justice Philip Swartwout, it is said, closely resembled General Washington in facial features, size, and carriage. His first wife had borne him five sons and one daughter, all of whom were living at that time, except his second son, Cornelius, who evidently had died prior to the baptism of his fifth son, Cornelius Wynecoop, on March 20, 1763. His youngest son, Peter, born on June 11, 1766, was the only fruit

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1 Vide: Letter of the justices of the Court of Common Pleas of Ulster County to Governor William Tryon, dated May 7, 1773, petitioning the appointment of Philip Swartwout a justice of the peace of Ulster County. New York Colonial MSS., vol. xcix., p. 125.

On June 15, 1778, the State Council of Appointment designated him a "justice of the peace of Ulster County."
of his second marriage. The father and his three eldest sons: Jacobus, twenty-five years of age; Philip, seventeen, and Gerardus, fifteen, subscribed their names to the pledge of association, at Mamakating, Ulster County, in June, 1775. The sons, as has been said, were among the discomfited defenders of Fort Montgomery and Fort Clinton.

The dreaded Mohawk chief, Thayendanegea, or Joseph Brandt, leading a force of nearly one hundred Indians and tories, made, on October 13, 1778, a sudden descent into the Neversink valley, and left a horrifying trail of death and ashes across its fruitful farms. At the first intimation of his presence there, the farmers of the Peenpack neighborhood hastened with their families to the nearest forts. The closeness of Fort Gumaer to the farm of Justice Philip Swartwout permitted his wife, daughter, and youngest son to reach it speedily and safely under the armed escort of the father and his four other sons.

Imagining that they might have time to return home and convey to the fort certain articles of clothing, bedding, and food, needed by them while defending it, Justice Swartwout and his three sons, Jacobus, Philip, and Gerardus, ran back to the farm. On the way thither they were espied by a number of savages, who had guardedly approached the homestead. Seeing no evidences of the lurking Indians, they passed from the house into the back yard, each carrying
the things which he intended to take to the fort. Having turned their faces
toward their destination, the savages rushed with brandished tomahawks upon
them. The rapid footfalls of the moccasined Indians instantly apprised them
of their fell purpose. Quickly confronting them and casting upon the uplifted
war-hatchets of those nearest them the pieces of apparel which they had been
carrying, they gained time enough in which to disengage the guns strapped to
their own shoulders and to use them as clubs in beating off their impetuous but
wary antagonists.

The stalwart father, solicitous for the safety of the people at the fort, seeing
his son Jacobus, an exceedingly swift runner, strike to the ground the savage
before him, bid him flee immediately to Fort Gumaer, and have the guard alert
against any surprise of the enemy. Outnumbered as Justice Swartwout and his
two sons, Philip and Gerardus, were, they heroically withstood their assailants,
but soon sank dying to the ground, crimsoned with the warm blood of their
frightfully cleft wounds. Jacobus, though closely pursued across several fields
by a fleet-footed Indian, safely reached Fort Gumaer.

![Foreground of the Site of Fort Gumaer](image)

which stood, in 1778, where the faint outlines of three buildings are seen in the middle of the view, at the north end
of the stretch of meadow-land, looking northward from the site of Justice Philip Swartwout's house, near the lower
right-hand corner of the engraving, immediately east of the railroad.

On learning the startling intelligence, Captain Abraham Cuddeback, of
Colonel James McLaughry's regiment of Ulster County militia, commanding
the fort, in order to deceive the Indians respecting the number of armed men
there, quickly paraded all the grown people before it; the women wearing
men's coats and hats, and carrying over their shoulders sticks of wood of the
length of guns. The timely stratagem was highly successful, for the distant
savages, hearing the sound of a beaten drum, looked toward Fort Gumaer, and
seeing the marching line of imagined militiamen, they passed it beyond the range
of a rifle-bullet, for they knew the settlers were excellent marksmen and besides, the ground contiguous to it was open and treeless.

Wishing to ascertain the whereabouts of the nearest Indians, Captain Cuddeback sent out in the afternoon a scouting party, which had not gone far from the fort before it was attacked by a number of ambushed savages. Cornelius Wyncoop, the fifth son of Justice Philip Swartwout, was twice wounded, first in his right hip by a musket-shot which fractured the hip bone, and last in his left thigh by a buckshot. The party repulsed the Indians and returned to the fort with their wounded comrades.

Feared an assault upon the fort at night, Captain Cuddeback placed pitchforks in the hands of a number of men to prevent the enemy from scaling the stockade. The venerable widow of Major Jacobus Swartwout, it is related, claimed the privilege of having a pitchfork and of doing watch duty during the night. The only evidence disclosing the nearness of the marauders to Fort Gumaer after nightfall was the thud of several bullets against the palisades when they departed in the darkness from the Peenpack neighborhood.

As a consequence of the massacre of Justice Philip Swartwout and his two sons, the bereaved family began in the following month making a partition of his estate. The disposition of the property is minutely particularized in an instrument of writing headed with the locative title, "Peenpeck" and prefaced: "Memorandum. Of an Agreement Entered into this Nineteenth (sic) Day of November in the Year of our Lord Christ One thousand Seven Hundred and Seventy-Eight Between Jacobus Swarthout Eldest son of Philip Swarthout Esq. Deceased Ann Depuy Only Daughter of sd. Philip Swarthout for themselves; and for and in behalf of Cornelius Swarthout sick and Peter Swarthout their Younger Brother Now under Age, With Deborah Swarthout Widow of the aforesaid Philip Swarthout Esq. And with each other, for the Dividing

\[1 \text{ Vide: Manuscript of Peter E. Gumaer, Minisink Valley Historical Society's collections, Port Jarvis, N. Y.} \]

\[2 \text{ Invalid pensions, 1787. Book B, pp. 71, 72.} \]

\[3 \text{ Cornelius Swartwout of Peenpack, in the county of Ulster, farmer, being duly sworn, maketh oath that during the late war he was a soldier in Captain Abraham Cuddeback's company in the regiment of Ulster County militia commanded by Colonel James McCloughry. That on the thirtieth day of October, in the year of our Lord, 1778, being on duty at Peenpack aforesaid, under the command of Captain Cuddeback, and ordered out on a scout under the command of Lieutenant Stewart of the same regiment, they were attacked by a party of Indians, and the deponent received a musket-shot wound in his right hip, by means whereof his hip bone is fractured and another wound from a buckshot in his left thigh. That by means of his first wound he is rendered incapable of obtaining his livelihood by labour. That on the twenty-fifth day of March last he was twenty-five years of age, and that he now actually resides at Peenpack aforesaid.} \]

\[4 \text{ Cornelius Swartwout.} \]

\[5 \text{ Sworn this sixth day of March, 1787, before me.} \]

\[6 \text{ He was allowed an yearly pension of $48, from November 1, 1778.} \]

\[7 \text{ Richard Varick, recorder.} \]
with, and Appropriating to each other Certain Articles belonging and of the Estate of sd. Philip Swarthout Esqr. Deed." As specialized by an annotation marked "N. B." "Cornelius Wynecoop Swarthout Chose two Guardians before these presents" were signed and sealed.

Among the appraised chattels were one negro woman valued at £200, a negro girl at a similar sum, another at £150, and a negro man named Tobe. The live stock on the farm was appraised at £359, and the cash, bonds, and notes in the house amounted to £116, 8s., 6d. Three vendues returned the heirs £138, 2s., 6d., who meanwhile had apportioned among themselves a considerable part of the personal property. "To pay the doctor and other extraordinary expenses" necessary for the healing of Cornelius Wynecoop Swartwout's wounds, a note bearing interest, and the money due on flour and grain furnished the state militia, were set apart to defray them.

To protect the settlers on the frontier of Orange County from massacre by predatory bands of Indians, the third regiment of Ulster County militia, commanded by Colonel John Cantine, was stationed at points along it in November and December, that year. Captain John Brinckerhoff's company of Dutchess County militia, of which William Swartwout was lieutenant, and his twin brother Jacobus, ensign, also served there at that time under Colonel Cantine.1 Serving also in the same company and regiment at that time as a private was Jacobus, the son of Rudolphus and Gerrardine Swartwout.

After the reduction of Fort Montgomery and Fort Clinton, Major-General Israel Putnam selected West Point as a site for a fortification, which was begun in 1778 and completed in 1779. To obstruct the navigation of the Hudson River, a chain was stretched from the north side of the rocky point to Constitution Island, on the east side of the stream.

The links were made of bar-iron, nearly two inches thick, severally weighing about one hundred and fifty pounds. The weight of the entire chain was one hundred and eighty-six tons. It was made in sections of ten links, which were united by an open link, at the open end of which were holes through which a bolt was thrust when two sections were connected. A section of the chain and an open link formed a load, which, when conveyed from Sterling Furnace to New Windsor by an ox-cart, were, with other sections, transported thence by water to West Point. Tradition relates that Roeloff, son of Anthony and Mary Armstrong Swartwout, born in the town of Goshen, in Orange County, on January 1, 1764, was at the time of the making of this chain too young to enter the army, but was pressed into service then as a teamster, and was employed in hauling sections of the chain from the furnace to Windsor. As the ships of the British never

1 Vide: Certificates of the Treasurer of the state of New York, Nos. 37777, 37778.
afterward attempted to ascend the river, the chain remained in position, supported by a floating framework of wood, until the fall of 1783, when it was removed.\(^1\)

General Washington, writing to the president of congress, from Fishkill, on Saturday, October 3, 1778, disclosed the purpose of his having his head-quarters there, saying:

"The enemy in the Jerseys having received a reinforcement, and made some forward movements, I ordered Major-General Putnam across the river for the immediate security of West Point, and moved a division of troops to this place, to be nearer that post. I have since come here myself, and propose to remain till the views of the enemy on the Jerseys are decided."

The head-quarters of the commander-in-chief was then at the hospitable home of Captain John Brinckerhoff, a low stone building, erected in 1738, on the east side of the road leading from the village of Fishkill to Hopewell, and now about midway, on the same highway, between Brinckerhoffville and Swartwoutville.

Tradition relates that the distinguished Prussian-American general, Baron Frederick William Augustus de Steuben, had once his head-quarters at the neighboring homestead of Colonel Jacobus Swartwout, standing immediately south of his later residence at Swartwoutville,\(^2\) which was occupied in the fourth

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\(^1\) Vide: An outline history of Orange County, N. Y. By Samuel Eager. 1846-7, pp. 566, 567.

\(^2\) To be sold by the Subscriber, and possession given the ensuing Spring. His farm, laying between Gen. Swartwout and Colonel Griffin's, now occupied by Mr. Isaac Stonehouse; situated in a genteel and
decade of this century by the family of the father of Admiral John Lorimer Worden when he was a boy. Neglected and weather-stained, the plainly fashioned building, once exteriorly clad with heavy shingles, is now curiously viewed as a quaint architectural relic of colonial times.

Writing to Gouverneur Morris, from his Fishkill head-quarters, on Sunday, October 4, 1778, Washington reveals his thoughts regarding the financial perils threatening the existence of the infant republic:

"Can we carry on the war much longer? Certainly No, unless some measures can be devised and speedily executed to restore the credit of our currency, restrain extortion, and punish forestallers. Without these can be effected, what funds can stand the present expenses of the army? And what officer can bear the weight of the prices that every necessary article is now got to? A rat in the shape of a horse is not to be bought at this time for less than $200; a saddle under thirty or forty; boots twenty,—and shoes and other articles in the like proportion."

Continental money became so depreciated that a dollar of the currency had no greater value than three or four cents. Congress was compelled, in 1779, to authorize the issue of two hundred millions of paper money. "The first six months of 1779 was a severe test of the endurance of the bankrupt republic, and an equally severe test of the patriotism of the southern states, which began to feel the pressure from rapidly augmenting hostile forces, while the general government was powerless to render them adequate aid for defence. Thus far the campaign had been exhaustive without many critical issues to arouse the people to a passionate resistance.

"One single demonstration was made by General Clinton, which seemed to have in view the reduction of the Highland posts, and this confirmed the policy of Washington in retaining his army in such a position that he could quickly reach the Hudson River. On the thirteenth of May, General Clinton ascended the river, accompanied by General Vaughan, under convoy of the fleet of Sir George Collier, and took possession of Verplanck's Point and Stony Point. The latter post was being fortified, but by a very small force, entirely inadequate to resist a naval attack. It really had little defensive value, but the two posts taken together formed the lower passage to the Highlands, and their occupation by the British would be a standing menace to West Point."
"On the twenty-third [of May], Washington removed his head-quarters [from Middlebrook, in New Jersey] to New Windsor [six miles north of West Point and two south of Newburg], leaving General Putnam in command. General Heath was ordered from Boston, and General Wayne was stationed between the Clove and Fort Montgomery, near Dunderberg Mountain."

The enemy's presence in the Highlands and his nearness to the southern part of Dutchess County called into active service, from June 1 to June 11, the second (Rombout Precinct) Dutchess County militia regiment, of which Colonel Abraham Brinckerhoff had then the command. Among the companies belonging to the battalion was the one of which George Brinckerhoff was captain, and of which Jacobus, son of Samuel and Phebe Pudney Swartwout, was appointed ensign, on June 25, 1778, and in which his brother John was a corporal; and the company of Captain John G. Brinckerhoff, in which Derick (Richard), son of Colonel Jacobus, and Aeltje Brinckerhoff Swartwout, was a private; and that of Captain John Schutt, of which William, son of Thomas and Mary Garseling Swartwout, was second lieutenant, and his twin brother, Jacobus, was ensign; the appointments of the brothers to these two positions bearing date of June 25, 1778. In the same company their brother, Thomas, was a corporal.

The successful assault upon Stony Point (see map, page 157), between twelve and one o'clock on the morning of July 16, 1779, by Major-General Anthony Wayne, in which the attacking force lost fifteen killed and eighty-three wounded, and the defenders twenty killed and seventy-four wounded, and four hundred and seventy-two officers and men taken prisoners, and ordnance and stores valued at $58,640, greatly gratified and encouraged the continental patriots.

On the morning of July 19, 1779, sixty Indians and twenty-seven provincial royalists disguised as savages, under the leadership of the notorious Joseph Brandt, appeared at Minisink, immediately east of the confluence of the Delaware and Neversink rivers, and burned ten houses, eleven barns, a grist-mill, and the church, after rapaciously plundering them. (Vide map, page 140.)

Colonel Benjamin Tuston, with one hundred and forty-nine men of his regiment of Orange County militia, hastened from Goshen to the burned settlement, and was followed by Colonel John Hathorn, with a small reinforcement of militiamen from his Orange County regiment, from Warwick. "An ill-managed pursuit, an ambuscade, and a massacre followed." It is said that of the one hundred and forty-nine men who went out with Colonel Tuston, "only thirty returned." The names of forty-five men are on the monument at Goshen, near the court-house, on which is the inscription: "Erected by the in-
habitants of Orange County, July 22, 1822. Sacred to the memory of forty-four of their fellow-citizens, who fell at the battle of Minisink, July 22, 1779."  

Whether Aaron Swartwout, then a lifer in Colonel John Hathorn’s regiment, was among the militiamen attacked by the ambushed Indians and Tories at Minisink, no definite information is obtainable, although he is known to have been in active service during the greater part of the summer of 1779.  

The second, third, fourth, and fifth New York regiments composed a part of the forces under Major-General John Sullivan and Brigadier-General James Clinton, which in the months of August and September, 1779, invaded and devastated the towns of the five Indian nations in Western New York, and afterward rejoined the main continental army in New Jersey, and went into winter-quarters at Morristown.  

Unrecorded as the nature and place of the service appear to be, the information exists that Captain George Brinckerhoff’s company, of which Abraham Schultz was first lieutenant, and William Swartwout was second, was on duty in November, 1779, and was then under the orders of Colonel Roswell Hopkins, commanding the sixth regiment of Dutchess County militia. Data derived from the same source show that Cornelius, son of Cornelius and Elizabeth Ter Bos Swartwout, served from November 1 to December 25, that year, as a sergeant in Captain Robert Wood’s company, in the regiment of levies commanded by Colonel Albert Pawling.  

The army in winter-quarters at Morristown as truthfully described by an historian, “fought cold, nakedness, and famine. During the ‘great freeze’ of January, 1780, the suffering became intense. Washington found that even military constraint was unable to collect food from a region almost depleted of supplies. His transportation was so limited that it was with difficulty that fuel could be hauled for camp-fires, and the troops were repeatedly without meat for two or three days. * * * *

“On the eleventh of January Quartermaster-General [Nathaniel] Greene wrote, ‘Such weather never did I feel. For six or eight days it has been so cold that there has been no living abroad; the snow is also very deep, and much drifted. We drive over the tops of fences. We have been alternately out of meat and bread for eight or nine days past, and without either for three or four.’ * * * *

“General La Fayette returned from France, reached Morristown on the twelfth of May, was received with enthusiasm, and brought the welcome news

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3 Ibid., Nos. 13073, 5380; vol. iii., p. 54; vol. ii., p. 16.
that France had detailed the Count de Rochambeau with a large army to aid
the United States, and the first division was already on its passage. * * * *
The only drawback was found in the entirely unprepared condition of the
United States to provide for their support, and to furnish an equivalent army
force, so as to make the joint operations more effective. * * * *

"It was not on battle-fields, north or south, that the entire interest of the
period concentrated. The southern army was numerically weak, and the northern
army was hungry. On the twenty-fifth of May, two Connecticut regiments
mutinied, declaring that they would march home, 'or at least gain subsistence by
the point of the bayonet.' Handbills printed in New York were secretly circu­
lated, urging the soldiers to desert. "This mutiny," says Washington, quite
impressively, 'has given infinite concern. * * * * This is a decisive mo­
ment, one of the most; I will go farther and say the most important America
has seen. The court of France has made a glorious effort for our
deliverance, and if we disappoint its intentions by our supineness, we must become con­temptible in the eyes of all mankind.'"

Six days after the Count de Rochambeau's arrival at Newport, Rhode Island,
"with nearly six thousand French troops, constituting the first division of a
corps of twelve thousand men, which Louis XVI. had designated as aid to the
United States in their war for national independence," he wrote to Count de
Vergennes, saying:

"Upon our arrival here, the country was in consternation, the paper money
had fallen to sixty for one. * * * * I spoke to the principal persons of
the place, and told them, as I write to General Washington, that this was merely
the advanced guard of a greater force, and that the king was determined to sup­
port them with his whole power. In twenty-four hours their spirits rose, and
last night all the streets, houses, and steeples were illuminated, in the midst of
fireworks and the greatest rejoicings."

"On the twenty-fifth of August Sir Henry Clinton wrote to Lord Ger­
maine officially, as follows: 'At this new epoch of the war, when a foreign force
has already landed, and an addition to it is expected, I owe it to my country,
and I must in justice say to my own fame, to declare to your lordship that I be­
come every day more sensible of the utter impossibility of prosecuting the war
in this country without reinforcements. * * * * We are, by some thou­s­
ands, too weak to subdue this rebellion.'"

Upon the decease of Brigadier-General Petrus Ten Broeck, Colonel Jacobus
Swartwout, who had been and was then representing in the state legislature as
an assemblyman the people of the southern district of Dutchess County, was

1 Battles of the American Revolution. By Henry B. Carrington, pp. 486, 488, 490, 491, 492, 503,
504, 505.
commissioned, on March 3, 1780, a brigadier-general and placed in command of the brigade of militia of Dutchess County, comprising the following regiments: first (Rhinebeck and North-east precincts) regiment, Colonel Morris Graham, commandant from March 18, 1778; second (Rombout Precinct), Colonel Abraham Brinckerhoff, from June 25, 1778; third (Pawling Precinct), Colonel John Field, from June 22, 1778; fourth (Poughkeepsie Precinct), Colonel John Freer, from March 4, 1780; fifth (Beekman Precinct), Colonel James Yandenburgh, from March 10, 1778; sixth (Charlotte Precinct), Colonel Roswell Hopkins, from March 20, 1778; seventh (Fredericksburgh Precinct), Colonel Henry Luddington, from May 28, 1778. 1

In the second week of June, 1780, "an alarm at Fishkill" led to the calling out of the second (Rombout Precinct) regiment, which was on duty there from June 7 to June 12. Serving at that time with Captain John Schutt's company were Lieutenant William Swartwout, and his brother, Ensign Jacobus Swartwout, and their brothers, Thomas, a corporal, and Samuel, a private; and also Cornelius Swartwout, who, in 1779, had been a sergeant in Colonel Albert Pawling's regiment of levies. In the same regiment, and in Captain Nicholas Brower's company, Jacobus, son of Rudolphus and Gerrardina Swartwout, served at that time as an ensign.

On the twenty-seventh day of the same month, the fifth (Beekman Precinct) regiment was also in active service, and on duty with it was Captain Isaac van Wyck's company, of which Jacobus (Jabez), son of Samuel and Phebe Pudney Swartwout, was second lieutenant, and in which his brother John was a private. On duty also with the regiment was Captain Thomas Storm's company, in which Derick Swartwout was a corporal. 2

The British statesman, Lord George Germaine, writing to Sir Henry Clinton, thus disclosed his belief that not a few American generals and chief participants in the revolutionary struggle were open to corruption: "Next to the destruction of Washington's army, the gaining over of officers of influence and reputation among the troops would be the speediest means of subduing the rebellion and restoring the tranquility of America. Your commission authorizes you to avail yourself of such opportunities, and there can be no doubt that the expenses will be cheerfully submitted to."

Major-General Benedict Arnold, who, on August 3, 1780, had been intrusted with the command of "West Point and its dependencies, in which all were included from Fishkill to King's Ferry," was shortly afterward discovered as having been engaged in secret correspondence with Sir Henry Clinton.

2 Vide: Certificates of the Treasurer of the State of New York, Nos. 44631, 44652, 44628, 44669, 44664, 17478, 17505; vol. ix., pp. 69, 70; vol. iv., pp. 41, 42.
On the thirtieth of August, Arnold solicited an interview with some responsible party in order definitely to settle upon the price of his honor. On the eighteenth of September he wrote, advising that [Major John] Andre be sent up the river to the Vulture, a sloop of war, then at anchor in Haverstraw Bay, promising 'to send a person on board with a boat and a flag of truce.' General Clinton received the letter the following day; troops were embarked under the pretense of an expedition into the Chesapeake, and Andre reached the Vulture on the twentieth.

On the twenty-first, about midnight Andre landed, met Arnold, and accompanied him first to the Clove, and then to the house of Joshua Helt Smith [on the east side of the road, not far north of the village of Haverstraw]. The terms of the purchase were soon settled; simply 'gold and a brigadier-general's commission.'

Andre crossed the Hudson to return to New York by land, was captured [at Tarrytown] on the twenty-third, and on the second of October was executed as a spy.

General Clinton wrote to Lord Germain: 'Thus ended this proposed plan, from which I had conceived such great hopes and imagined such great consequences.'

During these months of uncertain plans, depreciated credit, and exposed treason at the north, the south was the theatre of active war. For a short time there had been a superficial peace in South Carolina and Georgia, and Lord Cornwallis, then at Charleston, undertook to reduce North Carolina to submission. 1

General Washington, writing on December 20, 1780, to Benjamin Franklin, the United States ambassador at the Court of Versailles, remarks: 'The movements of Lord Cornwallis during the past month or two have been retrograde. What turn the late reinforcements which have been sent to him may give to his affairs remains to be known. I have reinforced our southern army, principally with horse.  *  *  *  *

'I am happy, however, in assuring you that a better disposition never prevailed in the legislatures of the several states than at this time. The folly of temporary expedients is seen into and exploded, and vigorous efforts will be used to obtain a permanent army, and carry on the war systematically, if the obstinacy of Great Britain shall compel us to continue it. We need nothing but the aid of a loan to enable us to put our finances into a tolerable train. The country does not want resources, but we want the means of drawing them forth.'

'If it appears from this letter that Washington had reached a point where he

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1 Battles of the American Revolution. By Henry B. Carrington, pp. 505, 506.
felt that ultimate success was not far distant. The reconstruction of the army to which he refers was a plan then pending for the consolidation of battalions, reducing their numbers, and thereby settling upon something like a permanent army establishment.

"On the twenty-eighth of November, Washington designated the winter quarters for the army, his own being established at New Windsor [on the Hudson River, six miles south of Newburg]."

The First New York Regiment was quartered at Fort Schuyler, with detachments at Schenectady, Albany, and Saratoga (Schuylerville); the second at Schenectady, "where the rank and file were quartered in the barracks, and the officers billeted in private houses"; the third at Fort Edward; the fourth (previously under Colonel Henry Beckman Livingston, but then under Lieutenant-Colonel Frederick von Weissenfels) at Fort Schuyler; the fifth (previously under Colonel Lewis Dubois, but then under Lieutenant-Colonel Marinus Willett) at Schenectady. On January 1, 1781, pursuant to the resolutions of congress, the first and second regiments were consolidated, and placed under the command of Colonel Goose van Schaick, and the fourth and fifth incorporated with the third, and put under the command of Colonel Philip van Cortlandt, whereby the New York continental line of infantry was reduced to two regiments for the remainder of the war.

On the rolls of the two regiments the surname of Swartwout was not missing. On the roll of the newly reconstructed first New York Regiment, commanded by Colonel Goose van Schaick, the name of Lieutenant Henry Swartwout, son of Captain Cornelius and Elizabeth Ter Bos Swartwout, was entered among the commissioned officers of Captain Henry Tiebout's company, and that of his brother Cornelius, among the enlisted men, he having joined it on August 1, 1780, and served with it, as did his brother Henry, until the end of the war. In 1782, the name of their brother Simon was enrolled as an enlisted man of the regiment, who, having served previously in a company of levies, was on duty with it for nine months.

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1 Battles of the American Revolution. By Henry B. Carrington, pp. 525, 526, 527.
3 Henry Swartwout served as an Ensign in Captain James Rosecrans's company in the Fifth Battalion of New York forces, commanded by Colonel Lewis Dubois. He was commissioned November 21, 1776, and his name is first borne on the roll of that organization, dated July 1, 1777. On the roll for November, 1777, he is reported as 'missing October 6, 1777.' His name is next borne on the roll for the period extending from May 1, to June 23, 1778, which bears the remark, 'Taken prisoner 6th Oct., 1777.' He is reported on the roll of field and staff for July and August, 1780, as Lieutenant, 'appointed February 28, 1780,' and this roll bears the remark, 'promoted from Ensign to Lieutenant.' His name last appears on the roll of the field and staff of the Fifth New York Regiment of Foot, commanded by Lieutenant-Colonel Marinus Willett, 'to December, 1780,' which bears the remark, 'prisoner of war, October 6, 1777.' His name is also borne on the roll of Captain Benjamin Hickey's company, known also as the Third Company, First New York Regiment, commanded by Colonel Goose van Schaick, in
In the same regiment, consequent upon the incorporation of the Second New York Regiment with the First, was Barnardus, son of Captain Barnardus and Maria Van Steenberg Swartwout, who had served as an ensign in the discontinued Second New York Regiment from September 1, 1778.1 By the consolidation of the Third, Fourth, and Fifth regiments into one regiment, which was known thereafter as the Second New York Regiment, Cornelius, son of Johannis and Neeltje van der Bogaerde Swartwout, who began his long and continuous career as a revolutionary soldier, on June 5, 1775, and lastly had been a member of Captain James Gregg's company in the Third New York Regiment, was from that time to the end of the war numbered among the enlisted men of the newly formed regiment.

Cornelius, son of Rudolphus and Elsje Sanders Swartwout, who, as a second lieutenant, had been transferred, on January 1, 1777, to Colonel John Lamb's artillery corps, and taken prisoner at Fort Montgomery on October 6, 1777, and had been promoted on September 2, 1778, to the rank of captain-lieutenant in Captain Andrew Moodie's company, and, on June 29, 1779, had been transferred to Captain Thomas T. Bliss's company, and had been exchanged on December 17, 1780, became, on January 1, 1781, a captain in the Second Regiment of the Continental Corps of Artillery, commanded by Colonel John Lamb.2

"Early in May, the Count de Barras arrived from Europe with the welcome intelligence of the approach of reinforcements from France, and that a strong fleet from the West Indies, under Count de Grasse, might be expected in the American waters within a few weeks. In view of these facts, a conference between General Washington and the Count de Rochambeau was held at Wethers-

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1 The United States of America m Congress Assembled:
"To Bernardus Swartwout, Gent., Greeting. We reposing especial trust and confidence in your Patriotism, Valour, Conduct and Fidelity do by these presents constitute and appoint you to be an Ensign in the Second New York Regiment in the Army of the United States, to take Rank as such from the 1st day of September, A.D., 1778."
"Witness His Excellency, John Jay., Esq., President of the Congress of the United States of America, at Philadelphia the 28th day of June, 1779. and in the third year of our Independence.
"JOHN JAY."

field [Connecticut] soon afterwards, and the plans of the campaign were discussed and determined.

"Among the principal of the operations proposed was an attack on the city of New York, and in accordance with these plans the allied forces of America and France moved against that city. Every necessary preparation had been made for the commencement of active operations, when, on the fourteenth of August, a letter reached General Washington, in which the Count de Grasse informed him that the entire French West-Indian fleet, with more than three thousand land forces, would shortly sail from St. Domingo for the Chesapeake, intimating, however, that he could not remain longer than the middle of October, at which time it would be necessary for him to be on his station again. As the limited period which the count could spend in the service of the allies was not sufficient to warrant the supposition that he could be useful before New York, the entire plan of the campaign was changed, and it was resolved to proceed to Virginia, with the whole of the French troops and as many of the Americans as could be spared from the defence of the posts on the Hudson; and instead of besieging Sir Henry Clinton in his headquarters in New York, a movement against Lord Cornwallis and the powerful detachment under his command was resolved on. * * * *

"In executing this plan, however, it was necessary to exercise great caution, not only to prevent Sir Henry Clifton from moving to the assistance of Lord Cornwallis, but also to prevent Admiral Graves from joining Sir Samuel Hood, and by occupying the Chesapeake, keeping open the communication by sea between Yorktown and New York.

"For this purpose, on the nineteenth of August, the New Jersey line and Colonel [Moses] Hazen's regiment were sent to New Jersey by way of Dobbs' Ferry to protect a large number of ovens, which were ordered to be erected near Springfield and Chatham, in that state; and forage and boats, with some efforts to display the same, were also collected on the west side of the Hudson, by which the enemy was led to suppose that an attack was intended from that quarter. Fictitious letters were also written and put in the way of the enemy, by which the deception was confirmed; and Sir Henry Clinton appears to have supposed that Staten Island, or a position near Sandy Hook, to cover the entrance of the French fleet into the harbor, was the real object of the movements, until the allied forces—which had crossed the Hudson, leaving General Heath, with a respectable force, on its eastern bank—had passed the Delaware and rendered the true object of the movement a matter of obvious certainty.

"The body of troops, with which General Washington moved to the south, embraced all the French auxiliaries led by Count Rochambeau, the light infantry of the Continental army led by Colonel Alexander Scammel, detachments of
light troops from the Connecticut and New York State [militia] troops, the Rhode Island regiment, the regiment known as ‘Congress’ Own,’ under Colonel Hazen, the two New York regiments, a detachment of New Jersey troops, and the artillery under Colonel John Lamb.”

“In this historic march, General Washington, in General Orders, dated Springfield, New Jersey, 28th August, 1781, organized a light division under Major-General Benjamin Lincoln, which contained the choicest American regiments in the expedition. This division consisted of the light infantry on the right under the accomplished Colonel Alexander Scammel of the First New Hampshire Continentals, who lost his life before Yorktown; the two New York regiments on the left under Brigadier-General James Clinton, and the two New Jersey regiments and the Rhode Island Continental Regiment in the centre.”

Some, having successfully reached the head of the Elk River, at Elkton, and others, Annapolis, in Maryland, where transports from the French fleet had been ordered to await their arrival, the American and French troops were thence transported to Virginia, where, at Williamsburg, the last division, on the twenty-fifth of September, joined the army under General Lafayette.

Lord Cornwallis’s army was then occupying strong lines of earthworks at Yorktown and Gloucester, on opposite sides of the York River.

At daybreak, on the twenty-eighth of September, the entire body of the allied forces moved from Williamsburg, and occupied a position within two miles of the enemy’s lines: the American troops being on the right and the French auxiliaries on the left.

“On the night of the sixth of October, under the command of General Lincoln, the besiegers [then occupying a position eastward of the village, on the south bank of the York River], opened their trenches within six hundred yards of the enemy’s lines, yet with so much silence was it conducted that it appears to have been undiscovered until daylight on the seventh, when the works were so far completed that they afforded ample shelter for the men, and but one officer and sixteen privates were injured. * * * *

“The seventh, eighth, and ninth of October were employed in strengthening the first parallel, and in constructing batteries somewhat in advance of it, for the purpose of raking the enemy’s works and of battering his shipping. * * * *

At five o’clock in the afternoon of the ninth, the American battery, on the right of the line, opened its fire,—General Washington, in person, firing the first gun, —and six, eighteen and twenty-four pounders, two mortars, and two howitzers

were steadily engaged during the entire night. At an early hour, on the morning of the tenth, the French battery, on the left, with four twelve-pounders and six mortars and howitzers, also opened its fire; and, on the same day, this fire was increased by the fire from two other French and two American batteries—the former mounting ten, eighteen and twenty-four pounders, and six mortars and howitzers, and four eighteen-pounders respectively; the latter mounting four eighteen-pounders and two mortars. ‘The fire now became so excessively heavy that the enemy withdrew his cannon from their embrasures, placed them behind the merlins, and scarcely fired a shot during the whole day.’ In the evening of the tenth, the Charon, a frigate of forty-four guns, and three transports were set on fire by the shells or hot shot and entirely consumed; and the enemy’s shipping was warped over the river as far as possible to protect it from similar disaster.

‘About four o’clock, on the afternoon of the sixteenth, the fire of several batteries in the second parallel were opened on the town, while the entire line was rapidly approaching completion. At this time the situation of the enemy was peculiarly distressing—his defences being in ruins, his guns dismounted, and his ammunition nearly exhausted, while an irresistible force was rapidly concentrating its powers to overwhelm and destroy him.

‘On the morning of the next day (October 17), the several new batteries, which supported the second parallel, opened their fire, when Lord Cornwallis considered it no longer incumbent on him to attempt to hold his position, at the cost of his troops; and, at ten o’clock, he beat a parley and asked a cessation of hostilities, that commissioners might meet to settle the terms for the surrender of the ports of York and Gloucester.

‘The terms were precisely similar to those which the enemy had granted the garrison of Charleston, in the preceding year, and General [Benjamin] Lincoln, the commander of that garrison, on whom the illiberality of the enemy then fell, was designated as the officer to whom the surrender should be made.’

At two o’clock, in the afternoon, on October 19, the British troops with shouldered arms, colors cased, and their drums beating a march, with slow and solemn step, were seen approaching the long ranks of the allied and victorious forces, facing each other on opposite sides of the road leading from Yorktown; General Washington and his aids on horseback being at the head of the line of American troops, and Count de Rochambeau and his aids, also mounted, at the head of the line of French troops. A great conourse of country people, black and white, had collected to witness the formalities of the surrender. It was expected that Lord Cornwallis would conspicuously figure in them, but being

ill, he deputed Major-General O'Hara to carry out the terms of capitulation. Therefore it was he that, when the head of the British column arrived in front of the commander-in-chief of the American army, advanced with uncovered head, and having tendered him an apology for the absence of Lord Cornwallis, delivered his sword to General Washington, who courteously informed him that Major-General Lincoln was authorized to receive and take charge of the land forces, arms, and material of the vanquished enemy.

As related by an eye-witness: "The royal troops, while marching through the line formed by the allied army, exhibited a decent and neat appearance as respects arms and clothing, for their commander had opened his stores and directed every soldier to be furnished with a new suit complete, prior to the capitulation. But in their line of march, we remarked a disorderly and unsoldierly conduct, their step was irregular and their ranks frequently broken. But it was in the field, when they came to the last act of the drama, that the spirit and pride of the British soldier was put to the severest test; here their mortification could not be concealed. * * * * After having grounded their arms and divested themselves of their accoutrements, the captive troops were conducted back to Yorktown, and guarded by our troops till they could be removed to the place of their destination."

"The reported losses of the allies during the operations before York and Gloucester were very small. Of the American regular troops, one captain, one sergeant and sixteen rank and file were killed, and one colonel, two lieutenant-colonels, one captain-lieutenant, one lieutenant, one sergeant, and forty rank and file were wounded; of the militia, four men were killed and sixteen wounded; and of the French, fifty rank and file were killed, and nine officers and one hundred and twenty-seven men were wounded.

"The loss of the British, during the same period, was six officers and one hundred and fifty non-commissioned officers and men killed; six officers and three hundred and twenty non-commissioned officers and privates wounded; and four officers and sixty-nine non-commissioned officers and privates missing.

"The trophies which passed into the hands of the allies, by the surrender, were numerous and important. Of the military prisoners, there were two generals, thirty-two field-officers, ninety-seven captains, one hundred and eighty lieutenants, fifty-five ensigns, sixty-four staff officers, and six thousand six hundred and three non-commissioned officers, musicians, and privates, besides those connected with the hospital and commissary departments, seven thousand two hundred and forty-seven in the aggregate.

The military chest contained two thousand one hundred and thirteen pounds, six shillings, sterling.

Of artillery, there were thirty-eight brass pieces, with fifteen howitzers, and twenty-three mortars, also brass; sixty-nine pieces of iron ordnance, with vast quantities of military stores, horses, wagons, quartermasters’ stores, clothing and provisions. Besides these, there were taken or destroyed, the Charon, of forty-four guns, the Guadaloupe, of twenty-eight guns, the Fowey and Bonetta, each of twenty-four guns, and the Vulcan fire-ship, thirty-three transports, a considerable number of small sloops and schooners, twelve or fifteen galleys, six ‘private vessels,’ two ‘Dutch prizes,’ a privateer of twenty guns, and eight hundred and forty naval prisoners.

The intelligence of the surrender, as it spread over the country, gave general satisfaction, and filled every American heart with joy.” Congress set a day apart “for general thanksgiving and prayer; the thanks of the same body were voted to the forces, both of America and France.”

On returning north, the New York and New Jersey regiments escorted 1,700 British troops as far as Fredericksburgh, Virginia.

Captain Cornelius Swartwout, in Colonel John Lamb’s Continental Corps of Artillery, writing to his brother, Captain Barnardus Swartwout, at Wappin-ger’s Creek, from “Burlington, West New Jersey, December 6, 1781,” prefaces his letter, saying:

“This is the first opportunity I have had of writing you since I left Virginia, which was on the thirty-first of October. We were in a bad storm and liked to lose our ship. Our foreyard was carried away. The wind continued blowing twenty-two hours. We put in at Patuxion (Patuxent?), where we remained fourteen days and refitted. Our passage from York to the Head of Elk [Elkton, on the Elk River, in Maryland], was twenty-six days, and from there to this place eight days, where the regiment will remain this winter. Our barracks are very good.

An unique memento of the victory is a piece of blue cloth, on which are the outlines of a king’s crown, and under it the royal monogram “G. III R,” brought home from Yorktown by Ensign Barnardus Swartwout, and later used by him to cover a diary kept by him; on the cloth cover of which is written “B. Swartwout, 2 New York Regiment, Camp near York, 19 Oct., 1781, captured Lord Cornwallis and the cover of this book.” The diary is preserved in the Library of the New York Historical Society, in New York city.


"I had the misfortune of losing my horse at York; he was stolen four days before I came away. I saw your son [Ensign Barnardus Swartwout] four days ago on his march to Princeton, New Jersey. As to Cornwallis's surrender, you have undoubtedly had the particulars long before now. * * * * Keep up your spirits a little longer, for next summer I hope I shall be in New York. I have the happiness to acquaint you that it has pleased God to restore me to my former health."  

In May, 1781, Moses Swartwout was in active service as a private in Captain Andrew Miller’s company, in Lieutenant-Colonel Henry Wisner’s regiment of Orange County militia; and Jacobus, son of Thomas and Mary Garseling Swartwout, who was appointed on November 19, that year, ensign in Captain Elijah Herrick’s company, in Colonel John Freer’s regiment of Dutchess County militia, was in active service in that month with the company, as was, in the month of December, his brother Samuel, a private, in Captain Henry Dodge's company, in Lieutenant-Colonel Frederick von Weissenfels' regiment of levies, as was also, in the month of December, 1782, John (Jack), son of Samuel and Phebe Pudney Swartwout, a private, in Captain Andrew White's company in the same regiment.  

Four sons of Jacobus and Lydia Decker Swartwout, who had settled at Walpeck, in New Jersey, were also patriotic participants in the war of the Revolution. John, who was born there, on March 4, 1754, was commissioned, on September 2, 1782, by Governor William Livingston, of New Jersey, a lieutenant in Captain Manuel Hover’s company, in the Third Sussex County Militia Regiment, commanded by Colonel John Rosekrans; in which company, it would seem, his brother Jacobus was also serving as a sergeant. Daniel, a private in Captain James Bonnel’s company in the First Sussex County Militia Regiment, commanded by Colonel Jacob West, was, in 1782, and 1783, in active service at Minisink, in which company also his brother, Peter, was a private.  

General Washington, in the General Orders issued by him at Newburgh, on May 20, 1782, thus refers to the first and second regiments of the state of New York in continental service: "The commander-in-chief cannot, however, conceal the pleasure he receives from finding the two regiments of New York in the best order possible, by the report of the Inspector-General, which also concurs with his own observations. * * * * On the twenty-eighth of August, he placed these regiments as a brigade in the division of Major-Gen-

1 The letter is in the possession of one of his relatives.  
eral Arthur St. Clair, in the right wing, commanded by Major-General Horatio Gates of the main army.

"But little more remains to be said of the New York infantry. In the autumn manoeuvres at Verplanck’s Point, they attracted particular attention by their steadiness and discipline. Indeed, at this time the American infantry, veterans of war, had acquired, under Baron de Steuben’s remarkable training, a degree of military proficiency which made them the equal, if not the superior, of the best disciplined regiments of Europe.

"In the winter of 1783, under a previous resolution of congress (August 7, 1782), a further reduction and incorporation of continental regiments was decreed. From this the New York Line was spared, as the quota of New York was kept complete by the exertions of Governor George Clinton. In January the two regiments marched to their last post in the vicinity of New Windsor, and built huts on the road leading to Little Britain."

"There is no period of our revolutionary history," as remarked by an able reviewer, "more interesting than those dark and gloomy days towards the close of the war, when the army felt that its days were numbered, its dissolution necessarily close at hand, and that, in a few weeks or months, its members were probably to be dismissed forever from the service of their country, with no other resource prepared for them than what chance or their own private property might afford. * * * * Poorly paid, they had as a general rule been compelled to depend, to a greater or less extent, upon their private fortunes. * * * *"

"On the fifteenth of May, 1778, in consequence of Washington’s representations in January that year, congress had granted half-pay during the seven years after the conclusion of the war to all officers who should continue in service till that period, provided they should hold no office of profit under either of the state or general governments." On October 21, 1780, congress decreed half-pay for life not only to those who should remain in service until the end of the war, but likewise to the officers to be reduced [in number] under the resolution of the third of October, 1780." ²

"Certain officers of the continental army, considering many of the associations and memories of the war as worthy of preservation, took steps, at the beginning of the spring of 1783, to form a society which should be composed of officers who had served in the war to secure the political independence of the thirteen struggling colonies. The object of the proposed society having been favorably regarded by other officers of the different bodies of troops cantoned

along the Hudson River, in the vicinity of New Windsor, Major-General Henry Knox roughly drafted at West Point, on April 15, the covenant-articles for one to be called the "Cincinnati." A meeting of the officers favoring its institution was held on Saturday, May 10, at the Verplanck homestead, on the east side of the Hudson River, about a mile north of Fishkill Landing, where Major-General Baron de Steuben had his quarters. As the distinguished soldier was the senior in rank of those attending it, he was called upon to preside at this initial gathering of the founders of the society. A committee, consisting of Major-General Henry Knox, Brigadier-General Edward Hand, Brigadier-General Jedediah Huntington, and Captain John Shaw, was appointed to revise the presented plan and the offered amendments, and to report a new draft to the assembled officers, on Tuesday, May 13, at the same place.

At the meeting on that day, a form of institution for the society was accepted. The introductory paragraphs were the following:

"It having pleased the Supreme Governor of the Universe, in the disposition of human affairs, to cause the separation of the Colonies of North America from the domination of Great Britain, and after a bloody conflict of eight years to establish them Free, Independent and Sovereign States, connected, by alliances founded on reciprocal advantage with some of the great Princes and Powers of the earth

"To perpetuate therefore as well the remembrance of this vast event, as the mutual friendships, which have been formed under the pressure of common danger, and in many instances cemented by the blood of the parties, the Officers of the American Army do hereby, in the most solemn manner, associate, constitute, and combine themselves into one Society of Friends, to endure as long as they shall endure or any of their eldest male posterity, and in failure thereof the collateral branches who may be judged worthy of becoming its supporters and members.

"The Officers of the American Army, having generally been taken from the Citizens of America, possess high veneration for the character of that illustrious Roman, Lucius Quinctius Cincinnatus, and being resolved to follow his example, by returning to their citizenship, they think they may with propriety denominate themselves The Society of the Cincinnati

"The following principles shall be immutable, and form the basis of the Society of the Cincinnati.

"An incessant attention to preserve inviolate those exalted rights and liberties of human nature, for which they have fought and bled, and without which the high rank of a rational being is a curse instead of a blessing.

"An unalterable determination to promote and cherish, between the respec-
tive States, that union and national honor, so essentially necessary to their hap-
piness, and the future dignity of the American Empire.

"To render permanent the cordial affection subsisting among the Officers—
this spirit will dictate brotherly kindness in all things, and particularly extend to
the most substantial acts of beneficence, according to the ability of the society,
towards those officers and their families, who unfortunately may be under the
necessity of receiving it.

"The General Society will, for the sake of frequent communications, be
divided into State Societies, and those again into such districts, as shall be
directed by the State Societies."

In three of the concluding paragraphs are the following declarations:

"The Society shall have an order, by which its members shall be known and
distinguish'd, which shall be a medal of gold, of a proper size to receive the
emblems, and suspended by a deep blue ribbon, two inches wide, edged with
white, descriptive of the Union of America and France.

"The principal figure, Cincinnatus—three Senators presenting him with a
sword and other military ensigns—on a field in the back ground, his wife stand­
ing at the door of their cottage—near it a plough and instruments of husbandry—
round the whole, Omnia reliquit servare Rempublicam. On the reverse, Sun
rising—a city with open gates—and vessels entering the port—Fame crown­
ing Cincinnatus with wreath inscribed Virtutis Præmium,—below,

"Hands joined supporting a heart with the motto, Esta Perpetua—round
the whole

Societas Cincinnatorum instituta A.D. 1783."

"We, the Subscribers, officers of the American Army do hereby become
voluntarily parties to the foregoing Institution, and do bind ourselves to ob­
serve and be govern'd by the principles therein contain'd—for the perform­
ance whereof we do solemnly pledge to each other our sacred honor.

"Done in the cantonment on Hudson's River, 1783."

The fifteenth signature subscribed to the "Institution" is that of "B.
Swartwout, Ens. 2nd N. Y. Reg".

The seventy-sixth is that of "Corn" Swartwout, Cap. Lt. 2d or New York
Artillery."

The first general meeting was held at Philadelphia from May 4 to May 18,
1784.

"The first meeting of the members of the New York society was of the
officers of the two New York regiments of infantry, who" were "members of
the Society of the Cincinnati," and was held at the cantonment, near New
Windsor, in June, 1783, when it was resolved, that "as the officers of the New-
York line are on the point of separating, and will not have an opportunity of
REDUCED FAC-SIMILE OF THE CERTIFICATE OF THE SOCIETY OF THE CINCINNATI, ISSUED TO "JUN", LIEUTENANT IN THE LATE 2ND NEW YORK REGIMENT," ON DECEMBER 1

Size of the original, 13½ x 10 inches.
meeting for the election of officers of the State Society of the Cincinnati, Lieutenant-Colonel Walker be directed to collect the ballots of the members present, and to request the officers of the Artillery to send him their ballots as soon as possible; and that then when the whole are collected, he do call in the assistance of any two officers who may be present, to count the said ballots, and declare the election. In pursuance of this resolution, on the fifth of July, 1783, Lieutenant-Colonel B. Walker, Captain J. Smith, and Captain Caleb Brewster certified the election of the first officers of the State Society.  

BARON STEUBEN, President, presents his Compliments to B. Swartwout, Esq., informs him that he was sorry to be disappointed on last Saturday Evening, by not meeting a sufficient number of the members of the Society of the Cincinnati to transact Business agreeably to Adjournment. As the matters for Consideration are of the utmost Importance, your Attendance is particularly requested, on Saturday the Fifteenth instant, at the Coffee-House, at Four o'Clock P. M. precisely.

New-York, July 13, 1786.

NOTIFICATION OF A MEETING OF THE SOCIETY OF THE CINCINNATI OF THE STATE OF NEW YORK, TO BE HELD, ON SATURDAY, JULY 15, 1786, IN THE CITY OF NEW YORK.

The elected officers were: Major-General Alexander McDougal, president; Brigadier-General George Clinton, vice-president; Captain Benjamin Walker, secretary; Colonel Philip van Cortlandt, treasurer; and Major Nicholas Fish, assistant treasurer.

In 1786, Baron de Steuben, who had been vice-president in the preceding year, was elected president, and succeeded Major-General Alexander McDougal in that office.

In 1794, Ensign Barnardus Swartwout was elected assistant treasurer of the society, and, in the following year, secretary, to which office he was thereafter annually elected until 1806.  

1 The Institution of the Society of the Cincinnati, and some of the proceedings of the General Society and of the New York State Society, 1851, p. 38.

2 A souvenir of the society is a card of admission, the writing being on a small piece of cardboard: "Admit Mrs. Swartwout to the Hall of the Society of the Cincinnati at 12 o Clock the 4th July 1786.

3 "Sam'l B. Webb \{Masters
4 S. Giles \{of
5 Ceremony."
The society, on July 4, 1798, transmitted to his Excellency, George Washington, the following address:

"To the President of the United States.

"The respectful Address of the Officers of the late American Army and Navy, assembled in the Society of the Cincinnati of the State of New York.

"Convened to celebrate the Anniversary of our National Independence, our attention is naturally drawn to the interesting circumstances which characterize the present situation of our country. Threatened, as it is, by a very powerful foreign nation, we cannot but view that situation as critical, and in a time of imminent public danger, our late profession of soldiers seems to render the expression of our sentiments peculiarly proper. Whatever difference of opinion may at any time have existed among us, as among other classes of citizens, concerning particular measures, we conceive that no difference of opinion can, or ought to exist as to any of these cardinal points: that our essential rights, as a free and independent nation, are at every hazard to be maintained—that the Constitution of our country, as established by the choice of the people, is in every event to be defended against all foreign control or influence—that invasion from abroad, from whatever quarter, is to be repelled by united and vigorous exertions—that our Government ought never to subscribe to national degradation—that, however desirable peace certainly is, the evils of war can bear no comparison with sacrifice, or abandonment of those great principles. Making this declaration of our principles, the same with those which led us to assist in fighting the Battles of our Revolution, we cheerfully dedicate the remnant of our lives to the maintenance of them; and we pledge ourselves to stand ready to seal our sincerity with our blood.

"By unanimous order,

"Nichs. Fish, president.

"Attest,

"B. Swartwout, jr."1

As the terms of the re-enlistment of the rank and file of the first and second New York regiments had been "‘for the war,' the two regiments were furloughed on the eighth of June, 1783, and the men proceeded to their homes, and on the third of November, 1783, they were honorably discharged the service. Colonels Van Schaick and Van Cortlandt were each brevetted brigadier-generals on the thirtieth of September, 1783. The musical instruments of the band of the second New York and the colors of the two regiments were

1The Institution of the Society of the Cincinnati, and some of the proceedings of the General Society and of the New York State Society. 1851, pp. 57, 58, 90.
taken to Poughkeepsie and there presented to Governor Clinton by Colonel Van Cortlandt."

As shown by the national and state military rolls the number of persons bearing the surname of Swartwout and descending from Tomys and Hendrickjen Otsen Swartwout who served in the war of the Revolution was twenty-eight, to which may justly be added one (a minor) impressed into service as a teamster, making a remarkable total of twenty-nine. This number embraced a brigadier-general, three captains, three lieutenants, four ensigns, five non-commissioned officers, two liers, ten privates and a teamster. Of these, seven served in the New York continental line regiments: two captains, one lieutenant, one ensign, one non-commissioned officer, one lifer, and one private; seventeen in county militia regiments of the state of New York, and four in those of the state of New Jersey. Sires and sons, they bravely distinguished themselves on many fields of battle as their patriotic ancestors had always done in their native and adopted countries.

CHAPTER VIII.

NEW YORK STATESMEN.

1777-1821.

Many of the officers and men of the American army, who had returned to their former homes at the end of the war of the Revolution, soon afterward changed their places of residence to more inviting localities, where, in time, they not only bettered their fortunes but became distinguished for their public services. Not a few settled on land given them as bounty, where, as founders of flourishing villages, they won wealth and high social standing by patient industry and steadfast rectitude.

As consequences of the passage of the concurrent resolutions of the state senate and assembly of the twenty-seventh of March, 1783, and the “act for granting certain lands promised to be given as bounty-lands by laws of the state,” of the eleventh of May, 1784, surveys of twenty-five townships were made by the surveyor-general, each of which was subdivided into one hundred lots, commonly containing six hundred acres of land.

On the seventh of July, 1790, the commissioners of the land-office of the state of New York allotted to Ensign Barnardus Swartwout, late of the First New York Regiment, lot 99, of six hundred acres, in township 10 (Pompey), and lot 49, of five hundred and fifty acres, in township 21 (Hector); to Captain Cornelius Swartwout, of the Second New York Artillery, lot 38, of six hundred acres, in township 12 (Scipio), and lot 3, of six hundred acres in township 23 (Dryden); and to Captain Abraham Swartwout, of the Third New York Regiment, lot 2, of six hundred acres, in township 15 (Fabius), and lot 80, of six hundred acres, in township 4 (Brutus); and on July 8, to Cornelius Swartwout, private of the First New York Regiment, lot 97, of six hundred acres, in township 3 (Cato); and, on July 9, to his brother, Lieutenant Henry Swartwout, of the First New York Regiment, lot 27, of six hundred acres, in township 5 (Camillus), and lot 37, of six hundred acres, in township 21 (Hector).

The patents of Ensign Barnardus Swartwout were delivered to him; those
of Captain Cornelius Swartwout, his uncle, deceased, "to William J. Vredenburg"; those of Captain Abraham Swartwout, to "his son"; that of Private Cornelius Swartwout, "to Joseph Stringham for Henry S. Platt"; and those of Lieutenant Henry Swartwout, deceased, one to William J. Vredenburg, and one to John G. Brinckerhoff.1

Twenty years before the inauguration of the war of the Revolution, and three after his marriage, Barnardus Swartwout moved from Poughkeepsie to the city of New York, where, on June 10, 1756, he was admitted a freeman of the metropolis by the mayor, Edward Holland. On January 30, 1760, he purchased, for £200, a house and lot "in the north ward"; the lot being bounded northerly, in front, by Little Queen Street, easterly by Temple Street, westerly by ground belonging to Gaultherus Du Bois, and southerly by ground possessed by Alexander Bate.2 He remained a resident of the city until after the death of his wife on March 25, 1772. During the war of the Revolution, Poughkeepsie seems to have been regarded as his home. In 1782, he was a "collector" there. In the following year he engaged in the business of a grocer at "No. 16 Great-Dock Street, between the Old Slip and Coenties' Market," in the city of New York.3 Shortly afterward Captain Barnardus Swartwout and his son, Ensign Barnardus Swartwout, entered into partnership as grocers under the name of "B. Swartwout and Son," and occupied a store at No. 15 Little Dock Street.4 In 1790, the firm, as named in the directory, had its store on Greenwich Street, between Rector and Thames streets, "back of Trinity Church," and a lumber-yard "at the foot of Thames Street," fronting on the North River. In 1794, the partnership of the father and son, at No. 114 Greenwich Street, was dissolved on the twenty-first of October. Having made his will on November 3, 1794, Captain Barnardus Swartwout died on November 18, in the sixty-fourth year of his age.

Ensign Barnardus Swartwout was entering the twenty-sixth year of his age,

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1 "The Balloting Book and other documents relating to military bounty lands in the state of New York." Albany, 1825, pp. 6, 7, 19, 21, 33, 65, 64, 85, 93, 98, 117, 118, 119, 126, 129, 135, 137, 175, 176, 177, 178.

2 "B. Swartwout and Son, Has For Sale," At his store, No. 16 Great-Dock Street, between the Old Slip and Coenties' Market, Wine, Rum, Sugar, Teas, and every other article in the Grocery way, which he will sell cheap for Cash.

3 "Ensign Barnardus Swartwout, "His For Sale," At his store, No. 16 Great-Dock Street, between the Old Slip and Coenties' Market, Wine, Rum, Sugar, Teas, and every other article in the Grocery way, which he will sell cheap for Cash.

4 "New York, June 30, 1783." [Advertisement.]

5 "B. Swartwout and Son." Inform their customers that they have removed to No. 15 Little Dock Street; where they have for sale, Madeira, Teneriffe and St. Michael's Wines, Spirits, Rum, Brandy, Geneva by the cask, Sugars, Tea, Pepper, Coffee, Soap, mould and dipped Candles by the box, Chalk by the hundred or larger quantity, and sundry other articles in the Grocery way, which they will sell low for Cash.

6 "They have also a quantity of new Beef and Pork by the barrel of the best quality. And a parcel of Superfine Flour, which they will sell cheap for cash or exchange for West-India produce."

7 "New York Packet and American Advertiser, Monday, January 5, 1784."
when, on October 4, 1786, he was made by the state council of appointment a lieutenant in the regiment of light infantry in the city of which Lieutenant-Colonel Richard Varick was given the colonelcy. Promoted on February 28, 1789, to the captaincy of the company, he issued on July 1, that year, the following instructions to each of its members:

"Brigade Orders direct the legion to parade on Saturday next, the 4th instant, in order to celebrate the Anniversary of American Independence,—you will therefore attend at 5 o’clock in the morning of said day precisely, at the burned or Trinity church, properly armed, accoutred and uniformed as the law directs,—you will attend particularly to the cleaning of your arms, belts, and facings, and appear in white linen or cotton overalls and vest; the white feather and hair of your cap cleaned (if necessary), and your hair braided and turned up, as there will, no doubt, be a great many spectators on that day.

I trust you will see the propriety of the above directions, and observe them strictly.

"Twenty-four rounds will be furnished on the parade,—provide yourself with two good flints, and be punctual to the hour of parade, as the roll will be called immediately."

His "patriotism, conduct, and loyalty" again obtained for him, on October 9, 1793, from Governor George Clinton, the position of first-major of the First Regiment of Militia of the city and county of New York, of which Lieu-
tenant-Colonel Henry Rutgers was commandant; and, on March 15, 1797, from Governor John Jay, that of lieutenant-colonel commandant of the Fifth Regiment. Having been elected a member of assembly in 1799, he honorably served his constituents during the twenty-third session of the legislature, from January 28, to April 8, 1800. It would seem that he continued in business in the city of New York until the year 1805, when he was merchandising at No. 141 Washington Street. Having spent the later years of his life at Tarrytown, on the banks of the Hudson, he died there, and his remains were interred in Sleepy Hollow Cemetery, where, immediately in the rear of the chapel, a marble headstone marks his grave, and bears the inscription:


The career of Jacobus Swartwout as a statesman was one of more than ordinary distinction both as regards the number of years which it comprised, and the length of time in which he enjoyed the favors of his political supporters, for it embraced eighteen successive sessions of the legislature, six of which included the terms for which he was elected a member of the assembly, and twelve the terms for which he was elected a senator. Beginning his first term as an assemblyman, at Kingston, on September 10, 1777, he ended his last at the same place, on March 23, 1783. Elected a senator that year, he entered upon his first term in the city of New York, on January 21, 1784, and ended his last there, on April 9, 1795.1

Under the first constitution of the state of New York a council of appointment was annually designated by an open nomination and election by the assembly of a senator from each of the four senatorial districts into which the state had been divided. On January 21, 1784, Ezra L’Hommedieu, of the southern district; Jacobus Swartwout, of the middle; Alexander Webster, of the eastern, and Abraham Yates, jr., of the western, were chosen to compose it; and on January 19, 1786, Lewis Morris, of the southern, Jacobus Swartwout, of the middle, David Hopkins, of the eastern, and Philip Schuyler, of the western, were selected. The governor of the state was ex-officio the presiding officer of the council and had a casting vote whenever there was an even division of the members on a pending question.

A convention of delegates of the different states, having drafted a constitution for the United States of America while in session in Philadelphia from May 14 to September 17, 1787, transmitted copies of it to the legislatures of the states, requesting them to submit the same to the people of their common-

1 He served six years as coroner of Dutchess County under six appointments of the state council of appointment: January 30, 1778, March 6, 1779, February 18, 1780, and September 29, 1780, not including his appointment to the same office, December 30, 1769.
THE HON. JACOBUS SWARTWOUT, STATE SENATOR, 1784-1795.
wealths. In order to take action in the matter, a convention of delegates of the state of New York assembled at Poughkeepsie on June 17, 1788, and continued in session there until July 26, when it adjourned. The county of Dutchess was represented by Jonathan Atkins, John DeWitt, Gilbert Livingston, Zephaniah Platt, Melancthon Smith, Jacobus Swartwout, and Ezra Thompson.

"In no state of the confederacy," it is said, "was hostility to this instrument more extensive or more violent than in this. Except in the city and one or two of the adjacent counties, public opinion was generally opposed to it. The papers since collected in the volumes called the Federalist, written by Messrs. Madison, Hamilton, and Jay, together with a pamphlet prepared by the last, contributed, in some measure, to diminish and remove the prevailing prejudice. Yet, in the state convention, assembled at Poughkeepsie, on the seventeenth of June, 1788, of which Governor Clinton was president, of fifty-seven delegates, no less than forty-six, embracing the governor and some of the most distinguished citizens of the state, were anti-federalist. In support of the constitution, however, Messrs. Jay, Livingston, Hamilton, and others were strenuous and successful advocates, and aided by the accession of New Hampshire and Virginia, to the states which had previously adopted the constitution, they procured the vote of the New York convention by a majority of three, on the final question of ratification on the twenty-sixth of July, 1788."¹ Jacobus Swartwout was among the twenty-seven delegates who voted against the ratification of the instrument.

At the age of seventeen years, John, son of Captain Abraham and Maria North Swartwout quitted the parental home at Poughkeepsie to take the position of a salesman in a store in the city of New York. His cordiality and manliness soon won for him the acquaintanceship of a number of highly reputable young men and the esteem of certain prominent and influential citizens. His mercantile experience of three years permitted him, in 1790, to open a paint and glass store, at No. 25 Little Dock Street. From the directory of the city of New York of 1792, the information is derived that "Snowdon and Swartwout, merchants," were engaged in business at the "corner of Front Street and Burling Slip," and that John Swartwout was an ensign in the Fourth Regiment of Militia commanded by Lieutenant-Colonel James Alner. On September 7, 1793, he was united in the holy bonds of matrimony to Mary, daughter of Samuel Smith and niece of Melancthon Smith, she being two years his junior. In 1794, he formed a partnership with Peter Dumont, jr. (who married his sister Elizabeth), and they, under the firm-name of Swartwout & Dumont, druggists, occupied the store, No. 66 Water Street, where

previously John Seaman, grocer, had conducted business. Robert Swartwout, a younger brother of John, became in 1801 a member of the firm, the name of which was then changed to Swartwout, Dumont, & Company. From 1802 to 1809, the firm's store was designated as 62 Water Street. At the end of that time, it seems the copartnership was dissolved. In 1811, John and Robert Swartwout, merchants, No. 66 Water Street, engaged in business as copartners and remained a firm until the year 1818.

The famous political organization, known as the Tammany Society, or Columbian Order, was formed in the city of New York, on May 12, 1789, by a prosperous upholsterer, William Mooney. The title Tammany, or Saint Tammany, was derived from the name Tammenund, designating an Indian chief of the Delaware nation, with whom originated the motto: "Unite in peace for happiness, and in war for defence." On the first anniversary of the organization, May 12, 1790, the New York Daily Gazette contained the following paragraph:

"The society of Saint Tammany, being a national society, consists of born Americans who fill all offices, and adopted Americans, who are eligible to the honorary posts of warrior and hunter. It is founded on the true principles of patriotism, and has for its motives charity and brotherly love. Its officers consist of one grand sachem, twelve sachems, one treasurer, one secretary, one doorkeeper; it is divided into thirteen tribes, which severally represent a state; each tribe is governed by a sachem, the honorary posts in which are one warrior and one hunter."

"It was probably," as observed by a political historian, "originally instituted with a view of organizing an association antagonistic to the Cincinnati Society. That society was said to be monarchical or rather aristocratical in its tendency, and when first formed, and before its constitution was amended, on the suggestion of General Washington and other original members, it certainly did tend to the establishment of an hereditary order, something like an order of nobility. The Tammany Society originally seems to have had in view the preservation of our democratic institutions, as far as possible, from contamination by the adoption of any of the aristocratic principles which were connected with the governments of the old world."

John Swartwout evidently became a member of the organization shortly after its institution and soon became prominently identified with its interests.

"On the evening of the last Monday in April, 1791, at the annual election of officers of the Tammany Society, held at their great wigwam, in Broad Street, the following brothers were duly elected, viz.: sachems—John Pintard, Cortland van Buren, John Campbell, Gabriel Furman, Thomas Greenleaf, Josiah Ogden

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Hoffman, William Mooney, John Onderdonk, Anthony Post, Jonathan Post, William Pitt Smith, Melancthon Smith, Ebenezer Stevens, and James Tyler; treasurer, Thomas Ash; secretary, John Swartwout.”

The fact that many deep-seated prejudices and unjust judgments have been born of opinions long current among people who have accepted them without questioning their authenticity, or of published statements regarded as valid, it is no easy task to change such beliefs and impressions by the presentation of testimony showing their falsity and unreasonableness. Innuendoes and insinuations are of a similar weedy nature and widely disseminate seeds of detraction and defamation. Rash and intemperate men have been the blatant authors of unwarranted assertions and imputations in all ages of the world, and bans of condemnation and reproach have not infrequently disgraced guiltless persons.

The career of John Swartwout as a popular leader of the republican-democratic party did not escape the criticism of his opponents, who unscrupulously defamed his political affiliations with Aaron Burr, and scornfully derided him for manifesting sympathy and good-will toward a man whom they had cause to execrate. The devotion of John Swartwout to his party was notably characterized by frank and fearless utterances of the sentiments which inspired him to uphold its principles. He was never evasive in answering an opponent, nor deceptive in his promises to a follower. Those with whom he counselled confided in his integrity; those who sought to lessen his influence never discredited his declarations. As a friend he was steadfast and true—he failed no one in helpful offices in adversity. The following excerpts are regarded as summarily presenting the incidents in his career as a statesman, and as justly disclosing the character of his associations with Aaron Burr.

"Colonel Burr's rise to eminence in the political world was more rapid than that of any other man who has played a conspicuous part in the affairs of the United States. Over the heads of tried and able politicians, in a state where leading families had for a century nearly monopolized the offices of honor and emolument, he was advanced, in four years after fairly entering the political arena, from a private station, first to the highest honor of the bar, next to a seat in the national councils, and then to a competition with Washington, Adams, Jefferson, and Clinton for the presidency itself. This point he reached when he was but thirty-six years of age, without having originated any political idea or measure, without being fully committed to either of the two leading parties.

"To his contemporaries, no less than to recent writers of political history, the suddenness of his elevation was an enigma. John Adams thought it was owing to the prestige of his father's and grandfather's name. Hamilton attributed it to Burr's unequalled wire-pulling. Some thought it was his military

reputation. Others called it luck. His own circle of friends regarded his elevation as the legitimate result of a superiority to most of his rivals in knowledge, culture, and talents. * * * *

"Late in the autumn of 1783, Colonel Burr * * * became a resident of the city of New York. In the spring of 1784, he was elected a member of the legislature, and, on the twelfth of October following, took his seat. * * * Then followed three years of political calm in the state of New York, during which the name of Aaron Burr does not appear in politics."

"During the period that elapsed between the conclusion of peace in 1783 and the formation of the [national] constitution of 1787, the question upon which parties in this state were divided was this: What are the rights of the tories in this commonwealth? Shall we whigs, triumphant over them after a seven years' contest, regard them as defeated enemies or as mistaken fellow-citizens? Shall the animosities and disabilities of the war be kept up and cherished, or shall the victors magnanimously let bygones be bygones?"

"In this controversy, there were three parties:

First, the tories themselves, some of whom were blind enough to think that England after breathing awhile would attempt, and successfully too, to regain her colonies, the lost jewels of her diadem. * * * *

Second, the whigs, who had borne the burdens and hardships of the war; many of whom had lost fortune, health, relations, friends in the struggle; all of whom, having seen that struggle prolonged and embittered by tory machinations, had learned to hate a tory worse than a British soldier. These men were indignant at the idea of conceding anything to tories. They demanded the enjoyment of the fruits of their triumph without sharing them with the enemy.

"Third, between these extreme parties, there was, as usual, a class of people who were in favor of making some concessions to the tories, and of gradually restoring all who would professed loyalty to the new order of things, to equal privileges with the whigs.

"Colonel Burr was a whig of the decided school, one of those who were called violent whigs. This was the popular party of that day. * * * *

"As there were three parties, so there were three groups of leading partisans.

"There were, first, the Clintons, of whom George Clinton, governor of the state, was the most important person. He was the undisputed leader of the popular party. He had been governor since 1777, and was re-elected, every other year, to that office, for eighteen years. The Clintons, as a family, were not at this time either numerous or rich. * * * The Clintons were
all strong characters, retaining something of the fiery, obstinate, north-of-Ireland disposition, which their ancestor brought with him from over the sea, in 1719. They were thorough whigs all of them, though, it was said, the founder of the family was a royalist in the time of Charles I., and fled to Ireland to avoid the enmity of the Roundheads.

"Then there were the Schuylers, with General Schuyler at their head, and Alexander Hamilton, his son-in-law, for ornament and champion. * * * * General Schuyler had been a competitor with George Clinton for the governorship in 1777, and his disappointment, it was thought, was still very fresh in the general's recollection.

"But there was a third family in the state, which, merely as a family, was more important than the Clintons or the Schuylers. This was the Livingston family—rich, numerous, and influential. At that time there were nine members of the family in public life—politicians, judges, clergymen, lawyers—of whom several were of national celebrity. * * * * The Livingstons had been rooted in the state for more than a hundred years, and the circle of their connections embraced a great proportion of the leading people. * * * *

"These were the three families. The Clintons had power, the Livingstons had numbers, the Schuylers had Hamilton. Neither of the three was strong enough to overcome the other two united, and any two united could triumph over the third.

"Such statements as these must of course be taken with proper allowance. A thousand influences enter into politics, and general statements are only outline truths. Nevertheless, in a state where only freeholders have a vote, and where there are not more than twelve or fourteen thousand freeholders, the influence of great families, if wielded by men of force and talent, will be, in the long run, and in great crises, controlling. It was so in the state of New York for twenty years after the Revolution.

"For some years after coming to New York, Colonel Burr held aloof from these factions. Absorbed in the practice of his profession and the education of his family, he was not reckoned among the politicians. And when, at length, he entered the political field, it was not as an ally of either of the families, but as an independent power, profiting by their dissensions, wielded the influence of two to crush the more obnoxious third. He had a party of his own that served him instead of family connections. Gradually certain young men of the town, who had nothing to hope from the ruling power, ambitious like himself, were drawn into his circle, and inspired with his own energy and resolution. They were devoted to their chief, of whose abilities they had an extravagant opinion. In every quarter they sounded the praises of the man, who, they said, was the bravest soldier, the ablest lawyer, and the most accomplished gentleman of his
These young gentlemen were styled 'Burr's myrmidons' by General Hamilton."

"On the eleventh of February [1789], a meeting of federalists was held in the city of New York, at which Robert Yates was nominated as the opposing candidate to Governor Clinton. At this meeting, Alexander Hamilton, Robert Troup, William Duer, Aaron Burr, and sundry other persons were appointed a committee of correspondence to promote the election of Judge Yates, and, on the seventeenth of February, General Schuyler and General Abraham Ten Broeck, in connection with several other citizens of Albany, together with Philip Livingston and Richard Harrison, of New York, addressed a letter to him, requesting him to allow his name to be used as a candidate for governor, with a view to 'heal the unhappy divisions in the country.' To this letter, Judge Yates replied on the twenty-fourth of February, and consented to stand as such candidate.

"The object which General Hamilton and the leading federalists had in view in selecting Mr. Yates as their candidate is very obvious. It was true he had been a zealous and efficient opponent to the adoption of the new constitution, both in the state and national conventions. He could not therefore have been their first choice. But the result of the preceding annual election had indicated that a majority of the electors were in favor of sustaining Governor Clinton and they hoped by having Judge Yates for their candidate to detach from Mr. Clinton so many of his political friends as combined with all the federalists would procure the election of Mr. Yates.

"It will be perceived that Colonel Burr was appointed a member of the committee of correspondence. He therefore, it seems, was one of the anti-federalists who joined in the opposition to Governor Clinton. The assertion that he uniformly acted with the democratic party is contradicted by his course at this election. That Governor Clinton succeeded in this election [in April] is a high evidence of his personal popularity. His friends around him were slain, but he himself walked off the field of battle in triumph!"

"This is the only instance in which Hamilton and Burr ever acted in politics together. There is a tendency in human nature to heap obloquy upon a public man who is irretrievably down; and accordingly [a number of] writers, who give accounts of this election, attribute political inconsistency and maneuvering to Burr. On the contrary it was Hamilton who was inconsistent and who

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maneuvered. As yet Burr was no politician. Nothing was more natural than his support of his old friend, Judge Yates, with whom he was in political accord.

"Governor Clinton was evidently of that opinion, for four months after the election, he offered Burr the attorney-generalship of the state. This was a tribute to the lawyer merely. This office was important and lucrative, but it was not given, at that day, as a matter of course, to a partisan. For some days after the offer was made, Colonel Burr hesitated to accept it, not from any dislike to the office, as he informed the governor, but from other circumstances known to both and therefore not mentioned. On the twenty-fifth of September, he signified his willingness to accept, and, on the twenty-seventh, he was appointed. It is conceded * * * * that during the two years that Colonel Burr held this office its duties were performed by him with punctilious correctness and efficiency. * * * *

"In January, 1791, occurred what is regarded as the greatest mystery of Colonel Burr's political career. He was elected to represent the state of New York in the senate of the United States. Rufus King and Philip Schuyler were the first United States senators chosen by the state of New York, and, as General Schuyler had drawn the short term, his seat would become vacant on the fourth of March, 1791. He was a candidate for re-election. Besides being in actual possession of the seat, he had the advantage of old renown, influential connections, and the powerful aid of Hamilton, then the confidential man of Washington's administration and in the full tide of his great financial measures. Above all, the federalists had a majority in the legislature which was to elect the senator, and Schuyler was the most federal of the federalists. Aaron Burr was a young man of thirty-five, not known in national politics, with no claims upon either party, and with few advantages which were not personal. Yet upon nomination, General Schuyler was at once and decisively rejected, and immediately after, when proposed, Aaron Burr was, by the first vote, in both houses, elected. Sixteen senators voted, of whom twelve voted for Burr. In the assembly, Burr's majority was five. * * * *

"Schuyler felt his defeat acutely and Hamilton was painfully disappointed. It was of the utmost possible importance to the secretary of the treasury to have a reliable majority in congress, and the presence of a devoted father-in-law, in a senate of twenty-eight members, sitting with closed doors, was convenient. From 1791, dates Hamilton's repugnance to Burr, and soon after his letters begin to teem with passages expressive of that repugnance. The two families were on terms of politeness, then and always. The two men were, to all appearance, cordial friends enough down to the last month of Hamilton's life. But from this time, in whatever direction Burr sought advancement, or advancement sought him, his secret, inveterate opponent was Alexander Hamil-
ton, until at length the politics of the United States was resolved into a contest between these two individuals.

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"During this contest between young democracy and old custom a very marked change took place in the costume, the manners, and the minor morals of the people. The feeling of equality expressed itself in dress. John Jay, among others, alludes in one of his letters to the effect of the French revolution in banishing silk stockings and high breeding from the land. Pantaloons became the outward and visible sign of an inward and invisible republicanism. Hair-powder, pig-tails, and shoe buckles began to disappear, and the polite observances that had grown out of the old-world distinctions of rank were discontinued by the more ardent republicans. The recently-published 'Recollections of Peter Parley' contain much precious and pleasantly-given information respecting the gradual change that came over the spirit of the country in the time of Jefferson. The excellent Parley is a sad federalist it is true, and his sympathies are much more with the good old time than with the better new time, but he is a faithful and agreeable narrator. Before the Jeffersonian era, he tells us, travelers who met on the highways saluted one another with formal and dignified courtesies, and children stopped as they passed grown persons and made the bows they had been practiced in at school for such occasions. But as democracy spread, these grand salutations first subsided into vulgar nods, half ashamed and half impudent, and then, like the pendulum of a dying clock, totally ceased.'

"Another little fact, mentioned by Mr. Goodrich, is significant. 'Pounds, shillings, and pence,' says he, 'were classical, and dollars and cents vulgar for several succeeding generations.' 'I would not give a penny for it,' was genteel; 'I would not give a cent for it,' was plebeian. * * * *

"The state of public feeling in 1797 and 1798 may be inferred from these sentences from the letters of Thomas Jefferson: 'The passions are too high at present to be cooled in our day. You and I have formerly seen warm debates, and high political passions. But gentlemen of different politics would then speak to one another, and separate the business of the senate from that of society. It is not so now. Men who have been intimate all their lives cross the street to avoid meeting and turn their heads another way lest they should be obliged to touch their hats.' To another friend he writes: 'At this moment all the passions are boiling over, and one who keeps himself cool and clear of the contagion is so far below the point of ordinary conversation that he finds himself insulated in every society.'"

On the twenty-fourth of January, 1797, General Philip Schuyler was elected

a United States senator by the New York legislature to succeed Aaron Burr, on the fourth of March, that year.

"The election of Schuyler to the senate could not of course take Colonel Burr by surprise. Before that event was announced he had matured plans for getting the state of New York out of the hands of Hamilton and the federalists. His first step was to secure his own election to the state legislature, which was the easier from the fact that the city even then was more inclined than the rural counties to the democratic party. Accordingly General Schuyler, about the time he was conning his speech to the state senate for their suffrages, wrote to Hamilton, in alarm, to the following effect: 'Mr. Burr, we are informed, will be a candidate for a seat in the assembly; his views it is not difficult to appreciate. They alarm me, and if he prevails, I apprehend a total change of politics in the next assembly—attended with other disagreeable consequences.'"

"On the sixth of March [1798], at a very general meeting of the federal members of the legislature, and citizens from various parts of the state, John Jay (governor), and Stephen van Rensselaer (lieutenant-governor), were re-nominated for re-election. Chancellor Livingston was nominated by the republican party in opposition to Mr. Jay."

Although Governor Jay was "re-elected by a triumphant majority, the election evinced that the republican party was the rising party in the state. * * * * The city of New York again returned republican members of the assembly, among whom were Aaron Burr and John Swartwout."

"At that time there was, besides a branch of the Bank of the United States, but one banking institution in the city of New York, and that was controlled by federalists, who, as the republicans alleged, used their power for the furtherance of the federal cause. Both of these banks were, to a considerable degree, the creation of General Hamilton, and both were inclined to support and advance the author of their existence. The republican merchants, it is said, had long been accustomed to see their federal competitors 'accommodated' by the banks, while their own applications for aid were superciliously refused, and it was their cherished scheme to establish a bank which should be as complaisant toward them, as the 'Bank of New York' was supposed to be to traders of the other party. But this was difficult. Besides a chronic prejudice against banks in the popular mind, they had to contend against a federal majority in the legislature, which alone could grant a charter. In these circumstances, Colonel Burr, by an ingenious maneuver, accomplished what, by direct means, could not be done.

2 John Swartwout's first term in the state assembly embraced the twenty-second session of the legislature, extending from August 9 to August 27, 1798, and from January 2 to April 3, 1799.
"The yellow fever had recently made dreadful ravages in the city, and impressed upon the people the importance of securing a supply of better water than that furnished by the brackish wells in the lower part of the island. Burr availed himself of this state of public feeling. The legislature was asked to charter the Manhattan Company, formed for the ostensible purpose of supplying the city with water, but the real object of which was to supply republicans with the sinews of war. It was uncertain, the politicians said, how much capital the proposed water-works would require, but as it was highly desirable not to risk failure by a deficiency of capital, they asked authority to raise two millions of dollars. In all probability, they added, this would be too much, and, therefore, they proposed to insert in the charter a provision that 'the surplus capital might be employed in any way not inconsistent with the laws and constitution of the United States, or of the state of New York.' The bill passed both houses as a matter of course, few members even so much as reading it, and none, except those who were in the secret, suspecting that 'Manhattan Company' meant Manhattan Bank. These are the naked facts of the affair.

It was proposed in the select committee of the senate, to which the bill was referred, to strike out the clause relating to the use of the surplus capital; whereupon a member of the committee applied to Colonel Burr for an explanation. Burr avowed the design of using the surplus capital to establish a bank, or an East-India Company, or anything else the directors might choose, since merely furnishing a city of fifty thousand inhabitants with water would not remunerate the stockholders. The bill was afterward referred to the chief justice of the state, who advised its rejection on account of the unlimited powers conferred by the surplus clause. Means were found, however, to overrule his objections, and Governor Jay signed the bill.

The immediate effect of the Manhattan affair was injurious to the republican party. In the spring of 1799, Burr was a candidate for re-election to the assembly, but before the election occurred, the secret of the Manhattan Company escaped, and a prodigious clamor arose. A pamphlet appeared denouncing banks in general, and in particular the means by which Burr had sprung a new one upon a bank-fearing city. The newspapers took up the story, and meetings denounced the dexterous maneuver. The result was, that Burr lost his election, and what was worse, the whole republican ticket was defeated, and

1The bill, entitled "an act for supplying the City of New York with pure and wholesome water," was passed April 2, 1799. It created a body corporate and politic by the name of the president and directors of the Manhattan Company; the first directors being "Daniel Ludlow, John Watts, John B. Church, Brockholst Livingston, William Edgar, William Leight, Pascal N. Smith, Samuel Osgood, John Stephens, John Broome, John B. Coles, and Aaron Burr." The capital stock of the company was "not to exceed two millions of dollars."
the republican cause, which before had been gaining ground, received an ominous check."

"As the time for choosing presidential electors drew near, it became apparent that the state of New York would decide the contest in the Union, and that the city would decide the contest in the state. To every leading republican in the country, except one, defeat looked inevitable. John Jay, in 1798, had been elected governor over Chancellor Livingston by a majority of 2,382, which was then a great majority. In 1779, the republican ticket in the city, headed by the name of Aaron Burr, had been defeated by a majority of nine hundred. In April, 1800, the electing legislature was to be chosen. Jefferson might well say, as he did say, one month before the New York election, that he considered the contest more doubtful than that of 1796. But Burr would not admit the idea of failure. He breathed the fire of his own sanguine disposition into the hearts of his followers, and kept every faculty on the alert to take instant advantage of the enemy's mistakes. His first step was to prepare a list of candidates to represent the city in the assembly. But a difficulty arose at the very outset: Hamilton's whole heart was in this election, and it was certain that he would take an active personal part in the campaign; and that, particularly, during the three days of the election, his harangues to the people would be more effective than ever before. Burr, too, must be on the ground. It was also thought indispensable to the complete success of the plan, that he should be a member of the legislature. But if his name were on the city ticket, it would neutralize his exertions, as he would seem to be electioneering and haranguing for himself. Some votes would also be diverted from the republican side by the recollection of Burr's agency in the Manhattan Bank affair. In this dilemma, it was suggested that he should be a candidate for the assembly in Orange County, where he was better known and more popular than in any other county. This part of the plan was confided to influential democrats of that county, and, it may as well be stated at once, was successful.

"This matter disposed of, the city ticket was drawn up. With matchless audacity, Burr proposed to his confederates the following persons as candidates for the assembly. At the head of his ticket he placed the name of George Clinton, so long the governor of the state, now retired from all public employments, and declining into the vale of years. Next came the name, not less distinguished, of the conqueror of Burgoyne, General Horatio Gates. Then followed Samuel Osgood, Henry Rutgers, Elias Neusen, Thomas Storm, George Warner, Philip J. Arcularius, James Hunt, Ezekiel Robins, Brockholst Livingston and John Swartwout, all of them gentlemen, who, for one reason or another, added particular strength to the ticket. Osgood, for example, had

been a member of congress and Washington's postmaster-general, and was a man of the highest estimation in the city. Livingston was a very eminent lawyer, afterward judge of the Supreme Court of the United States. Swartwout, very popular for his manly bearing and amiable qualities, was Burr's most devoted friend. The name of Rutgers is still familiar in a New Yorker's ear, as it lives in the street where he resided. In a word, Burr's ticket, from the celebrity of some of its names, the eminent respectability of others, and the peculiar popularity of the rest, was the strongest ever offered for the popular suffrages in this state. Above all, it was an obvious and striking contrast to Hamilton's.

"The polls opened on the morning of April 29th, and closed at sunset on the 2d of May. During these three days the exertions of both parties were immense. Hamilton was in the field animating his followers with his powerful declamation. Burr addressed large assemblies of republicans. Sometimes both champions appeared on the same platform, and addressed the multitudes in turn, upon the questions in dispute. On these occasions, their bearing toward one another was so gracefully courteous as to be remembered by many in the crowd they addressed, long after the matter of their speeches was forgotten.

"The contest closed. Before the rival chiefs slept on the night of the 2d of May, the news was brought to them that the republicans had carried the city by a majority of four hundred and ninety votes."1

"Congress was in session when the result of the New York election was made public. As soon as this event was known, and it was consequently ascertained that a republican president and vice-president could be elected, it became necessary to settle on a candidate for the vice-presidency, all being agreed that Mr. Jefferson should be the presidential candidate.

"Colonel Burr was nominated for vice-president at a congressional caucus. Upon canvassing the presidential votes, it was found that Mr. Jefferson and Mr. Burr had each of them received seventy-three votes. The whole number of votes were one hundred and thirty-eight, leaving Mr. Adams and Mr. Pinckney sixty-five votes each. This result produced a convulsion, which immediately threatened a dissolution of the government. The number of votes given to Mr. Jefferson and Mr. Burr being equal, there was of course no election by the electors, and the election of president devolved on the states as represented in the house of representatives of the United States. There were then sixteen states. Eight of them were republican, six were federal, and

1 The life and times of Aaron Burr. By James Parton, vol. i., pp. 243, 247, 248, 252. John Swartwout's second term as an assemblyman extended through the twenty-fourth session of the legislature, from November 4 to November 8, 1800, and from January 27 to April 8, 1801.
two were equally divided. It was necessary that a majority of the states should
cast their votes for one person, in order to effect an election. * * * *

"It can scarcely be necessary to add that on the seventeenth of February [1801], Mr. Jefferson was, by the states in congress, elected president.
* * * * The news of the result was received by the republicans in every
part of the nation with acclamations of joy, but, perhaps, nowhere with more
heartfelt exultation than in the state of New York. On the fourth of March,
meetings were held, processions were formed, and orations were delivered in
almost every city and village in the state. The republican members of the
legislature and the citizens of Albany, and citizens from other parts of the
state, joined in the general festivity. A splendid dinner was provided and
toasts were drank. * * * * The Albany Register, then the organ of the
republican party in the state, in reference to this celebration, says: 'In rejoicing
on this occasion they [the company] did not forget the important success
of the republicans in the choice of that firm and tried patriot Aaron Burr as
vice-president of the United States.'

"Among the regular toasts drank, the next after the toast to Mr. Jeffer-
son, was—'Aaron Burr, vice-president of the United States—his uniform
and patriotic exertions in favor of republicanism eclipsed only by his late dis-
interested conduct.'"

On March 27, 1801, President Jefferson appointed John Swartwout United
States marshal of the district of New York. He held the office until June
27, when he was succeeded by Harmanus H. Wendell, whom he succeeded by
a reappointment on July 8, 1802, and discharged the duties of his office until
May 14, 1805, when Peter A. Schenck was appointed his successor.

Among the leading journals, published in the city of New York at that
time was the Evening Post, which had been established there on November 16,
1801, by Alexander Hamilton and other active members of his party, who had
selected William Coleman to be the editor-in-chief of the influential newspaper.

"Immediately after the result of the election [in the spring of 1802] was
known, the war between Aaron Burr and his partisans, and the Clintons and
Livingstons, the materials for which had for a long time been gathering; burst
forth, and was carried on with extreme asperity and bitterness.

"A daily paper had been established in New York, called the American Cit-
izen, which was considered the organ of the majority of the democratic party;
but was understood to be more especially under the influence of DeWitt Clin-
ton. That paper first broke ground against Colonel Burr, and openly and bit-
terly denounced him as a traitor to the republican cause, and in proof of his

1 The history of political parties in the state of New York. By Jabez D. Hammond, vol. i., pp. 129,
130, 134, 135, 137, 139, 160, 161.
treachery, it charged him with intriguing with the federalists to defeat the election of Mr. Jefferson, and through their aid place himself in the presidential chair. James Cheetham, an Englishman by birth, a man of wit and great talents as a periodical writer, but as a political writer sometimes too regardless of truth, was the senior editor and conductor of this paper.

"On the other hand, Colonel Burr and his friends established a paper in New York [in October, 1802], denominated the Morning Chronicle, of which Dr. [Peter] Irving was the editor, which was the antagonist of the American Citizen. Mr. Irving, who was a man of respectable literary attainments, did not seem so well qualified as Mr. Cheetham, for that kind of cut and thrust warfare which then was, and now is, too much the fashion of the day. The Morning Chronicle, however, carried the war into the camp of the opponents of Mr. Burr, charging the Clintons and Livingstons with inordinate personal ambition, with exercising an unwarrantable and a dictatorial power over the democratic party, and with having appropriated an unreasonable portion of the spoils of victory to their own immediate use. It affirmed that the conduct of Colonel Burr had been correct and honorable, and that the opposition to him was produced by a desire to get rid of him in order to bring forward some member of the Clinton or Livingston family as the prominent favorite of the democracy of the north for the high office [of vice-president] which Burr then held, and ultimately for the first office in the [gift of the] nation. The controversy was conducted * * * * with extreme asperity, and the leaders of the two sections of the republicans became personally hostile to each other, so much so that social intercourse was broken off between them, and even pecuniary transactions were affected and controlled by their political prejudices and animosities."¹

Through the influence of the Clinton faction, Colonel Burr was not re-elected a director of the Manhattan Company. The summary exclusion of Colonel Burr from the management of the affairs of the prominent corporation led immediately to open denunciation of the covert maliciousness of those instigating it. DeWitt Clinton, at that time mayor of the city of New York, hearing at the residence of Ezekiel Robins an assertion ascribed to Colonel John Swartwout, forthwith denounced him "a liar, a scoundrel, and a villain." This aspersive language was at once reported to him.

"One defect in Mr. Clinton's character as a public man," as observed by a judicious writer, "and indeed as a private citizen, was that he was too reckless in his remarks about gentlemen who differed with him in political opinions. He was too apt to treat and speak of every man who opposed his political views as

¹The history of political parties in the state of New York. By Jabez D. Hammond, vol. i., pp. 185, 186.
THE HON. JOHN SWARTWOUT.
dishonest, or wholly incompetent to judge between right and wrong. It is singular that his long experience as a politician, and his extensive acquaintance with men, did not more effectually convince him that it was not true that every man who did not accord with him in sentiment was either a knave or a fool.

"Mr. Swartwout was a generous and a brave man, ardent in friendship, and equally heated against those he chose to consider as his enemies."!

Colonel W. S. Smith, whose services were at the command of Marshal Swartwout, carried on Monday morning, July 26, the following communication to DeWitt Clinton:

"New York, 25th July, 1802.

Sir:

I am informed that you have lately, in a conversation held at Mr. Ezekiel Robins's, taken very unwarrantable liberties with my character, permitting yourself to use expressions relative to me too gross to be repeated. From your character and standing in society, I presume you will not hesitate to recognize or disavow these charges, and, if true, to make me a prompt and suitable reparation.

I have made my friend Col. Smith acquainted with my feelings and expectations on this subject; at my particular request he does me the honor to present this. He will receive your answer, and act accordingly.

I have the honor to be, sir, yours, etc.,

John Swartwout.

"The Hon. DeWitt Clinton, Esq."

"On the morning of the 26th," as said by Colonel Smith, "I waited on Mr. Clinton, at New-Town (L. I.), and presented the above letter, who, after perusing it, asked who had given this information. I answered, I had not inquired, neither did I know. He asked what the expressions were that were alluded to. I answered, those of 'liar, scoundrel, and villain,' as applied directly and pointedly to Mr. Swartwout. He said, that the two first he recollected as applied to Mr. Swartwout relative to that system of conduct which he supposed Mr. Swartwout had pursued; that the third did not rest upon his mind as being used, and explained the grounds upon which they were used and applied.

I suggested to him the propriety of explaining himself on paper addressed to Mr. Swartwout in answer to the letter I had presented. He retired, wrote, and delivered to me the letter he had addressed to Mr. Swartwout.

1 "Clinton was a strong-headed and bitter-tongued politician. Swartwout was a frank-hearted, brave man, devoted to Burr with a disinterested enthusiasm that stood all the tests to which friendship can ever be subjected."—The life and times of Aaron Burr. By James Parton, vol. i., p. 224.

THE SWARTWOUT CHRONICLES.

" 'New Town, 26th July, 1802.

" 'Sir:

" 'Having understood that you have, on various occasions and in relation to the controversy respecting Mr. Burr, represented me as being governed by unworthy motives, I have without hesitation affixed to such suggestions such epithets as I thought they merited.

" 'With regard to the conversation that took place at Mr. Robins's, it was predicated upon a full conviction that this system of conduct had been adopted by you. As you have not thought proper to detail in your letter the expressions attributed to me, but have referred me to Col. Smith for them, he will in the same way inform you of those which my recollection recognizes.

" 'I have only to add that any further arrangements you may think proper to make will be attended to by me with all the promptitude which a regard to the circumstances of the case may require.

" 'I am, sir, your most obedient servant,

" 'DeWitt Clinton.

" 'John Swartwout, Esq.'

"On the same (Monday) night, Mr. Clinton sent for Richard Riker, who called the next morning and consented to act as Mr. Clinton's friend. Mr. Riker called upon Colonel Smith, on Wednesday morning, at ten o'clock. They agreed that the 'business might be amicably adjusted.' Mr. Riker wrote out the following projet:

" 'If Mr. Swartwout will declare that he has not represented Mr. Clinton, in relation to the controversy respecting Mr. Burr, as being governed by unworthy motives, Mr. Clinton will declare that he used the epithets with respect to Mr. Swartwout, only in consequence of this supposed imputation, which being disavowed by Mr. Swartwout, he (Mr. Clinton) readily withdraws the epithets complained of, and as a gentleman apologizes for the use of them. These mutual declarations to be made in the presence of Col. Smith and Mr. Riker, and a written statement, signed by Col. Smith and Mr. Riker, to be exchanged.'

"This proposition was submitted to Mr. Swartwout, and by him rejected, and the following was declared to be the only apology acceptable. It was sent to Mr. Clinton for his signature.

" 'Having, in the course of a conversation, made use of expressions reflecting on John Swartwout, Esq., I do fully and freely withdraw those expressions as intemperate and unfounded, and request Mr. Swartwout to accept this apology from me for having used them.'

"Mr. Clinton peremptorily refused to sign anything of this kind, and noth-
ing remained but to settle preliminaries for a meeting of the parties. At one o'clock, on Wednesday, July 28, Colonel Smith and Mr. Riker met at Mr. Little's [in Broad Street], and on the twenty-ninth selected the place of meeting, and, on the thirtieth, agreed upon the following arrangement:

"1st. To leave this island [Manhattan] from different points in two boats precisely at five o'clock, on Saturday, p.m., and to proceed to the place proposed. The party first arriving will wait the landing of the other: each boat shall be rowed by four confidential persons only, who shall remain in their respective boats until called for. These persons are not to be armed in any manner whatever. There will be but seven persons in each boat, viz., the principal, his second, one surgeon, and four oarsmen. The surgeons may attend in silence on the ground.

"2d. The distance between the parties to be ten yards, measured by the seconds, and the positions shall be distinctly marked.

"3d. The seconds shall determine by lot the choice of position.

"4th. The pistols are not to exceed eleven inches in the barrel. They are to be smooth bores, and to be loaded by the seconds in each other's presence, showing a smooth ball.

"5th. The gentlemen will stand with their backs to each other at their respective stations, and in this position shall each receive a pistol, and the seconds having determined by lot who gives the word, he to whom the lot falls shall take his position in the centre, retired from the line of fire, and shall distinctly say: "Attention, gentlemen—To the right face"—upon which they shall face to the right and fire with promptitude; if one fires before the other, the opposite second shall say, "one, two, three, fire," and he shall fire.

"6th. The left hand shall not be brought in support of the right arm, nor be placed on the right breast or side.

"7th. If either should be wounded before he has fired, and means to fire, he shall, if he can stand unsupported be entitled to his shot, and not otherwise. If either has fired, is wounded and means to proceed, he shall receive no assistance; his second will only exchange the pistol. If he falls forward, the second will repost him.

"8th. At the exchange of pistols correct positions are to be resumed, and the words given as in article 5.

"9th. A snap or flash to be considered a fire. The pistol must not be recovered.

"10th. Neither party to quit his station without the order or consent of the two seconds.'

"New York, July 30, 1802."

"R. Riker,

"W. S. Smith."
The ground selected for the meeting of the principals was a grassy terrace, two and a half miles north of Hoboken, in New Jersey, and, about twenty feet above the water-line of the Hudson River, on the rocky face of the Palisades, which rise at that point to a perpendicular height of about one hundred and fifty feet.

"Agreeably to the preceding preliminaries," as related by Colonel Smith, "the respective gentlemen attended as agreed upon, and left the city at five o'clock, and passed to the point proposed—arriving as nearly together as the current would admit; one boat obliquely ascending and the other descending the stream.

"The ground being correctly measured, and the intermediate questions adjusted, the gentlemen took their stations and were each presented with a pistol, and by order faced to the right and fired, ineffectively.

"At the request of Mr. Riker, I asked Mr. Swartwout, 'Are you satisfied, sir?' He answered, 'I am not.' The pistols then being exchanged and the positions of the principals resumed, by order the gentlemen again faced to the right and fired a second time without effect.

"At the request of Mr. Riker, I again addressed Mr. Swartwout, 'Are you satisfied, sir?' He answered strongly in the negative; and we proceeded, and a third shot was exchanged without injury to the principals.

"At the request of Mr. Riker, I again asked Mr. Swartwout, 'Are you satisfied, sir?' He answered, 'I am not, neither shall I be until the apology is made which I have demanded; until then, we must proceed.' I then presented a paper to Mr. Riker containing the apology demanded, for Mr. Clinton's signature, observing that we could not spend our time in conversation, and that the paper must be signed or we must proceed.

"Mr. Clinton declared he would not sign any paper on the subject, that he had no animosity against Mr. Swartwout, and that he would willingly shake hands with him, and agree to meet each other thereafter amicably on the score of former friendships. Mr. Swartwout having persisted in insisting on the subscription of Mr. Clinton's signature to the apology, and Mr. Clinton declining, they again stood at their posts, and fired a fourth shot. Mr. Clinton's ball struck Mr. Swartwout's left leg about five inches below the knee; but he stood steady and collected.

"At the request of Mr. Riker, I again addressed Mr. Swartwout, 'Are you satisfied, sir?' He answered, 'It is useless to repeat the question, my determination is fixed, and I beg that we may proceed.' Mr. Clinton declared that he had no animosity against Mr. Swartwout, that he was sorry for what had passed, and proposed to advance and shake hands with him, and to bury the matter forever.
"During this conversation Mr. Swartwout's surgeon knelt by his side and extracted the ball from the opposite side of the leg; Mr. Swartwout at the time standing erect, and positively declining any overtures short of an apology from Mr. Clinton. They fired a fifth time, and Mr. Swartwout received Mr. Clinton's ball in his left leg, about five inches above the ankle, still, however, standing steady and perfectly composed.

"At the request of Mr. Riker, I again addressed Mr. Swartwout, 'Are you satisfied, sir?' He forcibly answered, 'I am not, sir; proceed.' Mr. Clinton then quitted his station, declined the combat, and declared he would fire no more shots. Mr. Swartwout expressed his surprise that Mr. Clinton would neither apologize nor give him the satisfaction which he required, and addressed me, asking, 'What shall I do, my friend?' I answered, 'Mr. Clinton declines making an apology, refuses taking his position and declares he will fight no more; and as his second apparently acquiesces with his principal, there evidently is nothing further left for you to do but to have your wounds dressed.' The surgeons attended and dressed Mr. Swartwout's wounds, and the gentlemen in their respective barges returned to the city."1

In an issue of the American Citizen, Richard Riker, Mr. Clinton's second, said that it was due to Mr. Swartwout to declare that he acted with honor and bravery. Doctor John H. Douglass was John Swartwout's surgeon, and Doctor Ledyard, DeWitt Clinton's. One of the balls fired by Marshal Swartwout made a hole through his antagonist's coat.

After the duel, DeWitt Clinton "was scandalously maligned in the opposition newspapers. He was satirized and caricatured." His second, Richard Riker, deputy attorney-general of the state of New York, "was indignant, and published his sentiments in defence of his friend so freely that Robert Swartwout, the marshal's brother, challenged him to fight a duel. They met at Weehawken, on Monday, November 14, 1803. At the first fire, the attorney fell severely wounded in the right leg, a little above the joint of the ankle. The duellists were severally indicted in New York for breaking the laws of the commonwealth."2

The criminations and recriminations with which the Clinton and Burr wings of the democratic party defamed the character of their respective adversaries occasioned the bitterest ill-feeling. There can be no doubt that both parties were reprehensibly unjust in their animadversions. "Honorable men, under high party excitement, will so distort and discolor facts in their statements that it will often be difficult for a disinterested person to arrive at a correct conclu-

sion respecting them. Lady Betty Germain was right when she said, ‘I have lived long enough never wholly to believe any side or party against the other.’"

"In the year 1810, a series of letters addressed to DeWitt Clinton appeared in a newspaper printed in New York, and afterward printed in a pamphlet form, under the signatures of Marcus and Philo Cato; long since avowed to have been written by Matthew L. Davis. These letters charge that in December, 1805, Mr. Levi McKean, a Burrite from Poughkeepsie, residing in the same village with General James Talmadge, then a zealous Clintonian, arrived in New York, and called on several of his political friends, stating to them that overtures had been made by the Clintonians, to form a union with the Burrites. * * * * He had conversed with General Bailey on the subject, and was desirous that Colonel Swartwout [twice United States marshal], should consent to an interview for that purpose. It was suggested,' says the writer, ‘that as Mr. Clinton had not the power of giving offices at that moment, and thus publicly committing himself, he should give to Colonel Burr's friends pecuniary aid through the medium of the Manhattan Bank, of which he was a director, and from which bank they were almost totally excluded.' That on the seventh of January, 1806, Mr. Swartwout received from General Bailey a written note inviting him to spend an hour with him that evening.

"The invitation was accepted, and General Bailey on that occasion, avowed himself to be acting as the agent of DeWitt Clinton. Several other interviews between these gentlemen followed; and eventually, according to Mr. Davis, an agreement, to the purport following, was made and concluded on the eleventh of January:—

"'Firstly—That Colonel Burr should be recognized by the union party, as a republican.

"'Secondly—That the editor of the American Citizen should desist from all attacks upon him or his friends; that he should advocate the union, if it became necessary, in his paper; that he should not defend the Burrites as returning to republican principles, they persisting that they had abandoned them.

"'Thirdly—That friends of Colonel Burr, as it respected appointments to offices of honor or profit throughout the state, should be placed on the same footing as the most favored Clintonian, and that their Burrism should never be urged as an objection to their filling those offices.'

"Mr. Davis, in his pamphlet, further states, that on the twenty-fourth of January, Mr. Clinton himself met Colonel Swartwout, Peter Irving, and M. L. Davis, in the evening at the house of General Bailey; that he brought with him Mr. Ezekiel Robins, a zealous partisan of Burr; and that congratulations respecting the union mutually passed between the contracting parties. Affairs remained in this condition until the twentieth of February, when a meeting was
held of the leading Clintonians and Burrites at Dyde's hotel, in the vicinity of New York, where the utmost good feeling was manifested, and toasts were drank highly complimentary to the leaders of both parties.  

Until the supper at Dyde's, it would seem that the knowledge of these proceedings was confined to a very few persons, but on the publication of the proceedings of that supper party much indignation was felt by many republicans in the city, and on the twenty-fourth of February, four days after the Dyde supper, a very numerous meeting was held at Marling's Long Room, at which the union and its authors were denounced in unmeasured terms.

"This meeting was got up by a few dissatisfied Burrites, and many honest and well-meaning republicans, and it is highly probable that the immediate friends of Governor Lewis exerted themselves to increase the jealousy of the republicans of Mr. Clinton and a few Clintonian leaders in the city, among whom Richard Riker and P. C. van Wyck were conspicuous, and to fan the flame of discord and enmity among the followers of Mr. Clinton. Be this as it may, this meeting, and the materials of which it was composed, formed the nucleus of a party in the republican ranks which ultimately destroyed the political standing of Mr. Clinton with the majority of his friends."

After an interval of nineteen eventful years, John Swartwout was elected a third time an assemblyman and was a member of the state legislature during its forty-fourth session, from the seventh to the twenty-first day of November, 1820, and from the ninth of January to the third of April, 1821. Four other representatives of the Swartwout family were later elected assemblymen, and creditably acquitted themselves as lawmakers of the Empire State.

2 Jacob Swartwout, Tioga County, fifty-first session, from January 1 to April 21, and from September 9 to December 10, 1828.
Daniel B. Swartwout, Newfield, Tompkins County, fifty-sixth session, January 1 to April 30, 1833.
Robert Swartwout, Trumansburgh, Tompkins County, sixty-first session, from January 2 to April 18, 1838, and sixty-third session, from January 7 to May 14, 1840.
Barnardus Swartwout, Mecklenburg, Tompkins County, sixty-fifth session, from January 4 to April 12, 1842.
CHAPTER IX.

THE PLOTS OF GENERAL JAMES WILKINSON.

THE nomination of Aaron Burr, vice-president of the United States, on the eighteenth of February, 1804, as an independent candidate for governor of the state of New York, by "a small caucus of members of the legislature," was followed in a few days thereafter by the nomination of Morgan Lewis, chief justice of the Supreme Court of the State, for that office by the republican-democratic party. To insure the defeat of Burr, the federalists made no choice of a candidate.

Vice-President Burr writing, on the twenty-eighth of March, from Albany, to his daughter, remarks: "They are very busy here about an election between Morgan Lewis and A. Burr, the former supported by the Livingstons and Clintons, the latter per se [A. Burr]. The thing began yesterday and will terminate to-morrow. * * * * Both parties claim majorities, but there never was, in my opinion, an election, of the result of which so little judgment could be formed."

About thirty-five thousand votes were given to Lewis, and about twenty-eight thousand to Burr.

During the campaign, Doctor Charles D. Cooper, of Albany, wrote a letter to a friend, which was made public by a number of newspapers. Two sentences in it stigmatized the less popular candidate:

"General Hamilton and Judge Kent have declared, in substance, that they looked upon Mr. Burr to be a dangerous man, and one who ought not to be trusted with the reins of government. * * * * I could detail to you a still more despicable opinion which General Hamilton has expressed of Mr. Burr.

"Six weeks after the election, a newspaper containing the letter was placed in the hands of the vice-president, whose attention was directed to the phraseology of the two sentences.

William P. van Ness, one of his stanchest friends, received a note from
him, on the afternoon of the seventeenth of June, requesting his presence at Richmond Hill, on the following morning. He called upon the vice-president, who delegated him to convey to General Hamilton the newspaper, with the most offensive passage marked, and a note from Colonel Burr, which concluded with the following words: "You must perceive, sir, the necessity of a prompt and unqualified acknowledgment or denial of the use of any expressions which would warrant the assertions of Mr. Cooper."

"Hamilton was taken by surprise." He had not seen Doctor Cooper's letter. "Having read it, and the note of Colonel Burr," he informed Mr. Van Ness that he would send him an answer "in the course of the day." Late that evening, he called at Mr. Van Ness's residence, and told him that a press of business had prevented his preparing a reply, and would prevent him for two days to come; but on the twentieth he would give him a communication for Colonel Burr.

"In that communication, which was very long, General Hamilton declined making the acknowledgment or denial that Colonel Burr had demanded. Between gentlemen, he said, despicable and more despicable were not worth the pains of distinction. He could not consent to be interrogated as to the justice of the inferences which others might have drawn from what he had said of an opponent during fifteen years' competition. But he stood ready to avow or disavow explicitly any definite opinion which he might be charged with having expressed respecting any gentleman. He trusted that Colonel Burr, upon further reflection, would see the matter in the same light. If not, he could only regret the fact, and abide the consequences.

"The letter was oil upon the flames of Burr's indignation. His reply was prompt and decided. * * * *

"'Your letter of the twentieth instant has been this day received. Having considered it attentively, I regret to find in it nothing of that sincerity and delicacy which you profess to value. Political opposition can never absolve gentlemen from the necessity of a rigid adherence to the laws of honor and the rules of decorum. I neither claim such privilege nor indulge it in others. The common sense of mankind affixes to the epithet adopted by Doctor Cooper the idea of dishonor. It has been publicly applied to me under the sanction of your name. The question is not, whether he has understood the meaning of the word, or has used it according to syntax, and with grammatical accuracy; but, whether you have authorized this application, either directly or by uttering expressions or opinions derogatory to my honor. The time "when" is in your knowledge, but no way material to me, as the calumny has now first been disclosed, so as to become the subject of my notice, and as the effect is present and palpable, your letter has furnished me with new reasons for requiring a definite reply.'"
“General Hamilton seems to have read his doom in that letter. He said to Mr. Van Ness, who brought it, that it was such a letter as he had hoped not to receive; it contained several offensive expressions, and it seemed to close the door to a reply. He had hoped that Mr. Burr would have desired him to state what had fallen from him that might have given rise to the inference of Doctor Cooper. He would have done that frankly, and he believed it would not have been found to exceed justifiable limits. And even then, if Mr. Burr was disposed to give another turn to the discussion, he was willing to consider his letter undelivered. But if that were not withdrawn, he could make no reply.”

General Hamilton however did indite an answer to Colonel Burr's letter, and placed it in the hands of Mr. Nathaniel Pendleton, to be delivered. He wrote: “Your first letter, in a style too peremptory, made a demand, in my opinion, unprecedented and unwarrantable. My answer, pointing out the embarrassment, gave you an opportunity to take a less exceptionable course. You have not chosen to do it; but in your last letter received this day, containing expressions indecorous and improper, you have increased the difficulties to explanation intrinsically incident to the nature of your application. If by a ‘definite reply’ you mean the direct avowal or disavowal required in your first letter, I have no other answer to give than that which has already been given. If you mean anything different, admitting of greater latitude, it is requisite you should explain.”

Other letters and answers were written. Finally a challenge was sent and accepted. The seconds, Mr. William P. van Ness and Mr. Nathaniel Pendleton, “conferred several times before the final arrangements were concluded, but, at length the eleventh of July, at seven in the morning, was fixed upon as the time; the place, Weehawken; the weapons, pistols; the distance, ten paces.”

“On the fourth of July, Hamilton and Burr met, for the last time, at a convivial board. It was at the annual banquet of the Society of the Cincinnati, of which Hamilton was president and Burr a member. Hamilton was cheerful, and, at times, merry. He was urged, as the feast wore away, to sing the only song he ever sang or knew, the famous old ballad of The Drum. It was thought afterward, that he was more reluctant than usual to comply with the company’s request; but after some delay, he said, ‘Well, you shall have it,’ and sang it in his best manner, greatly to the delight of the old soldiers by whom he was surrounded. Burr, on the contrary, was reserved, mingled little with the company, and held no intercourse with the president. He was never a fluent man, and was generally, in the society of men, more a listener than a talker. On this occasion, his silence was, therefore, the less remarked; yet it was remarked. It was observed, too, that he paid no attention to Hamilton’s conversation, nor, indeed, looked toward him until he struck up his song,
when Burr turned toward him, and leaning upon the table, looked at the singer till the song was done."

At daybreak, on Wednesday, the eleventh of July, when John Swartwout, to whom had been confided the arrangements for the duel, entered the vice-president's library at Richmond Hill, he found him asleep on a couch. He awoke him, and having seen him depart with William P. van Ness and Matthew L. Davis, he remained there to wait the return of the party.

The incidents of the meeting at Weehawken, after the principals had taken their positions and the answer given to the question, "Are you ready?" as narrated by a well-informed writer, were tragically startling:

"A moment's pause ensued. The word [fire] was given. Burr raised his pistol, took aim, and fired. Hamilton sprang upon his toes with a convulsive movement, reeled a little toward the heights, at which moment he involuntarily discharged his pistol, and then fell forward headlong upon his face, and remained motionless on the ground. His ball rustled among the branches, seven feet above the head of his antagonist, and four feet wide of him. Burr heard it, looked up, and saw where it had severed a twig. Looking at Hamilton, he beheld him falling, and sprang toward him with an expression of pain upon his face. But at the report of the pistols, Doctor Hosack, Mr. Davis, and the boatman hurried anxiously up the rocks to the scene of the duel."

With these three men, Vice-President Burr entered the boat in which they had crossed the river, and was rowed rapidly back to the point from which they had shortly before departed. He and his second made their way to Richmond Hill, where John Swartwout congratulated him for returning unharmed.

The wound made by his ball in the right side of General Hamilton was a mortal one, and the unfortunate statesman died on the following day, about two o'clock in the afternoon.

"Colonel Burr remained at or near Richmond Hill for eleven days after the duel. He was wholly unprepared for the excitement that arose. It never, before the duel, seemed once to have occurred to him that the public, which had seen with comparative indifference so many sanguinary conflicts of the kind, would discover anything extraordinary in this one, whatever might be its result. He supposed, and had good reason to suppose, that, on the day before the duel, he was a more popular and a more important man than Hamilton. Was he not vice-president? Had he not just been voted for by a majority of the freeholders of the city, in spite of Hamilton's most strenuous exertions? Yet, the day after the duel, the dying Hamilton had the heartfelt sympathy of every creature in the town, and Burr began to be regarded with abhorrence."

"Soon after Hamilton died, Burr found it would be best for him to retire awhile from the scene of excitement. On Friday, he wrote to his son-in-law:
General Hamilton died yesterday. The indignant federalists or tories, and the embittered Clintonians, unite in endeavoring to excite public sympathy in his favor, and indignation against his antagonist. Thousands of absurd falsehoods are circulated with industry. The most illiberal means are practiced in order to produce excitement, and, for the moment, with effect. I propose leaving town for a few days, and meditate also a journey of some weeks, but whither is not resolved.

"On Saturday evening (the twenty-first of July), a barge lay off a little wharf behind Richmond Hill. At ten o'clock, Burr, surrounded by a party of his friends, left his residence, and walked down to the river. The barge came alongside, when Burr, accompanied by his unswerving friend Swartwout, and a favorite servant, stepped aboard. The boat was immediately pushed off, and its prow turned down the river. All night the bargemen plied their oars, while Burr and his companion lay in the stern, and, at intervals, slept. By nine o'clock on Sunday morning the boat was opposite the lawn of Commodore Truxton’s residence, at Perth Amboy, in New Jersey."

When information had been conveyed to the hospitable naval officer that the vice-president of the United States desired his hospitality, he at once went to the wharf and gave him a courteous welcome to his home. After breakfast, Mr. Swartwout returned to New York, and on Monday morning the vice-president was taken by Commodore Truxton in his carriage to Cranberry, about twenty miles distant, and from that place Mr. Burr proceeded by various conveyances to Philadelphia.

On the second of August, John Swartwout communicated to him by an express the verdict of the coroner’s jury to the effect that “Aaron Burr, esquire, vice-president of the United States, was guilty of the murder of Alexander Hamilton, and that William P. van Ness, and Nathaniel Pendleton were accessories.” He also wrote him that “Governor Lewis speaks of the proceedings openly as disgraceful, illiberal, and ungentlemanly. In short, a little more noise on their side, and a little further magnanimity on ours, is all that is necessary. In all this bustle, judicious men see nothing but the workings of the meanest passions.”

Influenced by his friends, he, in company with Marshal Swartwout’s brother Samuel, a young man of two and twenty years, and attended by his servant, Peter, embarked about the middle of the month of August, for the island of St. Simon, off the coast of Georgia. After a month’s sojourn there, he visited his daughter’s home in South Carolina. Thence he passed northward to Virginia, where at Petersburg, he was prevailed upon to partake of a dinner with which he was honored by members of the republican-democratic party. There he wrote to his daughter: “Virginia is the last state, and Petersburg the last
town in the state in which I should have expected any open marks of hospitality and respect."

Meanwhile, "the duel having been fought in New Jersey, certain federalists of that state" had succeeded "in getting Doctor Mason, one of the clergymen who had attended General Hamilton, to give testimony on which to found an indictment. Burr was indicted accordingly. In New York, the evidence had been given by Bishop Moore, who administered the communion to the dying man. But for those two clergymen's second-hand testimony, there would never have existed a word of legal evidence that the duel had been fought."

Although indicted, he was not prosecuted. On his return to Washington, it is said he was received by the officials and in society, "with at least as much consideration" as he had been before the duel. On the second of March, 1805, the vice-president took leave of the senate. "This was done at a time when the doors were closed; the senate being engaged in executive business, and, of course, there were no spectators." His brief address was reported as having been "the most dignified, sublime, and impressive that ever was uttered."

When he had withdrawn from the senate chamber, the members

"Resolved, unanimously, That the thanks of the senate be presented to Aaron Burr, in testimony of the impartiality, dignity and ability, with which he has presided over their deliberations; and of their entire approbation of his conduct, in the discharge of the arduous and important duties, assigned him as president of the senate."

The intentions of the eminent statesman then began to be a subject of public interest. Every lover of gossip in the United States, or, in other words, "every sane inhabitant of the United States," as remarked by one of his biographers "was asking these questions in the spring of 1805: What will Burr do now? Where will he go? For ten years past, he filled a large place in the public view, and recent events had fixed all eyes upon him. In every part of the country, he had strong personal friends; men, who had supported and worked hard for him in hotly-contested campaigns; women, who had loved his black eyes, and thought him a knight without fear and without reproach. His portrait hung upon walls, his bust stood upon mantles. Always a man of whom anecdotes were told, he was now the subject of a thousand preposterous rumors and the hero of a thousand groundless or exaggerated tales. He was regarded as a mysterious being, a man of unfathomable purposes, and able to bend all things and persons to his will. The public mind was prepared to believe anything of Burr, provided only that it was sufficiently incredible." 1

The character of Aaron Burr as a soldier of the war of the Revolution, as a

statesman, as a vice-president of the United States, would not lack the lustre to which his services as such entitle it, had circumstances placed him beyond the blight of the instigations and treachery of General James Wilkinson, commander-in-chief of the army of the United States in 1805. Both had won distinction for valor on the heights of Quebec, and had, about the beginning of this century, begun corresponding in ciphers, used as early as 1794, by General Wilkinson.

In order to show the grounds on which the above declaration is founded, the following *excerpta* are presented the reader from the works of several authoritative historians:

"Few of the millions who now populate the valley of the Mississippi are familiar, even by tradition, with the difficulties which attended its early colonization. While the states of the Atlantic had engaged the energies of the government [of the United States of America], the pioneers of the wilderness had been seriously neglected. That young and fertile region lay yet an unbroken forest but sparsely inhabited, and separated from the sea-board by interminable mountains and boundless solitudes. Shut out from the avenues of trade, it contributed nothing to the resources of the government, then much reduced by the [war of the] Revolution, and the demands of its citizens were regarded as burdens to the state, and useless exactions from the public treasury. Nature, it is true, had supplied it with those noble rivers, now the great arteries of trade, but the arbitrary interdict of Spain had closed them against the enterprise and energy of the people.

"The navigation of the Mississippi had been a fruitful source of complaint almost from the first occupation of the territory. Favorites had been rewarded by the authorities of Louisiana, but even these had been compelled to contribute to the Spanish crown. Congress had frequently been solicited to assert the rights of the people whose prosperity was retarded by the restrictive intercourse of trade, yet such was the embarrassment of the government, they could but faintly hope for relief, and that, if at all, at a distant day, and under many disabilities.

"The murmurings of discontent, which thus far had been comparatively but faintly heard, began now to assume a more threatening tone. Those who had been most loyal in their affection for the republic faltered in their allegiance to the confederation. The government had been admonished of a rupture of the Union, and a forcible alliance with a rival power. Measures of relief had been seriously determined on, but the manner of their accomplishment was a subject of no little diversity of opinion. While some advocated the separate organization of a new republic, independent of the United States and closely allied with

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Spain, others desired annexation to Louisiana, and submission to Spanish domination. Some there were who advised a war with Spain as affording a pretext for seizing New Orleans, while a fourth suggested that congress should be prevailed on to show preparation for war, and by alarming their apprehensions, "extort from the cabinet of Madrid what it persisted in refusing." The fifth and last suggested that France should be solicited to procure a retrocession of Louisiana, and to extend her protection to the inhabitants of Kentucky.¹

"The extension of its American possessions, and the control of trade, had long been the desire of the Spanish crown. The occasion was opportune and did not escape the superior vigilance of its public servant. The obstruction to navigation, which had purposely been thrown in the way of the inhabitants of the upper country, seemed now to have produced the desired result; and Miro, the governor of Louisiana, flattered himself, from the discontent which appeared everywhere prevailing, that at no distant day he could report to the cabinet the dismemberment of Kentucky from the Union, and its voluntary acknowledgment of Spanish domination.

"General James Wilkinson was at that time one of the leading men of the district. He had been a successful soldier in the Revolution and greatly distinguished himself by his unflinching courage and superior military tact. Like many of his compatriots, at the close of the war he had been left with limited pecuniary resources, and found it necessary to turn his attention to other pursuits. Still comparatively young, with a vigorous constitution, and superior intellectual attainments, he hoped soon to establish an independence of fortune, and elevate himself to a distinguished civic position. With a remarkably discriminating judgment, few men better understood the motives which influence human action, and none more successful in wielding that knowledge to his own advantage.

"In the fall of 1787, having laden a boat with tobacco from Kentucky, he descended to New Orleans with the ostensible purpose of making arrangements with the Spanish authorities by which to secure to the inhabitants of the upper waters the free navigation of the river, and a market for their products. Scarcely had he landed, however, before he found himself surrounded by a retinue of officers, who informed him that they were directed to seize upon his cargo, which had been confiscated to the government, and that he himself was required to appear before the governor. Miro soon discovered that the individual of all others whom he could have most desired for the furtherance of his objects, was then in his presence a suppliant for his favor. He found in Wilkinson a man of ripe experience and extensive influence. Insinuating in address, bold but reserved, with a ready familiarity in the passing affairs of foreign governments

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not less than in those of his own, he possessed in an eminent degree many of
the higher qualities of an accomplished diplomatist. Hence it was of the first
importance that his services should be secured to the interest of the crown,
which might thus, by the efficient aid of an emissary in disguise, perfect its
plans without the hazard of detection. At the close of the interview, the boats
were released, and permission granted to dispose of the cargo. A generous
display of hospitality on the part of the governor and citizens soon succeeded.
Costly feasts and brilliant assemblages became the daily entertainments to which
Wilkinson was invited. Permission was also granted him to ‘introduce into
Louisiana, free of duty, many western articles of trade which were adapted to
the market.’

‘The sudden and growing intimacy between the Spanish governor and the
American planter had been remarked by many and excited a suspicion of in­
trigue between the two. It was slyly insinuated that something beyond com­
mercial privileges was in negotiation, but with its objects and entire extent they
were as yet imperfectly acquainted. Nothing was at that time disclosed further
than that Wilkinson had written a dissertation respecting the political interests
of Spain and the inhabitants of the United States dwelling in the regions upon
the western waters. This was addressed to Miro, to be forwarded to the king
of Spain, with whom he desired it to be known that he was then negotiating
for the free navigation of the Mississippi. But it has been asserted, and cer­
tainly not without proof, that this communication was intended by Wilkinson
to conceal a different design, indorsed by Miro, and to which but few others
were privy.

‘Gardoqui, the Spanish minister in Philadelphia, without the knowledge of
Miro, and, therefore, without concert of plan, had conceived the project of set­
tling Louisiana by emigration from the United States. By this means he
hoped to draw to the interest of the Spanish crown the people of Kentucky,
which should result in her secession from the Union, with other districts then
similarly disaffected.

To Pierre d’Argès, Gardoqui committed the execution of his scheme. By
authority of the cabinet at Madrid, he invited the inhabitants of Kentucky, and
those dwelling along the Cumberland, to remove to West Florida and the
Florida district of Lower Louisiana, and place themselves under the protection
of Spain. Liberal grants of land, with extensive privileges, were offered to all
who desired to better their condition, and as a greater inducement to those
owning property, slaves, stock, farming utensils, and provisions for two years
were to be admitted free; while a duty of twenty-five per cent. was levied upon
property imported into the colony for trade or consumption.

‘But the plan of the Spanish representative threatened a collision with that
of Miro. Both were ambitious of the favor at court, with which the success of their undertakings would be rewarded; and hence they desired to keep as a secret the means by which the object was to be effected.

"In a dispatch addressed by Miro, on the eighth of January, 1788, to Valdes, the minister and secretary of state for the department of the Indies, writing of the plans of D'Argès, he says:

"I fear that they may clash with Wilkinson's principal object. In the first place, D'Argès having presented himself here with very little prudence and concealment, it may turn out that Wilkinson, in Kentucky, being made aware of the mission of this agent, may think we are not sincere, and that, endeavoring to realize his project without him, we use him merely as a tool to facilitate the operations of D'Argès. Under the impression that D'Argès may reap the whole credit of the undertaking, in case of success, it may happen that he will counteract them, for this reason I have been reflecting for many days whether it would not be proper to communicate to D'Argès Wilkinson's plans, and to Wilkinson the mission of D'Argès, in order to unite them, and to dispose them to work in concert. But I dare not do so, because D'Argès may consider that the great projects of Wilkinson may destroy the merit of his own, and he may communicate them to some one who might cause Wilkinson to be arrested as a criminal; and also because Wilkinson may take offense at another being admitted to participate in confidential proceedings upon which depended his life and honor, as he expresses himself in his memorial."

"In the same dispatch he continues: 'The delivering up of Kentucky into his majesty's hands, which is the main object to which Wilkinson has promised to devote himself entirely, would forever constitute this province a rampart for the protection of New Spain. * * * * The western people would no longer have any inducement to emigrate if they were put in possession of a free trade with us. This is the reason why this privilege should be granted only to a few individuals having influence among them, as is suggested in Wilkinson's memorial, because in their seeing the advantages bestowed on the few, they might be easily persuaded to acquire the like by becoming Spanish subjects.'

"Wilkinson, having remained several months at New Orleans, instead of returning to Kentucky by way of the river, sailed for Philadelphia, whence he proceeded to Richmond, Virginia, then the seat of government for the Kentucky district. From this point he addressed a letter to Gardoqui relative to the affairs of Louisiana, and, as he subsequently informed Miro, to sound him on his plans, and to divert his attention from himself, as he had been informed that his own reception at New Orleans had been the subject of comment by the Spanish minister.
“Gardoqui, in the meantime, was busily engaged in carrying forward his scheme of colonization. Colonel George Morgan, a soldier of the Revolution, had conceived himself greatly injured by the government, in rejecting what he believed a meritorious claim, and smarting under his disappointment, resolved to avail himself of the opportunity of placing himself beyond the limits of the United States, and by securing a liberal grant of the Spanish crown, to restore his broken fortunes in the fertile valley of the Mississippi. Having applied to Gardoqui, he obtained the conveyance of a vast tract of land, situated some seventy miles below the mouth of the Ohio, upon which he stipulated to place a large number of families. * * * *

“During the month of February, 1788, Wilkinson returned across the mountains to Kentucky. His splendid equipage and numerous servants, attracted the attention and excited the wonder of his old companions, while rumors were freely circulated that his sudden exhibition of wealth was to be attributed to something beyond the profits on his southern cargo. It was suggested that others who should follow his example might discover the source from which it sprung, and that the philosopher's stone, which was to turn everything it touched into gold, lay within the limits of the Spanish dominion. On the subject of the navigation of the Mississippi he grew quite enthusiastic, demonstrating in glowing language the benefits to be derived from direct commercial relations with New Orleans, and at the same time informing his friends of the exclusive privileges which had been granted him by the Spanish governor. He entered into large contracts for tobacco, and at once excited the jealousy of his rivals by the liberal prices offered for western products.

“Soon after his return he dispatched a pirogue, with two oarsmen, to New Orleans, conveying a communication to Miro, informing the latter of his safe return across the mountains and assuring him that their joint design was soon to be accomplished, as Kentucky had separated herself from Virginia, and the rest, as Spain desired, must inevitably follow. 'I have,' he says, 'collected much European and American news, and have made various interesting observations for our political designs. It would take a volume to contain all that I have to communicate to you. But I dispatch this letter with such haste, and its fate is so uncertain, that I hope you will excuse me for not saying more until the arrival of my boats, and, in the meantime, I pray you to content yourself with this assurance, all my predictions are verifying themselves, and not a measure is taken on both sides of the mountains which does not conspire to favor ours. * * * * I beg you to be easy, and to be satisfied that nothing shall deter me from attending exclusively to the object we have in hand, and I

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1 "Most of these dispatches, if not all, were originally in cipher; they are to be found at length, and in Spanish, in the archives of Spain."—Gayarre's history of Louisiana, vol. iii., p. 211.
am convinced that the success of our plan will depend on the disposition of the court [of Spain].

"Whether Wilkinson was really in earnest in carrying into execution the designs of the Spanish governor, may, by some, be regarded as a matter of conjecture; but that he was, nevertheless, using him for pecuniary gain, is clearly established by Miro's frequent dispatches to the home government, recommending the purchase of increased amounts of tobacco, in which it was known that Wilkinson was then dealing.

"'There is no means,' he writes, 'more powerful to accomplish the principal object we have in view, in the memorial which had been laid before his majesty, than the promise that the government will take as much as six millions of their tobacco instead of the two millions which are now bought from them.'

"In a subsequent dispatch, after the arrival of several flat-boats owned by Wilkinson and under charge of Major Dunn, which the governor was assured cost seven thousand dollars in Kentucky, Miro says, that, from the beginning Wilkinson had informed him that he was not possessed of any pecuniary resources; that on the recommendation of the intendant he had obtained a loan of three thousand dollars from a gentleman in New Orleans, and, therefore, requested that his cargo should not be seized, as he had pledged the product of its sale to refund the sum, and to pay his crew, and the amount due on the tobacco, which had been purchased on credit. The balance was to enable him to support himself without embarrassment, and to contribute to preserve and increase influence in his own state. 'Although his candor,' Miro continues, 'and the information which I have sought from many who know him well, seem to assure us that he is working in good earnest, yet I am aware it may be possible that his intention is to enrich himself at our expense, by inflating us with hopes and promises which he knows to be vain. Nevertheless, I have determined to humor him on this occasion.'

"Dunn had left Kentucky, in charge of the boats and cargo, on the fifteenth of May, bearing with him a letter of introduction from Wilkinson. He informed the governor and the intendant that the major was an old military companion who had come to settle in the country during his absence. The reliance which he placed in his honor, his discretion, and his talents, had induced him, after sounding his disposition with proper caution, to choose him as a fit auxiliary in the execution of their political designs, which he had embraced with credulity. Dunn, he said, would, therefore, present himself in order to confer with them on those points which would require more examination, and to concert with them those measures which they might deem necessary to expedite 'our' plan, and that, through him, he, Wilkinson, might be able to receive new instructions which they might deem expedient to send him. 'I have also
chosen him,' he continues, 'to bring back the product of the present cargo of my boats.'

"For these reasons he wished to recommend him as one worthy of their entire confidence, and as a safe and sagacious man, who was properly acquainted with the political state of the American union, and with the circumstances of the western country.

"He further informs them that on the first day of January of the next year (1789), by mutual consent, the district of Kentucky would cease to be subject to the jurisdiction of Virginia. That while it was true it had been stipulated, as a necessary condition of their independence, that Kentucky should be acknowledged as an independent state by congress, and be admitted as such into the federal union, yet a convention had already been called to form the constitution of that district, and he felt persuaded that no action on the part of congress would ever induce the people to abandon the plan which they had adopted, although he had received recent intelligence that that body would, beyond a doubt, recognize Kentucky as a sovereign state.

"The convention was to meet in July; and in the meantime he would inquire into the prevailing opinions, and should thereby be able to ascertain the extent of the influence of the members elected. When that was done, after having previously come to an understanding with two or three individuals capable of assisting him, he should disclose so much of their great scheme as might appear appropriate. He, as yet, had been communicative but to two individuals: he, however, had sounded many, and wherever he had made known to any of them Miro's answer to his memorial, it had given the greatest satisfaction. Colonel Alexander Leatt Bullitt and Harry Innis, the attorney-general, were the only persons to whom he had fully communicated; and should any mishap befall him before the accomplishment of their ends, he desired the Spanish authorities to address themselves to these gentlemen, whose political designs, he asserted, agreed with their own. An early organization of the state government was anticipated, at which time it was intended to appoint an agent to treat with Spain; and as for congress opposing any obstacle to the measure it was ridiculously absurd, for under the federal compact that body could neither furnish men nor money; and as to the new government, should it ever establish itself, it would have to encounter difficulties which would keep it weak for three or four years, before the expiration of which, he had good reason for believing, that himself and Miro would complete their negotiations, and would become too strong for any force that could be sent against them. * * * * *

"Wilkinson had been actively engaged in sowing the seeds of dissension in Kentucky. George Muter, Harry Innis, John Brown, and Benjamin Sebastian, conspicuous and influential men, had been admitted to the secret, and
were fully committed to the enterprise. Possessing talents of marked ability themselves, they, nevertheless, looked to Wilkinson for counsel and direction. The people were kept in constant agitation by conventions and meetings on the subject of their grievances. The secretary of state, Mr. Jay, it was asserted, had formed, or was about to form, a treaty with Spain, by which the exclusive right to navigate the Mississippi for twenty-five years, on the part of his majesty, was to be recognized by the United States' government. Delegates had been assembled from the principal counties of Kentucky, had discussed their grievances, and had separated without any organized plan. The people became distracted, their burdens became more and more intolerable, and many seemed willing to resort to anything that promised a present relief. It was true that not a few of the evils of which they complained were imaginary—some unavoidable—perhaps all, in time, would have been satisfactorily adjusted, yet they conceived themselves aggrieved, and it was the policy of their leaders to cultivate such a belief.

"Wilkinson had returned in February, 1788. He had sailed from New Orleans to Philadelphia; visited Richmond, Virginia; was present in the assembly when the separation of Kentucky was voted on, and was greatly gratified when the result was announced. His entrance into Lexington was grand and imposing. He had left there poor and in debt only the summer before, but now flourished in a splendid chariot, drawn by four richly-caparisoned horses, and attended by several slaves. Unfavorable rumors were freely circulated. By some it was hinted that at New Orleans he had sold both his cargo and himself; that, in fact, he had taken the oath of allegiance, and had already become a subject of Spain. He informed them himself of the exclusive privileges granted him by the governor, by which he could ship tobacco and deposit it at the king's store at ten dollars the hundred, which was a privilege allowed only to his majesty's subjects. He advocated the right to navigate the Mississippi, urged the great importance of a commercial connection of the two countries, and insinuated that it might all be affected by a separation from the Union and the independence of Kentucky. Many were already convinced; others felt that their prosperity had been too long retarded by the inactivity of the government. 'What has been accomplished by Wilkinson,' they argued, 'may also be effected for ourselves.' As yet they had derived no benefits from the Union, but as an independent state they could form an alliance with Spain, and reap the advantages of her liberal patronage. The incredulous, of whom there were many, were reluctant to move. Although they divined the object of Wilkinson's mission, still he stood high in popular favor, and they were cautious of giving offense. Some there were who would have openly denounced him, but the facts upon which to base an accusation had been carefully con-
cealed. By the multitude, however, his acts were highly extolled, and he was flattered by the acknowledgment that to him alone were the citizens of the West indebted for opening that navigation, which Mr. Jay had offered to surrender, and of realizing that commerce which Congress had failed to secure.

"But there was a new cause of excitement which promised to facilitate his design. The merits of the new constitution of the United States, which had been recently adopted by eleven states of the Union, was the subject of universal interest. The policy of its acceptance was daily discussed in bar-rooms, at the hustings, and in social assemblies. Many of its provisions were known to be unpopular with a majority of the citizens of Kentucky, yet it was hoped that the objections might all be obviated by subsequent amendment. The people of the Kentucky district had been called upon to send delegates to Richmond, to meet in convention in the month of June, at which time it was expected that Virginia would declare her sentiments upon the subject. The session was protracted for three weeks. At length a vote was taken on the twentieth of June, and the instrument ratified by a vote of eighty-eight to seventy-eight, but three of the Kentucky members voting for it, while eleven declared against it.

"While the preliminary elections were being held for members of the convention at Richmond, the people were also required to select delegates to a district convention, to assemble at Danville, charged with the important trust of framing a constitution for the new state. Wilkinson was chosen a member of that body. It convened on the twenty-eighth of July, and proceeded to organize. Its deliberations, however, were suddenly terminated by the announcement of its president that he had received a dispatch stating that Congress had declined any further action on the subject of Kentucky; had in fact, adjourned without having passed an act for her admission into the confederation, and leaving the decision, on that important question, to the Congress about to be formed under the recently adopted constitution.

"From this proceeding of Congress,' writes Wilkinson to Miro, 'it resulted that the convention was of the opinion that our proposed independence and separation from Virginia not being ratified, its mission and powers were at an end, and we found ourselves in the alternative, either of proceeding to declare our independence, or of waiting according to the recommendation of Congress. This was the state of affairs when the Honorable Caleb Wallace, one of our supreme judges, the attorney-general, Innis, and Benjamin Sebastian, proposed a prompt separation from the American union, and advocated, with intrepidity, the necessity of the measure. The artifice of Congress was exposed, its proceedings reprobated, the consequences of depending on a body whose interests were opposed to ours, were depicted in the most vivid colors, and the strongest motives were set forth to justify the separation. The arguments used were unan-
swearable, and no opposition was manifested in the course of the debates. It was conceded unanimously that the present connection was injurious to our interests, and that it could not last any length of time. Nevertheless, sir, when the question was finally taken, fear and folly prevailed against reason and judgment. It was thought safer and more convenient to adhere to the recommendation of congress, and, in consequence, it was decided that the people be advised to elect a new convention, which should meet in the month of November.  

"To consolidate the interest and confirm the confidence of our friends, to try our strength, to familiarize the people with what we aim at, to dissipate the apprehension which important innovations generally produce, and to provoke the resentment of congress, with a view to stimulate that body into some invidious political act which might excite the passions of the people; these are the motives which influence me, and on which I rely for my justification."

Wilkinson’s solicitude for the measure at length became so apparent that it excited the suspicions of the people. But, judicious in the selection of his agent — adroit in pushing others forward, while he, the arch-mover, concealed himself behind the screen of secrecy, corresponding monthly with the Spanish authorities, and forwarding volumes of plans and information respecting affairs, not only in Kentucky, but throughout the United States, he presents an unparalleled success in the art of traitorous diplomacy.

General Morgan was now actually in league with the Spanish authorities. He had accepted his grant; had surveyed the land, and laid out the town of New Madrid. It was a princely donation, extending from the mouth of the St. Francis to [the] point [called in French] Cinque Hommes [Five Men], embracing from twelve to fifteen million of acres. Already had fifty adventurous settlers planted themselves in this garden of the western wilderness. But the settlement presented a serious impediment to Wilkinson’s progress. It was too near the scene of his own operations not to become familiar with his intrigues; besides it was known that the town had been purposely established to intercept descending trade, for which reason it had been declared a free port of entry. ‘Probably,’ says Wilkinson to Miro, ‘it will destroy the noble fabric of which we have laid out the foundation, and which we are endeavoring to complete.’

‘I am informed,’ he continues, ‘that Morgan intends visiting you as soon as he shall have finished the survey of the lands conceded to him. Permit me to supplicate you, my esteemed friends, not to give him any knowledge of my plans, sentiments, or designs. It is long since he has become jealous of me; and you may rest assured that, in reality, he is not well affected toward our

1 Gayarre’s history of Louisiana, vol. iii., p. 227.  
2 Ibid., vol. iii., p. 244.
cause, but that he allows himself to be entirely ruled by motives of the vilest self-interest, and, therefore, that he will not scruple on his return to destroy me.'

“That Morgan was prompted by the incentive with which he had been charged, Miro did not feel disposed to question. Men were only to be influenced in such an undertaking by the strongest considerations of private advantage. In fact, it was to that interest only he appealed, and by it alone he could hope for success. But, emanating from such a source, it was Satan reproving sin. Himself a soldier and officer of the Revolution, who had passed successfully through many a scene of doubtful conflict; who, at the sacrifice of his private fortune, and at the imminent peril of his life had aided in effecting the independence of that country he now secretly conspired against; who had received her honors, her confidence, and her gratitude—was not he himself now seeking for Spanish influence and Spanish gold [with which] to tear down the noble fabric he had helped to rear, and transfer to Spanish despotism those liberties for which so gallantly he had fought.' ‘It is not necessary,’ says Wilkinson to Gardoqui, 'to suggest to a gentleman of your experience and knowledge that man throughout the world is governed by private interest, however variously modified it may be. Some men are avaricious, some are vain, some are ambitious. To detect the predominant passion—to lay hold, and to make the most of it—is the most profound secret of political science.'

‘Wilkinson’s object was too transparent not to be detected by the penetration of Miro. ‘Some men are avaricious, some are vain, some ambitious.’ Wilkinson, he knew, combined the whole. ‘Hundreds,’ says he in a subsequent letter, ‘have applied to me on this subject who are determined to follow my example; and I do not deceive myself, nor do I deceive you, sir, when I affirm that it is in my power to lead a large body of the most opulent and most respectable of my fellow-citizens whither I shall go myself at their head; and I flatter myself that, after the dangers I have run, and the sacrifices which I have made—after having put my honor and my life in your hands—you can have no doubt of my favorable disposition toward the interests of his Catholic majesty, so long as my poor services may be necessary.’

‘After having read these remarks you will be surprised at being informed that, lately, I have, jointly with several gentlemen of this country, applied to Don Diego Gardoqui for a concession of land, in order to form a settlement on the Yazoo. The motive of this application is to provide a place of refuge for myself and my adherents, in case it should become necessary for us to retire from this country in order to avoid the resentment of congress.”

Contrary to the expectations and remonstrances of General Wilkinson, the

1 January 1, 1789, Gayarre, vol. iii., p. 247.
Spanish government "finally consented that the products of the upper country might pass through the Mississippi on the payment of a duty of fifteen per cent. * * * * The monopoly of the upper trade had been swept from his grasp by the last act of the court of Madrid. It had placed on terms of equality all who possessed the capital and energy to compete for the patronage of the Spanish government. Scores of boats, laden with the products of the country, were pouring their commerce into the lap of New Orleans. The new constitution proved much more popular than was generally anticipated, and was, day by day, increasing in favor with the people. Washington, too, the illustrious commander in the Revolution, was now the chosen chief of the Union, and his selection had inspired a spirit of loyalty which it was difficult, nay, dangerous, to tamper with. Already had Wilkinson been marked as a traitor, and spies were vigilant in seeking the evidences of his intrigue. 'My situation,' says he, 1 'is mortally painful, because, while I abhor duplicity, I am obliged to dissemble. This makes me extremely desirous of resorting to some contrivance that will put me in a position in which I flatter myself to be able to profess myself publicly the vassal of his Catholic majesty, and, therefore, to claim his protection in whatever public or private measures I may devise to promote the interest of the crown. You may rest assured,' he adds, 'that the constant persecutions of congress cannot produce the slightest impression on my attachment and zeal for the interests of Spain, which I shall always be ready to defend with my tongue, my pen, and my sword.'

"It would be presumed that Miro would gladly have assented to the proposition, and suggested the 'contrivance' by which to have secured him 'a vassal of Spain,' but the Spanish governor knew too well that Wilkinson's power to subserve his majesty's interest lay in his connection with the people of Kentucky and his intimate knowledge of the affairs of the federal government. For were it once understood he had become a subject of Spain, he would, of necessity, be excluded from a participation in their affairs, and his influence lost to the interest of Louisiana.

"'I much regret,' replied Miro, 2 'that General Washington and congress suspect your connection with me, but it does not appear to me opportune that you declare yourself a Spaniard, for the reason which you state. I am of the opinion that this idea of yours is not convenient, and that, on the contrary it might have prejudicial results. Therefore, continue to dissemble, and to work as you promise, and as I have above indicated.'

"Miro now began to feel gloomy forebodings of the result. Wilkinson's late communication had dampened his hopes and rendered him suspicious even of the general himself. He was either the victim of panic faith, or his Ameri-
can emissary had been himself deceived. Yet he was reluctant to believe that Wilkinson, although willing to become a traitor to the Union, could also prove a traitor to Spain. Perhaps an overweening confidence had induced him to promise what he never could perform. It might be that, full of zeal, and persuaded, from the experience of the past, that he could bring round to his own opinions the chief men of Kentucky, he had declared in anticipation that he had won over many of them. But still, it was a fact, that he had never once approached them on the main question, and now that encountering invincible obstacles and, above all, personal risks, it might be his desire to avail himself of the motive set forth in his letter to cover his precipitation.

"'Nevertheless,' said Miro,\(^1\) 'I am of the opinion that the said brigadier-general ought to be retained in the service of his majesty, with an annual pension of two thousand dollars, which I have already proposed in my confidential dispatch, number forty-six, because the inhabitants of Kentucky, and the other establishments on the Ohio, will not be able to undertake anything against this province without his communicating it to us, and without his making, at the same time, all possible efforts to drive them from any bad designs against us, as he has already done recently.' Miro concludes by recommending that a pension be granted to Sebastian, 'because I think it proper,' said he, 'to treat with this individual, who will be able to enlighten me on the conduct of Wilkinson, and on what we have to expect from the plans of the said brigadier-general.'

"'We have at length arrived at a point in the history of this intrigue which renders it unnecessary to pursue it further. The key is disclosed which unlocks the door of mystery, and reveals other truths which for half a century have been enveloped in darkness and doubt; Wilkinson pensioned to guard the interests of Spain, and Sebastian to betray Wilkinson.'

"'Time rolled on. Kentucky had been admitted into the Union [June 1, 1792] as an independent state. Wilkinson bore the commission of a lieutenant-colonel, signed by George Washington, and was in actual command of the American forces. The announcement of his appointment spread consternation among his enemies, and elated his confederates. The question was repeatedly asked: 'By whom was he recommended?' 'By myself,' replied Colonel Marshall, who had been his most formidable opponent. He considered Wilkinson, he said, well qualified for the commission he bore; that while he remained unemployed by the government, he regarded him as dangerous to the tranquillity of Kentucky, perhaps to her absolute safety. If his commission did not secure his fidelity, it would place him under control in the midst of faithful officers whose vigilance would make him harmless, if it did not make him honest.'\(^2\)

\(^1\) Gayarre, vol. iii., p. 236.
These daring and perfidious acts of General James Wilkinson, and his "unparalleled success in the art of traitorous diplomacy," prepares one to recognize his purpose in publishing his "Memoirs" in 1816, in which, with consummate tact, he undertakes to absolve himself of all wrong-doing in his intercourse, transactions, and correspondence with Don Estevan Miro and Don Diego Gardoqui, saying:

"When I first descended the Mississippi, in 1787, the project of colonization, which occupied the mind of Mr. Gardoqui, was known to me, and I determined to employ this knowledge, either for my personal emolument or the interests of my fellow-citizens. Governor Miro, the intendant [Martino] Navarro, and our interpreters, were the only persons to whom my most interesting propositions were communicated. To effect my primary object, the opening of the navigation of the river, it was necessary not only to take the ground of safety to the province, but to show the important advantages which would be derived to the revenues of Spain from a commercial intercourse between New Orleans and the settlements on the Ohio. To these considerations, an extensive scheme of colonization was added, under a specific proposition, for the settlement of several thousand families in that district on the Mississippi, which is now [in 1816] called West Florida, or one to be laid out on the Arkansan and White rivers; lands were to be granted to the heads of families in proportion to their numbers and condition, and I was to be allowed from one to three hundred dollars per family on the same scale. * * * *

"There was another project, depending on the preceding, which was considered of more importance if it could be effected, in relation to the fortunes of the concerned; this was, that I should demand for my services, in promoting the plan of colonization, the privilege of furnishing a considerable annual supply of tobacco to the Mexican market, which would have secured immense fortunes to me and my friends. The idea of alienating Kentucky from the United States, while a prospect of national protection remained, would have been as absurd as the idea of reducing them [the people of Kentucky] to the vassalage of Spain. Such a proposition would have been so vain and chimerical that no man, whose interest it was to preserve consistency of character with the Spanish government, would have ventured to hazard it. Indeed, the monstrous extravagance of the thought is too ludicrous for grave consideration, and could never have originated with any person who understood the character, genius, and government of the people of the United States.

"Under these stipulations and impressions, I embarked at New Orleans on my return to the United States, in September, 1787, and after a variety of perils and hardships, reached my family in Kentucky, in February, 1788. I revisited New Orleans in 1789, to break up the copartnership formed for me by Messrs.
Clark and Dunn. I was then informed by Governor Miro that the opening of the trade of the Mississippi to the western inhabitants had been approved by his court, and that permission for the settlement of American emigrants had been granted, but he informed me he had received no advice on the subject of our plan of colonization, or the tobacco speculation. I returned to Kentucky, and pursued the trade in which I was engaged until 1791, when disgusted by disappointments and misfortunes, the effect of my ignorance of commerce, I resumed the sword of my country in December of the same year. * * * *

"In these transactions I can speak only of my own motives and actions, and by them I am persuaded I shall be judged. From the character under which I approached the governor and the intendant of Louisiana, and the tenor of my whole conduct, it is not probable that they should have proposed to me any measure of dishonor, yet it is reasonable to presume that they had duties and obligations to consult as well as myself, and while our personal interests were made subservient, it was fair that they should play back upon me my own game, to the best advantage a distinct policy might suggest. I deny the right of any power in existence to question me for my negotiations with the governor of Louisiana in 1787. And I am satisfied impartial posterity will render justice to the personal enterprise, and pecuniary sacrifices, by which I contributed more essentially to advance the fortunes of the western people than any other individual of my country; nor will it be denied, when my enemies are forgotten, that the projects for which I am now charged with traitorous designs, had a direct tendency to accelerate the annexation of Louisiana to the United States."

Such were the projects, the explanations, and the denials of General James Wilkinson, the author and promoter of the plots which brought upon the reputation of Aaron Burr all the odiousness which defamed him as a conspirator and a filibuster. Nowhere can one find a clearer mirror in which is reflected the traits of General Wilkinson's scheming disposition and his brilliant audacity in charging others with intentions and acts that had their origin in his own fertile mind than in that biographic apology entitled "Memoirs of his own times," written by himself. The art of his diplomacy is never more blindingly luminous and enigmatical than in his interpretations and elucidations of the cipher communications presented in that work to establish his rectitude and loyalty. It was not difficult for him, so astute in chicanery, to deceive and dominate so serviceable a person as Aaron Burr by representations of speedy access to wealth and rapid elevation to heights of rank and power.

The first premonitory evidence of General Wilkinson's purpose to revive and further the project which he had from motives of self-interest abandoned in

1789, seems disclosed in a deposition, made on the twenty-fifth of February, 1811, by Matthew Lyon, "a noted ultra-democrat of that day."

"Some time in the winter of 1805, coming one morning from Alexandria, by way of the navy-yard, and passing by the house where the general lived, he called to me to come in; after congratulating him on his appointment as governor [of Louisiana], and some other conversation, Colonel Burr's name was mentioned. Colonel Burr had no claim to friendly attentions from me. I had no acquaintance with him before the contest concerning the presidential election. I had resisted the solicitations of my friends, who wished to introduce me to him in March, 1801, on account of his misconduct in that affair; yet when I saw him persecuted for what I considered no more than fair play among duellists, I advocated him: this brought about an acquaintance, by no means intimate.

"In the course of the conversation of the general and myself, we regretted the loss of so much talent as Colonel Burr possessed; we viewed him on the brink of a precipice, from which, in a few days, he must fall; from the second station in the nation, he must fall to that of a private citizen. The general entered warmly into his praise, and talked of a foreign embassy for him. This I assured him could not be obtained. The general then asked me if I could not think of something which would do for the little counsellor. I replied that he might very readily become a member of congress, which would meet the coming winter, and in the present state of parties, considering the éclat with which he was likely to leave the senate, he might probably be speaker. The general was eager to know how he could be elected to congress. I explained; let Colonel Burr mount his horse the fourth of March, and ride through Virginia to Tennessee, giving out that he intends settling at Nashville, in the practice of the law. Let him commence the practice, and fix himself a home there; his rencontre with General Hamilton will not injure him. Let him attend the courts of that district. Let him, in July next, intimate to some of the numerous friends (his pre-eminent talents and suavity of manners will have made for him), that he would willingly serve the district in congress; they will set the thing on foot, and he is sure to be elected; there is no constitutional bar in the way.

"As I finished this explanation, the general rose, and, in a seeming ecstasy, clapped his hands on my shoulders, exclaiming with an oath: 'This will do, it is a heavenly thought, worthy of him who thought it.' He rang the bell, ordered his boots, and said he would go instantly to inform the little counsellor, and would call on me in the house in the course of two or three hours. He did so, and informed me he had, at Colonel Burr's request, made an appointment for me to call on him.

"I was punctual. Colonel Burr lived at Mr. Wheaton's, near the north side
of Pennsylvania Avenue, not far from Rhodes's. It was in the evening. I knocked, or pulled the bell, several times before a servant came, who informed me that Colonel Burr was not to be seen, he was engaged with company. I gave the servant my name, and directed him to go and tell Colonel Burr that I had called.

"Colonel Burr came, and invited me upstairs, and requested me to sit with Mrs. Wheaton half an hour, when he would be with me. In about three-quarters of an hour he came, and apologized for his delay. I observed to him that he had a large company, among whom I recognized the voices of Generals Wilkinson and Dayton, although I had not heard of the latter gentleman's being in town; I hoped he had not hurried himself from them on account of seeing me; that I had been well entertained by Mr. and Mrs. Wheaton, and would have been so an hour or two longer, if he wished to remain with his company.

"Colonel Burr said the meeting was about some land concern in the western country, and they had gone as far as they could with it at that time; my coming had been no interruption; he was glad to see me, and soon commenced on the coming election in Tennessee. I repeated what I had said to General Wilkinson. He admitted the probability of success in the course I pointed out; but did not seem to be so much enamored with the project as General Wilkinson.

"He said he was obliged on the fourth of March to go to Philadelphia, from there he would go to Pittsburg, and thence to the western country by water. I offered him a passage in my boat from Pittsburg, if he should be there when I should have done my business on the Monongahela, and descended to Pittsburg. I assured him, however, all chance of obtaining the election in Tennessee would be jeopardized, if not lost, by such a delay. He told me he had ordered a boat prepared for him at Pittsburg; and he talked as if his business at Philadelphia was indispensable as well as his voyage down the Ohio."\(^1\)

From Philadelphia, on the tenth of April, Colonel Burr wrote to General Wilkinson: "Your letter of the eighth is received this morning, and it has so far influenced my movements that my departure from this place is delayed until the twenty-first. I shall be at Pittsburg before the first of May, but will wait there till that day in the hope of seeing you."\(^2\)

The boat in which Colonel Burr descended the Ohio River from Pittsburg "was a rude floating house, or ark, sixty feet long and fourteen wide, containing four apartments: a dining-room, a kitchen with a fire-place, and two bed-rooms, all lighted by glass windows, and the whole covered by a roof, which served as a promenade deck."

\(^2\) \textit{Ibid.} doc. lxix.
"About thirty-six hours" after leaving Pittsburg, as deposed by Matthew Lyon, Colonel Burr overtook his boat, and they "lashed together to Marietta," where a few miles below that place was the island, the northern part of which, the adventurous Irish barrister, Harman Blennerhassett, then thirty years of age, had purchased in 1798, for four thousand five hundred dollars. There, as it is related, "he contrived to expend forty thousand dollars (nearly all his fortune) in building a house of original ugINESS, and in laying out grounds remotely resembling those of country houses in the old country."

"Colonel Burr had heard vaguely that some eccentric foreigner lived upon this island, and, from curiosity only, landed and moored his floating home to the shore. Learning that the lord of the isle was absent, he and his companion strolled about the grounds awhile, and was about leaving when Mrs. Blennerhassett sent a servant to invite the strangers to the house, as her husband would soon return. Burr replied by sending his card, and declined the invitation as he said curiosity alone had induced him to land. The lady, upon learning the name of the stranger, came out to see him, and so pressed him to stay that he yielded, dined with the family, conversed with them till eleven in the evening, and then continued his voyage. * * * *"

"At Louisville, then called 'the Falls of the Ohio,' he again overtook Matthew Lyon. 'There,' as remarked by Mr. Lyon, 'I repeated to him that the delay he had made had ruined his prospect of election as that prospect depended solely on domestication. At the falls he changed his flat-boat for a small boat, which he ordered to Eddyville, (where I live) and rode to Nashville.'

"The newspapers described his arrival and reception there as one of the most magnificent parades that ever had been made at that place. They contained lists of toasts, and great dinners, given in honor of Colonel Burr. Everybody at and near Nashville seemed to be contending for the honour of having best treated, or served, Colonel Burr. This I had expected, and when Colonel Burr called on me, on his way from Nashville, to his boat, I inquired if anything had been said about his election. He answered, 'Not one word.' I observed that he ought to think no more of it. In answer, he said, he had little doubt of being elected a delegate from Orleans Territory, but he would choose to be a member, and insisted that I should write to a friend of mine (who had paid him the most marked attention) to see if the thing could yet be set on foot, and to inform him he would be a resident in Tennessee. At the time of the election, he requested me to communicate the answer to him at Natchez. I complied with his wishes; the answer I received being unfavorable to him.

"Mr. Lyon adds, that what he did for Colonel Burr was almost wholly dictated by his friendship for General Wilkinson. Being asked whether he
believed Colonel Burr to be sincere in his concern to be elected a member of Congress, he answered: 'No doubt he would have been sincerely rejoiced to have been elected,' but he added, 'There seemed too much mystery in his conduct. I suspected him to have other objects in view, to which I could not penetrate. These objects, I then believed were known to General Wilkinson.'

At Louisville, on the nineteenth of May, Colonel Burr wrote to General Wilkinson, saying: "It is with extreme regret that I leave the falls without seeing you. * * * * The letters which I had expected from you may now be addressed to Orleans. I hope to see you at St. Louis in the autumn."

"Sixteen miles below the mouth of the Cumberland was Fort Massac, a place of renown in the olden time, long one of the outposts of civilization. There he found General Wilkinson, on his way to his government, and spent four days with him. * * * Wilkinson gave him letters of introduction to his friends in New Orleans, and to expedite his voyage, fitted him out 'an elegant barge, sails, colors, and the oars, with a sergeant and ten able, faithful hands.'"

On arriving at New Orleans, on the twenty-fifth of June, he presented to Daniel Clark, one of the principal merchants of that city, the following letter from General Wilkinson:

"Massac, June 9th, 1805.

"My Dear Sir:—This will be delivered to you by Colonel Burr, whose worth you know well how to estimate. If the persecutions of a great and honourable man can give title to generous attentions, he has claims to all your civilities and all your services. You cannot oblige me more than by such conduct; and I pledge my life to you, it will not be misapplied. To him I refer you, for many things, improper to letter, and which he will not say to any other. I shall be at St. Louis in two weeks, and if you were there, we could open a mine, a commercial one, at least. Let me hear from you. Farewell. Do well, and believe me always your friend.

"Daniel Clark, Esq."

"Ja. Wilkinson."
"Burr staid three weeks in New Orleans. Wilkinson said in his letter of introduction that Burr would make communications to Clark which were ‘improper to letter.’ What were they? Burr was not a person to waste three weeks in mere feasting and playing the great man. Wherever he was, whatever he was, he was busy. * * * *

"Toward the close of July he bade farewell to his friends in New Orleans, promising to return to them ere long. To ascend those great rivers of the southwest was scarcely possible at that day. Daniel Clark furnished him with two horses, and a servant to bring them back, who attended him as far as Natchez. In the gay society of that place he lingered a week; then, taking a guide, plunged into the dreary wilderness that lay between Natchez and Nashville, a distance of four hundred and fifty miles. * * * * Tired and worn with this miserable journey, performed in the hottest season of the year, the traveler reached Nashville on the sixth of August. * * * * There he remained a week. * * * * A two weeks’ tour in Kentucky followed, during which, besides traversing another wilderness of a hundred and fifty miles, he visited Louisville, Frankfort, and Lexington."

On the seventh of September, 1805, Daniel Clark, in New Orleans, wrote to General Wilkinson, saying:

"Many absurd and wild reports are circulated here, and have reached the ears of the officers of the late Spanish government, respecting our ex-vice-president. You are spoken of as his right hand man; and even I am now supposed to be of consequence enough to combine with generals and vice-presidents. At any other time but the present I should amuse myself vastly at the folly and fears of those who are affected with these idle tales; but being on the point of setting off for Vera Cruz, on a large mercantile speculation, I feel curiously hurt at the rumours, and might, in consequence of Spanish jealousy, get into a hobble I could not easily get out of. Entre nous, I believe that Minor, of Natchez, has a great part in this business, in order to make himself of importance—he is in the pay of Spain, and wishes to convince them he is much their friend. This is, however, a matter of suspicion on my part, but the channel through which the information reached me, makes me suppose it. * * * *"

"Were I sufficiently intimate with Mr. Burr, and knew where to direct a line to him, I should take the liberty of writing to him. Perhaps, finding Minor in his way, he was endeavouring to extract something from him; he has amused himself at the blockhead’s expense, and then Minor has retailed the news to his employers. Inquire of Mr. Burr about this, and let me know at my return, which will be in three or four months.

"The tale is a horrid one, if well told. Kentucky, Tennessee, the state of Ohio, the four territories on the Mississippi and Ohio, with part of Georgia
and Carolina, are to be bribed with the plunder of the Spanish countries west of us, to separate from the Union; this is but a part of the business. * * * * * Recollect that you great men, if you intend to become kings and emperors, must have us little men for vassals."

About the middle of the month of September, Colonel Burr arrived at St. Louis, where he found General Wilkinson. While they were engaged in the discussion of matters that are unknown to the public, Colonel Burr's "altered and mysterious manner; his unexplained hints of a splendid and brilliant enterprise," as General Wilkinson would have the public believe, "excited" his "suspicions," and, as he further relates, although Colonel Burr "spoke of this enterprise as being countenanced by government, his unusual manner and unusual reserve, would not permit me to give entire confidence to this assurance; I feared that ambition and revenge were leading him from the path of his duty."

The contents of the letter which Colonel Burr wrote him, at Philadelphia, on the twelfth of December, establishes the fact that General Wilkinson was always the first and only person to whom Colonel Burr communicated the information, which directly concerned him and their interests. He wrote:

"About the last of October, our [United States] cabinet was seriously disposed for war with the Spaniards; but more recent accounts of the increasing and alarming aggressions and annoyance of the British, and some courteous words from the French have banished every such intention. In case of such warfare, Lee would have been commander-in-chief; truth, I assure you; he must, you know, come from Virginia. The utmost now intended [by the government] is that sort of marine piracy which we had with the French under the former administration.

"Burr passed a week at Washington, and has been here ten days. Reception as usual. He has discovered nothing which excites doubts of the confirmation of Wilkinson's appointment. Secretary of the navy apprehends no difficulty. Military establishment will not increase nor diminish.

"On a subject of a certain speculation it is not deemed material to write till the whole can be communicated. The circumstance referred to in a letter from Ohio remains in suspense; the auspices however are favorable, and it is believed that Wilkinson will give audience to a delegation composed of Adair and Dayton in February. Can 25 * * * * he had in your vicinity to move at some few hours' notification?"

"In this same month of December, Burr wrote his first letter to Blennerhassett. It was a very innocent communication, though the contrary has been asserted. It began with regrets that he had not had the pleasure of meeting Blennerhassett on the island, and inquired where and when they could come
together. Its main purport was that Blennerhassett was too much of a man to be satisfied with the commonplace delights of rural seclusion. He should aspire to a career in which his powers would be employed. His fortune, already impaired, would gradually dwindle away, and his children be left destitute. The world is wide; he should go forth from his enervating solitude in pursuit of fortune and honour.

"The letter produced precisely the effect intended. Flattered by the notice of a distinguished man, anxious for his decaying fortune, fired with a desire for distinction, Blennerhassett replied that he should be glad to participate in any enterprise in which Colonel Burr might think proper to embark."

In answer to the letter written him, on the twenty-first of December, by Blennerhassett, Colonel Burr wrote him from Washington, on the fifteenth of April, 1806, saying:

"The confidence you have been pleased to place in me is extremely flattering, and it would seem that there has been, without explanation, a sort of consent between our minds. In a matter of so much moment, and on which I am so imperfectly informed, it would be hazard ing too much to offer advice; yet it is due to the frankness of your letter, to acknowledge that I had projected, and still meditate a speculation, precisely of the character you have described. It would have been submitted to your consideration in October last, if I had then the good fortune to find you at home. The business, however, depends, in some degree, or contingencies, not within my control, and will not be commenced before December or January, if ever. From this circumstance, and as the matter, in its present state, cannot be satisfactorily explained by letter, the communication will be deferred until a personal interview can be had. With this view I pray to be informed of your intended movements the ensuing season, and in case you should visit Orleans, at what time, and at what port you may be expected on the Atlantic coast. But I must insist that these intimations be not permitted to interrupt the prosecution of any plans which you have formed for yourself—not occupation which shall not take you off the continent can interfere with which that I may propose."

"As the spring advanced, affairs in the southwest looked more and more threatening. The Spaniards added aggression to insolence. It had been agreed between the two governments [the United States and Spain] that until the boundary line [demarcating their respective domains] should be settled by negotiation, each party should retain its posts, but establish no new ones, nor make any military movements whatever within the limits in dispute. But after making several petty encroachments, the Spanish commander, early in June, advanced a force of twelve hundred men to within twenty miles of Nachitoches. Instantly, General Wilkinson took measures for the defence of the frontier.
He had only six hundred regulars under his command, most of whom were hurried forward to the scene of expected warfare. Every militiaman in the West was furbishing his accoutrements, and awaiting the summons to the field. On the fourth of July, 1806, there were not a thousand persons in the United States who did not think war with Spain inevitable, impending, begun! The country desired it. A blow from Wilkinson, a word from Jefferson, would have let loose the dogs of war, given us Texas, and changed the history of the two continents.

"But Napoleon, now stalking toward the summit of his power, had intimated that a declaration of war against Spain would be considered a declaration of war against him. Pitt, his great enemy, had just died. For the moment, Napoleon's word was law everywhere in the world, out of the range of British cannon."

About this time, "in Mr. Burr's opinion, Wilkinson became alarmed, and resolved on an abandonment of the enterprise at the sacrifice of his associates." With a view of assuring Wilkinson that the project might be successfully prosecuted after a short interval, Colonel Burr addressed him a communication, on the sixteenth of April, saying:

"The execution of our project is postponed till December: want of water in Ohio rendered movement impracticable; other reasons rendered delay expedient. The association is enlarged, and comprises all that Wilkinson could wish. Confidence limited to a few.

"Though this delay is irksome, it will enable us to move with more certainty and dignity.

"Burr will be throughout the United States this summer. Administration is damned, which Randolph aids.

"Burr wrote you a long letter last December, replying to a short one deemed very silly. Nothing has been heard from Brigadier since October. Is Cusion et Portes right? Address Burr at Washington."

The designation "Brigadier," signified Wilkinson; "Cusion," Colonel Thomas H. Cushing commanding the second regiment of infantry under Brigadier-General Wilkinson; and Portes, Major Porter, also under his command.

The "traitorous diplomacy" of General Wilkinson had now a fair field in which to display its nefarious skill. "The extraordinary and unintelligible language of this letter of the sixteenth of April," as he pretentiously declared, "staggered my confidence." The inquiry: "Is Cusion et Portes right?" as he speciously argued, "seemed to be intended, in case of a discovery, merely to implicate me." The letter, as he was fain to confess, placed him "in a situation of most painful perplexity and suspense." But he was too crafty to be long awed by his questioning fears. His fertile mind quickly outlined a scheme
for the speedy downfall of the plotting, pernicious, profligate Aaron Burr, and the immediate elevation of the conscientious, patriotic, and incorruptible General James Wilkinson, commander-in-chief of the army of the United States of America.

To lure Colonel Burr into a pitfall in which he could accomplish the ruin of his dangerous confederate, General Wilkinson immediately wrote him the letter, "postmarked the 13th of May," which was shortly thereafter followed by consequences, which as averred by General Wilkinson, "answered, in some degree, the purpose for which it was intended," for "after the receipt of it," Colonel Burr "ventured to communicate more of his designs than he had before dared to hazard."

"Whether the execution of the project should be attempted soon or late, depended," as Parton pertinently remarks, "upon the turn which affairs might take on the southwestern frontier. If war broke out, nothing could be easier than to organize an expedition against Mexico. Thousands of adventurous spirits would hasten to enroll themselves under the banner of a popular chief, and the people of Mexico were known to be disaffected. * * * *

"But there might be no war, or it might be long delayed.

"To provide for both these contingencies, a large purchase of land was contemplated, far to the southwest, beyond the Mississippi, on the banks of the river Washita, a branch of the Red River. * * * *

There, if the grand scheme should fail, or be abandoned," Colonel Burr "would found a colony composed of persons of wealth, education, refinement, and talent, who would embark capital in the most productive region of the southwest, and form the most brilliant, accomplished, and enlightened society on the continent.

"In July, 1806, this purchase was made. It comprised four hundred thousand acres, for which Burr was to pay forty thousand dollars, the first installment of which, five thousand dollars, he did actually pay.¹ In this purchase several persons participated, most of whom were near relatives or connections of Burr. One of his relatives in Connecticut, a descendant of Jonathan Edwards, advanced a great part of his savings for this purchase. Mr. Alston² probably furnished money; it is certain he endorsed paper for his father-in-law. Burr's connections in New York were not backward in aiding him. * * * *

Probably five hundred persons in all knew something of Burr's plans, and had entered into some kind of engagement to follow his fortunes. There were also four or five thousand whose names were on Burr's lists, and

¹The tract belonged to Baron Bastrop, and lay at that time in the Territory of Louisiana, on the Washita River.
²Joseph Alston, Burr's son-in-law, who married his daughter Theodosia, was born in South Carolina, in 1778, of which state he was governor in 1812-'14. He died September 10, 1816.
who, he thought, would hasten to his standard as soon as he should obtain a foothold on Spanish soil." 

It is highly probable that Samuel Swartwout would not have served so willingly Colonel Burr as an emissary had he not been influenced to place himself at his command by the suggestions of General Wilkinson, who certainly contemplated, when he wrote the infamous letter of the thirteenth of May, to ensnare all the immediate friends and associates of Colonel Burr in his entangling toils. That this was the traitorous general's purpose is signally manifest in his misrepresentations of the conduct and communications of Samuel Swartwout at Natchitoches.

Returning again to the direct consequences of General Wilkinson's treacherous letter to Colonel Burr, it will be seen that Colonel Burr, without any suspicion of the general's duplicity, began at once to carry out the instructions contained in it.

He immediately wrote the following letter to Harman Blennerhassett:

"Philadelphia, July 24th, 1806.

"Dear Sir:—Owing to an absence of unexpected duration from this city, your letter of the 23d of May was not received until a few days ago. My daughter has gone on to Bedford. My engagements in this city not permitting me to attend her, I shall follow in a few days, and be at your house before the 20th of August. Let me find you at home, or not far off. I propose to pass two or three days with you. My daughter was charmed with your hospitable and friendly overture, and wished much to avail herself of it. This, however, will not be in her power till October, the period of my return from Kentucky, when it is probable she may.

"I omit, till a personal interview, a further answer to your obliging letter.

"Two young gentlemen of respectable connections and character, are on their way down the river, Mr. S. Swartwout, of New York, and Mr. P. Ogden, of New Jersey. I have desired that they would stop at your door, hand you this, and wait long enough to answer any inquiries you might please to make about bis-montane men or things. I pray that they may experience your wonted courtesy.

"Very respectfully, your friend and faithful servant,

"A. Burr."

H. Blennerhassett, Esq.

On the next day he wrote the following letter of introduction, which Samuel Swartwout carried to General Wilkinson:


“Dear Sir:—Mr. Swartwout, the brother of Colonel S., of New York, being on his way down the Mississippi, and presuming that he may pass you at some post on the river, has requested of me a letter of introduction which I give him with pleasure, as he is a most amiable young man, and highly respected from his character and connections. I pray you to afford him any friendly offices which his situation may require, and beg you to pardon the trouble which this may give you.

“With entire respect, your friend and obedient servant,


Two days later, Jonathan Dayton, previously a senator in the United States Congress from New Jersey, wrote to Colonel Thomas H. Cushing, commanding the second United States regiment of infantry, the following letter of introduction for P. V. Ogden:


“Dear Sir:—This will be presented to you by my nephew, a son of the late General Matthias Ogden, who commanded one of the Jersey regiments in the Revolutionary War, and whom you probably recollect. He is on his way to New Orleans, and is advised by me to call at your post, if it should be Fort Adams or elsewhere upon the Mississippi, as I am told it is. His merits, and the esteem in which he is held by me, make me anxious to procure for him a welcome reception, even for the short stay of a few hours that he will be able to make with you.

“Any instance of friendly attention or assistance shown to him, and his very worthy companion, Mr. Swartwout, will be gratefully acknowledged, and regarded as a favour conferred on, dear sir,

“Your sincere friend, and very humble servant,


Several days later, the young men were hastening westward across the Alleghanies to the Ohio to embark on a boat descending the river to the island-home of Blennerhassett. To him, on the fifteenth of August, Colonel Burr wrote from Bedford Springs in Pennsylvania, saying:

“You perceive, my dear sir, that I have made a little progress. I shall leave this to-morrow, but a detention of two or three days at Pittsburg will not allow me the hope of seeing you at Belpre before the 23d or 24th.

“I leave here my daughter and her son, who have both greatly profited by the use of the waters, or, what is, perhaps, more probable, by the mountain air.
She desired much to accompany me to your house, but we have compromised by my consenting that she shall meet me at Belpre on the 1st of October."

Late in the month of August, Colonel Burr, accompanied by Colonel De Pestre and Dudley Woodridge, junior, presented themselves at Blennerhassett's hospitable mansion. Regarding the contemplated expeditions Colonel Burr, as is said, made the following statements:

"From information received from reliable sources, he was induced to believe that the sentiments of a respectable majority of the people of Orleans and Mississippi territories were disaffected to the [United States] government; that such was the dissatisfaction of the people, unless early measures were adopted to prevent it, they would fling themselves into the arms of any foreign power which should pledge itself to protect them. * * * * So far as he was personally concerned, he had no further interest in the event than of a speculative character. The people, however, should be advised, lest they should be unexpectedly involved in a crisis for which they were unprepared.

"The separation of the western from the Atlantic states, he assured them, was no new project. It was a subject of daily discussion at the seat of government, and by some of the heads of department; that it was seriously apprehended the mal-administration of the government might precipitate the event much sooner than it was desired or expected. So thoroughly disgusted were the people of New Orleans with the conduct of the administration, both with reference to themselves, and as to Spanish-American affairs, that he expected to hear of their beginning a revolt by seizing on the bank and custom-house and appropriating to themselves the revenues and forces of the territory. Even then, he declared, there was a society of young men in New Orleans, denominated 'The Mexican Society,' who had seized and shipped a number of cannon belonging to the French, for a Mexican invasion, and that while there but a short time previous, he himself had been solicited to become their leader.

"With the questions of a war with Spain, and the separation of the western from the Atlantic states, Burr declared he had no concern; but, in any event, neither would interrupt his enterprise; nor would they be adverse to his own views, let them precede or follow his own undertaking.

"He assured Blennerhassett that he was advised as to the views of the administration; that the expulsion of the Spaniards from the American territory then violated by them, or even an invasion of Mexico, would be pleasing to Mr. Jefferson, if either could be effected without a declaration of war against Spain, which was now prevented by parsimony on the one hand, and dread of France on the other."\(^1\)

At a certain point on their voyage down the Mississippi, Samuel Swartwout, by being misinformed respecting General Wilkinson's whereabouts, parted company with Peter V. Ogden, and "crossed the country in the expectation of finding" the General at St. Louis. Having proceeded by way of St. Vincennes to Kaskaskias, and being told there that General Wilkinson "had descended the great river, he purchased a skiff and followed him to Fort Adams," where he learned that the general "had gone forward to Natchitoches." There he found General Wilkinson, as described by Colonel Thomas H. Cushing:

"On or about the eighth of October, 1806, I was sitting at the dining-table, in my quarters at Natchitoches, with General Wilkinson, when a gentleman entered the room, and inquired for Colonel Cushing. I rose to receive him, and he presented to me the letter from General Dayton [introducing Peter V. Ogden, who had gone forward to New Orleans].

"The gentleman informed me that he was the Mr. Swartwout mentioned in the letter, and I presented him to General Wilkinson as the friend of General Dayton, and requested him to take a seat with us at the table, which he did. * * * * While he was in my quarters, I was called out on business, and was absent from five to ten minutes."

During that interval, Samuel Swartwout placed in the hands of General Wilkinson two communications in ciphers, one from Colonel Burr, the other from ex-Senator Dayton. That the general was the author of the ciphers is certainly declared by him in his observation: "As early as the year 1800, when Colonel Burr stood high in the confidence of his country, when his ambition appeared to be chastened by patriotism, and to seek only legitimate objects of gratification, we corresponded in cipher." Colonel Burr certainly disfavored the use of them, as is related by General Wilkinson: "'Why,' says Colonel Burr in his last letter [to me, on the fifth of April, 1805] 'put such a tax on the pleasure of your correspondence?' speaking of the difficulty he had in deciphering it."

The communication delivered to General Wilkinson, which Colonel Burr put in cipher at Philadelphia on the twenty-ninth of July, 1806, reads as follows, if the translation made by the general be true:

"Yours, post-marked 13th of May, is received. I, Aaron Burr, have obtained funds, and have actually commenced the enterprise. Detachments from different points, and under different pretences, will rendezvous on Ohio, 1st November—everything internal and external favours views; protection of England is secured; T—- is going to Jamaica to arrange with the admiral on that station; it will meet on the Mississippi—England—navy of the United States are ready to join, and final orders are given to my friends and followers; it
THE SWARTWOUT CHRONICLES.

will be a host of choice spirits. Wilkinson shall be second to Burr only; Wilkinson shall dictate the rank and promotion of his officers. Burr will proceed westward 1st August, never to return; with him go his daughter; the husband will follow in October, with a corps of worthies.

"Send forth an intelligent and confidential friend with whom Burr may confer; he shall return immediately with further interesting details; this is essential to concert and harmony of movement. Send a list of all persons known to Wilkinson, west of the mountains, who may be useful, with a note delineating their characters. By your messenger send me four or five commissions of your officers, which you can borrow under any pretence you please; they shall be returned faithfully. Already are orders to the contractor given to forward six months' provisions to points Wilkinson may name; this shall not be used until the last moment, and then under proper injunctions; the project is brought to the point so long desired. Burr guarantees the result with his life and honour, with the lives, the honour and the fortune of hundreds, the best blood of our country.

"Burr's plan of operations is to move down rapidly from the Falls [Louisville] on the 15th November, with the first 500 or 1,000 men in light boats now constructing for that purpose, to be at Natchez between the 5th and 15th of December; there to meet Wilkinson, there to determine whether it will be expedient in the first instance to seize on or pass Baton Rouge; on receipt of this send an answer; draw on Burr for all expenses, et cetera.

"The people of the country to which we are going are prepared to receive us; their agents now with Burr say that if we will protect their religion, and will not subject them to a foreign power, that in three weeks all will be settled.

"The gods invite to glory and fortune; it remains to be seen whether we deserve the boon; the bearer of this goes express to you from Burr; he is a man of inviolable honour and perfect discretion; formed to execute rather than to project; capable of relating facts with fidelity, and incapable of relating them otherwise; he is thoroughly informed of the plans and intentions of Burr, and will disclose to you as far as you inquire, and no further; he has imbibed a reverence for your character, and may be embarrassed in your presence; put him at ease, and he will satisfy you."

How much of this communication was originated by Colonel Burr and how much by General Wilkinson is a question that is unanswerable.

No one can doubt that it was not the sincere wish of General Wilkinson to have it believed that the ciphers sent him by Colonel Burr were translatable into the language with which he invested them. Nevertheless parts of the phraseology which he elicited from the ciphers respecting Samuel Swartwout
The information elicited by General Wilkinson from the ciphers sent him by Colonel Burr, as deposed by Colonel Cushing, was communicated to him on the ninth of October.

"The next morning [after the arrival of Samuel Swartwout at the headquarters of General Wilkinson] I was walking," says Colonel Cushing, "on the gallery in front of my quarters, when General Wilkinson came up, and, taking me aside, informed me that he had something of a serious nature to communicate to me. So much so, that, although it was necessary to hold it in strict reserve for the present, he begged me to bear it in mind, that I might be able to make a fair statement of it at any future period.

"He then asked me if I knew, or had heard of an enterprise being on foot in the western states. I replied that I had heard nothing on the subject, and asked him what the enterprise was to which he alluded. He then said, 'Yes, my friend, a great number of individuals possessing wealth, popularity, and talents are, at this moment, associated for purposes inimical to the govern-

ment of the United States. Colonel Burr is at their head, and the young gentle­
man, who delivered you the letter last evening, is one of his emissaries." 

"He has brought me a letter from Colonel Burr, which, being in cypher, I
have not yet been able fully to make out, but I have discovered that his object is
treasonable, and that it is my duty to oppose him by every means in my power.
He assures me he has funds; says the navy is with him; offers to make me
second in command, and to give the officers of the army anything I may ask for
them; and requests me to send a confidential friend to confer with him at
Nashville, Tennessee. In fact, he seems to calculate on me and the army as
ready to join him.'

"I then asked the general whether he had received any information or in­
struction on this subject from [the] government. To which he replied, that he
had not, and that he must therefore adopt such measures as in his judgment
were best calculated to defend the country. He said he would immediately
march to the Sabine, and endeavour to make such terms with the Spanish com­
mander as would justify him in removing the greater part of his force to the
Mississippi; and that the moment this should be effected, he would send me
to New Orleans in a light barge, with orders to secure the French train of
artillery at that post, and to put the place in the best possible situation for de­
fence, and that he would follow, with every man that could be spared from
Natchitoches, with all possible expedition.

"He told me that he would give the information he had received to the
president of the United States, and solicit particular instructions for his gov­
ernment, but, as delay might prove ruinous, he would pursue the course before
suggested, as the only means in his power to save the country until the pleas­
ure of the president could be known."

"It must be remarked," as General Wilkinson guilefully narrates, "that
Burr's letter to me gave me no distinct information of his designs, nor any spe­
cific account of the means to be employed, but referred me to Swartwout: it
therefore became my duty to draw from the emissary all the information I could
of the real designs of his principal that I might advise the executive [officer of
the United States] thereof, to enable him to provide the means necessary to
defeat it.

"This was a work requiring much delicacy and caution; a work, too, which
I abhorred, from the indirection it imposed on me. If, by proceeding too pre­
cipitately I had alarmed Swartwout, my object would have been defeated; be­
sides, after the insidious manner in which Burr had conducted himself towards
me, I could not place full faith in the frankness and candour of the emissary,
tutored and instructed by such a master. It was therefore necessary to con­
verse with him at different times; mould my enquiries into different shapes,
and to lead him step by step, to the different points of enquiry for the purpose of testing his consistency and the truth of his statements. This of itself was the work of days, even to a mind disengaged from every other avocation.

"I commenced the investigation on the ninth of October, the day after Mr. Swartwout presented himself. At that juncture the Spanish force, greatly superior in numbers, was in my front, and I had every reason to believe that we should, in a few days, be brought to action."

Samuel Swartwout, having imparted all the information concerning Colonel Burr's plans and intentions which were known to him, departed from the headquarters of General Wilkinson on the eighteenth of October. Thereupon General Wilkinson sent a message to Lieutenant-Colonel Thomas A. Smith, belonging to the detachment of troops assembled at Natchitoches, to come to him. On presenting himself to General Wilkinson, "a conversation of several minutes ensued, after which, as deposed by Lieutenant-Colonel Smith, "he told me he had something of the highest importance to communicate to me; that I must first pledge my sacred honour not to divulge it. I gave him the pledge required, and he told me he had received by Mr. Swartwout, a letter from Colonel Burr, stating that he was then assembling an armed force on the upper waters of the Mississippi, and would descend, at their head, in a short time. The general stated that their object was unlawful or treasonable, I do not recollect which; and that Burr had offered him, if the army would join in the enterprise, that he might name the rank of his officers. The general observed, that of all traitors, a military one was the greatest, and that there was but one course for him to pursue, which was to oppose him with all his force.

"The general then told me that he was desirous of intrusting to me a communication to the president of the United States; that it must be delivered in a shorter time, if possible, than the same route ever had been travelled. In order to prevent suspicion, he observed, that I must tender my resignation, which he would accept in orders, but that he would arrange the business with the president so as to continue me on the rolls of the army. The general mentioned to me a number of persons of high rank as being concerned with Burr, and furnished me with a cypher to communicate to him any information I might receive of their movements on my journey.

"I cannot be certain as to the day [I left Natchitoches], but I think near sundown of the evening of the twenty-second of October, 1806. * * * * The communication to the president of the United States was concealed between the soles of a slipper, which I opened, agreeably to my orders, in the presence of the president."

The disclosures, which General Wilkinson had embodied in the dispatches he was about to send to President Jefferson, were evidently intended by him
to be primarily the means of freeing himself from the current intimations of his being in the pay of Spain, and of impressing the people of the United States with the belief that he was too loyally patriotic to be allured into any treasonable designs inimicable to their peace and welfare, and secondarily to establish himself so firmly in their confidence and esteem that he would ever thereafter have the fame of being regarded and titled the savior of the union of the states. Whatever other motives may be attributed to him in the composition of the two verbose and bombastic communications, it is certainly true that they contain no nominal intimation by which the most discerning and gifted of inquisitors could derive evidence that Colonel Burr was in any way associated with the designs and enterprises described in them. If he or his immediate followers had been named or covertly titled by General Wilkinson in either of these grandiloquous communications as having connection with the treasonable undertakings of which they were to apprise the president of the United States, there would be indisputably good grounds for denominating General Wilkinson an arrant adept in intentionally giving a false and exaggerated account of purposes and projects which he knew to be more imaginary than real in circumstance, disposition, and accomplishment.

Intending to obtain the sensational importance which he naturally craved, he sent Lieutenant-Colonel Smith on the closely-concealed mission of which he successfully acquitted himself on the twenty-fifth of November, by delivering the dispatches to President Jefferson. The first reads:

“October 20, 1806.

The following information appears to rest on such broad and explicit grounds as to exclude all doubts of its authenticity:

“A numerous and powerful association, extending from New York through the western states to the territory bordering on the Mississippi, has been formed with a design to levy and rendezvous eight or ten thousand men in New Orleans at a very near period; and from thence, with the co-operation of a naval armament, to carry an expedition against Vera Cruz.

“Agents from Mexico, who were in Philadelphia in the beginning of August, are engaged in this enterprise; these persons have given assurances that the landing of the proposed expedition will be seconded by so general an insurrection as to insure the subversion of the present government, and silence all opposition in three or four weeks. A body of the associates is to descend the Alleghany River, and the first general rendezvous will be held near the Rapids of the Ohio, on or before the 20th of next month, from whence this corps is to proceed in light boats, with the utmost possible velocity, for the city of New Orleans, under the expectation of being joined in their route by auxiliaries from the state of Tennessee and other quarters.
"It is unknown under what authority this enterprise has been projected, from whence the means of its support are derived, or what may be the intentions of its leaders, in relation to the Territory of Orleans. But it is believed that the maritime co-operation will depend on a British squadron from the West Indies under ostensible command of American masters.

"Active influential characters have been engaged in these transactions for six or eight months past, and their preparations are reported to be in such a state of maturity that it is expected the van will reach New Orleans in December, where the necessary organization and equipments are to be completed with promptitude, and it is proposed that the expedition should sail for Vera Cruz about the 1st of February.

"This information has recently reached the reporter through several channels so direct and confidential that he cannot doubt the facts set forth; and, therefore, he considers it his duty to make this representation to the executive by a courier extraordinary, to whom he has furnished five hundred dollars, being persuaded, should it prove unfounded, his precaution will be justified, and that otherwise his vigilance will be applauded.

"Ja. Wilkinson."

The second communication, marked "confidential," reads:

"Natchitoches, October 21st, 1806.

"Sir:—Whatever may be the general impropriety, I persuade myself that on a subject irrelative to my official obligations, I shall be excused for addressing you directly and confidentially; but I have another and a more cogent reason for deviating, in this instance, from the ordinary course of correspondence.

"It is possible the momentous occasion of this letter, and the vital importance attached to it may have excited solicitudes to beguile my understanding and delude my judgment; and in such case I trust the integrity of the intention will secure me your confidence, and this letter, with the communication it covers, may find their graves in your breast. For although my information appears too direct and circumstantial to be fictitious, yet the magnitude of the enterprise, the desperation of the plan, and the stupendous consequences with which it seems pregnant, stagger my belief, and excite doubts of the reality against the conviction of my senses; and it is for this reason I shall forbear to commit names, because it is my desire to avert a great public calamity, and not to mar a salutary design, or to injure any one undesignedly.

"I have never in my whole life found myself under such circumstances of perplexity and embarrassment as at present; for I am not only uninformed of the prime mover, and ultimate objects of this daring enterprise, but am ignorant of the foundation on which it rests, of the means by which it is to be sup-
ported, and whether any immediate or collateral protection, internal or external, is expected.

"Among other allurements proposed to me, I am informed you connive at the combination, and that our country will justify it, but when I examine my orders of the 6th of May, I am obliged to discredit it, it—these imputations.

"But should this association be formed in opposition to the laws and in defiance of government, then I have no doubt that the revolt of this territory will be made an auxiliary step to the main design of attacking Mexico to give it a new master in the place of promised liberty.

"Could the fact be ascertained to me, I believe I should hazard my discretion, make the best compromise I could with Salcedo, in my power, and throw myself with my little band into New Orleans, to be ready to defend that capital against usurpation and violence. It is true the works of the place have mouldered to ruin; yet I think they may by extraordinary exertions in a few weeks be rendered defensible against an undisciplined rabble acting in a bad cause.

But, sir, with my instructions before me, and without evidence of the design, principle, or support of the corps of associates expected from the Ohio, I dare not turn my back on the Spaniards now in my front, and abandon this scene of disaffection to the certain evils, which, without some strong measure of prevention, may possibly accrue in New Orleans.

"If it should be found necessary to the preservation of exterior engagements or internal security, or the support of the laws and government, to oppose the meditated movements from the Ohio, I would recommend the immediate adoption of the following measures, viz.:

"1st. The troops from the banks of the Missouri, from St. Vincents, South-west Point, and Massac, to take post at the Iron Banks on the Mississippi, about fifteen miles below the mouth of the Ohio, with the artillery at those posts, and orders to prevent the passage of persons or property (down the river) except under such passports as you may think proper to prescribe. I prefer the Iron Banks, because the river at that point is confined to a narrow bed, and may be effectually commanded, and I would recommend Captain D. Bissel, now at Massac, for the command.

"2d. A squadron of sloops-of-war and gun-boats should be ordered to take possession of the mouth of the Mississippi within the bar to prevent the entrance of all armed vessels and transports, unless particularly licensed by government.

"3d. A competent regular force should be levied and organized to pursue the outlaws, to shut them up and compel them to surrender at discretion.

"By the first step it would be proposed to cut off supplies of provisions and prevent the junction of auxiliaries from sources of insurrection. By the
second, to destroy every hope and expectation founded on co-operation of maritime force; and the third speaks too plainly for itself to need explanation.

"Amidst the uncertainty and doubts which perplex me, I feel disposed to adopt the following conclusions: Should the conduct of the Spaniards in my front justify it, I shall take the precaution either to go myself or to send Colonel Cushing to New Orleans, with every man who may be safely detached from this point, in order to put the works of the forts St. Charles and St. Louis in the best possible state of defence, [which] time and things may enable me [in order to] to secure the cannon, arms, military stores, and other public property against any lawless attempt by whoever made.

"If the designs of the combination should be pointed against the government, our communication by mail will be cut off, and all doubtful characters travelling from this quarter towards the Atlantic will be stopt. I have therefore judged it expedient, to silence suspicion and to secure and accelerate the arrival of this dispatch to your hands, to cause the bearer, Lieutenant Thomas A. Smith, a young officer of good promise and entire trust, ostensibly to resign his commission and quit the service. It is therefore necessary [that] you should instruct the Secretary of War to reject his resignation and continue him on the rolls; and I hope, sir, should he acquit himself with satisfactory discretion and promptitude on the journey he has undertaken, that you may give him some mark of your approbation, and send him back to me.

"Reposing, with entire confidence, in your justice, and your wisdom that no application will be made of this letter which the national interests do not exact, I hold myself ready to receive and execute your orders, when and where you may think proper to direct.

"And am, sir,

"Your faithful and obliged soldier and servant,

"Ja. Wilkinson."

Two days after receiving General Wilkinson's dispatches, Thomas Jefferson, president of the United States of America, issued a proclamation, having the following preamble:

"Whereas, information has been received, that sundry persons, citizens of the United States, or residents within the same, are conspiring and confederating together, to begin and set on foot, provide and prepare the means for a military expedition or enterprise against the dominions of Spain; that for this purpose, they are fitting out and arming vessels, in the western waters of the United States, collecting provisions, arms, military stores, and other means; are deceiving and seducing honest and well-meaning citizens under various pretences, to engage in their criminal enterprises; are organizing, officering, and
arming themselves for the same, contrary to the laws, in such cases made and
provided.”¹

The names of the persons connected with this mysterious “military expedi

tion or enterprise against the dominions of Spain” are not disclosed in the presi
dent’s proclamation, nor are those of the places “in the western waters of the
United States” where such persons were “organizing, officering and arming
themselves for the same.” These omissions strikingly manifest the consum­
mate ability of General Wilkinson to forecast the success of the purposes he had
in view when he planned the downfall of Aaron Burr, and his own release from
bearing a part of the opprobrium that would thereafter disgrace his associate.
He readily divined the consequences that would follow President Jefferson’s
interpretation of his confidential communication, and the controlling force of the
assertion: “I am not only uninformed of the prime mover and ultimate
objects of this daring enterprise, but am ignorant of the foundation on which
it rests, of the means by which it is to be supported, and whether any im­
mediate or collateral protection, internal or external, is expected.”

The reader should remember that the things of which General Wilkinson
wrote to President Jefferson had their origin and action on or before the
twenty-second day of October, 1806, prior to the departure of the general’s
dispatch-bearer from Natchitoches.

Assuming the character of “deliverer of his country,” General Wilkinson
went to the Sabine, patched up an arrangement with the Spaniards, put
everything in train for the withdrawal of the troops (who retired cursing the
general for ordering them away from an enemy they were eager to engage),
sent forward an officer to begin the work of preparing New Orleans for de­
fence, and, on the 24th of November, arrived there himself to deliver a devoted
province from spoliation and ruin.

“Prodigious was his zeal, enormous were his labors, terrible and ridiculous
was the excitement he created. The current belief was, that the ‘conspiracy’
extended from one end of the Union to the other, embracing immense num­
bers of the most wealthy and influential citizens; that seven thousand armed
men were on their way to the scene; and that Burr, with a vanguard of two
thousand, was then descending the river, and might be expected at any mo­
moment to fall upon the town; that the city swarmed with his adherents, who
only awaited his arrival to throw off the mask, and assist in the reduction
of the place. Martial law was proclaimed. Wilkinson dispatched a lieu­
tenant to the British admiral at Jamaica, and put him on his guard against
Burr’s emissaries. A public meeting was held, at which Wilkinson harangued
the excited multitude, and gave them a narrative of Swartwout’s mission, and

of the dread secrets his acuteness had drawn from that agent of treason. Governor Claiborne, too, addressed the meeting, exhorting every citizen to stand to the defence of a country toppling on the verge of ruin. The volunteer battalion offered its services; its ranks were swelled by hundreds of recruits; and, dividing itself into companies, it paraded by day and patrolled by night, giving the city the appearance of a garrisoned town. New stockades were constructed in all directions. A party of sixty men were stationed at a point some distance above the city, and ordered to stop and thoroughly overhaul every descending craft."

Erick Bollman, the German physician, from whom General Wilkinson had received a letter inclosing two communications in ciphers from men interested in the enterprise, was arrested on the fourteenth of December and confined by his orders. Doctor Bollman's association no doubt greatly disturbed the general's thoughts, for he knew most, if not all, the particulars relating to the heroic and unsuccessful attempt made at Olmutz, Austria, by the distinguished Hanoverian, and Francis Kinloch Huger, a patriotic American, on the eighth of November, 1794, to effect the release of the Marquis de Lafayette from unjustifiable imprisonment.

On the sixteenth of December application was made to Judge Workman of the county of Orleans for a writ of *habeas corpus*, in behalf of Samuel Swartwout and Peter V. Ogden, who had been arrested at Fort Adams, on the Mississippi, about thirty-five miles south of Natchez, also by the order of General Wilkinson, and were then on board of a bomb-ketch, or small vessel carrying mortars, anchored before the city of New Orleans.

"Judge Workman immediately granted the writ, and called on Governor Claiborne to inquire whether he had assented to General Wilkinson's proceedings. Governor Claiborne replied that he had consented to the arrest of Doctor Bollman, but that his mind was not made up as to the propriety of that of Ogden and Swartwout. Judge Workman then expatiated on the illegality and evil tendency of such measures, beseeching Governor Claiborne not to permit them, but to use his own authority, as the constitutional guardian of his fellow-citizens, to protect them; but he was answered that the executive had no authority to liberate those persons, and that it was for the judiciary to do it if they thought fit. Judge Workman added that he had heard that General Wilkinson intended to ship off his prisoners; and if this was permitted writs of *habeas corpus* would prove nugatory.

"From the alarm and terror prevalent in the city, the deputy-sheriff could procure no boat to take him on board of the ketch on the day the writ was is-

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sued. This circumstance was made known early on the next morning to Judge Workman, who thereupon directed the deputy-sheriff to procure a boat by the offer of a considerable sum of money, for the payment of which he undertook the county would be responsible.

"The writ was served soon afterwards, and returned at five in the evening by Commodore Shaw and the commanding officer of the ketch, Lieutenant Jones; Swartwout had been taken from the ketch before the service of the writ. Ogden was produced and discharged, as his detention was justified on the order of Wilkinson only.

"On the eighteenth of December, Wilkinson returned the writ of habeas corpus into the superior court, stating that, as commander-in-chief of the army of the United States, he took upon himself all responsibility for the arrest of Erick Bollman, charged with misprision of treason against the government of the United States, and he adopted measures for his safe delivery to the government of the United States; that it was after several conversations with the governor and one of the judges of the territory that he had hazarded this step for the national safety, menaced to its basis by a lawless band of traitors, associated under Aaron Burr, whose accomplices were extended from New York to New Orleans; that no man held in higher reverence the civil authorities of his country; and it was to maintain and perpetuate the holy attributes of the constitution against the uplifted arm of violence that he had interposed the force of arms in a moment of the utmost peril to seize upon Bollman as he should upon all others, without regard to standing or station, against whom any proof might arise of a participation in the lawless combination. * * * *

"On the following day Ogden was arrested the second time by the commanding officer of a troop of cavalry of the militia of the territory, in the service of the United States, by whom [James] Alexander was also taken into custody." 1

On the third of January, 1807, President Jefferson dispatched a letter to General Wilkinson, in which he wrote: "I do not believe that the number of persons engaged for Burr has ever amounted to five hundred; though some have carried them to one thousand or fifteen hundred. A part of these were engaged as settlers of Bastrop’s land, but the greater part were engaged under the express assurance that the projected enterprise was against Mexico, and secretly authorized by this government. Many expressly enlisted in the name of the United States. The proclamation, which reached Pittsburg December 2d, and other parts of the river successively, undeceived both these classes, and, of course, drew them off; and I have never seen any proof of their assem-
bling more than forty men, in two boats, from Beaver, fifty in Tyler's flotilla, and the boatmen of Blennerhassett. I believe, therefore, that the enterprise may be considered crushed; but we are not to relax in our attention until we hear what has passed Louisville. If everything, from that place upward, be successfully arrested, there is nothing from below to be feared. * * * *

"We considered Fort Adams as the place to make a stand, because it covered the mouth of the Red River. You have preferred New Orleans on an apprehension of a fleet from the West Indies. Be assured there is not any foundation for such an expectation but the lying exaggeration of these traitors to impose on others, and swell their pretended means.

"The very man whom they reported to you as gone to Jamaica and to bring the fleet, has never been from home, and has regularly communicated to me everything which has passed between Burr and him.

"France or Spain would not send a fleet to take Vera Cruz; and, though one of the expeditions, now near arriving from England, is probably for Vera Cruz, and perhaps already there, yet the state of things between us renders it impossible they should countenance an enterprise unauthorized by us." 1

On January 26, 1807, President Jefferson sent a message to the senate and house of representatives of the United States, in which he made the following communication:

"I received from General Wilkinson, on the 23d inst., his affidavit charging Samuel Swartwout, Peter V. Ogden, and James Alexander with the crimes described in the affidavit, a copy of which is now communicated to both houses of congress.

"It was announced to me at the same time that Swartwout and Bollman, two of the persons apprehended by him, were arrived in this city, in custody of a military officer. I immediately delivered to the attorney of the United States, in this district, the evidence received against them, with instructions to lay the same before the judges, and apply for a process to bring the accused to justice, and I put into his hands orders to the officers having them in custody, to deliver them to the officer on his application."

The copy of the affidavit sent with the message, reads:

"I, James Wilkinson, brigadier-general and commander-in-chief of the army of the United States, to warrant the arrest of Samuel Swartwout, James Alexander, Esq., and Peter V. Ogden, on a charge of treason, misprision of treason, or such other offence against the government and laws of the United States, as the following facts may legally charge them with, on the honour of a soldier, and on the Holy Evangelists of Almighty God, do declare and swear that in

the beginning of the month of October last, when in command at Natchitoches, a stranger was introduced to me by Colonel Cushing, by the name of Swartwout, who, a few minutes after the colonel retired from the room, * * * a letter of formal introduction from Colonel Burr, together with a packet, which, he informed me, he was charged by the same person to deliver me in private, this packet contained a letter in cypher from Colonel Burr."

The warrant by which Samuel Swartwout and Doctor Erick Bollman were brought before the Circuit Court of the District of Columbia, was worded as follows:

"District of Columbia, to wit:

The United States of America to the marshal of the district of Columbia, greeting:

Whereas, there is a probable cause, supported by the oath of James Wilkinson, William Eaton, James Lowrie Donaldson, William C. Mead, and William Wilson, to believe that Erick Bollman, commonly called Doctor Erick Bollman, late of the city of Philadelphia, in the state of Pennsylvania, gentleman, and Samuel Swartwout, late of the city of New York, in the state of New York, gentleman, are guilty of the crime of treason against the United States of America.

These are, therefore, in the name of the United States, to command you that you take the bodies of the said Erick Bollman and Samuel Swartwout, if they shall be found in the county of Washington, in your said district, and them safely keep, so that you have their bodies before the circuit court of the district of Columbia, for the county of Washington, now sitting at the capitol,

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1 Extract from the testimony of Littleton W. Tazewell, a witness called on the part of Colonel Burr before the district court of the United States, on the trial of Aaron Burr, at Richmond, Virginia, October 3, 1807:

"Question.—(By Colonel Burr.)—Have you observed any inconsistency, or contradiction, in the evidence delivered by General Wilkinson before the judge, and that given to the grand jury?

Answer.—None at all.

"Question.—(By Mr. Hay, United States attorney-general.)—Do you recollect whether the testimony of Swartwout coincided with that of General Wilkinson?

Answer.—They could not be said to oppose each other in their testimony. Mr. Swartwout was examined first, and many of the circumstances to which he deposed were unknown to General Wilkinson.

"Question.—(By Mr. Hay.)—I speak as to the conversations between Swartwout and General Wilkinson.

Answer.—Perhaps there was this difference: General Wilkinson stated in the absence of Colonel Cushing, which was spoken of by both of them, Mr. Swartwout slipped into his hand the cyphered letter from Colonel Burr. Mr. Swartwout, who discovered [or manifested] the utmost frankness and candour in his evidence, stated the transaction in a different manner, he declared that the letter was delivered openly, without any effort to conceal it.

"Question.—(By Mr. Hay.)—But they both stated the fact in the same way—that it was delivered in the absence of Colonel Cushing.

Answer.—Yes, they both stated the fact in the same way.

in the city of Washington, immediately to answer unto the United States of America of and concerning the charge aforesaid.

"Witness the Honourable William Cranch, Esq., chief judge of the said court, this 27th day of January, 1807.

"William Brent, clerk.

"Issued 27th day of January, 1807."

The order of the court for the commitment of the accused was in these words:

"The prisoners, Erick Bollman and Samuel Swartwout, were brought up to court in custody of the marshal, arrested on the charge of treason against the United States, on the oaths of James Wilkinson, General William Eaton, James L. Donaldson, Lieutenant William Wilson, and Ensign W. C. Mead, and the court went into further examination of the charge. Whereupon it ordered, that the said Erick Bollman and Samuel Swartwout be committed to the prison of this court, to take their trial for treason against the United States by levying war against them, to be there kept in safe custody until they shall be discharged in due course of law."

On the third of February, President Jefferson wrote to General Wilkinson, saying:

"Your belief, that Burr would really descend with 6 or 7,000 men, was no doubt founded in what you knew of the numbers which could be raised in the western country for an expedition to Mexico under the authority of the government; but, you, probably, did not calculate that the want of that authority would take from him every honest man, and leave him only the desperadoes of his party, which, in no part of the United States, can ever be a numerous body.

"In approving therefore as we do approve of the defensive operations for New Orleans, we are obliged to estimate them not according to our own view of the danger, but to place ourselves in your situation, and only with your information.

"Your sending here Swartwout and Bollman, and adding to them Burr, Blennerhassett, and Tyler, should they fall into your hands, will be supported by the public opinion. As to Alexander, who is arrived, and Ogden expected, the evidence yet received will not be sufficient to commit them. I hope, however, you will not extend this deportation to persons against whom there is only suspicion, or shades of offense, not strongly marked. In that case, I fear the public sentiment would desert you; because, seeing no danger here, violations

1 Reports of cases argued and adjudged in the Supreme Court of the United States, in the year 1807 and 1808. By William Cranch. Flatbush, 1809, vol. iv., appendix, pp. 459, 460; 76.
of law are felt with strength. * * * * You have, doubtless, seen a good deal of malicious insinuations in the papers against you."!

In order to secure the personal liberty of Samuel Swartwout and Doctor Erick Bollman motions for writs of habeas corpus were made in the Supreme Court of the United States at Washington, D. C., on the thirteenth of February, by their respective attorneys.

On the twenty-first of February Chief-Justice Marshall 1 delivered the opinion of the court as follows:

"The prisoners having been brought before this court on a writ of habeas corpus, and the testimony on which they were committed having been fully examined and attentively considered, the court is now to declare the law upon the case.

"This being a mere inquiry, which, without deciding upon guilt, precedes the institution of a prosecution, the question to be determined is whether the accused shall be discharged or held to trial. * * * *

"The specific charge brought against the prisoners is treason in levying war against the United States. * * * *

"Treason against the United States [according to the Constitution] shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. * * * *

"It was deemed necessary to look into the affidavit for the purpose of discovering whether, if admitted, it contains matter which would justify the commitment of the prisoners at the bar on the charge of treason.

"That the letter from Colonel Burr to General Wilkinson relates to a military enterprise meditated by the former has not been questioned. If this enterprise was against Mexico it would amount to a high misdemeanor; if against any of the territories of the United States, or if in its progress the subversion of the government of the United States, in any of their territories, was a mean clearly and necessarily to be employed, if such mean formed a substantive part of the plan, the assemblage of a body of men to effect it would be levying war against the United States.

"The letter is in language which furnishes no distinct view of the design of the writer. The co-operation, however, which is stated to have been secured, points strongly to some expedition against the territories of Spain. After making these general statements the writer becomes rather more explicit and says, 'Burr's plan of operations is to move down rapidly from the falls on the 15th of November with the first 500 or 1,000 men in light boats now constructing for

2 The only judges present when these opinions were given were Chief-Justice Marshall, Justices Johnson and Livingston. Justices Cushing and Chase were prevented from attending by ill health.
that purpose, to be at Natchez between the 5th and 15th of December, there
to meet Wilkinson; there to determine whether it will be expedient in the
first instance to seize on or to pass Baton Rouge. The people of the coun-
try to which we are going are prepared to receive us. Their agents now with
Burr say that if we will protect their religion and will not subject them to a for-
eign power, in three weeks all will be settled.'

"There is no expression in these sentences which would justify a suspi-
cion that any territory in the United States was the object of the expedi-
tion.  *  *  *  *

"There certainly is not in the letter delivered to General Wilkinson, so far
as that letter is laid before the court, one syllable that has a necessary or a
natural reference to an enterprise against any territory in the United States.

"That the bearer of the letter must be considered as acquainted with its
contents, is not to be controverted. The letter and his own declarations evince
the fact.  *  *  *  *

"After stating himself to have passed through New York and the western
states and territories, without insinuating that he had performed on his route
any act whatever, which was connected with the enterprise, he states their ob-
ject to be 'to carry an expedition to the Mexican provinces.'

"This statement may be considered as explanatory of the letter of Colonel
Burr, if the expressions of that letter could be thought ambiguous.

"But there are two other declarations made by Mr. Swartwout, which con-
stitute the difficulty of this case. On an inquiry from General Wilkinson, he
said, this territory would be revolutionized, where the people were ready to
join, and that there would be some seizing, he supposed, at New Orleans.

"If these words import that the government, established by the United
States in any of its territories, was to be revolutionized by force, although
merely as a step to, or a mean of executing some greater projects, the design
was unquestionably treasonable, and any assemblage of men for that purpose
would amount to a levying of war. But on the import of the words a differen-
ty of opinion exists.

"Some of the judges suppose they refer to the territory against which the
expedition was intended, others to that in which the conversation was held.
Some consider the words, if even applicable to the territory of the United
States, as alluding to a revolution to be effected by the people, rather than by
the party conducted by Colonel Burr.

"But whether this treasonable intention be really imputable to the plan or
not, it is admitted that it must have been carried into execution by an open as-
semblage of men for that purpose, previous to the arrest of the prisoner, in or
to consummate the crime as to him; and a majority of the court is of the opin-
THE SWARTWOUT CHRONICLES.

ion, that the conversation of Mr. Swartwout affords no sufficient proof of such assembling.

"The prisoner stated that Colonel Burr, with the support of a powerful association, extending from New York to New Orleans, was levying an armed body of 7,000 men, from the state of New York and the western states and territories, with a view to carry an expedition to the Mexican territories.

"That the association, whatever may be its purpose, is not treason, has been already stated. That levying an army may or not be treason, and that this depends on the intention with which it is levied, and on the point to which the parties have advanced, has been also stated. The mere enlisting of men, without assembling them, is not levying war. The question then is, whether this evidence proves Colonel Burr to have advanced so far in levying an army, as actually to have assembled them. * * * *

"The particular words used by Mr. Swartwout are, that Colonel Burr was levying an armed body of 7,000 men. If the term levying, in this place, imports that they were assembled, then such fact would amount, if the intention be against the United States, to levying war. If it barely imports that he was enlisting or engaging them in his service, the fact would not amount to levying war.

"It is thought sufficiently apparent, that the latter is the service in which the term was used. The fact alluded to, if taken in the former sense, is of a nature to force itself upon the public view, that, if the army had been actually assembled, either together, or in detachments, some evidence of such assembling would have been laid before the court.

"The words used by the prisoner in reference to seizing at New Orleans, and borrowing perhaps by force from the bank, though indicating a design to rob, and consequently importing a high offence, do not designate the specific crime of levying war against the United States.

"It is, therefore, the opinion of a majority of the court, that, in the case of Samuel Swartwout, there is not sufficient evidence of his levying war against the United States to justify his commitment on the charge of treason. * * * *"

The order of the court was as follows:

"The United States "

"vs. "

"Swartwout"

"On a writ of habeas corpus.

"The arguments of the attorney-general, and of the attorney of the United States for the district of Columbia, and the argument of the counsel for the prisoner having been heard, and the record of the circuit court for the county of Washington containing the order by which the said Samuel Swartwout was
committed on the charge of treason in levying war against the United States, and the testimony on which the said commitment was made, having been inspected and attentively considered, the court is of opinion that that testimony does not furnish probable cause for supposing that the said Samuel Swartwout levied war against the United States, and doth therefore direct, that he be forthwith discharged from the custody of the marshal."  

On the nineteenth of February Colonel Burr was arrested by a military force while riding with a guide on the road to Pensacola, near the Tombigbee River, in Mississippi Territory, and taken to Richmond, Virginia, where he arrived on the twenty-sixth of March. On the thirtieth he was brought before Chief-Justice Marshall.

"After an argument of three days' duration, the chief-justice decided to commit the prisoner on the charge of misdemeanor only, leaving the charge of treason to be investigated by a grand jury. By this decision Colonel Burr was freed from the immediate apprehension of imprisonment. Five gentlemen of Richmond gave bonds in the sum of ten thousand dollars for the appearance of the prisoner at the next circuit of the United States, to be held at Richmond, on the twenty-second of May. He was then discharged from custody."

The court opened on the appointed day with two judges on the bench: John Marshall, chief-justice of the Supreme Court of the United States, and Cyrus Griffin, judge of the district of Virginia.

The prosecution was represented in the persons of George Hay, attorney of the United States for the district of Virginia, William Wirt, of the Richmond bar, and Alexander MacRae, lieutenant-governor of Virginia. The defence by Edmund Randolph, of Virginia, John Wickham, of the Richmond bar, Luther Martin, of Maryland, and Benjamin Botts, of Virginia.

Washington Irving, writing to James K. Paulding, from Richmond, on the twenty-second of June, speaks of the beginning of the famous trial, saying:

"The lawyers are continually entangling each other in law points, motions, and authentics, and have been so crusty to each other that there is a constant sparring going on.

"Wilkinson is now before the grand jury, and has such a mighty mass of words to deliver himself of, that he claims at least two days more to discharge the wondrous cargo. The jury are tired enough of his verbosity.

"The first interview between him and Burr was highly interesting, and I secured a good place to witness it. Burr was seated with his back to the entrance, facing the judge, and conversing with one of his counsel. Wilkinson strutted into court, and took his stand in a parallel line with Burr on his right..."
hand. Here he stood for a moment swelling like a turkey-cock, and bracing himself for a moment for the encounter of Burr's eye. The latter did not take any notice of him until the judge directed the clerk to swear General Wilkinson; at the mention of the name Burr turned his head, looked him full in the face with one of his piercing regards, swept his eye over his whole person from head to foot, as if to scan its dimensions, and then coolly resumed his former position, and went on conversing with his counsel as tranquilly as ever. The whole look was over in an instant; but it was an admirable one. There was no appearance of study or constraint in it; no affectation of disdain or defiance; a slight expression of contempt played over his countenance, such as you would show on regarding any person to whom you were indifferent, but whom you considered mean and contemptible."

On the twenty-fourth day of June, thirty-three days after the opening of the court, the grand jury brought in indictments; one against Aaron Burr for treason, and another against him for a misdemeanor; and one against Harman Blennerhassett for treason, and another against him for a misdemeanor. On the withdrawal of the grand jury, "an attempt was made to show that the prisoner might still be held on bail, but after debate, the chief-justice decided that he was 'under the necessity of committing Colonel Burr.' Late in the afternoon, through a concourse of hundreds of spectators who looked on in silence, Colonel Burr was conducted by the marshal of the district to the city jail of Richmond."

"On the following day, the grand jury indicted Ex-United States Senator Jonathan Dayton, of the state of New Jersey, United States Senator John Smith, of the state of Ohio, Comfort Tyler, late of the state of New York, Israel Smith, late of the state of New York, and Davis Floyd, late of the territory of Indiana, for treason.

"On the thirteenth of July, the court, having been occupied for nearly two months in getting the prisoners simply indicted, rested from its labors, and adjourned to meet again on the third of August. * * * *

"The court met on the third of August. Present, the same judges as before. Present, the same counsel. Present, an equal throng of auditors flushed with expectation. Present, more than one hundred and forty witnesses, and a panel of forty-eight jurors. Blennerhassett had arrived, and was in prison. Burr had been brought from his 'country house' to a building in the city near the court-room, where he was guarded vigilantly, night and day."

Four jurors having been taken from the first venire of forty-eight, a second of forty-eight was summoned, from which number eight were taken, and on the seventeenth of August they were sworn.

On Saturday evening, the twenty-ninth of August, the last of the great debates of the different attorneys were concluded.

Edward Randolph, in the course of his discussion of the acts of General James Wilkinson, observed:

"General Wilkinson we behold first acting as a conspirator to ensnare others, afterwards as a patriot to betray others from motives of patriotism. What must be the embarrassment of this man when the awful catastrophe arrives, that he must either substantiate his own innocence by the conviction of another, or be himself regarded as a traitor and a conspirator, in the event of the acquittal of the accused. * * * *

"I shall not say that General Wilkinson would commit perjury; let me not be understood as making such an assertion, but I know human nature; if I understand the feelings of the human breast, if I have the slightest knowledge of those principles which govern the mind of man, I may be allowed to affirm that any feeling would be asleep in his breast if he did not use every exertion in his power for the conviction of Colonel Burr. Upon the conviction of Colonel Burr, upon the guilt of Colonel Burr, depends the innocence of General Wilkinson. If Colonel Burr be found guilty, then indeed General Wilkinson may stand acquitted with many of his countrymen; but if Colonel Burr be not found guilty, the character, the reputation, in short, everything that deserves the name of integrity, will be gone forever from General Wilkinson.

"On Monday morning, [the thirty-first of August,] the chief-justice was ready with his decision, which every one felt would decide the case, as well as the motion to exclude further testimony. An overt act had certainly not been shown."

"Having given to the jury the opinion of the court on the law of the case, the chief-justice in concluding said: 'They will apply that law to the facts, and will find a verdict of guilty or not guilty as their own consciences may direct.'"

On Tuesday, the first of September, the jury retired. In a short time they returned with the following verdict, which was read by the foreman:

"We of the jury say that Aaron Burr is not proved to be guilty under the indictment by any evidence submitted to us. We, therefore, find him not guilty."

"Colonel Burr rose and, in a manner more like vehemence than he had before exhibited, protested against the form of the verdict, and demanded that it be rendered in the usual terms. An animated conversation arose, in which prisoner, judge, counsel, and jury, all took part; and, at length, as some of the jury would not consent to an alteration, the matter was compromised by accepting the verdict as rendered, but entering it on the record, simply, 'not guilty.'"

On Wednesday, the ninth of September, the trial of Colonel Burr for the

1 Reports of the trials of Aaron Burr for treason and for a misdemeanor. By David Robinson, vol. i., pp. 155, 156.
misdemeanor was begun. Harman Blennerhassett, in his journal, under the date of Saturday, September 26, writes: "To-day the long-expected examination of Wilkinson came on, after that of Eaton, upon [the] matter and conversations between him and Burr, which had been excluded as improper evidence on the trial-in-chief, but was now thought admissible before the judge as an examining magistrate. * * * *

"The general exhibited the manner of a serjeant under a court-martial rather than the demeanor of an accusing officer confronted with his culprit. His perplexity and derangement, even upon his direct examination, has placed beyond all doubt his honor as a soldier and his fidelity as a citizen." It will appear from the gauntlet he has begun to run, which he will not finish before Monday evening, that he has confessed he altered a duplicate of the original cipher letter for the express purpose of erasing from it an acknowledgment by Burr of Burr¹s having received a letter from him, Wilkinson, of the 27th of February; that this was done for the avowed purpose of concealing from the legislature of Orleans a part of that letter, from which that body might infer that he was privy to or concerned in the projects of Burr; that he substituted other words in room of the erasure as a translation of the erased ciphers afterward, but at what time he could not recollect; that the translation of the document sent to government [at Washington] was from this mutilated original; and that he had sworn, by an affidavit he produced himself in court, that such translation faithfully rendered the substance of the original."

The trial continued until the twentieth of October. On that day Chief-Justice Marshall delivered an elaborate opinion, in which he held there was no evidence to substantiate the commission of treasonable acts on the part of the accused, but that as Burr and Blennerhassett were charged with an offense committed by them in the state of Ohio and not in Virginia, he should require them to give bail for their appearance there for trial.

Samuel Swartwout in the meantime had become so greatly incensed by the testimony and reported statements of General Wilkinson concerning the information which he had imparted to him at the request of Colonel Burr that he sent by Israel Smith a challenge to General Wilkinson, who refused to read it, saying that "he held no correspondence with traitors and conspirators." As a consequence, the following communication was published in the "Virginia Gazette":

"To his Excellency, Brigadier-General James Wilkinson.

"Sir:—When once the chain of infamy grapples to a knave, every new link creates a fresh sensation of detestation and horror. As it gradually or precipitately unfolds itself, we behold in each succeeding connection, and arising from the same corrupt and contaminated source, the same base and degenerate conduct."
"I could not have supposed that you would have completed the catalogue of your crimes by adding to the guilt of treason, forgery, and perjury the accomplishment of cowardice. But every succeeding day presents you in a new light to the public, and plunges you still deeper in crime and ignominy. Having failed in two different attempts to procure an interview with you, such as no gentleman of honor could refuse, I have only to pronounce and publish you to the world as a coward and poltroon.

"One more word before I take my leave. This is a critical moment in the life of your excellency. Your reputation is gone forever, and your life totters on the verge of dissolution. As you cannot pretend to the esteem of any man living, you should have sought a momentary reputation in the applause of even your enemies. You should have been brave, and died like a man. Your enemies would then have forgotten the wrongs you had done them. Your country would have been appeased, and even Judas forgiven. You should have considered that there is some small merit in even a villain's bravery; it was all you were supposed to possess this side of the grave. You should have made much of it; it might have served to wipe away some portion of the stain which your treachery and turpitude have fixed upon your character.

S. Swartwout."

Richmond, 21st October, 1807.

The imputations of General Wilkinson's guilt of treason, forgery, and perjury were not effaceable from the public mind. There was a fixed belief that his artful dissembling, numerous subterfuges, pretentious truth-telling, and blatant patriotism might be advantageous to him as long as he could possibly conceal from the people at large the knowledge of his traitorous transactions with Spain's accredited agents and the spuriousness of his loyalty to the United States. It was generally conceded that there would come a time when his faithless conduct toward those whom he had inveigled into his plots and covertly used for their furtherance would bring upon him the obloquy it merited, and present him as he had been for many years a traitor and conspirator. The unsuppressible character of these current imputations concerning his being in the pay of Spain, and being the instigator of the projects which had disgraced Aaron Burr, caused charges to be brought against General Wilkinson, in 1811, of that purport, for which he was tried by court-martial. The evidence adduced at the trial was found insufficient to convict him, and that which would have then branded him forever as a traitor and conspirator was not at that time accessible, although it was afterward discovered and published.

CHAPTER X.

THE SERVICES OF A FRIEND.

1808, 1812, 1836.

The necessity which compelled Aaron Burr to borrow large sums of money to defray the expenses of his trials for treason and a misdemeanor did not apparently diminish the ardor of an urgent desire to become a titled ruler of a trans-Mississippi state or kingdom. While still in the gloom of the humiliating ordeal at Richmond his irrepressible imagination failed not to picture a near future in which he should enjoy the political distinction which his inordinate ambition made him constantly crave.

Writing under the date of October 4, 1807, at Richmond, Harman Blennerhassett records in his diary the following incidents:

"I called on Burr this morning, when he mentioned to me during a short tête-à-tête that he was preparing to go to England; that the time was now auspicious for him; he wished to know whether I could give him letters. I answered that I supposed when he said England he meant London, as his business would probably be with people in office; that I knew none of the present ministry, nor did I believe I had a single acquaintance in London." He replied, "he meant to visit every part of the country, and would be glad to get letters to any one." I said that I would think of it; that I might discover whether I had any friends there whom it would be an object worth his attention to know, and took leave.

"Thus it is this strange man continues to expose his inconsistency with himself rather than lay aside the mysterious mask with which he has ever sought, and still continues, to disguise his very hints, a practice, I believe, he has not departed from in any instance, from Wilkinson down to myself. We can only conjecture, therefore, his designs.

"For my part, I am disposed to suspect he has no serious purpose of reviving any of his speculations in America, or even of returning from Europe, if he can get there. His anxiety to elude his creditors is, I believe, occupation enough for his energies, which are little, except in his reveries. Out of them
he tells different stories to different persons, enjoining confidence from all, but committing himself in nothing to any one. I have suspected for some time, however, he really does dream of appearing in London with something, according to his ideas, in the nature of a suit.

"Some weeks ago he consulted De Pestre, to learn from him how much money would be wanted to enable him to go and return. He said he supposed that ten thousand dollars might answer. De Pestre told him that would depend on the nature of his business, and the time it would require to transact it.

"But he has more lately been engaged in endeavoring to attach to him some young men who may accompany him. I yet only know positively two. Sam Swartwout was enraptured with the prospect, and still may feast his imagination upon it; though I could not resist the propensity I felt to convey to this fine young man, without his suspecting from whence it came, a curb, which may restrain his generous ardor and innocent credulity. His relation, Major Smith, has endeavored to apply it. Bob Robinson was the other. * * * *

But Burr is as careless of his facts as of his religion, where neither is exposed to scrutiny; and any liberty with them may advance his purpose for the moment. I had seasonably prepared this young man, who will to-morrow make his escape to Pittsburg, from the fascinations of this serpent."1

Samuel Swartwout was not as easily influenced to separate himself so abruptly from Colonel Burr. His sympathies were too deeply stirred to be restrained from affording the ruined man any kindly service. In his natural compassion for the unfortunate statesman, he accompanied him through Washington and Baltimore to Philadelphia, where Colonel Burr had occasion to sojourn. There he left him with many sincere wishes for the betterment of his health and the realization of his contemplated projects.

In February and March, 1808, Colonel Burr made a temporary residence in Baltimore. Thence he went to the city of New York, where he remained incognito a few days. Then he passed some time in New Jersey. In the latter part of May he returned to the city of New York, and enjoyed the hospitality of a friend. Having, it is said, obtained from another a sum of money sufficient to defray his passage to England, he, on the ninth of June, embarked on a British packet, sailing by the way of Halifax for that country, on which vessel he was registered and known as G. H. Edwards.

"He went to Europe with the design of laying before the cabinet of England, or the emperor of France his plans for the independence of Mexico, and of procuring, at least, the authorization of one of them for carrying out his schemes of personal aggrandizement and elevation in that country. But Joseph

1blennerlassett papers. By William H. Safford, pp. 441-443.
Bonaparte's assumption of the Spanish throne was precisely the event of all others conceivable to close the ears of both governments to such an application.

"England, before on ill-terms with Spain, promptly took the part of the de­throned king, and sent the flower of her armies to the peninsular war. England was publicly and irrevocably committed to the cause of the exiled monarch, and, of course, to the integrity of his dominions.

"To ask Napoleon's consent to the independence of Mexico would have seemed something like soliciting his consent to the partition of the French empire. Mexico was part of the kingdom which he ruled through his brother Joseph. Mexico was his. If he had been disposed to give it away, an adventurer from far off America would not have been the selected recipient.

"A multitude of political combinations can be imagined which would have rendered one or the other of the hostile governments an eager listener to the bland and able representations of Aaron Burr. Unfortunately for him, perhaps unfortunately for Mexico, affairs took the turn which excluded his proposals even from consideration."

While in London, Colonel Burr fortunately became the guest of Jeremy Bentham, the distinguished English political writer, at whose two residences, one in Queen Square Place, Westminster, London, and the other at Barrow Green, he was delightfully entertained as a distinguished guest.

Whether he had selfishly induced Samuel Swartwout to follow him to England and there serve him for the promotion of his projects no definite information is available to substantiate a conclusion. Colonel Burr's correspondence and journal affords little light by which to gain any distinct knowledge concerning the matters upon which they bestowed for a time their undivided attention.

On Friday, August 19, 1808, Colonel Burr wrote from Barrow Green, to Samuel Swartwout, in London, saying:

"If I had nothing but amusement in view, this would be my residence for at least six months. Unless I should visit town on Sunday, which is not quite decided, my return will depend on the advice which may be received from and by you. * * * *

"The key of the drawers [at No. 30, Craven Street, London], which contain my papers is herewith enclosed. Please select out Gould's surveys of the coast of Florida, four sheets. Map of North Carolina, four sheets. Map of Mexico, large sheet, manuscript. A map of certain roads, &c., on very thin paper. A map of Lake Nicaragua, one sheet, manuscript. Two maps on common paper, and coarsely executed, very long and narrow; one of the river
Chatahouche; the other of a route from Washington City to Mobile. A map of part of New Orleans territory and Florida manuscripts, thin paper. Let all these be rolled up in one roll, and on a round stick. The widest first and so on.

"These, with anything else you may have to forward me must be put into the hands of Mrs. Stoker, at J. Bentham's house, Queen Square Place, Westminster, by nine o'clock, on Monday morning. This lady is Mr. Bentham's housekeeper. Ask at No. 30 Craven Street for letters for me.

"Write me the result of your breakfast, which is, I think, to take place on Sunday. It is still possible, not very probable, that I may be in town on Saturday evening."

On Monday, August 22, Colonel Burr wrote, from London, where he had arrived on Sunday evening, to Jeremy Bentham, at Barrow Green: "Among the articles which you will receive to-morrow will be a roll directed to me, which you are authorized and required to open. It contains some articles which may assist in the cross-examination. Something further will be brought by the deponent himself."

Whether Colonel Burr's financial straits were such that he had instructed Samuel Swartwout to advise him concerning any speculative venture that might become known to him is a matter that might reasonably justify his writing the letter dated "London, Thursday, 26th August, 1808," addressed to "Colonel Burr, at Mr. Bentham's, Barrow Green." The communication discloses a conversation with a young man recently arrived from the city of New York regarding the profitable character of the shipment from England of a cargo of cotton bagging to some port in the southern states or territories which was prohibited by the United States during the continuance of the embargo. "If your knowledge of the ground enables you to manage such a speculation," as Samuel Swartwout wrote him, "perhaps it might be accomplished." ¹

About that time it would seem that Colonel Burr had in consideration a scheme, either a political or a commercial one, for the advancement of which he desired the advice and commendation of his wealthy host. Should it be regarded by him as discreditable, it was evidently the intention of Colonel Burr to have him believe that Samuel Swartwout was the sole and unapproved projector of it. The self-glorifying but fictitious patronage with which the impudent adventurer magnifies his charitable interest in the affairs of Samuel Swartwout, and the exaggerated description of the young man's dire experiences while under arrest as a discovered aider and abettor of the enterprise which caused Burr to be charged with the commission of treason against the United States.

¹ Letter of Samuel Swartwout, comprised, in 1857, in the autograph collection of F. J. Dreer, of Philadelphia.
States, opportunely give the reader a clear insight to the base characteristics of the desperate man.

Writing to Jeremy Bentham, from Queen Square Place, on the twelfth of September, he flatteringly says:

"My soul is with you at Barrow Green, and the mortal part of me would follow it, if not kept back by violence. But can I, ought I, to disappoint poor Swartwout? On my return from Hempstead, I find here a letter from him written at Liverpool, whither I had sent him to do something for himself, seeing no prospect that I should be able to do anything for him.

"This is that Swartwout, who was seized, robbed, transported two thousand miles, immured in a solitary prison, denied the use of pen, ink, and paper, denied a habeas corpus, not allowed to speak with a human being, and all on suspicion of being connected with one who was suspected of an intention to commit a crime. This he bore with something more dignified than mere passive firmness.

"This Swartwout writes; but here is the letter, read, and pronounce (my apotheosis is now put off till Thursday certain). 'The influence of your name! He too must be mad; but then, as I am the leading cause of it, he has claims to my indulgence.'

Another letter from Samuel Swartwout causes him to put off his return to Barrow Green "til Thursday or Friday," the fifteenth or sixteenth of September.

On Monday, the nineteenth, he wrote to Samuel Swartwout from Barrow Green, saying: "Make haste hither; but do not come without my letters."

Five days later, from London, he addresses a communication to Jeremy Bentham, remarking:

"Swartwout has really engaged in a very important enterprise. His affairs will occupy me several days. * * * * Were it not for Swartwout I would be with you to-morrow."

Six days later, he again writes from London to Jeremy Bentham, telling him: "Swartwout is still in a bad way, but will go off in pursuance of his project on Monday, [the third of October]."

On the first of October, from Queen Park Place, he further writes to his host:

"My American friends have very sagaciously concluded that the present state of things in Spain is calculated to promote my views! Hence some ferment. The ciphered letters are so imperfectly made out by Swartwout, on whom I devolve the labour, that they would only perplex you and waste your time. A French letter is enclosed for your perusal. The writer was aid-de-
camp to [the French general] Dumouriez. The person called his brother is that Marquis de St. Mard of whom something has been said."

Under the date of October 1, he wrote, at 30 Craven Street: "S. Swartwout called with his letters from Lees."

On October 12, he again writes of Samuel Swartwout: "It was fortunate that I came to town, for yesterday he received orders to go on to Liverpool forthwith."

On the fourteenth of October, from London he wrote to Jeremy Bentham: "Swartwout is still here, but has received his final summons and will go on Sunday evening. We have so much to do, and with my habits and his, so many things are left till the last moment, that I cannot leave him till the moment of his departure.

"No plan has yet been adopted. All those which you have heard loosely suggested are still under consideration. * * * * It seems, however, that I ought not to remain longer in this kingdom. But the whither, and the how, and the when, are points on which I greatly desire to confer with you, and I had hoped you would also have heard Swartwout on the subject. There is, nevertheless, a certainty that I shall be in or near London at and for some days after your arrival."

Nine days thereafter he addressed the following letter to Samuel Swartwout:

"London, October 23, 1808.

"Your first letter has been received and acknowledged; the second has not yet come to hand. I am a little apprehensive that you and your friends may have overvalued the resources of the Floridas. It is a country very thinly peopled, there being not more than 2,500 families in the whole extent of six hundred miles, from St. Augustine to Baton Rouge. The American settlement (above the Spanish line) on the Mobile is about 400 families, and dependent wholly on the towns of Mobile and Pensacola, having no other course to market but down the Mobile. The Natchez settlement, just above the line, and bordering on the Mississippi, is flourishing and wealthy, and, if you can get access to it, will take all your merchandise, and supply as much cotton as you may be disposed to purchase.

"The persons whose names I have given you will put you in the way to accomplish everything that may be practicable, and will aid you in the execution. The two excellencies to whom you have letters are to be approached with caution. Colonel M. and Dr. W. will advise you. Perhaps it may be expedient, in the first instance, to sound them as a merchant, without disclosing yourself further. One cannot conjecture the sort of influence which the late political changes may have had on their minds."
"The country overflows with the productions you want. * * * * "

"Adieu, my dear friend. Your enterprise will call for the exertion of all your talents, your industry, and your discretion. I feel a strong confidence in your success. My most ardent wishes you will have." ¹

After inconsequentially loitering in England and in different countries on the continent of Europe for four years, Aaron Burr returned to the United States on the fourth of May, 1812, arriving at Boston under the name of A. Arnot. He immediately made known his return to Samuel Swartwout, from whom, fifteen days later, he received a letter in which he joyously found a complimentary welcome and a cordial invitation to visit his constant friend.

After a voyage of nine days, he found himself at the door numbered 66, in Water Street, in the city of New York.

"I knocked and knocked," he narrates in his diary, "but no answer. I knocked still harder, supposing they were asleep, till one of the neighbors opened a window and told me that nobody lived there. I asked where Mr. Swartwout lived. Of that she knew nothing. I was now to seek a lodging. But very few houses were open. Tried at two or three taverns, all full; cruised along the wharf, but could not find a place. It was now midnight, and nobody to be seen in the street. To walk about the whole night would be too fatiguing. To have sat and slept on any stoop would have been thought no hardship; but then the danger that the first watchman who might pass would take me up as a vagrant and carry me up to the watch-house was a dénouement not at all to my mind.

"I walked on, thinking that in the skirts of the town I might meet at that hour some charitable personne who, for one or two dollars and l'amour de Dieu, would give me at least a bed; but seeing, in an alley, a light in the cellar of a small house, I called and asked for a lodging; was answered yes; shown into a small garret, where were five men already asleep; a cot and a sort of coverlid was given me. I threw open the window to have air; lay down and slept profoundly till six. Being already dressed, I rose, paid for my lodging twelve cents, and sallied out to 66 Water Street, and there had the good luck to find Sam alone. He led me immediately to the house of his brother Robert, and here I am, in possession of Sam's room in Stone Street, in the city of New York, on this 8th day of June, anno Dom. 1812, just four years since we parted at this very place." ²

On a certain day in that same month the following announcement was pub-

¹ The private journal of Aaron Burr during his residence of four years in Europe. Edited by Matthew L. Davis. vol. i., pp. 30, 31, 33, 51, 52, 55, 58, 59, 60, 61, 63, 65, 68, 70, 71.
lished by a newspaper that "Aaron Burr had returned to the city and had resumed the practice of law at —— Nassau Street."

"Its appearance electrified the city. Before Colonel Burr slept that night five hundred gentlemen called upon him. The feeling for the moment seemed to be general throughout the city that he had been treated with undue severity, and that the past should be buried in oblivion. * * * *

"Burr had a very small tin sign, bearing only his name, nailed up in front of the house. * * * * Beginning with a cash capital of less than ten dollars and that borrowed, he received, for opinions and retaining fees, in the course of his first twelve business days, the sum of two thousand dollars."

The efforts of this heavily-indebted man to liquidate his numerous debts were prolonged through many years.

The details of his struggles to meet the demands of his importunate creditors need not be dwelt upon here. His death on Wednesday, September 14, 1836, at Port Richmond, Staten Island, released him from the great burden of his many afflictions. He had then lived eighty years, seven months, and eight days.

"On the Friday following, his funeral was celebrated. A large party of gentlemen—the Messrs. Swartwout, Major Popham, Judge Edwards, Mr. [M. L.] Davis, and several others reached Port Richmond, from the city [of New York], by an early boat. * * * * In his last days, he had requested to be buried at Princeton, as nearly as possible at the feet of his father and grandfather, the two presidents of the college, who lie side by side in its cemetery. His remains were accordingly conveyed to Princeton, accompanied by the gentlemen just named, and placed in the chapel, where the funeral ceremonies were to be performed.

"An impressive and charitable sermon was preached on the occasion by the Rev. Dr. Carnahan, the president of the college, who, as president, resided in the very house which Colonel Burr's father had built ninety years before, and in which his gifted, erring son had been cradled. * * * *

"The Cliosophic Society, of which the youthful Burr had been one of the founders, voted to attend his funeral in a body, and to wear the usual badge of mourning for thirty days.

"A volunteer company of Princeton, called the Mercer Guards, escorted the remains of the old soldier to the grave, and fired over it the customary volleys. Most of the students of the college, and a large concourse of the people of the town witnessed with curiosity the closing ceremonial which consigned to the grave all that was mortal of Aaron Burr." A few lines from a poetical
tribute to his memory, addressed "To one whom the world reviled," are worthy of repeated publication:

"A few, who disregard the frowns
Of grovelling sons of earth,
Around thee clung in that dread hour
When friendship's balm is sweet—
The hour then left this earthly bar
The world's great judge to meet;
That judge who knows each various spring
That moves the human heart,
Who gives to Death the victory,
But leaves the sting apart;
Who in the balance nicely weighs
Our deeds of good and ill,
Who knows our various faults and crimes,
But leans to mercy still." 1

CHAPTER XI.

HEROES ON LAND AND SEA.

1812-1815.

THE war of 1812 was not a struggle for power and supremacy on the part of the United States of America. It was waged wholly for the protection of its rights on the high seas. Great Britain and France had for five years been engaged in a contest which had not only harmed the commerce of the United States but had caused an open disrespect to be shown the government by Great Britain. Finally so violent was the character of the offenses of this last-named power, that the committee on foreign relations made them the subject of a report to congress presented on the twenty-ninth of November, 1811, in which the committee said in behalf of the United States:

"If it be our duty to encourage the fair and legitimate commerce of this country by protecting the property of the merchant, then, indeed, by as much as life and liberty are more estimable than ships and goods, so much more impressive is the duty to shield the persons of our seamen, whose hard and honest services are employed equally with those of the merchants in advancing, under the mantle of its laws, the interests of their country.

"To sum up, in a word, the great cause of complaint against Great Britain, your committee need only to say, that the United States as a sovereign and independent power claim the right to use the ocean, which is the common and acknowledged highway of nations, for the purposes of transporting in their own vessels the products of their own soils, and the acquisitions of their own industry to a market in the ports of friendly nations, and to bring home in return such articles as their necessities or convenience may require, always regarding the rights of belligerents as defined by the established laws of nations.

"Great Britain, in defiance of this incontestable right, captures every American vessel bound to or returning from a port where her commerce is not favored; enslaves our seamen, and, in spite of our remonstrances, perseveres in these aggressions.

"To wrongs so daring in character and so disgraceful in their execution, it
is impossible that the people of the United States should remain indifferent. We must now tamely and quietly submit, or we must resist by those means which God has placed within our reach.

"Your committee would not cast a shade over the American name by the expression of a doubt which branch of this alternative will be embraced. The occasion is now presented when the national character, misunderstood and traduced for a time by foreign and domestic enemies, should be vindicated. If we have not rushed to the field of battle like the nations who are led by the mad ambition of a single chief in the avarice of a corrupted court, it has not proceeded from the fear of war, but from our love of justice and humanity. That proud spirit of liberty and independence which sustained our fathers in the successful assertion of rights against foreign aggression is not yet sunk. The patriotic fire of the Revolution still lives in the American breast with a holy and unextinguishable flame, and will conduct this nation to those high destinies which are not less the reward of dignified moderation than of exalted valor. But we have borne with injury until forbearance has ceased to be a virtue. The sovereignty and independence of these states, purchased and sanctified by the blood of our fathers, from whom we received them not for ourselves only but as the inheritance of our posterity, are deliberately and systematically violated. And the period has arrived when, in the opinion of your committee, it is the sacred duty of congress to call forth the patriotism and resources of the country. By the aid of these, and with the blessing of God, we confidently trust we shall be able to procure that redress which has been sought for by justice, by remonstrance, and forbearance in vain."

On the sixteenth of December, congress adopted the resolutions appended to the report, and speedy action was taken to further the necessary preparations for hostilities on the part of the United States.

On the fourth of January, 1812, a bill was passed increasing the number of men in the regular army. "It also provided for the appointment of two major-generals and five additional brigadiers; also for a bounty to new recruits of sixteen dollars, and, at the time of discharge, three months' extra pay and a certificate for one hundred and sixty acres of land. On the fourteenth of the month another act was passed appropriating a million of dollars for the purchase of arms, ordnance, camp-equipage, and quartermasters' stores, and four hundred thousand dollars for powder, ordnance and small arms for the navy. Thus, in a brief space of time, the little army of the peace establishment, which had been comparatively inactive, was swelled in prospective from about three thousand men to more than seventy thousand regulars and volunteers. The president was authorized to call upon the governors of states each to furnish his respective quota of one hundred thousand militia, to be held in readiness to
The act setting forth the beginning of hostilities received the signature of the president, James Madison, on the eighteenth of June. By it war was "declared to exist between the United Kingdom of Great Britain and Ireland and the dependencies thereof, and the United States of America and their territories; and that the president of the United States" was "authorized to use the whole land and naval force of the United States to carry the same into effect, and to issue to private armed vessels of the United States commissions, or letters of marque and general reprisal, in such form as he shall think proper, and under the seal of the United States, against the vessels, goods, and effects of the government of the said United Kingdom of Great Britain and Ireland and the subjects thereof."¹

On the nineteenth of June, President Madison issued a proclamation announcing the declaration of war. Brigadier-General Joseph Bloomfield, commanding the United States forces occupying the fortifications in the city of New York and its vicinity, on Saturday morning, the twentieth, published the fact in the general orders of that day:

"General Bloomfield announces to the troops that war is declared by the United States against Great Britain. By order, R. H. McPherson, aid-de-camp."

"At that time there were in the port of New York the most effective part of the United States navy: the President, 44 guns, Commodore Rodgers, commander; Essex, 32, Captain Porter; Hornet, 18, Captain Lawrence. During the day were added, but remained at Sandy Hook, the United States, 44, Captain Decatur; Congress, 38, Captain Smith; the Argus, 16, Captain Crane; all ready to sail on short notice, with the exception of the Essex, which was ostensibly repairing her rigging and restoring her hold."

On "Sunday morning, about nine o'clock, Commodore Rodgers received official orders from Washington putting him in command of the squadron, and orders to get under way at once. * * * *

"A midshipman on board the Hornet, in his diary says:

"Sunday.—This morning the declaration of war by the United States against Great Britain was read. * * * * At ten o'clock, a.m., Commodore Rodgers hove out the signal to weigh; never was anchor to the cat-head sooner, nor topsail sheeted to the masthead with more dispatch, than upon the present occasion. The smallest boy on board seemed anxious to meet what is now looked upon as the common tyrant of the ocean, for they had heard the woful tales of the older tars. * * * *

"When the ship was under way, Captain Lawrence had the crew called to their quarters, and told them if there were any amongst them who were disaffected, or one that had not rather sink than surrender to the enemy, with gun for gun, that he should be immediately and uninjured landed and sent back in the pilot-boat. The reply was, fore and aft: "Not one."

"The like enthusiasm and bravery prevailed on board the entire squadron. The anchors were heaved, and with Stars and Stripes vigorously flying at the masthead of each, led by Commodore Rodgers' vessel, the President, they sailed down the bay in search of the enemy. * * * *

"At about five o'clock p.m., the commodore passed the light-house off Sandy Hook, and joined those there, and all proceeded to sea, having under his command the frigates President, 420 men, United States, 410 men; and Congress, 400 men, and the sloops-of-war Hornet, 150 men, and Argus, 130 men."

"There were two forts or batteries in the city. * * * * The Southwest Battery (now Castle Garden) was the head-quarters of the military commander of this district from the time of its completion as a fort. The site of it was ceded to the United States government by the city corporation about 1807, and the fort built upon it as a battery. * * * *

"Up the Hudson River, off Hubert Street, about two hundred yards from the shore, to which was a draw-bridge thirty feet wide, was the North Battery. * * * * It would cross fire with the Southwest Battery so as to render it impossible for an enemy's ship to lie off the city in the North River. * * * *

"There were several forts outside the city. The principal works were on Governor's Island. At a point on the island, projecting westward to the edge of the channel, stood Castle Williams. * * * * Fort Columbus, situated on Governor's Island, near the middle towards the southern and eastern side of it, was built on the site of Fort Jay in 1807.

"On Bedloe's Island, lying nearly opposite Governor's Island, and to the west of Castle Williams was a mortar battery called Fort Wood. * * * *

"On Ellis or Oyster Island was an inclosed circular battery of masonry.

"On the east side of Staten Island, at Signal Hill, Fort Richmond, Fort Morton, Fort Hudson were batteries erected for occupation. * * * * Fort Tompkins commanded these, but was not yet completed above the foundation."

There was no fort on the east side of the Narrows, neither at Sandy-Hook, nor at Hell-Gate in the East River.

The total number of guns in the forts was two hundred and eighty-four. Under the call of President Madison for one hundred thousand men from
the militia of the states, to serve not exceeding six months, the quota of the state of New York was thirteen thousand five hundred men.

On the twenty-first of April, Governor Daniel D. Tompkins issued his general order "for the detachment of the enrolled militia required from the state, and specified the quota to be drawn from each regiment of militia in the state, which was then composed of about two hundred infantry regiments," which formed forty-two brigades, in eight divisions.

The governor of the state was commander-in-chief of its militia. The artillery was under the command of Major-General Ebenezer Stevens, and comprised three brigades. Major-General Solomon Van Rensselaer had command of the three brigades of cavalry. The entire enrolled militia of the state of New York was about one hundred thousand men.

All the commissioned officers in the militia were appointed by the council of appointment, of which the governor was a member, and who possessed the sole authority to assign them to the positions of rank held by them. It is said that Governor Tompkins exercised the power of commander-in-chief "in a manner that almost ignored the authority of the council of appointment in the selection of militia officers." In politics the council of appointment at the outbreak of the war "was federal and opposed to the war, while the governor was a democrat and in favor of the war."

"In the early part of June, Governor Tompkins received the following communication from the secretary-of-war of the United States:

"War Department, May 26, 1812.

"Sir:—I am directed by the President to request your Excellency to order into actual services, on the requisition of General Bloomfield, such part of the quota of the militia of the state of New York required by my letter of the 15th of April, as may be deemed necessary for the defence of the city and harbor of New York.

"I have the honor to be, sir,

"Your obedient servant,

"His Excellency, W. Eustis."

"D. D. Tompkins, Albany."

"By brigade orders of June 5, 1812, the quota furnished from the first and third regiments of the first brigade of artillery were formed into one battalion, commanded by Major Robert Swartwout, and the quota from the second and fourth regiments were formed into one battalion to be commanded by Major John

1 Robert, the third son of Abraham and Maria North Swartwout, was then engaged in business with his brother, John, at No. 66 Water Street. On April 18, 1800, he was appointed second lieutenant in the first artillery regiment of militia of the city and county of New York. On March 18, 1803, he was commissioned a first lieutenant in the first regiment of artillery, and on March 15, 1806, captain; and on February 11, 1813, second major. On March 21, 1813, he was commissioned quartermaster-general in the United States army, with the rank of brigadier-general. On June 5, 1816, he returned to civil life by the disbandment of the army organized for the war."
Bleecker. Each of the battalions embraced three companies; those in Major Robert Swartwout's were respectively commanded by Captain Horne and Captain Bloodgood of the first regiment, and Captain Hodgson of the third.

"By general orders, dated June 18th, the detached militia of the state of New York were formed in two divisions and eight brigades. Each brigade was composed of from two to three regiments.

"The second division covered the territory on the east side of the Hudson River, and included the counties of Orange, Rockland, and Ulster [on the west side]. This division was composed of the first, second, third, and eighth brigades of the detached militia. The other part of the state was covered by the first division."

On the twentieth of June, Major Robert Swartwout and Major John Bleecker, with a force of one hundred artillerymen detached from the first brigade, occupied the North Battery (the red fort), off Hubert Street, on an order to do duty there for thirty days.

In compliance with the requisition of the secretary of war of the United States, Governor Tompkins issued the following general order:


"The commander-in-chief is required by the President to order into service, upon the requisition of General Bloomfield, for the defence of the southern portion of this state, a part of the detachment of 13,500 men.

"Major-General Stevens will, therefore, by division orders, require Brigadier General Jacob Morton to order out, upon the requisition aforesaid, such part of the detachment from his brigade of artillery as may not already have been called upon for that purpose, and, in case of invasion of any part of the southern district of this state, he will by virtue of this order consider himself fully authorized to call out immediately the whole of the said brigade for the purpose of repelling such invasion.

"General Stevens is also required to devise and announce beforehand a plan for assembling the artillery detachment, and also the whole brigade, most expeditiously upon a sudden emergency, to fix the respective places of rendezvous for the detachments and their line of march to their respective places of destination, so as not to retard each other. Much reliance is placed by the commander-in-chief in the intelligence, experience, and patriotism of Major-General Stevens, and upon his devotedness to render important services to his country in the present trying crisis. His Excellency confidently hopes that the general will exert his talents, his influence, and his official authority to produce a vigorous prosecution of the war, as the most certain means of ensuring a speedy, honorable and prosperous consummation of it, and a consequent happy and durable peace.

"Wm. Paulding, jr., adjt-gen."
By order, on August 27, the following militia companies proceeded on sloops, to the defence of New York City for ninety days' service: Artillery, under Captain Walker, Albany; Wigton, Hudson; Stocking, Catskill; Nelson, Poughkeepsie; and Butterworth, Newburg. Light infantry, under Captains Buckley, Albany; Pierson, Athens; Lawson, Poughkeepsie; Wilson, Poughkeepsie; Denniston, Newburg; Birdsall, Newburg; and Dubois, Catskill.

On their arrival at the wharves, Governor Tompkins issued this order:

"State of New York, General Orders.

Headquarters, New York, Aug. 31st, 1812.

"A number of volunteer corps from the cities of Albany and Hudson, and the villages of Athens, Catskill, Poughkeepsie, and Newburg, have arrived in this city and will, together with Captain Hartell's company of light infantry, rendezvous at the arsenal, at the corner of White and Elm Streets, to-morrow morning, September the first, precisely at seven o'clock.

"From the arsenal they will proceed to Whitehall, and then embark for the state forts at Staten Island.

"As the above-mentioned troops are destined to aid in the defence and protection of the harbor and city of New York, they will be escorted by the uniform troops of the city from the arsenal to Whitehall.

"For that purpose the first brigade of artillery, the first regiment of riflemen, Major Warner's squadron of cavalry, and the uniform independent companies of the city of New York, not attached to the said brigade regiments and squadron, are directed to parade uniformed and equipped under the command of Brigadier-General Morton, to-morrow morning, at six o'clock.

"By order of the commander-in-chief,

"William Paulding, junr.,

"adjutant-general."

The military named in the order having at the appointed time assembled, they afterward passed in review before Governor Tompkins, who issued, on September 1, an order, in which he made the following commendation and assignments:

"The commander-in-chief feels the greatest satisfaction in announcing to the several independent companies, detached for the public service at the Narrows, the high sense he entertains of their patriotic promptitude in obeying the call of the country. Their appearance and behavior, during the parade of this day, reflects the most distinguished honor on the whole corps, and demand and receive the unqualified praise and thanks of the commander-in-chief.

"The said corps [the five companies of artillery and eight of light infantry] are formed into a regiment, and the following organization of commissioned officers therefore is hereby assigned and confirmed, and all officers herein as-
signed or brevetted, are to be obeyed and respected accordingly in the several offices opposite their respective names, viz.:

"Robert Swartwout, lieutenant-colonel, commandant.
"Alexander Denniston, William Wigton, majors.
"James Williams, adjutant; John Merrifield, quartermaster.
"John Gott, paymaster; Peter J. Van Pelt, chaplain.
"Benjamin De Witt, surgeon; John Barnes, surgeon's mate.  *  *  *  *
"Lieutenant-Colonel Swartwout will report the state of the regiment to Brigadier-General |John| Armstrong [commanding the United States forces in and around the city of New York].

"By order of the commander-in-chief,

"Daniel Dunscomb, jr.,

"aid-de-camp, pro tem."

At that time, Fort Richmond, which was occupied by the regiment commanded by Lieutenant-Colonel Swartwout, mounted eighty-three 32-pounders. There were also there eleven companies of New Jersey militia, comprising about three hundred men, under the command of Major Isaac Andrus.

"The British squadron of war vessels on our coast in the neighborhood of New York, in July, 1812, consisted of the Africa, sixty-four guns, the Sparta, Shannon, and Belvidere, thirty-eight guns each, the Aelurus, thirty-two guns.  *  *  *  *  
No attempt was made, however, to blockade New York city as to trading vessels any more than had been done in a manner for several years previous.  *  *  *  *

"On the first of September there were nineteen privateers belonging to the port of New York, and eleven of them were then at sea, and, on the fifteenth of October, there had been twenty-six privateers with two hundred and twelve guns and 2,239 men from the port of New York alone.  *  *  *  *

"Many of these privateers were not fully manned and equipped when they sailed out of [the harbor of] New York, through Hell Gate, but were fully supplied at the various ports and places along the Connecticut shore before they put out to sea.

"Besides these there was a large number of vessels with letters of marque, that is, they were merchant vessels on voyages to friendly ports, but armed for their own defence in case of attack by an enemy.  *  *  *  *

"The first British war vessel that had ever struck her flag to an American ship-of-war (so far as then known) was the Guerriere, Captain James R. Dacres, who surrendered to Captain Isaac Hull and the United States war frigate Constitution, on the nineteenth of August, at the east of Newfoundland.

"The news of this victory was received with the greatest enthusiasm about the first of September.  *  *  *  *
"The first British flag that was struck to an American victor during the war was on the ocean on the thirteenth of August. It was the British war vessel, the Alert, that surrendered to Captain David Porter and the Essex on that day, but the news of the capture did not reach the United States until several weeks afterward, and Captain Hull’s great victory over the Guerriere had drawn the additional enthusiasm of the belief that it was the first time a British war vessel had struck her colors to an American. The Alert was captured so easily by stratagem and a light skirmish on the part of Captain Porter and the Essex, and he and his crew were absent so long afterward that other and greater victories intervened and received the popular enthusiasm at its flood. *

Many parades and reviews of the militia took place in the city during the summer and autumn. The enemy made no demonstrations of attacking the city during the year and no attack was feared.

The militia stationed there were in good spirits and had a sociable time among themselves. The calamities of war had not been felt by them or their families. *

The detached New York militia and volunteers called into service by requisition on the twenty-seventh of August were not liable to serve more than ninety days after arriving at the place of their destination.

The most notable parade and review of the year was planned to take place on the anniversary of the evacuation of the city by the British on the twenty-fifth of November, 1783. It was celebrated with zeal and sincerity, increased by the incidental interest given by the hostile attitude of the country to the occasion.

The city artillery not on actual duty paraded as usual, and, with the corps of veterans, joined the regiment of artillery and infantry [commanded by Lieutenant-Colonel Swartwout] from Albany, Hudson, Catskill, Poughkeepsie, and Newburg (who had completed their three months’ tour of duty at Staten Island), on the Battery.

At noon the line was formed, and national salutes were fired from the new fort Gansevoort, the West and South Batteries, Castle Williams, Bedloe’s Island, Fort Richmond, by the veteran corps on the Battery, the United States ship John Adams, and the privateer Teazer, which was handsomely dressed in honor of the day.

At half-past twelve o’clock, the troops were reviewed by his excellency, Governor Tompkins and General Armstrong and General Morton, and with their suites, took up their line of march through the principal streets; and were [afterward] dismissed.

The flag of the United States was displayed from the different public edifices and from the shipping in the harbor.
"In the afternoon public dinners were provided by the corporation at the city-hall, by the Tammany Society at Tammany Hall, and by parties at Washington Hall, Mechanics' Hall, and City Hotel. The veteran corps of artillery had a dinner at Becanon's restaurant, and drank patriotic toasts.

"The dinner at Mechanics' Hall was notable for being given by the officers of the Third Regiment of New York State Artillery, Lieutenant-Colonel A. Sitchers, on the occasion of their introduction into Fort Gansevoort [at the foot of West Twelfth Street, fronting on the Hudson River], and being honored by the presence of Governor Tompkins, General Armstrong, General Morton, Adjutant-General Paulding, and many other prominent military men."

Among the volunteer toasts drank was the following one given by General Morton:

"The Northern volunteers under Colonel Swartwout. Their prompt tender of their services is honorable to themselves. Their high state of discipline is honorable to their country."

"In the evening the Park Theatre and Scudder's Museum were brilliantly illuminated, and the dramatic representations were adapted to the spirit of the occasion.

"On the twenty-sixth of November, Lieutenant-Colonel Swartwout's command at Fort Richmond were relieved by the Twenty-fourth United States Infantry."

Two days later, Governor Tompkins, as commander-in-chief of the state militia, issued the following:

"State of New York, General Orders.
Headquarters, New York City, November 28, 1812.

"The uniform troops lately commanded by Lieutenant-Colonel Robert Swartwout, having faithfully performed their tour of duty on the southern frontier of this state, have been discharged with the flattering encomiums of the commanding general, and have returned into the body of the militia.

"In justice to the officers and soldiers of that meritorious corps and to his own feelings the commander-in-chief announces his entire approbation of their patriotic conduct and services and his sincere thanks for their prompt and unanimous compliance with the first call of their country. That promptitude, and unanimity, and their correct, orderly, and soldierly deportment, and their assiduous attention to and extensive improvement in military science, and in all the accomplishments and duties of the patriot soldier have distinguished them as generous and public-spirited defenders of the nation, and entitle them to public applause and gratitude.

"Wm. Paulding, junr.
"adjutant-general."

"By order of the commander-in-chief"
"Several British war vessels appeared off the light-house at Sandy Hook in the afternoon of the twenty-second of January, 1813. The new fort there was not yet ready [for occupation], and the only forts to prevent their entrance to the harbor [of New York] were those on Staten Island. At Fort Richmond, the advance fort, every man was at his post. The furnaces for heating balls were made ready, and everything prepared to give the admiral a warm reception, but he declined it.

"The city was frequently alarmed by signal guns, showing that the enemy was off Sandy Hook and an attempt to proceed up the harbor might be looked for.

"Brigadier-General John Armstrong, who had command of New York since the eleventh of August, 1812, was appointed secretary of war on the thirteenth of January, 1813. The command of the city then devolved on Colonel Henry Burbeck, of the United States artillery, he being the senior United States officer in the district. * * * *

"Volunteering was rapidly progressing. Nearly five thousand militia were fully armed and equipped to defend New York city. They were watching and waiting for an attack. * * * *

"During the month of January, 1813, the volunteer corps, which had been recruited for the defence of New York city, were as follows:

Lieutenant-Colonel A. Sitcher, artillery ...............1,200 men
Lieutenant-Colonel Robert Swartwout, artillery ........1,000 "
Colonel Samuel Hawkins, artillery .................... 800 "
Lieutenant-Colonel Jasper Ward, infantry ............ 500 "
Lieutenant-Colonel Alexander Denniston, riflemen ... 500 "

"On the fifteenth of March, Governor Tompkins' report of the situation stated: 'It is possible that 3,500 troops in actual service are now stationed in and about the harbor of New York, consisting of 250 regular artillerists (exclusive of the recent recruits in the city and its vicinity), of Colonel Hawkins' regiment of volunteers about 1,000 strong, and Colonel Sitcher's, of the same number, and a consolidated regiment of volunteers about 1,000 more men. These volunteers are, by the terms of their enlistment, engaged for the defence of the city and harbor of New York alone, and are not liable to be ordered elsewhere.

"The first brigade of state artillery, a very well-disciplined and spirited corps, which has seen three months' service, can probably, upon emergency, turn out at least 800 effective men, and the veteran corps and other associations at least 200 men.'

The first person surnamed Swartwout to enter the naval service of the United States, it seems, was Thomas, the fourth son of Colonel Barnardus and Mary Brower Swartwout. On May 28, 1800, when fifteen years old, he was appointed by President John Adams a midshipman and assigned to the New York, then Captain Robertson, carrying thirty-six guns. From that vessel he was transferred to the frigate Essex, of thirty-two guns, Captain William Bainbridge, commandant.

The secretary of the navy, having, on the twentieth of May, 1801, ordered the frigates President, Commodore Richard Dale, Philadelphia, Captain Samuel Barron, Essex, Captain William Bainbridge, and the schooner Enterprise, Lieutenant-Commandant Andrew Sterrett, to be prepared for sea, Captain Bainbridge immediately proceeded to New York city to superintend the equipment of the Essex. As soon as the squadron was ready for sea-service, it sailed from Hampton Roads for the Mediterranean, where it was sent to protect the merchant vessels of the United States against the cruisers of the bashaw of Tripoli. On the arrival of the squadron in the Mediterranean, Captain Bainbridge, by the order of Commodore Dale, cruised off the ports of Algiers, Tunis, and Tripoli, and during the winter and spring of 1802 convoyed the United States merchantmen across the sea in safety to their various destinations.

Unhappily for Midshipman Swartwout a personal difference between him and James S. Higinbothom, also a midshipman on board the Essex, led to a duel, and he was killed by his opponent.

The unseaworthiness of the Essex caused Captain Bainbridge to be ordered to return to the United States with the frigate, and he arrived at the port of New York on the twenty-second of July, 1802.

In a letter of inquiry, dated “New York, July 24, 1802,” addressed to Captain Bainbridge, Colonel Swartwout wrote:

“Being the father of that very unfortunate young man, Mr. Thomas Swartwout, late a midshipman under your orders, who, while engaged in an honorable pursuit—that of serving his country—fell a victim to the (false) laws of honor to the great affliction of his relatives, * * * * * I therefore take the liberty, sir, to ask the favor that you will direct the purser to exhibit his account with the deceased, and to pay me whatever may be due, or to instruct me where to apply for it.”

The sympathetic officer at once answered with the following communication:


Sir:—I have received your letter respecting the wages of your unfortu-

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1 By a law passed by Congress, approved March 3, 1801, the president was authorized to place the navy on a peace-footing, by retaining for service the thirteen frigates, United States, Constitution, President, Chesapeake, Philadelphia, Constellation, Congress, New York, Boston, Essex, Adams, John Adams, and General Greene.
nate son, Mr. Thomas Swartwout, who unknown to me, and contrary to the expressed discipline of the ship under my command, at Algeciras, on the 30th of March, met and fought with Mr. Higinbothom, midshipman, on board the same ship, and unfortunately fell.

"I endeavored to have him interred at Gibraltar, supposing it would be more gratifying to the feelings of his relatives to have him buried in an English place, but I could not obtain permission. He was laid at Algeciras, 1 in Fort St. Jago. His clothes were taken charge of by a midshipman by his particular request.

"I shall instruct Mr. [Timothy] Winn, the purser, to settle his account with you.

"I am very respectfully, sir,

"Your most obt. servant,

"Wm. Bainbridge.

"B. Swartwout, Esq." 2

Augustus, the seventh son of Colonel Barnardus Swartwout, then sixteen years of age, was appointed, on January 1, 1812, by President James Monroe, a midshipman in the United States navy. His participation in the famous action on the tenth of September, that year, on Lake Erie, was a consequence of certain measures taken by the United States government to obtain the command of its waters.

"During the summer and autumn of 1812, Captain Oliver H. Perry, of Rhode Island, a zealous naval officer twenty-seven years of age, was in command of a flotilla of gunboats on the Newport station. He was very anxious for service in a wider field of action—on the lakes or the broad ocean—where he might encounter the enemy and win distinction. In November he offered his services for the lakes; and, on the first of February following he received a cordial letter from Commodore Isaac Chauncey, in which that gentleman said: ‘You are the very person that I want for a particular service, in which you may gain reputation for yourself and honor for your country.’

"This service was the command of a naval force on Lake Erie. Captain Perry was delighted, and his joy was complete, when, on the seventeenth of the same month, he received orders from the secretary of the navy to report to Commodore Chauncey, at Sackett’s Harbor, with all the best men of his flotilla in Narragansett Bay. Before sunset that day he had dispatched Sailing-master A——, with fifty men and officers, for the eastern shore of Lake Ontario. Two days afterward another company of fifty men were sent to the same destina-

1Algeciras, a seaport town of Spain, in Andalusia, province of Cadiz, on the west side of the Bay of Gibraltar, opposite and six miles west of Gibraltar.

2Barnardus Swartwout’s papers and letters in the possession of one of his descendants.
tion, under Sailing-master Champlin; and on the twenty-first fifty more, under Sailing-master Taylor, left Providence and followed their companions. Twenty hours later Captain Perry left his pleasant home in Newport, with his little brother, James Alexander, then only thirteen years of age, and was on his way, in a sleigh. He stopped part of a day at Lebanon, Connecticut, to visit his parents, and on the twenty-eighth he met Commodore Chauncey, at Albany. They journeyed together northwardly through the wilderness, and arrived at Sackett’s Harbor on the evening of the third of March. There Captain Perry remained a fortnight on account of an expected attack by the British. The menaces of danger ceased, and the young commander was ordered to Presqu’
Isle (now Erie), to hasten the equipment of a little squadron then in process of construction there. * * * *

"Captain Perry's fleet was completed and finished on the tenth of July, but, alas, he had only men enough to officer and man one of the brigs, and he was compelled to lie idle in the harbor of Erie, an unwilling witness of the insolent menaces of the enemy on the open lake."

On the nineteenth, "in the bitterness of a mortified spirit, Captain Perry wrote to Commodore Chauncey, his chief, saying: 'The enemy's fleet of six sail is now off the bar of this harbor [Presqu' Isle]. What a golden opportunity, if we had men! Their object is, no doubt, either to blockade or attack us, or to carry provisions or reinforcements to Malden. Should it be to attack us, we are ready to meet them. I am constantly looking to the eastward; every mail and every traveler from that quarter is looked to as the harbinger of the glad tidings of our men being on the way. * * * *

'Give me men, sir, and I will acquire both for you and myself honor and glory on this lake, or perish in the attempt. Conceive my feelings: an enemy within striking distance, my vessels ready, and not men enough to man them. Going out with those I now have is out of the question. You would not suffer it were you here. Think of my situation: the enemy in sight, the vessels under my command more than sufficient and ready to make sail, and [I] obliged to bite my fingers with vexation for want of men.' * * * *

"On the ninth of August, the squadron was joined at Erie by Captain Jesse D. Elliott, who brought with him about one hundred officers and superior men."

The vessels with which Captain Perry went into the memorable action on the lake, on the tenth of September, were the brig Lawrence, carrying twenty guns; the brig Niagara, Captain Jesse D. Elliott, twenty guns; the brig Caledonia, Captain Daniel Turner, three guns; the brig Somers, Sailing-master Thomas C. Almy, two guns; the schooner Ariel, Lieutenant John H. Packet, four guns; the schooner Tigress, Lieutenant Augustus H. M. Conklin, one gun; the schooner Scorpion, Sailing-master Stephen Champlin, two guns; the schooner Porcupine, Midshipman George Senat, one gun; and the sloop Trippe, Lieutenant Thomas Holdup, one gun; the whole number of mounted guns being fifty-four.

The British fleet, under the command of Captain Robert H. Barclay, who had served with Nelson at Trafalgar, comprised the flagship Detroit, nineteen guns; the Queen Charlotte, seventeen guns; the Lady Prevost, thirteen guns; the brig Hunter, ten guns; the sloop Little Belt, three guns; the schooner Chippewa, one gun; in all sixty-three guns, not counting several swivels.

The officers and cadets on the United States flagship Lawrence were Oliver H. Perry, captain commanding; John J. Yarnall, lieutenant; Dulany Forrest,
lieutenant; Samuel Hambleton, purser; Usher Parsons, acting-surgeon; William V. Taylor, sailing-master; Thomas Breeze, chaplain; Augustus Swartwout, midshipman; Peleg K. Durham, midshipman; Henry Laub, midshipman; Thomas Claxton, midshipman; James Alexander Perry, midshipman; John Fox, gunner; Joseph Cheeves, boatswain; John Brooks, lieutenant of marines; James Tull, sergeant of marines; and William S. Johnson, sergeant of marines.

On the evening before the engagement between the fleets, and at the close of a conference with his officers, it is said Captain Perry displayed before them a large blue battle-flag, between eight and nine feet square, which at his request, Samuel Hambleton, the purser, had caused to be made privately, at Erie, for the flagship. On it, in large white muslin letters, were the alleged dying words of Captain James Lawrence, the gallant commander of the Chesapeake, "Don't give up the ship."

"The morning of the tenth of September, 1813, dawned fine and fair," at Put-in-Bay, on the north side of Put-in-Bay Island, in Lake Erie. "A light breeze was blowing from the south. Very early a number of sail was seen out on the lake beyond the point, and soon the strangers were discovered to be the British fleet.

"Everything depended now upon the speed with which the Americans could prepare for action. In twelve minutes every vessel was under way, and sailing out to meet the oncomers; the Lawrence led the line. As the two fleets approached, the British concentrated the fire of their long and heavy guns upon her. She came on in silence; at her peak was flying a huge motto-flag: plain to view were the words of the brave commander of the Chesapeake: Don't give up the ship.

"The responsibility that rested upon the young commander's shoulders was great; his position was most precarious. This was the first action between the fleets of the two hostile countries; it was a battle for the dominion of the lakes; defeat meant that the English could land at any time an expeditionary force at any point they chose along the shores of our natural northern barrier."

"At 11.35 A.M. the Lawrence was near enough to the Detroit to satisfy Perry, who opened fire with the long twelve on the bow; the Caledonia, that was astern of him, followed, while the Niagara, next in line, began to fire the long twelve also, though it was at a very long range. Meantime the Scorpion and Ariel were doing their best, of course. The squadrons became fogged in with smoke—a smoke bank in which the darting flashes of the guns tore long rifts, and which the variable breeze swayed hither and yon as it swelled on the air.

"In a few minutes the advantage which the British commander held in his
concentration of power over the scattered weight of the American metal—the gathering of his long guns on the large ships as well—became apparent. For the Lawrence was about as near to the Hunter and the Queen Charlotte as she was to the Detroit, and all three of these ships concentrated their fire upon her, while Perry made sail to close in on the Detroit. Even the Lady Prevost was able to reach out with her three long guns to tear the life out of the Yankee flagship.

"How long could the American commander and his ship stand such pelting as that? For more than two hours. At noon his short guns were still unable to reach the Detroit, and he passed the word by trumpet down his line ordering all the vessels to close as rapidly as possible with the enemy's to which they had been assigned. Every vessel got this order—Elliott, on the Niagara, himself passed it—and every officer except Elliott obeyed it as well as the faint wind would permit.

"But as the Americans closed in the three British ships—the Detroit, the Hunter, and the Queen Charlotte—formed a crescent around one side and the stern of the American flag-ship, the Hunter taking a place where she could fairly rake the Lawrence aft and fore, and the Lawrence was supported only by the Ariel and the Scorpion. There were but seven long guns on the three American vessels actually engaged, to thirty-two on the British vessels that were pelting the Yankee flagship. But in spite of such hopeless odds, Perry drove his ship into the thick of it until within half a musket-shot of the Detroit, and there worked his guns, both long and short, for life.

"As he stood on the quarter-deck, cheering his men, his little brother of thirteen stood beside him, wholly undismayed. The balls came crashing through the bulwarks, hurling unfortunates as mangled corpses across the deck, and driving the radiating splinters like jagged arrows into those who stood near by. The blood of wounded and dead splashed and flowed across the deck. The men pushed aside the limbs and dismembered bodies of their shipmates when working the guns. The surgeons' assistants hurried to and fro, carrying the wounded below, while here and there a wounded man with bandage on his head or shoulder comes up to take again his station. The roar was incessant, the air a grimy cloud filled with the debris of splintered bulwarks and spars and shredded sails and hammocks, and of the down of cat-tails that the crew had gathered and stowed with the hammocks in the bulwarks.

"Lieutenant Yarnall, the executive officer, came aft, his face covered with blood and his nose swelled enormously because a splinter had been driven through it.

"'All the officers in my division are cut down,' he said. 'Can I have others?'

"He got others, and went forward. Two musket-balls passed through the
hat of the lad by the side of Perry, and then a splinter darted through his clothing, but still the lad did not flinch. And then, suddenly, he was knocked across the deck, and for once the face of Perry paled, for he supposed the boy was killed. As it happened, only a flying hammock had struck him, and he was soon on his feet. At this moment Perry turned once more to greet his first lieutenant. He had been wounded twice since going forward. He was fairly drenched with his own blood now, as well as with that of others splashed over him, and the fuzz of the cat-tails had gathered over his face in such masses as almost to conceal his features. He was after more assistants, but Perry could only say:

"I have no more officers to give you. You must try to make out by yourself."

"Going forward, Yarnall did make out by himself. He aimed the guns with his own hands and eyes thereafter. The time had come when Perry, too, like John Paul Jones of old, found it necessary to work the guns.

"The last of Perry's assistants, the gallant Brooks, 'remarkable for his personal beauty,' was struck in the hip by a round shot and knocked across the deck, where he begged, in his agony, that Perry would shoot him. But Perry turned away to fight the guns from which Brooks had been shot to death.

"On the lower deck the scene was soon worse than on the gun-deck, for more than half the crew had been carried there. Surgeon Parsons could not work fast enough. The wounded were stretched out everywhere awaiting their turn to the surgeon's services. And because the ship was of such shoal draft the cannon balls of the enemy crashed in among the wounded. Midshipman Laub, with a tourniquet on his arm, had started to go on deck again when a cannon-ball struck him in the chest and scattered his remains across the deck. * * * * The wounded, who were suffering the tortures of the surgeon's knife, were tortured anew by splinters ripped from the ship's side by the merciless shot, while a scared dog mingled his mournful howls with the crash and roar of battle, and the shrieks and groans of the dying.

"And there was Perry on the upper deck, loading, aiming and firing his guns, while his men dropped around him until at last not enough remained on the quarter-deck to work one gun. Coming to the hatchway Perry asked the surgeon to lend him a man to take a place at the gun. One went, and then another and another, and those who went first were cut down until not one remained below to help the surgeon. And then came Perry to the hatch with a last call for help.

"There is not another man left to go," said the surgeon.

"Are there none of the wounded, then, who can pull on a rope?" asked Perry.
"And at that appeal three men crawled up the hatchway ladder on their hands and knees to grasp the ropes of the gun-tackles. These, aided by Purser Hambleton and Chaplain Breeze, rolled the muzzle of the gun out through the port, where Perry himself aimed and fired it. And that was the last gun fired from the Lawrence. The next broadside from the enemy left her with not a single gun that could be worked, and it severely wounded Purser Hambleton, who was at the side of Perry. At that Perry turned from the gun to look over the whole scene of battle.

"The Lawrence was a wreck. Her bowsprit and masts were almost wholly shot away, and her hull was riddled. Out of a crew of more than a hundred men who had gone into the fight just fourteen remained unhurt. The remnants of twenty who had been killed outright were scattered about the deck. But the great blue burgee with 'Don't give up the ship' still fluttered aloft in the smoke, and Perry was the man for the motto.

"As the firing ceased on the Lawrence, Elliott, who had kept the Niagara clear of the battle during those two long hours, made sail and, after ordering two of the near-by smaller vessels to new stations, headed with a happily freshened breeze for the right of the British line. The eyes of Perry, turning from ship to ship, saw the Niagara, with full, round sails and quickening pace, coming. She was headed to pass more than a quarter of a mile from the disabled Lawrence, but Perry saw in her the means of retrieving what had been lost by the concentration of the enemy's fire upon his own ship. Stripping off the blue nankeen jacket he had worn all day he put on the epauletted coat of his rank, and ordered a boat lowered with four men in it on the side of the Lawrence that was in the lee of the iron storm. The lad, Perry's brother, entered the boat with the men. At the same time the broad pennant of the flag-ship was hauled down, but the gridiron flag of America was left flying where it had been throughout the long conflict. Then, turning to his faithful lieutenant, he said:

"Yarnall, I leave the Lawrence in your charge with discretionary powers. You may hold out or surrender as your judgment and the circumstances shall dictate.'

"Perry, although half surrounded by the enemy and within easy musket range, had determined to shift his flag to the Niagara.

"As he turned to go a quartermaster hauled down the big blue burgee with the Lawrence words of inspiration upon it and gave it to the commander. Climbing then over the ship's side to the boat Perry stood erect in the stern-sheets, the draped flag and pennant across his shoulders and, still standing erect, ordered the men to pull away for the Niagara. Putting their oars against the ship's side they pushed clear, and then, catching the stroke, rowed out from behind the sheltering bulk."
"In a moment the fleet saw through the haze what Perry was trying to do—the Americans with aching anxiety for his fate—the British with a fierce determination to destroy him. A hell of sulphurous flame and smoke belched from the side of every British ship. Every gun of every sort in their squadron that could be brought to bear was aimed at the tiny craft. The round shot ploughed—the grape and canister and musket balls rained about the boat, filling the air with spray and spoudrift—but Perry, standing erect that he might inspire his squadron with his own courage, faced it all—faced it until his men mutinied to save his life and declared they would row no further unless he sat down. And when a round shot crashed, at the last, through the side of the boat, he pulled off his coat, plugged the hole with it, and so reached the side of the Niagara.

"The British had yelled as they fired; now the cheers of the Americans rose triumphantly above the roar of battle. The shifting of his flag to the Niagara was the decisive movement of the battle. Perry saw his opportunity, was quick to take advantage of it, and victory was at hand.

"'How goes the day?' asked Lieutenant Elliott as Perry reached the Niagara's deck. He had been too far away to see for himself.

"'Bad enough,' replied Perry. 'Why are the gun-boats so far astern?'

"'I'll bring them up,' said Elliott.

"'Do so,' said Perry, and jumping into the boat Perry had left, Elliott rowed away to the lagging gun-boats. As Elliott shoved clear, Perry's pennant and great blue burgee fluttered aloft, with signals for closing in on the enemy. The flags were greeted with cheers from every American ship but one. Over on the abandoned Lawrence, Yarnall, having not one gun that he could fire, hauled down his flag to save life. A shout arose from the near-by Detroit. The wounded on the lower deck heard the ominous sound. They asked the cause, and when told that the flag was coming down forgot all else in their patriotism and cried: 'Sink the ship! Sink the ship!'

"But no such despair was felt in any other American ship. On the others the crews, with dancing muscles, sprang to make sail or knelt with clear eyes to look through the sights of the guns they were aiming anew at the British ships. Putting up his helm, Perry squared away and drove his ship through the British squadron, now bunched so that he had the Lady Prevost and the Chippeway on the left and the Detroit, the Queen Charlotte and the Hunter on his right, and all of them but a few yards away as he passed. Into these he fired broadsides double-shotted, as each came in bearing of the guns. The crew of the Lady Prevost fled below, leaving only their captain, Lieutenant Buchan, standing on the quarter-deck, leaning his wounded face on his hands, and staring with insane eyes upon the scene.
Although their crews were exposed to full view and stood waist-high above the bulwarks, the Americans did no dodging; their shots were well directed, and they raked the Englishmen fore and aft, carrying away all the masts of the Detroit, and the mizzen-mast of the Queen Charlotte.

A few minutes after three o'clock, in the afternoon, a white flag at the end of a boarding-pike was lifted above the bulwarks of the Hunter. At the sight of this the Chippewa and Little Jhlt crowded all sail and tried to escape, but in less than a quarter of an hour they were captured and brought back by the Trippe and the Scorpion under the commands of Lieutenant Thomas Holdup and Sailing-master Stephen Champlin.

The victory was complete. The flag of the Lawrence had indeed been struck to the enemy, but she had not been taken possession of. She was yet free, and with a feeble shout that floated out far over the waters, her exhausted crew flung out the flag of their country from her mast-head.

This triumph was a remarkable one in American and British history. Never before had an American fleet or squadron encountered an enemy in regular line of battle, and never before, since England created a navy, and boasted that 'Britannia rules the wave' had a whole British fleet or squadron been captured [by an American fleet or squadron]. * * * *

When Perry's eye perceived at a glance that victory was secure, he wrote in pencil, on the back of an old letter, resting it upon his navy cap, that remarkable dispatch to General William Henry Harrison whose first clause has so often been quoted:

"U. S. brig Niagara, off the Western Sister, head of Lake Erie,

Sept. 10th, 1813, 4 o'clock, p. m.

Dear General: We have met the enemy and they are ours: Two Ships, two Brigs, one Schooner and one Sloop.

Yours, with great respect and esteem,

O. H. Perry."

A few minutes afterward, when, as Bancroft says, 'a religious awe seemed to come over him at his wonderful preservation in the midst of great and long-continued danger,' he wrote to the secretary of the navy as follows:

"U. S. brig Niagara, off the Western Sister, Head of Lake Erie,

Sept. 10th, 1813, 4 p. m.

Sir: It has pleased the Almighty to give to the arms of the United States a signal victory over their enemies on this lake. The British squadron, consisting of two ships, two brigs, one schooner, and one sloop, have this day surrendered to the force under my command, after a sharp conflict.

I have the honor to be, sir, very respectfully, your obt. servant,

O. H. Perry.

The hon. William Jones, secretary of the navy."
"These hurried but admirably-worded dispatches were sent by the same express to both General Harrison and the secretary of the navy.

"Then the ceremony of taking possession of the conquered vessels, and receiving the formal submission of the vanquished, was performed. Perry gave the signal to anchor, and started for his battered flag-ship, determined, on her deck, and in the presence of her surviving officers and crew, to receive the commanders of the captured squadron."

"'It was a time of conflicting emotions,' says Surgeon Usher Parsons, 'when he stepped upon deck. The battle was won and he was safe, but the deck was slippery with blood, and strewn with the bodies of twenty officers and men, seven of whom had sat at table with us at our last meal, and the ship resounded everywhere with the groans of the wounded. Those of us who were spared and able to walk met him at the gangway to welcome him on board, but the salutation was a silent one on both sides; not a word could find utterance.'"

"The next movement in the solemn drama was the reception of the British officers, one from each of the captured vessels. Perry stood on the after-part of the deck, and his sad visitors were compelled to pick their way to him among the slain. He received them with solemn dignity and unaffected kindness. As they presented their swords, with the hilts toward the victor, he spoke in a low but firm tone, without the betrayal of the least exultation, and requested them to retain their weapons. He inquired, with real concern, about Commodore Barclay, and his fellow-sufferers from severe wounds; and he made every captive feel, at that sad and solemn moment, the thrill of pleasure excited by the conduct of a Christian gentleman in the moment of adversity of the recipient of his kindness. * * * * *

"When this sad ceremony was over, the conqueror, exhausted by the day's work, upon which he had entered with a fever-enfeebled body, lay down upon the deck in the midst of his dead companions, and, surrounded by prisoners, and with his hands folded over his breast, and his drawn sword held in one of them, he slept as sweetly as a child. * * * * *

"The light of the morning of the eleventh revealed sad sights to the eyes of the belligerents. The vessels of both squadrons were dreadfully shattered, especially the two flag-ships. Sixty-eight persons had been killed and one hundred and ninety wounded during the three hours that the battle had lasted. Of these, the Americans lost one hundred and twenty-three, twenty-seven of whom were killed; the British lost one hundred and thirty-five, forty-one of whom were killed."

The fiery ordeal through which the flag-ship *Lawrence* passed is disclosed

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1 Surgeon Parsons relates that Captain Perry's first remark on regaining the *Lawrence* was addressed to Purser Hambleton, when he said: "The prayers of my wife have prevailed in saving me."
by the number of casualties on board of it; the number of killed being twenty-two, and that of the wounded, sixty-one. Reporting to the secretary of the navy, on the thirteenth of September, the engagement with the ships of the enemy, Captain Perry, then on board of the schooner Ariel, at anchor in Put-in-bay, wrote:

"The officers and men who were immediately under my observation evinced the greatest gallantry, and I have no doubt that all others conducted them-
Midshipmen Claxton and Swartwout of the *Lawrence* were severely wounded. On board the *Niagara*, Lieutenants Smith and Edwards and Midshipman Webster (doing duty as sailing-master) behaved in a very handsome manner."

The wound received in the arm by Midshipman Swartwout ever after disabled it. The sword of the brave cadet, worn by him on the bloody deck of the *Lawrence*, is now a most precious family souvenir."

"The effect of this victory upon the whole country was electric and amazingly inspiring. * * * * Iluminations, bonfires, salvos of artillery, public dinners, orations, and songs were the visible indications of the popular satisfaction in almost every city, village and hamlet within the bounds of the republic.

"The newspapers teemed with eulogies of the victor and his companions, and the pulpit and rostrum were resonant with words of thanksgiving and praise. The lyre and the pencil made many contributions to the popular demonstrations of joy, and public bodies testified their gratitude by appropriate acts."

Congress expressed its high sense of the honor conferred upon the United States by the gallant conduct of the officers and men composing the American squadron, when it

"Resolved, That the thanks of congress be, and the same are hereby, presented to Captain Oliver Hazard Perry, and through him to the officers, petty officers, seamen, marines, and infantry serving as such, attached to the squadron under his command, for the decisive and glorious victory gained on Lake Erie, on the tenth of September, in the year 1813, over a British squadron of superior force."

"Three months' extra pay was also voted for each of the commissioned officers of the navy and army who served in the battle, and a sword to each of the midshipmen and sailing-masters 'who so nobly distinguished themselves on that memorable occasion.'"*

In accordance with the orders of the war department of March 19, 1813, the United States "were divided into nine military districts, to each of which a general officer of the United States army was assigned, whose duty it was to superintend and direct all the means of defence within his military district. Detachments of troops were stationed at the most exposed places on the sea-

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1 It is twenty-one inches in length, having an ivory hilt surmounted with a gilt eagle's head, and on one side a gilt, inlaid medallion, and on the opposite, an engraved anchor. The blade is of fine steel, and the scabbard of leather, with burnished brass bands and rings.

2 The captured squadron was appraised at $225,000. Commodore Chauncey received $12,750; Perry and Elliott each drew $7,140; each commander of a gun-boat, sailing-master, lieutenant, and captain of marines, $2,395; each midshipman, $811; each petty officer, $447; and each marine and sailor, $295.

board to form rallying points for the militia in the event of invasion; and the commandant of each district was authorized to call upon the governors of the respective states for such portion of the militia most convenient to the menaced point as he should deem necessary, the operations of such troops to be combined with those of the regular force, and the whole to be under the direc-

tion of the commandant of the district, and while in service to be paid and supported by the United States."

Among the persons appointed to fill important positions in the different military districts was Lieutenant-Colonel Robert Swartwout, who was commissioned, on March 21, 1813, a quartermaster-general, with the rank of brigadier-general.

Major-General James Wilkinson, who had been in command of the department of the Gulf of Mexico, was then assigned to the command of the ninth military district, comprising that part of the state of New York lying north of
the Highlands, and the state of Vermont. General Wade Hampton, who had been stationed at Norfolk, Virginia, was also transferred to the ninth military district. "Unfortunately for the good of the public service," these veteran officers of the war of the Revolution, "were now bitter enemies, and so jealous of each other that they would not co-operate," as it will be seen, "at a critical moment."

General Wilkinson on his arrival at Washington, on the thirty-first of July, was cordially received by the secretary of war and President Madison. The general having been "formally invested with the power of commander-in-chief of the army of the north, a plan of the proposed operations of that army during the remainder of the campaign, which the secretary had laid before the cabinet on the twenty-third of July, was presented to him for consideration, with an expressed desire that if he should perceive anything objectionable in the plan he would freely suggest modifications.

"At the beginning of the campaign the secretary was anxious to secure the control of the St. Lawrence River by the capture of Kingston, but circumstances had prevented it. That project was now revived, and had received the approval of the cabinet." It did not, however, strike General Wilkinson favorably, and he suggested modifications.

"The secretary of war, always impatient when his opinions were disputed, at once conceived a dislike of his old companion in arms, whom he had invited so kindly to come north and win laurels, and from that time a widening estrangement existed. Long years afterward the secretary wrote: 'This strategic labor of the general had no tendency to increase the executive confidence in either his professional knowledge or judgment. Still the president hoped that if the opinions it contained were mildly rebuked, the general would abandon them, and, after joining the army, would hasten to execute the plan already communicated to him.'"

The secretary of war "replied courteously to Wilkinson. He adhered to his own plan, but allowed that the fall of Kingston and the attainment of the control of the St. Lawrence might be as effectually accomplished indirectly by a quick movement down the river against Montreal, masked by a feigned attack on the former place. But he decidedly objected to any further movements against the enemy on the Canadian peninsula, as they would but 'wound the tail of the lion,' and Wilkinson departed for Sackett's Harbor [on the eleventh of August] without any definite plan of operations determined upon, while the secretary of war sent instructions to Brigadier-General John P. Boyd to keep within his lines at Fort George, and simply hold the enemy at bay, notwithstanding the American force was much larger than that of the British."

"On his way to Sackett's Harbor, Wilkinson sent from Albany his first
orders to Hampton, as commander-in-chief of the northern army. This aroused the ire of the old aristocrat, whose landed possessions in South Carolina and Louisiana were almost princely, and whose slaves were numbered by thousands. His anger was intensified by his hatred of Wilkinson, and he immediately wrote to the secretary of war insisting that his was a separate command, and tendering his resignation in the event of his being compelled to act under Wilkinson. Wilkinson at the same time was distrustful of the secretary, and evidently quite as jealous of his own rights, for on the twenty-fourth of August he wrote to the secretary of war, saying: "I trust you will not interfere with my arrangements, or give orders within the district of my command, but to myself, because it would impair my authority and distract the public service. Two heads on the same shoulders make a monster." "Unhappily for the country," says Ingersoll, "that deplorable campaign was a monster with three heads, biting and barking at one another with a madness which destroyed them all and disgusted the country.""

"General Wilkinson arrived at Sackett’s Harbor late in August, and found himself nominally in command of between twelve and fourteen thousand troops, four thousand of them, under Hampton, at Burlington, [Vermont,] composing the right wing, and the remainder equally divided between Sackett’s Harbor, the center, and Fort George, the left wing. But his real effective force did not exceed nine thousand men. It had been a sickly summer on the frontier, especially on the Canadian peninsula, and the hospitals were full. The British force opposed to him amounted to about eight thousand. Their right was on Burlington Heights, their center at Kingston, and their left at Montreal."

"On the twenty-eighth of August, General Wilkinson called a council of his officers. It was attended by Major-General Morgan Lewis, Brigadier-General John P. Boyd, and Quartermaster-General Robert Swartwout, and Commodore Isaac Chauncey. It was determined to concentrate at Sackett’s Harbor all the troops of that department except those on Lake Champlain, preparatory to striking ‘a deadly blow somewhere.’"

"The right wing of the army, under General Hampton, was first put in motion, when it was thought that Kingston would be the first point of attack. He was ordered to penetrate Canada toward Montreal by way of the Richelieu or Sorel, to divert the attention of the enemy in that direction." ¹

"After much discussion at Sackett’s Harbor between the secretary of war, General Wilkinson, and others, it was determined to pass Kingston and make a descent upon Montreal. For weeks the bustle of preparation had been great, and many armed boats and transports had been built at the harbor. Every-

thing was in readiness by the fourth of October. Yet final orders were not issued until the twelfth, when a plan of encampment and order of battle was given to each general officer and corps commander, to be observed when circumstances would permit. Four days more were consumed without any apparent necessity, when, on the seventeenth, orders were given for the embarkation of all the troops at the harbor destined for the expedition. At the same time, General Hampton, who had been halting on the banks of the Chateaugay, was ordered to move down to the mouth of that river.

"Embodying at Grenadier Island [in the St. Lawrence River, about eighteen miles from Sackett's Harbor], in more than three hundred boats, protected by some of Commodore Chauncey's squadron, General Wilkinson committed his fortunes to the waves from the twenty-first of October to the fifth of November, which fortnight it consumed to get out of the lake and into the river. During three long weeks, as long as it requires by sail, near twice as long as by steam, to go from America to Europe, the flotilla, with General Wilkinson, ill and morbid, crawled, not vigorously or confidently, but despairingly, as the order in council of war at Sackett's Harbor proposed, to slip down to Montreal. The Odyssey of a calamitous voyage was written every day in the general's boat; mostly bedridden, getting continually worse, he was nearly invisible to his tempest-tossed followers. There were not boats enough even at first; and one-third of what there were, were stranded, sunk, wrecked, or otherwise cast away in transit; the clothing unfit for an inclement and boisterous, wet and tempestuous autumn; the navigation extremely difficult and hazardous; large numbers of officers and men, like their general, prostrate by illness; continually assailed by vigilant and skilful enemies on the water and the shores from batteries at every turn; with shoals, rapids, fogs, storms; provisions unwholesome; clothing soaked with water; ammunition damaged; unfaithful or ignorant pilots—an endless catalogue of misfortunes."

"By the skilful management of Brigadier-General Jacob Brown, the whole flotilla passed Prescott safely on the night of the sixth of November, with the exception of two large boats heavily laden with provisions, artillery, and ordnance stores, which ran aground at Ogdensburg. They were taken off under a severe cannonading from Fort Wellington, and soon joined the others at the 'Red Mill.' Wilkinson was now informed that the Canada shore of the river was lined with posts of musketry and artillery at every eligible point to dispute the passage of the flotilla. To meet and remove these impediments, Colonel Alexander Macomb was detached, with twelve hundred of the élite of the army, and, on Sunday, the seventh, landed on the Canada shore. He was soon followed by Lieutenant-Colonel Forsyth and his riflemen, who did excellent service in the rear of Macomb."
The flotilla arrived at the ‘White House,’ opposite Matilda, about eighteen miles below Ogdensburg, on the eighth, and there Wilkinson called a council of his officers, consisting of Generals Lewis, Boyd, Brown, Porter, Leonard Covington, and Swartwout. After hearing a report from the active chief engineer, Colonel Swift, concerning the reported strength of the enemy, the question: Shall the army proceed with all possible rapidity to the attack of Montreal? was considered, and answered in the affirmative. General Brown was at once ordered to cross the river with his brigade and the dragoons, for the purpose of marching down the Canada side of the river in connection with Colonel Macomb, and the remainder of the day and night was consumed in the transportation.

Meanwhile Wilkinson was informed that a British reinforcement, full one thousand strong, had been sent down from Kingston to Prescott, under the command of Lieutenant-Colonel Morrison. * * * They were joined at Prescott by provincial infantry and dragoons under Lieutenant-Colonel Pearson, and on the morning of the ninth they were close upon Wilkinson with the vessels in which they came down the river, and a large portion of the land troop were debarked near Matilda for the purpose of pursuing the Americans. General Boyd and his brigade were now detached to reinforce Brown, with orders to cover his march, to attack the pursuing enemy if necessary, and to co-operate with the other commanders.

Wilkinson now found himself in a perilous position. The British armed vessels were following his flotilla, and a heavy British force was hanging upon the rear of his land troops, ready to co-operate with the water craft in an attack upon the Americans. They constantly harassed Brown and Boyd, and occasionally attacked the rear of the flotilla. The forces on the shore also encountered detachments coming up from below, and were compelled to make some long and tedious circuits in their march because of the destruction of bridges in the front.

On the morning of the tenth, when Wilkinson was approaching the ‘Long Sault,’ a perilous rapid in the St. Lawrence, eight miles in extent, he was informed that a considerable body of the enemy had collected near its foot, constructed a block-house, and were prepared to attack him when he should come down. General Brown was ordered to advance at once and dislodge them, and at noon cannonading was heard in that direction for some time. At the same hour the enemy came pressing upon Wilkinson’s rear, and commenced cannonading from his gun-boats. The American gun-barges were so slender that the eighteen pounders could not be worked effectively, so they were landed, placed in battery, and brought to bear upon the enemy so skilfully that his vessels fled in haste up the river. In these operations the day was mostly
THE SWARTWOUT CHRONICLES.

consumed. The pilots were unwilling to enter the rapids at night. It was necessary to hear from Brown, for when the flotilla should once be committed to the swift current of the rapids there could be no retreat. These considerations caused Wilkinson to halt for the night, and his vessels were moored a little below Chrysler's Island, nearly in front of the farm of John Chrysler (a British militia captain then in the service), a few miles below Williamsburg, while Boyd, with the rear of the land force, encamped near.

"At ten o'clock in the morning of the eleventh of November Wilkinson received a dispatch from Brown, addressed from 'five miles above Cornwall,' announcing his success in his attack upon the British post at the foot of the rapids, informing him of the wounding of Lieutenant-Colonel Forsyth and one of his men, and urging him to come forward with the boats and supplies as quickly as possible, because his wearied troops were 'without covering in the rain.'"

"This dispatch found Wilkinson extremely ill, and his reply, in which he told Brown of the presence of the enemy upon his rear, and his apprehension that he intended to pass him with his gun-boats and strengthen the British force below, was addressed 'From my bed.' 'It is now,' he said, 'that I feel the heavy hand of disease—enfeebled and confined to my bed while the safety of the army intrusted to my command, the honor of our armies, and the greatest interests of our country are at hazard.'"

"Wilkinson now ordered the flotilla to proceed, and Boyd and his command to resume their march. At that moment information reached the commanding general that the enemy were advancing in column, and that firing from their gun-boats was heard. He immediately sent Colonel Swift with an order for Boyd to form his detachment into three columns, advance upon the enemy, and endeavor to outflank him and capture his cannon. At the same time the flotilla was ordered to lie moored on the Canada shore, just below Weaver's Point, while his gun-boats lay off Cook's Point.

"The brave Boyd, anxious for battle, instantly obeyed. Swartwout was detached with the fourth brigade to assail the vanguard of the enemy, which was composed of light troops, and Covington was directed to take position at supporting distance from him with the third brigade.

"Swartwout, on a large brown horse, dashed gallantly into woods of second growth, followed by the Twenty-first Regiment, commanded by Colonel E. W. Ripley, and with them drove the light troops of the enemy back upon their main line in the open fields on Chrysler's farm, below his house. That line was well posted, its right resting on the St. Lawrence, and covered by Mulcaster's gun-boats, and the left on a black-oak swamp, supported by Indians and gathering militia, under Colonel Thomas Fraser. They were advantageously
formed back of ravines that intersected the extensive plain and rendered the advance of the American artillery almost impossible, and a heavy rail-fence.  

“Swartwout’s sudden and successful dash was quickly followed by an attack on the enemy’s left by the whole of the fourth brigade, and a part of the first, under Colonel J. A. Coles, who advanced across ploughed fields, knee-deep in mud, in the face of a heavy shower of bullets and shrapnel-shells. At the same time General Covington, mounted on a fine white horse, gallantly led the third brigade against the enemy’s left, near the river, and the battle became general. By charge after charge, in the midst of difficulties, the British were pushed back almost a mile, and the American cannon, placed in fair position by General Boyd, under the direction of Colonel Swift, did excellent execution for a few minutes. The squadron of the second regiment of dragoons was early on the field, and much exposed to the enemy’s fire; but, owing to the nature of the ground, was unable to accomplish much. At length Covington fell, severely wounded, and the ammunition of the Americans began to fail. It was soon exhausted, and the fourth brigade, hard pushed, fell back, followed by Colonel J. A. Coles. This retrograde movement affected the third brigade, and it too fell back, in considerable disorder. The British perceived this, and followed up the advantage gained with great vigor, and were endeavoring by a flank movement to capture Boyd’s cannon, when a gallant charge of cavalry, led by Adjutant-General Walbach, who had obtained [secretary of war] Armstrong’s permission to accompany the expedition, drove them back and saved the pieces. The effort was renewed. Lieutenant William Wallace Smith, who commanded one of the cannon, was mortally wounded, and it fell into the enemy’s hands.  

“The conflict lasted about five hours, in the midst of cold, and snow, and sleet, when the Americans were compelled to fall back. During that time victory had swayed like a pendulum, between the combatants, and would doubtless have rested with the Americans had their ammunition held out. Their retreat was promising to be a route, when the flying troops were met by six hundred men under Lieutenant-Colonel Timothy Upham, of the Twenty-first Regiment of Infantry, and Major Malcomb, whom Wilkinson had sent up to the support of Boyd. These checked the disorderly flight, and, taking position...”

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1 “The British army, on this occasion, was slightly superior in numbers, counting its Indian allies, to the Americans, and had the double advantage of strong position behind ravines and of freshness, for the Americans had undergone great fatigue. They were formed in what Wellington called en échelon, or the figure of steps, with one corps more advanced than another, as follows: Three companies of the Eighty-ninth Regiment were posted on the extreme right, resting on the river, with a 6-pounder, and commanded by Captain Barnes. On their left, and a little in the rear, were flanking companies of the Forty-ninth and a detachment of Fencibles, with a 6-pounder, under Lieutenant-Colonel Pearson. Still further to the left and rear were other companies of the Forty-ninth and Eighty-ninth regiments, and a 6-pounder, under Lieutenant-Colonel Morrison, whose left rested on a pine forest. In front of all were voltigeurs, under Major Herriott, and some Indians under Lieutenant Anderson.”
on the ground from which Boyd's force had been driven, they gallantly attacked
the enemy, seized the principal ravine, and, with a severe fire at short musket-
range, drove the British back and saved the day.

"Meanwhile Boyd had reformed his line in battle order on the edge of
the wood from which Swartwout drove the foe at the beginning, and there
awaited another attack. It was not made. Both parties seemed willing to
make the excuse of oncoming darkness a warrant for suspending further fight-
ing. The Americans, under cover of night, retired unmolested to their boats,
and the British remained upon the field. Neither party had gained a victory,
but the advantage was with the British."

"On the morning after the battle the flotilla and gun-boats passed safely
down the Long Rapids without discovering any signs of an enemy, and the same
time the land troops marched in the same direction unmolested. At Barnhart's,
three miles above Cornwall, they formed a junction with the forces of General
Brown." * * * *

"On the following day, at noon, when information came that there was a
considerable British force at Coleran du Lac, the foot soldiers and artillerymen
were all embarked on the transports, under the direction of General Brown,
and departed for the Salmon. The horses of the dragoons, excepting about
forty, were made to swim across the cold and rapidly-flowing river, there a
thousand yards wide, and the squadron proceeded to Utica. The flotilla passed
up the Big Salmon River about six miles to its confluence with the Little Salmon,
near the French Mills, when it was announced that the boats were scuttled, and
the army was to go into winter quarters in huts.

"Thus ended in disaster and disgrace an expedition which, in its inception,
promised great and salutary results. It was composed of brave and patriotic
men; and justice to those men requires the humiliating confession from the his-
torian that their failure to achieve complete success is justly chargeable to the
incompetency of the chief commanders, and the criminal indulgence on the part
of those commanders of personal jealousies and animosities.

"The appointment of Wilkinson to the command of the northern army was
a criminal blunder on the part of the government. His antecedents were well
known, and did not recommend him for a responsible position. The weakness
of his patriotism under temptation, and his too free indulgence in intoxicating
liquors, were notorious. Hampton was totally unfitted for the responsible sta-
tion in which he was placed, and [General] Armstrong [secretary-of-war], who
was a fellow-soldier with them both in the old war for independence, lacked
some of the qualities most essential in the administration of the extraordinary

1 "The loss of the British in the engagement was 22 killed, 150 wounded, and 15 missing. The
Americans lost 102 killed and 237 wounded."
functions of his office in time of war. His presence on the frontier during the progress of the expedition was, doubtless, detrimental to the service, and he left for the seat of government at a moment when the counsel and direction of a judicious secretary of war were most needed."  

The liability of the city of New York as well as other important places in the state to be attacked by British forces caused Governor Tompkins, on the twentieth of July, 1814, to order and direct that the militia in the less-exposed parts of the state should be "kept in complete order for service, and ready to march at a moment's warning, to any part of the state which might be attacked or in immediate danger of being attacked."

At that time, Cornelius, the third son of Cornelius and Sarah Bedell Swartwout, then thirty-six years of age, was quartermaster of the brigade of Rensselaer County militia, commanded by Brigadier-General Gilbert Eddy, under an appointment made on March 2, 1814, he having been a captain of a company in the one hundred and fifty-fifth regiment composed of Rensselaer County militia. He had been made an ensign in Lieutenant-Colonel Adam Yates's regiment of Rensselaer County militia, on June 4, 1808, from which position he was promoted to that of captain on May 24, 1809. His brother James, eight years his junior, was appointed an ensign on May 20, 1812, and on March 2, 1814, lieutenant in the one hundred and fifty-fifth regiment of Rensselaer County militia, then under the command of Lieutenant-Colonel Thomas Davis.

The perilous situation of the city of New York, in the latter part of August, 1814, made the presence and service there of the militia of the interior of the state at once imperative. By general orders, issued on August 29, the following requisitions were made by the commander-in-chief:

"The detached regiments, commanded by Lieutenant-Colonels Visscher and Davis, will rendezvous, on Monday, the fifth of September, at Albany and Troy, at ten o'clock, in the forenoon, and being there consolidated into battalions, by the respective brigadier-generals, will repair forthwith to New York."

"The artillery, light infantry, and grenadier companies of the counties of

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2 State of New York, General Orders, Head-quarters, Albany, February 16, 1814.

3 A Board of Officers is hereby constituted to settle rank between Captains Swartwout and Deforest of the 155th Regiment of Infantry. The board will consist of Lt. Col. Thomas Davis, as President, and of Lt. Col. Van Schoenhoven, Major Vandercook, and Major Salisbury of the Infantry, of Majors Knickerbocker and Bree of the Cavalry, and Major Koom of the Rifle Corps. The Board will meet at Pearce's tavern, in the village of Troy, on Thursday the 24th day of February instant, at 12 o'clock in the day; of which meeting the President will forthwith notify the members of the Court. Capt. Swartwout and Capt. Deforest. The President of the board is directed without delay to report the facts which may be found by the Board of officers with their opinion thereon.

" By order of the Commander-in-chief.

4 Robert Macomb, aid-de-camp."
Albany, Schenectady, Ulster, Sullivan, Rensselaer, Columbia, Dutchess, and Delaware, with so many only of their officers as may be in proportion to the number of men in each, will immediately assemble and repair to New York, and report themselves to the commanding officer of the third military district."

The menaced condition of the country incited men, in a greater or less degree, in the seaboard cities, to organize themselves into independent military bodies in order that should they be called upon to take part in the defence of their homes they would be better qualified to perform such service by being previously exercised in the use of arms and experienced in field manoeuvres. In some instances considerable painstaking was manifested in the selection of the persons to compose such companies, particularly when the organizers of them desired that the members should be men of marked social standing and intelligence. Upon a basis such as this the organization in the city of New York of the corps of light infantry called "the Iron Grays" was effected in the spring of 1814. The name by which it was distinguished was derived from the color of the uniform worn by the one hundred and twelve officers and men enrolled under that popular title. The first officers of this body of highly-reputable young men were: Samuel Swartwout, captain; Henry Brevoort, jr., first lieutenant; Henry Carey, second; Philip Rhinelander, third, and Gouverneur S. Bibby, fourth.

At no time during the war were the people of the city of New York and its vicinity more alarmed by the movements of the British than they were during the summer and autumn of 1814. The appearance of a fleet of English vessels in Chesapeake Bay, on the twelfth of July, attracted the attention of the country to the exposed condition of the seat of the national government. Little effort, however, was made to put the city of Washington in a defensible position. On the sixteenth of August, the British squadron in the Chesapeake was reinforced by a fleet of twenty-one vessels. The collection of so great a number of the enemy’s war-ships there spread the liveliest apprehensions of an impending calamity over the land. The citizens of Baltimore, Philadelphia, New York, and Boston saw in it indications of peril, and their forebodings quickened their efforts to render their ports secure against the invasive marine of the enemy.

"The mayor of the city of New York, the Honorable De Witt Clinton," issued, through the medium of the city council, a stirring address to the people on the second of August, in which he set forth the importance of New York to the enemy on account of its wealth and geographical position, which increased its liability to attack. He recommended the militia to hold themselves

1 Captain Samuel Swartwout had previously been a first lieutenant in the second regiment in the first brigade of artillery of the city and county of New York, having been appointed to that position on June 8, 1808.
in readiness for duty, and called upon the citizens to offer their personal services and means cheerfully to the United States officers in command there, to aid in the completion of the unfinished fortifications around the city.

"In response to the mayor's appeal, a large meeting of citizens was held in the city-hall park, on Tuesday, the ninth of August, when a committee of defence, chosen from the common council, was appointed, clothed with ample powers to direct the efforts of the inhabitants in the business of protection.

"On the same morning the officers of General Mapes's brigade, to the number of two hundred, gave the first practical response to the mayor's appeal by crossing the East River from Beekman's Slip, and, with Captain Andrew Bremmer's artillery, marching to the lines traced out for the fortifications on the heights around Brooklyn by General J. G. Swift, and taking pick-axes, and shovels, and every other appropriate implement at hand, breaking ground at eight o'clock, and working lustily all day. They were followed the next morning by as many carpenters and cabinet-makers; and only four days after the meeting in the park, the committee of defence announced that three thousand persons were at work on the fortifications.

"They also reported the receipt of large sums of money; and, on the same day, it was announced that 'two hundred journeymen printers, one thousand Sons of Erin, thirty pilots, seventy men from the Asbury (African) Church, with one hundred and fifty other colored men, two hundred weavers, and many heads of manufacturing establishments,' were at work on the lines.

"Two days afterward the city newspapers were suspended, that all hands might work on the fortifications; and, on the twentieth of August, five hundred men 'left on the Jersey steam-boat for Harlem Heights,' to work on intrenchments there; and, at the same time, fifteen hundred 'patriotic Sons of Erin' crossed the ferry to Brooklyn for the same purpose. Two days afterward nearly one thousand colored people crossed the Catharine Ferry to work on the fortifications between Fort Greene and Gowanus Creek; and, on the twenty-fifth, the Washington Benevolent Society, an organization opposed to the war, inspired with zeal for the common cause, went over in a body, with their banner bearing the portrait of Washington—the largest number belonging to one society that had crossed over at one time. On the same day the butchers went to the line to labor, bearing the flag, on which was the figure of an ox prepared for slaughter, which had been used by them in the great 'federal procession,' in honor of the ratification of the national constitution in 1789.

"Masonic and other societies went in bodies to the patriotic task; and school-teachers and pupils went together to give their aid. Little boys, too small to handle a spade or pick axe, carried earth on shingles, and so added their mites in rearing the breastworks. It was a scene like that of cairn-build-
ing in the olden time. The infection spread, and every day citizens from neighboring towns on Long Island, on the Hudson River, and from New Jersey, proffered their services. On that of the thirty-first of August, it is recorded, that full six hundred went over to Brooklyn, and worked by the light of the moon.

"Intelligence of the capture of Washington city reached New York on the twenty-seventh of August, three days after that sad occurrence. The zeal and patriotism of the citizens were increased thereby. In general orders, Governor Tompkins called upon the inhabitants to send arms of every description to the state arsenal, where all fit for service would be paid for. The call was promptly answered.

"On the thirty-first of August there was a grand military review in the city of New York, when about six thousand men were under arms. On the second of September the militia were mustered into actual service, when the division of General Ebenezer Stevens was transferred to the command of Major-General Morgan Lewis. Cadwallader D. Colden was appointed to the command of all the uniformed militia companies of the city and county, and everything pertaining to the military was put upon the war footing of actual service. The citizens continued their zealous labors on the military works all through September and in October, and made the lines of fortifications around New York truly formidable."

Washington Irving, at that time an aide-de-camp to Governor Tompkins, writing from Albany, under date of September 26th, to his friend Major Henry Brevoort, at Burlington, Vermont, tells him: "The Iron Grays go on very well. They are attached to a regiment commanded by Lieutenant-Colonel Cadwallader D. Colden, and will be encamped in a few days in the vicinity of Greenwich."

By general orders, issued on the fifth of November, 1814, Captain Swartwout's company of Iron Grays was attached to Brigadier-General Jacob Morton's brigade of artillery which comprised the second, third, and eleventh regiments, Major Smith's battalion of the ninth regiment, and Major Dunscomb's battalion of Governor's Guards, Major Forbes's battalion of City Guards, and Captain George W. Chapman's Veteran Corps of Artillery.

On the tenth of November Governor Tompkins reviewed the brigade at Gates's grounds, between Kipp's Bay Road and Bellevue Hospital. The brigade took part in the great parade in the city of New York on Evacuation Day, the twenty-fifth of November, when about ten thousand troops stationed there passed in review before Governor Tompkins, the line of the marching military

1 The pictorial field-book of the war of 1812. By Benson J. Lossing, pp. 969, 970.
having extended from Sugar Loaf Street (now Franklin), up Broadway to Twenty-third Street.

Fitz-Greene Halleck, the poet, was a member of

"Swartwout's gallant corps, the Iron Grays—
Soldiers who met their foemen hand to hand,
Or swore, at least, to meet them undismayed." 1

He had been on duty with them at Fort Gansevoort, and shortly after the parade on Evacuation Day, went into winter-quarters with them on the Battery, "where their dress parade continued to be one of the attractions of the town." It is further related that "the civil authorities of the city frequently attended the parades in their official capacity, while the military magnates of the day on duty in New York were constant visitors. Winfield Scott after witnessing the evolutions of 'the Grays,' said, 'they are a glorious body of men.'"

Halleck, writing to his sister Maria, from New York, on the twenty-eighth of December, 1814, thus descants on his military experiences:

"I believe I told you * * * * that, actuated by the 'spirit of seventy-six,' or something of that sort, I joined a volunteer corps for the purpose of rushing to 'glory or the grave,' and defending this famed city against an attack from 'Albion's warrior-isle.' The great respectability of the corps I belonged to—being many of them friends and companions in civil life—and the means we devised to amuse ourselves and 'brush the cobwebs from the brows of care' during our campaign, rendered it, though far from pleasant, at least tolerable; and I do not now look back with regret on the time spent in the camp. * * * *"

"You can judge of what a set of men the Iron Grays were composed when I tell you that many of them were in the habit of coming to the parades preparatory to marching to camp, a distance of three miles, in their coaches and curricles; there they buckled on a heavy knapsack containing blankets and provisions, marched three miles through the mud, and mounted guard, sometimes two, sometimes three days at a time, during which period seven hours out of ten were spent, day or night, in 'pacing to and fro a gravelly bound' of about two rods, with a musket on the shoulder, which, it being some part of the time cold, was not very comfortable; the rest of the time was passed through the day in smoking cigars, lying on the ground before the doors of the tents, etc., etc., being allowed to go but one hundred yards from the guard-tent.

"In the night, when off guard, we bundled in sometimes eight, sometimes sixteen men in a small tent just five and a half feet [?] square with a small, precious quantity of straw to lie on, and our muskets in our arms. To sleep was almost out of the question, as the time we were off guard, even if all had been

1 Halleck's "Fanny," canto lxiv.
quiet, was hardly sufficient to get one's eyes fairly closed; but you must be sensible that out of one hundred men there must be some noisy, crazy fellows, and we had our share of them; so that not a quiet moment could be found all night; either a song, a laugh, or something or other at once dissolved every hope of sleep, if entertained for a moment. For my part, I made it a point not to sleep at all, and sometimes not for forty-eight hours together.

"We marched out to camp twice a week, met in town on the parade-ground four hours each day for the remainder of the week, which, with occasional parades, etc., etc., employed nearly all my time for three months. We received, or rather are to receive, the pay of regulars, eight dollars per month—the whole pay being put into common stock, and the officers sharing equally with the men. A very profitable business, for we spent regularly when in camp three dollars per day. However, we finished our career with éclat, 'served out our term with honor,' as Napperkin says, and received very high compliments from the commander."

While in camp, "near Fort Gansevoort, on Governor George Clinton's farm," Halleck composed his "spirited and patriotic ode," which, "under the most sacred promises of secrecy as to its authorship," he gave "to Charles W. Sandford, a young lawyer, and the youngest member of the Grays, who, being a fine elocutionist, was in the habit of reciting passages of prose and verse for the entertainment of the members of the company. This ode, so well calculated to stimulate their martial ardor, created the greatest enthusiasm among the Iron Grays, and, indeed, throughout the encampment, composed of three thousand volunteers, being a portion of the twenty-five thousand called out by Governor Tompkins for the defence of the city against the apprehended attack by the British. * * * * Halleck never included it in his collected poems, esteeming it as being of a too ephemeral character for that distinction."

"We twine the wreath of honor
Around the warrior's brow,
Who, at his country's altar, breathes
The life-devoting vow;
And shall we to the Iron Grays
The meed of praise deny,
Who freely swore, in danger's days,
For their native land to die?

"For o'er our bleeding country
Ne'er lowered a darker storm,
Than bade them round their gallant chief
The iron phalanx form.
When first their banner waved in air,
Invasion's bands were nigh,
And the battle-drum beat long and loud,
And the torch of war blazed high!"
"Though still bright gleam their bayonets,
Unstained with hostile gore,
Far distant yet is England's host,
Unheard the cannon's roar.
Yet not in vain they flew to arms;
It made the foeman know
That many a gallant heart must bleed
Ere freedom's star be low.

"Guards of a nation's destiny!
High is that nation's claim,
For not unknown your spirit proud,
Nor your daring chieftain's name.
'Tis yours to shield the dearest ties
That bind to life the heart,
That mingle with the earliest breath,
And with our last depart.

"The angel-smile of beauty
What heart but bounds to feel?
Her fingers buckled on the belt,
That sheathes your gleaming steel.
And if the soldier's honored death
In battle be your doom,
Her tears shall bid the flowers be green
That blossom round your tomb.

"Tread on the path of duty,
Band of the patriot brave,
Prepared to rush, at honor's call,
'To glory or the grave,'
Nor bid your flag again to be furled
Till proud its eagles soar,
Till the battle-drum has ceased to beat,
And the war-torch burns no more."  

Halleck also composed a song in honor of the Iron Grays, which was sung to the tune of "Adams and liberty." It comprised six stanzas, the last one of which reads:

"All hail to the band who like Spartans have joined
Heart and hand to repel the assaults of aggression,
Inspired by one soul, and informed by one mind,
They will check by their deeds the inroads of oppression.
May glory emblaze, in the liveliest rays
The patriotic skill of the true Iron Grays;
And gratitude honor the worth of the brave
With a wreath for his brow and a tear for his grave."

1 The life and letters of Fitz-Greene Halleck. By James Grant Wilson, New York, 1869, pp. 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155.
2 The popular song was published in the New York Gazette in 1814.
During the month of September, 1814, Brigadier-General Robert Swartwout was stationed with his brigade of 2,150 men on Staten Island. On the discharge of the brigade, in December following, Governor Tompkins in his general orders of the thirteenth of that month specialized his knowledge of its excellent reputation by saying: "The commander-in-chief presents to the general and his staff his cordial thanks for their zeal, intelligence, and useful services during the period of his command."

By general orders of the fifteenth of September, that year, the battalion under the command of Lieutenant-Colonel Smith of Orange County, and the one under the command of Lieutenant-Colonel Woodward of the same county, were formed into one regiment, and the battalions commanded respectively by Lieutenant-Colonels Bevier and Conners of Richmond County were also formed into one; the two regiments and a detachment of horse artillery from the Richmond County troop were thereupon formed into a brigade commanded by Brigadier-General John Swartwout.¹

On Saturday evening, the eleventh of February, 1815, the following intelligence was sent from the city of New York by special express on horseback to Governor Tompkins at Albany:

"The British sloop-of-war Favorite, James A. Maude, commander, arrived in New York this evening under flag of truce, and Mr. Henry Carroll, one of the secretaries to our ministers at Ghent, and Mr. A. St. J. Baker, secretary to the British legation to the United States. Mr. Carroll has the treaty of peace, concluded and signed by the British Commissioners at Ghent, on the twenty-fourth of December, and the latter, with the same, ratified by the Prince Regent, and which, when approved by the president and the United States senate, will be effectual, and is to be immediately communicated by Mr. Baker to the British fleet and armies."

The treaty was laid before the senate on the afternoon of the fifteenth of that month. It was ratified by that body in secret session, and returned on Friday, the seventeenth, to the president of the United States for his signature.

The Hamilton Society was the first organization in the city of New York to celebrate the treaty of peace, which was enthusiastically honored with suitable exercises at Washington Hall, on the evening of the twenty-first of February. James W. Gerard, a young attorney, who, as a member of the Iron Grays, had served in the defence of the city, delivered an eloquent oration before the large assembly of the society.

¹ On March 29, 1803, he was appointed second major in the regiment of artillery of the city and county of New York; on April 2, 1804, first major in Lt.-Col. Peter Curtenius's regiment; on March 27, 1805, lieutenant-colonel of the second regiment, first brigade, under Brigadier-General Jacob Morton.
His excellency, Governor Daniel D. Tompkins, issued the following order to the militia of the state:

"State of New York, General Orders.
Head-quarters, Albany, 22 February, 1815.

The commander-in-chief announces with the most heartfelt satisfaction to the militia of the state of New York the ratification of a treaty of peace between the United States and Great Britain.

In congratulating them on this auspicious event he cannot withhold an expression of his praise and gratitude for the promptitude and fidelity with which they have on all occasions obeyed those various calls for service in defence of the state, which its safety compelled him to make. While he applauds their soldier-like deportment in arms and their fortitude, which they have evinced under the sufferings and privations of war, he cannot but hope that the accomplishment of an honorable peace, the smiles of an approving conscience, and the gratitude of a virtuous and patriotic people, will be regarded by them as an ample reward for their many sacrifices.

The commander-in-chief is especially charged by the president of the United States to convey to the militia of this state his thanks for the patriotism, zeal, and perseverance so eminently displayed by them in defence of the rights of their country."

Among the memorable events which many of the surviving soldiers of the war of the Revolution regarded with gratified pride was the visit of the Marquis de Lafayette to the United States, in 1824. The distinguished French general was then sixty-seven years old, and was greeted by them with the heartiest evidences of respect and esteem. The different cities and villages which had the honor of hospitably entertaining him and his suite enthusiastically vied with one another in manifesting their joy in having him participate in the festivities and parades they had inaugurated to express their gratitude and reverence for him the nation's guest.

None of the veterans of the war of the Revolution was more delighted to have the opportunity of personally welcoming General Lafayette than General Jacobus Swartwout, who, although at that time was entering upon the ninetieth year of his age, gladly journeyed from Swartwoutville to Poughkeepsie to renew the intimacy which he and the affable and courteous marquis had formed while he was occupying as his head-quarters the Brinckerhoff homestead, in sight of General Swartwout's farm, in the town of Fishkill.

THE SWARTWOUT CHRONICLES.

Under the heading, the "Reception of General La Fayette," the Republican Telegraph of Poughkeepsie, of Wednesday, September 22, 1824, gives the following particulars of the event:

"This venerable guest of the nation arrived at Poughkeepsie in the steamboat James Kent, on Thursday morning [September 16], and was received in a manner very gratifying to the general, and highly creditable to the village. He left New York on Tuesday morning, and arrived at West Point at about 12 o'clock. Of his reception at that place, and also at Newburg, some particulars may be found in another column.

"At 3 o'clock the next morning the boat came to anchor in the stream off this village, where she remained until nearly 7 o'clock, in order to give the general sufficient time for repose after the fatigue he had undergone during the day and evening previous. When the boat got under way she was completely dressed, displaying the flags of all nations. Thousands of people had at this time assembled on the wharfs and on the bluffs south of the landing, where several pieces of cannon were located for the salute. On the appearance of General La Fayette upon deck, he was greeted with the repeated cheers of the multitude that was assembled, and with fifteen guns, whose majestic thunders were proudly reverberated by the neighboring hills.

"The troops on duty were composed of companies belonging to the several regiments of the 7th division of infantry, commanded by Major-General Brush, and a squadron of cavalry. The boat having arrived at the wharf, General La Fayette, accompanied by Colonel Huger of South Carolina (distinguished for his attempt to rescue the general from the prison of Olmutz), General Van Courtland, General Fish, and General Lewis, was conducted by the committee of arrangements to a barouche with four white horses, in which he was seated. On taking his seat in the barouche, the air again resounded with the cheers of the multitude. General Brush, assisted by Colonel Cunningham, then formed the procession in the following order:

"Captain Weeks's company of cavalry; band of music; major-general's staff, officers mounted; General La Fayette in a barouche; George Washington La Fayette and suite in a barouche; committee of arrangements, committees from Red-Hook, Hudson, and Albany; battalion of troop under Colonel Cunningham; civil officers and citizens.

"The procession then moved with perfect order up Main Street into Academy Street, and down Cannon Street into Market Street, where the troops were formed into a hollow square in front of Mr. Forbus's Hotel, and the general was received by the trustees of the village. He was then conducted to the upper piazza in front of Mr. Forbus's house, and after being in
troduced to the gentlemen attending, Colonel Henry A. Livingston addressed him. * * * *

"In the feeling reply which the general gave to this address, he mentioned the astonishing change which the village had undergone since his former acquaintance with it. He tendered his thanks for the attention he had received, and expressed the great satisfaction which he felt at the reception he had everywhere met with since his arrival in our country. * * * *

"A procession was then formed to the Poughkeepsie Hotel, where the general sat down with a numerous company to an excellent breakfast prepared by Captain Myer. The general was seated at the head of the table, and Major [sic] Swartwout, a soldier of the Revolution, now 95 [sic] years of age, was seated at the opposite end.

"The ladies of the village had decorated the room in a most tasteful and elegant manner, which is correctly described by the editor of the New York Commercial Advertiser: 'At the head of the table hung the well-known and venerated portrait of Washington, and at the opposite end, the grand banner of St. Tammany. On each side of the hall, at suitable distances, were suspended banners, with the arms, name, and motto of each state in the Union. Over the centre of the table hung a canopy formed of festoons of flowers and evergreens of various kinds belted by a ribbon, on which was inscribed the names of the thirteen original states. Over the folding-doors were the well-known words of Welcome La Fayette, made with great accuracy, wholly of pink-colored blossoms of china-aster, and on one of the walls were inscribed the names of Washington and La Fayette, wrought in laurel-leaves, and encircled in garlands of flowers. Directly in front of the general's seat, stood a representation of the temple of Fame.'

"As the general could not prolong his stay in the village without disappointing great numbers of people who would be waiting at the several places along the river in anxious expectation of his arrival, the procession was formed immediately after breakfast, and proceeded to the landing. * * * *

"The boat having received the general and his suite put off into the stream, while thousands of people were repeating their cheers, accompanied by a national salute from the artillery on the bluffs."

The honor of having been seated at the end of the breakfast table opposite the Marquis de Lafayette was eminently due General Swartwout both by reason of his great age and his distinguished civil and military services, but a more distinct evidence of the high appreciation in which he was held by the people of Dutchess County is that his name was the only one mentioned, besides that of the illustrious guest, of the persons seated at the table, in the published account of the incidents of the memorable day.
The decease of the honored soldier and statesman on Tuesday morning, February 16, 1827, in the ninety-third year of his age, permitted the Reverend Cornelius D. Westbrook, D.D., to define in an eloquent manner his exemplary character in a funeral discourse, preached in the Reformed Dutch Church, in the village of Fishkill, and based on the text: "The hoary head is a crown of glory, if it be found in the way of righteousness." Proverbs xvi. 31.
CHAPTER XII.

THE SWARTWOUT MEADOWS.

1814–1826.

THE remunerative reclamation of marshy and waste land to the conditions of cultivation and occupation, as exemplified in Holland and other low regions, suggested in the second decade of this century the recovery for agricultural purposes of the swampy, tide-swept meadows in the state of New Jersey, opposite the southern part of Manhattan Island. The feasibility of making a part of that large extent of bog valuable property by banking it with protecting dikes and draining it by ditches, stimulated the two enterprising brothers, General Robert and Captain Samuel Swartwout, to undertake its rescue from overflowing tides and inundating freshets.

They began their venture by purchasing, on April 15, 1814, three hundred and twenty-seven acres of meadow, adjacent the site of "the new city, Hoboken," belonging to Colonel John Stevens. Their eldest brother, General John Swartwout, soon joined them in advancing the undertaking, and in a short time they were the possessors of four thousand acres lying between Hoboken and Newark.

In order to comprehend the defensive character of the embankments necessary to protect the extensive meadows from the invasive sway of the tides and freshets, the reader should know that the average difference between mean high and mean low water in the Hudson River, opposite Hoboken, is four feet and six inches. "During northeasterly or northerly storms, the level of the water is several feet higher than mean low water, the greatest difference that has been noted being three feet nine and a half inches, that is to say, there have been times, when, even at low tide, the water in the river was nine and a half inches higher than the surface of the meadows. On several occasions the water has risen more than three feet higher than mean high water, and, of course, at such times, the water in the river was four and a half feet higher than the level of the meadows, and one foot higher than the established grade of the meadow streets."
In January, 1817, Colonel John Stevens, who for a number of years had held the proprietary right of operating two lines of ferry-boats plying from Hoboken, one to the foot of Vesey Street, in New York city, and the other to the foot of Spring Street, "sold to John, Robert, and Samuel Swartwout, the exclusive right of ferrying from Hoboken to New York," who "proposed to have on the two ferries, by the first day of the following May, 'two horse-boats and other craft for the accommodation of the public.'

"On the seventh of April, that year, the common council of the city of New York consented to the transfer of the ferry leases and to an extension thereof for ten years, on condition that the Swartwout brothers would give to the city $516.25 a year for the Vesey Street ferry, and within six months, from the first day of the following May, place thereon 'two good horse-boats of not less than eight horses to a boat,' and for the Spring Street ferry, to give $25 a year to the city, and place on that line, 'as many sail or ferry-boats as the corporation might deem proper.' About that time, the landing on the New York side was changed to Murray Street. But that location was found to be too 'remote from the market to accommodate the country people,' and as Vesey Street was 'too much covered with carts,' et cet., Barclay Street was selected as the landing place, on the eighth of June, 1818." Having operated the two ferries over a year, the Swartwout Brothers parted with them to Philip Hone, of the city of New York.

The magnitude of the work of reclaiming the extensive meadows from the dominance of the tides and freshets became at length too burdensome financially for the three brothers, and they were advised by their friends to solicit aid from the city of New York. They made in the early summer of 1819 a formal application to the corporation for assistance in finishing the draining and diking of the meadows, concerning which the following excerpta, from a communication in the New York Evening Post, of Wednesday, July 28, that year will explain their motives for following the suggestions presented them.

"The memorialists predicate the prayer of their petition on the following facts: About five years ago, they purchased four thousand acres of land in the immediate vicinity of New York, commonly called salt-marsh. When they purchased it the land was sunken, spongy, and uncongenial to vegetation, being subject to the constant overflowing of the tide waters. The proprietors immediately commenced a great work to reclaim these meadows by erecting permanent dikes or embankments and opening ditches.

"They have advanced in their undertaking with great success amid all the embarrassments of the country, and made seven and one-half miles of embankment, and one hundred and twenty miles of ditch. Two thousand acres are enclosed by dikes, and thirteen hundred acres completely drained and under
Grains of various kinds, English grasses, garden vegetables, and hemp and flax are found to grow in luxuriance, and no soil is better calculated for grazing.

"Between eighty and ninety cows are now fed upon these reclaimed marshes, and their milk, in a pure state, is daily brought to the city of New York. It is sold at two pence per quart cheaper than milk is generally sold, and should this example produce a general reduction in the price of this important article, the annual saving to our city would amount to nearly one hundred and fifty thousand dollars—a sum far more than sufficient to reclaim the remaining portion of these waste lands.

"Five hundred milch cows could be easily fed on these reclaimed marshes, and milk, butter, and cheese, of a superior quality, be brought to the New York markets, and sold twenty-five per cent, cheaper than the present market-price. It is the intention of the proprietors to convert a large portion of these reclaimed marshes into a milk dairy, and furnish the city with the above-named articles. In addition to the articles of milk, butter, and cheese, the same lands might furnish beef, mutton, poultry, and other kinds of animal food, garden vegetables of every description, every kind of grain, fruits in their season, and hemp and flax for the manufacturer. Experience has abundantly demonstrated that no lands in the world are superior to reclaimed meadows for all the purposes of grazing, and none are more fertile than those at Newark and Hoboken.

"The completion of the undertaking, commenced by the proprietors of these meadows, is identified with the interest, the health, and even with the honor of the city of New York, if she covets the praise which pertains to a high-minded enterprise, and a noble munificence. In her vicinity there are many thousand acres of salt-marsh or meadow capable of being reclaimed and cultivated, although, at present, in a situation which forbids every kind of profit or cultivation.

"On the success of the draining and embankment at Newark and Hoboken depends, in a great measure, the speedy conversion of these lands to fertility and value. If the proprietors of these meadows at Newark and Hoboken should be able to wrest four thousand acres of land from the ocean, and clothe this large tract with luxuriance; if it should be seen covered with valuable crops and whitened with flocks, exhibiting like the marshes of Holland, England, and Denmark, a new creation, rescued from the sea; if the investment of capital in such agricultural improvements should appear to result in permanent profit; then there is an enterprise, an industry, and a perseverance, inherent in our community, which will not slumber until these waste lands contiguous to our city, are redeemed and cultivated. * * * *

"The proprietors of the meadows at Hoboken and Newark, although suc-
cessful thus far in their stupendous undertaking, are, notwithstanding, unable to complete the work without some extraneous aid from the city of New York. They have appealed to the corporation, and simply put the question, shall we proceed in our work, or shall we stop? Now, when they have embarked their fortunes in the enterprise and hazarded the fruits of many years of toil and perseverance; now, when they have waded through years of embarrassment occasioned by the general depression of business; set at defiance, and even silenced, the voice of popular prejudice, and shown in the neglect of public patronage, the solidity and feasibility of their plans; now, when the boon of deliverance and the day of recompence are at hand, and the object of all their labours, anxieties, and expenditures is almost within their grasp, shall they stop short of consummating their plan, when the city of New York, by extending her arm, could crown it with triumphant success? * * * *

"The proprietors do not ask for money from the corporation of the city of New York; they do not ask for grants and donations; they ask the corporation to extend and sustain their credit on paper, and as a security for this extension they tender a mortgage on three thousand acres of this meadow, two thousand of which are embanked and thirteen hundred under cultivation. The credit sought for bears no proportion to the value of their lands. * * * *

"This kind of improvement has for centuries been made the object of parliamentary concern, and within the last twenty-five years the Bank of Copenhagen has advanced about one million of rix dollars to different associations of private individuals for the construction of dikes and the opening of drains and sluices to reclaim waste marshes. * * * *

"In case the corporation should extend any aid adequate to that which is desired, the proprietors of the meadows bind themselves to finish the whole work of draining and embanking the four thousand acres by the first day of November, 1820."

The concluding observation of the writer of the communication regarding the marvellous energy displayed by the projectors of the commendable undertaking affords one with a just conception of the favorable consideration bestowed upon it by the public. "The bold and noble project of these three brothers, which was at first regarded by the timid and calculating as visionary, has proved feasible and shown what may be accomplished by resolution and perseverance when under the guidance of good sense that shows itself in distinguishing between the difficult and the impossible. * * * * To conclude, for want of time to say more, I am glad to see our city papers of all politics and complexions unite in their recommendations of this application; party feelings would be ill-timed and absurd, and to our credit not a trace of them is perceived at this time."
Although aware of the numerous and permanent advantages accruing to the city of New York, on the completion of the important work, the municipal authorities were compelled to declare their inability to extend the aid desired by the petitioners by reason of a lack of authority on the part of the corporation.

At the suggestion of a wealthy Dutch merchant engaged in business in the city of New York the brothers were then induced to send to Holland an application for a loan of money sufficient to insure the completion of their undertaking, and with it maps and other drawings showing the advanced state of the work on the embankments and drains. By reason of the remoteness of the two countries this effort to obtain the needed funds also ended in disappointment.

The sanguine proprietors were then advised to form a company of capitalists, and further the completion of their work with their combined means. Accordingly a memorial with this end in view was presented the general assembly of the state of New Jersey, and the passage of “an act to incorporate the New Jersey Salt Marsh Company” was obtained on January 28, 1820. As recited by the preamble of the act:

“Whereas, John Swartwout, Robert Swartwout, and Samuel Swartwout, in behalf of themselves and their associates, have represented that they are desirous of embanking, draining, ditching, and cultivating certain large tracts of salt meadow or marsh, in the county of Bergen, that great public utility and great benefit to the interest and encouragement of agriculture and internal improvement might result from an act of incorporation for that purpose,” it was enacted by the council and general assembly of the state of New Jersey, “that the said John Swartwout, Robert Swartwout, Samuel Swartwout, together with Cadwallader D. Colden, Isaac Chauncey, William Bayard, Joseph G. Swift, Robert Tillotson, Henry Eckford, Daniel I. Green, Richard Riker, John Graham, Peter A. Jay, George Buckmaster, Robert McQueen, John Targee, Charles G. Haines, James L. Bell, John Condit, Robert Campbell, and William S. Pennington, and their associates” should be “constituted a body corporate by the name and style of The New Jersey Salt Marsh Company.”

As enacted the capital stock of the company could not exceed three hundred thousand dollars, and each share of which, the value of fifty dollars. It was further provided that the affairs of the company should be managed and conducted by a president and twenty directors.

On November 15, 1822, a supplementary act was passed by the council and general assembly of New Jersey empowering the company “to purchase and hold a site for a banking house at Hoboken,” and “to erect thereon a banking-house and such buildings” as might be needed by the corporation, and, “at
the said place, to employ and use one-half of its capital or joint stock for bank-
ing purposes for the term of fifteen years from the passage of the act." As re-
cited in the act, "the name and style of the said corporation" was "thereafter
 to be The Hoboken Banking and Grazing Company," the affairs of which were
to be under the management of a president and six directors.

In September, 1825, the York and Jersey Steam-Boat Ferry Company hav-
ing on May 1, 1823, obtained a lease of the right of ferrying from the city of
New York to so much of the Jersey shore as lay between a point "immediately
south of Hoboken and a point due west from the Battery Castle," assigned its
lease to Francis B. Ogden, Cadwallader D. Colden, and Samuel Swartwout,
to whom the common council of the city of New York gave a new lease of
the ferry for fifteen years and six months from the first day of November, 1825.
The lessees were required at that time to provide two good steam-boats to
ply on the ferry, but later were allowed to use a team-boat in place of one of
the steam-boats. They were also further required to provide the ferry with
row-boats. In October, 1826, Francis B. Ogden and Samuel Swartwout trans-
ferred their interest in the ferry to Cadwallader D. Colden.

The large outlays of money by the Swartwout brothers in the purchase of
the Hoboken and Newark meadows and their improvement failed to render
the undertaking a profitable one. Highly successful as it was in bringing
thousands of acres of watery land into suitable conditions for cultivation and
occupation, it never brought any remunerative returns for the heavy expendi-
tures of its ardent promoters. It must be admitted that it was their financial
sacrifices that rendered practicable in a great measure the use of this area of
marsh-land by the different railroad companies now operating the railways hav-
ing stations at Hoboken and Jersey City. From the windows of the numerous
trains of cars passing across the extensive meadows skirting the municipal lim-
its of the two cities may be seen many miles of the one hundred and twenty of
ditching dug fourscore years ago at the expense of the three Swartwout
brothers.1

1 History of the county of Hudson, New Jersey. By Charles H. Winfield, New York, 1874, pp. 350,
266, 267, 253, 272, 373. Acts of the forty-fourth and forty-seventh general assemblies of the State of
County, New Jersey. By Charles H. Winfield, New York, 1872, p. 40, foot-note. The old merchants of
CHAPTER XIII.

SAMUEL SWARTWOUT, COLLECTOR OF CUSTOMS.
1829-1838.

ON the fourth of March, 1829, General Andrew Jackson was inaugurated president of the United States of America. John Quincy Adams, whom he succeeded, was the only one of his six predecessors who had held the office for four years, each of the others had served two terms. In politics the first two had been federalists and the last four republicans. General Jackson was the first person to represent the democratic party in the administration of the national government.

In his inaugural address in speaking of the appointment of men to offices by the executive, he said: "I shall endeavor to select men whose diligence and talents will insure in their respective stations, able and faithful co-operation, depending for the advancement of the public service, more on the integrity and zeal of the public officers, than on their numbers."

Thirteen days after his inauguration the senate adjourned. During its recess, President Jackson made a number of appointments, embracing ministers plenipotentiary, consuls, collectors of customs, surveyors of ports, naval officers, marshals, district-attorneys, department officials, receivers and registers of western lands, which caused him to be accused by his political opponents of rewarding those of his partisans who had been instrumental in promoting his election and of removing men against whom no act of official delinquency had been proved. He was charged by them "with usurping an authority not conferred by the constitution, which it was contended only gave him the right to fill vacancies either accidentally occurring, or caused by some official misconduct, and even, if acting within the limits of his constitutional prerogative, it was a proscription for opinion's sake contrary to the spirit of our institutions and without a precedent in the history of the country." His partisans, on the other hand, contended "that the executive was solely invested with the right of removal, that it was a discretionary right, for the exercise of which he was responsible solely to the nation, that that power was given to enable him not
only to remove incumbents for delinquency or incapacity, but with the view of reforming the administration of the government and introducing officers of greater efficiency or sounder principles into its various departments." 1

At the time General Jackson was inaugurated president, Jonathan Thompson was collector of customs at the port of New York, although his commission had expired on January 13, 1829. He had been appointed collector on December 13, 1820, by President Monroe. On April 25, 1829, President Jackson removed him and appointed Samuel Swartwout his successor. The new collector began discharging the duties of the office at the custom-house, on the corner of Wall and Nassau streets, on the first of May, that year.

On January 13, 1830, President Jackson sent to the senate the nomination of Samuel Swartwout to be collector of the customs for the port of New York in place of Jonathan Thompson, removed. No action on it was taken by that body until March 29, when it was confirmed by a vote of twenty-five yea's to twenty-one nay's, by which he was re-appointed for four years. The vote of the senate was not, it is said, exclusively that of administration senators. The fact that the confirmation of the nomination was opposed by the Tammany Society because the nominee could not be made subservient to its demands, no doubt, enlarged the negative number of votes.

The bondsmen of the collector were Cadwallader D. Colden, Henry Eckford, Silas E. Burrows, Mangle M. Quackenbos, Benjamin Birdsall, and Charles L. Livingston.

Before the expiration of his term, Samuel Swartwout was again appointed by President Jackson for another term of four years, which ended on March 29, 1838.

Under this appointment his bondsmen were Charles L. Livingston, Mangle M. Quackenbos, and Benjamin Birdsall.

On taking charge of the custom-house, on May 1, 1829, he found on duty there Nathaniel Schultz, who, since 1799, had been serving as auditor of the accounts of the different collectors of customs of the port of New York. At that time also Joshua Phillips was employed there as a clerk, and had been for fourteen years. Both of these gentlemen were retained in service by the new collector, who advanced Joshua Phillips to the position of assistant cashier. At the beginning of his first term, Collector Swartwout appointed David S. Lyon his deputy, Henry Ogden cashier, and Melancthon Smith Swartwout (General John Swartwout's son) clerk.

It is related that "Isaac Sebring, a leading federalist of the old school," was in reduced circumstances at the time Samuel Swartwout became collector. George B. Rapelye, a well-known merchant of the city of New York, thinking

1 The American annual register for the year 1829-30; second edition. Boston, 1832, pp. 16, 18, 19.
that he might obtain for the aged gentleman a position in the custom-house, earnestly solicited the collector to befriend him.

"We must find something for him," said the sympathetic collector, and he sent for Nathaniel Schultz, to whom he imparted the request. The result of their conference was that Mr. Sebring was notified that a position was open to him at the custom-house. When he presented himself there, he feelingly said to the democratic official, who kindly hoped that he would always regard him as willing to be of service to him: "But I am a federalist; I have opposed your party all my life." "Oh, confound it!" interjected the collector, "that has nothing to do with it. You have served your country in war; you have been a leading merchant, and now you are poor. True, you have been a federalist, but you have been loyal to your country." Although Mr. Sebring was over eighty years of age, it is said, the position enabled him to earn a livelihood, "for he was good at figures and was of great service in the auditor's department." 1

The construction of the Mohawk and Hudson Railroad, extending from the city of Albany to Schenectady, nearly sixteen miles long, begun on July 29, 1830, and completed in the spring of 1832, was a work of no little importance at that time. An invitation to enjoy an excursion on it in the fall of 1831 was accepted by a number of prominent officials and merchants of the city of New York, among whom was Collector Samuel Swartwout. The Albany Argus, of September 26, 1831, gives the following account of the noteworthy event:

"On Saturday, September 24th, a numerous company, at the request of the president and directors of the Mohawk and Hudson Railroad Company, enjoyed a very gratifying ride upon the road. The company consisted of the governor, lieutenant-governor, members of the senate, now in session as a court of errors, our senators in congress, the chancellor, and judges of the supreme and district courts, state officers, the president of the board of assistants and members of the common council of the city of New York, the mayor, recorder, and corporation of the city, and several citizens of New York, and Schenectady.

"Owing to a defect in one of the supply-pipes of the English locomotive, that powerful engine was not brought into service, and the party, having been delayed in consequence, did not leave the head of Lydius Street until nearly twelve o'clock. They then started with a train of ten cars, three drawn by the American locomotive 'DeWitt Clinton,' and seven by a single horse each. The appearance of this fine cavalcade, if it may be so called, was highly imposing.

"The trip was performed by the locomotive in forty-six minutes, and by

the cars drawn by horses in about an hour and a quarter. From the head of the plane, about a quarter of a mile from Schenectady, the company were conveyed in carriages to Davis's Hotel, where they were joined by several citizens of Schenectady, and partook of a dinner that reflected credit upon the proprietor of that well-known establishment.

"Among the toasts offered was one which has been verified to the letter, viz.: 'The Buffalo Railroad—may we soon breakfast in Utica, dine in Rochester, and sup with our friends on Lake Erie!'

"After dinner the company repaired to the head of the plane, and resumed their seats for the return to Albany. It was an imposing spectacle. It was a practical illustration of the great preference for this mode of travel and conveyance. The American locomotive started with a train of five cars, containing nineteen or twenty persons each, besides the tender, and never did 'Brother Jonathan,' as it was familiarly called, perform the trip in more beautiful style. It came down with its train in thirty-eight minutes, being at the rate of nineteen miles an hour, the last six miles were performed in fourteen minutes. The cavalcade with horses came down in sixty-eight minutes."

From the favorable impressions which Samuel Swartwout obtained on that occasion of the advantages of railroads to facilitate travel and the transportation of freight, he was stimulated to take an active part in the organization of several companies to operate and maintain lines of railway extending from the city of New York. In the act, passed on April 17, 1832, to incorporate the New York and Albany Railroad Company, he was one of the organizers of it, and named as one of the commissioners to open books to receive subscription to the capital stock. The company, as provided by the act, was empowered to construct a single, double, or treble railroad or way between the cities of New York and Albany, and to extend the same to the city of Troy. In the act to incorporate the New York and Erie Railroad Company, passed April 24, 1832, he is also named as one of its incorporators.

He was highly influential in promoting many of the interests of the city of New York during the period of his service as collector. In the celebration of national, state, and municipal anniversaries, he was frequently induced to act as chief marshal of the military and civic processions of such occasions. He was a popular man on committees. As printed in the city newspapers, his name appears first of the persons named to act as a committee to welcome the return of Washington Irving to America, at a banquet given at the City Hotel on Wednesday afternoon, May 30, 1832: Samuel Swartwout, Ogden Hoffman, Peter G. Stuyvesant, Samuel Verplank, William Beach Lawrence, Charles L. Livingston, Charles Graham, Thomas L. Ogden, Thomas R. Mercein, Thomas W. Ludlow, William Kemble, Edward W. Laight, M. C. Paterson, Myndert
van Schaick, James G. King, Peter Schermerhorn, Philip Hone. As described by the New York Evening Post of May 31 and June 2, the banquet was in every way laudable: "The dinner to Mr. Irving at the City Hotel yesterday was very numerously attended and the entertainment was in all respects such as well comported with the interesting occasion. The spacious assembly-room of the City Hotel was literally crowded with the fellow-citizens of the distinguished guest, all eager to join in rendering a tribute of honor to one who has done so much to advance the honor of his land. Chancellor Kent presided, who was assisted by Philip Hone and J. Duer, esqrs. Professor Renwick, T. L. Ogden, S. Swartwout, and Charles Graham, esqrs., were made vice-presidents. *

"Four ranges of tables, running through the entire length of the spacious apartment, were covered with a tastefully arranged profusion of choice viands and wines. The Right Reverend Bishop Onderdonk asked a blessing upon the feast, and the Reverend Doctor Wainwright briefly returned thanks, in which he alluded to the influence of literature and science upon the cause of religion."

Having in early manhood gained the respect of Andrew Jackson, Samuel Swartwout further won the favorable attention of the hero of New Orleans by his patriotic service with the Iron Grays in taking part in the defence of the city of New York in the war of 1812-15. Later he and the distinguished warrior became closely attached to each other, and in time this attachment made them the stanchest friends. It was certainly no great wonder that President Jackson should make him the recipient of the office of collector of customs for the port of New York when entering upon the administration of the government of the United States. The evidence of the existence of a long friendship between them is clearly disclosed by the style and tenor of the following communication:

"Washington, Nov 26, 1833.

"My dear Sir:—Will you permit me to impose a little trouble upon you. The inclosed letter will inform you that I have made with the writers of the within letter, Howes & Thayer, an exchange of Barouches, theirs to be delivered on the 3d proximo, in New York, at Mr. Hall's, Broad Street—mine in New York, where I am to receive their new carriage with one pair of Harness, my Harness to go with my carriage, for which I am to give them in exchange six hundred dollars, for which purpose I inclose herein a check for six hundred dollars on the office of the Bank of the United States at New York.

"Will you have the goodness to receive the new Barouche, pay the six hundred dollars, hand over my Barouche with her pair of Harness, and deliver the new to Augusta, a free colored man, who will deliver you my carriage, (he sets
out on Thursday next), and take Messrs. Howes & Thayer's receipt in full for the Barouche, and much oblige yr friend.

"We are now all well here, and all join me in kind salutations to your amiable lady and daughter. We are all busy here preparing for Congress and a stormy session. You know I never despair of the republic, and when excited, my health improves with the labour.

"I am very respectfully

"Yr friend,

"Samuel Swartwout.

"P. S.—I shall write a note by Augusta to you which he will deliver you with the Barouche.

Andrew Jackson.

One of the most calamitous of local events chronicled during Samuel Swartwout's second term as collector of customs was the burning of a part of the city of New York in which were most of the great merchandising and shipping houses. The disastrous fire happened on the extremely cold night of the sixteenth and seventeenth of December, 1835. The prevailing low temperature and high wind made the strenuous efforts of the firemen for its suppression almost futile. "Seventeen blocks [of buildings] were consumed and upwards of twenty millions of property converted into smoke and ashes. The burnt district embraced some thirteen acres and nearly seven hundred buildings were swept away [which had been] occupied chiefly by New York's largest shipping and wholesale dry-goods merchants and grocers. * * * * Every insurance company was made bankrupt by the same disaster." 2 All of the United States bonded warehouses were burned except one.

It is not difficult to imagine the grave and perplexing consequences of this sudden and extensive blight upon the business activities of the metropolis. Not a few merchants of wealth were reduced to impoverished conditions from which they were thereafter unable to rise. The straitened circumstances of many severely taxed their energies for years to change to prosperous ones. Means for the erection of new buildings and the purchase of wares and commodities to stock them were not easily obtained and current money quickly ran low in the city channels of trade and manufacture.

The immense losses of the merchants seriously affected the collection of customs, which with the perplexing complications consequent upon the burning of the bonded warehouses necessitated the utmost care and watchfulness on the part of the collector in order to account promptly and accurately to the government the duties paid and unpaid, and to keep the books of the custom-house void of ambiguous and confusing entries. The numerous instances in

1 The letter was found with other private letters of the collector in the custom-house some years after his retirement from office, and published in the New York Tribune.

which, by instructions of the treasury department, the indebtedness of the bankrupt merchants and shippers was left unsettled, weighted him with additional mental burdens, particularly when viewed by him as leaving unextinguished his personal responsibility to the government in the matter of collecting the duties of the port.

The succeeding fourteen months were characterized by a gradual stagnation of business not only in the metropolis but throughout the United States. Early in the year 1837 reports of the suspension of banks in different parts of the country began to be published by the newspapers, and at the approach of the spring months the gloom of a monetary panic overspread the land. On the tenth of May the banks in the city of New York suspended specie payments, and on the following day those in Boston, Philadelphia, Baltimore, and other large cities.

The action of Collector Swartwout on the suspension of specie payments by the banks in immediately declining to receive bank notes in payment of duties, as had been his custom, is indubitably established by the following letter written by him to the Honorable Levi Woodbury, secretary of the United States treasury:


"Sir:—Owing to the heavy run which was made throughout Monday and Tuesday upon the banks of the city, they all came to the determination last evening of suspending specie payments for the present, the deposite banks [in which the collector had been in the habit of depositing money] being included in the number. As soon as the deposite banks opened this morning, I called upon the presidents and cashiers to confer with them in relation to this measure, and have been advised by the Manhattan Company and Bank of America to continue to receive the notes of the city banks as usual.

"On looking over the 'circular to collectors and receivers of public money and to the deposite banks,' I find the instructions so positive that I prefer suspending receipts for bonds in this office, which may be returned from the banks, until I can receive your further instructions. In this decision, I am sustained by the opinion of the district-attorney. Many persons have tendered bank notes for their bonds, which fell due some days since, but I have declined receiving them until I hear from you.

"In order that I may receive the earliest information from you, I shall send this letter by the 'express mail.'

"I am, sir, very respectfully, your most obedient servant,

"Hon. Levi Woodbury.

"Samuel Swartwout.

"P. S. The National Bank refuses to receive the notes of the Mechanics' Bank in consequence of the large balance due them."
In answer to that communication, he received the circular letter addressed to collectors of customs:

"Treasury Department, May 12, 1837.

"If the bank where you deposite should suspend specie payments, you will yourself collect and keep safely in your own hands the public money for all duties at your port, until further directions are given you by this department how to deposit, transfer, or pay it. You must, of course, continue to adhere to the existing laws of congress, and the former instructions of the treasury in respect to the kind of money receivable for customs; and by which it is understood to be your duty to require payments to be made in specie, or the notes of specie-paying banks that are at par.

"Levi Woodbury,
"Secretary of the treasury."

On the receipt of the circular, Collector Swartwout went at once to Washington, where he had not only an interview with Secretary Woodbury, but one with President Jackson. On his return from the national capital, he disclosed to a number of merchants assembled at the Exchange the particulars of those interviews.

The information given the merchants was variously reported to the public by the city newspapers. Having read these diverse accounts of the collector's statements, the secretary of the treasury wrote the following letter to the misrepresented official:

"Treasury Department, May 19, 1837.

"Sir:—This department has, with much surprise, seen several representations in the daily press concerning certain declarations made by you, at a recent public meeting in New York city, as to the course you intended to pursue in future in collecting the public revenue.

"The importance of the subject, and the nature of these representations, render it my unpleasant duty to call your immediate attention to them.

"Some of the accounts of what took place represent you as saying, in substance, that, as the orders of the treasury could not be complied with, you, on your own responsibility, would dispense with them; while others state that you understood a discretion had been left to you by the executive on this subject: and, that, in the exercise of such discretion, you should not conform to the instructions of the department, either by collecting the money yourself, which fell due for duties, or by collecting it in such kind of money as the laws require. Other representations convey the idea that if you pursued such a course the government would make no objection to it.

"Under a belief that in these reports as to your remarks and determination on this subject some unfortunate errors must have occurred, or that you must
have imbibed very incorrect opinions concerning the views entertained by the
department, it becomes proper on the present occasion to repeat, in explicit
terms, the real character and extent of those views.

"1. The order as to the mode of collecting bonds by yourself, rather than
through the banks, and in specie or its equivalent, was, in the last respect, in
accordance with the course which you reported to this department for its ap­
proval on the suspension of payment by the banks. The order was the same
in substance, in all respects, at your port, as that adopted at all other ports in
the United States, where no banks paid specie on demand for their notes, and
where, in that event, the express language of the deposite act of June, 1836,
imperatively required their discontinuance as public depositories; and other
laws virtually forbid the receipt of their notes for duties.

"2. But, in the wide-spread calamity which had recently fallen on the com­
mmercial world, and through it upon those banking institutions in common with
others which were depositories of the public money, it was evident that our
finances must become embarrassed through the previous embarrassments of
others, and that great care and efforts must be exercised to meet faithfully the
current public engagements. At the same time, it was desirable that every
indulgence and forbearance should be exercised, and were intended by the
president and this department to be liberally exercised towards the public
debtors, which those engagements would permit.

"3. Accordingly, in order to mitigate the evils which pressed so heavily on
the merchants, this department, with the sanction of the president, at once au­
thorized a postponement to be granted, in all suitable cases, of the payment of
duty bonds, as well before as after suit: and subsequently as new events justi­
fied, permitted it to be extended till after the commencement of the next session
of congress.

"The department likewise empowered the collectors to receive for duties the
drafts of the treasurer, in favor of the public creditors, which might not be paid
in specie to the holders by the banks on which they were drawn.

"Outstanding debenture bonds are also receivable in the same way: and,
to afford the opportunity to procure further aid and relief, if it shall be deemed
proper by congress, that body has been specially convened by the president
at the earliest convenient day.

"After all these mitigating measures, neither the president nor this de­
partment saw any further indulgence which could be given consistent with the
acts of congress, and which it was within our powers to bestow, limited and
regulated as those powers are by various express laws.

"It was, and still is, hoped that the merchants would, till congress as­
sembled, cheerfully incur the diminished sacrifices, in respect to the payment
of some of the duties, which their liabilities and business may render necessary; and that the officers connected with the customs would feel a pride, as well as zeal, in encouraging them to uphold the laws faithfully, and neither countenance nor permit any departure from them.

"The executive possesses no authority to delegate to you, nor has it intended to delegate any discretion to disregard those laws in any particular, or to act contrary to the instructions of the department which had been issued in conformity to them; nor can it sanction the exercise of any such discretion on the part of any of the officers of the customs.

"It would seem better that the duties, whether due on bonds or in cash, when the goods are entered, and which the merchants may be unable, if not postponed, to pay in any of the legal modes before pointed out, till the early day on which congress convenes, should go entirely unpaid from inability to meet them legally than be collected or discharged in a manner that is not sanctioned either by the acts of congress or our duty to the government.

"The department is willing to make liberal allowances for acts growing out of the sympathy naturally felt for the embarrassments of the commercial community, and the strong desire to contribute to their relief; but you must be sensible that the newspaper accounts which have already appeared are calculated to convey the idea that the president and this department are disposed to overlook, or even to approve, the unauthorized course which it is said you propose to adopt; and it is possible that, from your full knowledge of the sincerity and extent of the anxious desire of the president and of this department to afford relief, you may have entertained the impression that such would be the case.

"It therefore becomes my duty instantly to inform you that all such impressions are erroneous, and it is hoped that many of the considerations before stated will have occurred to you; and that, under their influence, you will continue to discharge your duties in the manner pointed out in the acts of congress and the instructions of this department.

"I am, sir, very respectfully, your obedient servant,

"Levi Woodbury,

"Secretary of the treasury.

"Samuel Swartwout, Esq.,

"Collector, New York."

The injudicious animadversions of the secretary of the treasury, who gave such ready credence to the conflicting statements of the newspapers perused by him concerning the utterances of the collector, stand in strong contrast
with the manly defence of the misrepresented official, who dispassionately wrote the censorious secretary the following answer:


"Sir:—I have the honor to acknowledge the receipt of your letter of the 19th instant, and beg leave to state, that I regret that you should have believed the various reports of the newspapers in regard to the language said to have been made use of by me on the 17th instant. I will give you the precise words made use of by me, and leave you to judge whether there was any impropriety in them.

"Several gentlemen called upon me to request that I should meet the merchants at their exchange, and inform them of the result of my visit to Washington. I did so, and when there, stated, that immediately on the receipt of your communication of the 12th instant, I set out for Washington; that when I arrived there I waited upon the secretary of the treasury, and expressed to him my apprehensions that the order could not be carried out, and begged to know whether some expedients could not be adopted to relieve the merchants from specie payments; that the secretary showed me the law, read it, and observed that it was imperative, and could not be disregarded; that upon this I went to see the president, who gave me the same assurances, expressing, at the same time, his deep sympathy for the merchants who were so unfortunately situated; that as no relief could be offered through the authority of the government, I had offered to act without its orders, provided I was permitted in any way so to do, and that I would throw myself upon the people and congress for my justification; but that this proposition was promptly discountenanced by you. In conclusion I remarked, that notwithstanding the government could not authorize any deviation from the law, I was perfectly willing to take such responsibility, and that I believed the people and congress would bear me out in it. This same declaration was made in your, and the president's hearing, without exciting your alarm in the least at the time.

"In renewing it here, I did not mean to be understood as having acted on it, or assumed it: but simply expressed my belief, in case it should be done, and I was willing to run the hazard, that I, or any other person so doing, would be fully sustained by congress.

"The expression, therefore, of such a belief was not criminal, although to carry it out might have been: but this I did not do.

"The instructions contained in your letter of the 12th instant, and in subsequent orders, have been strictly carried into effect. Not a dollar for bonds, or cash duties has been received at this office since Mr. Ogden received your letter of the 14th instant, in any thing but in specie. 1 I have not authorized or

1 The collector being at that time in Washington. Henry Ogden was the cashier of customs.
countenanced a deviation from it. There has not then been any violation of the orders of the department.

"The most unpleasant circumstance connected with this affair, is the impression that I may have authorized the supposition that you or the president had, by innuendo or intimation of any kind, induced me to assume this responsibility. This is impossible. I may be imprudent, over-zealous, or incautious; but I beg you and the president to believe that I am incapable of duplicity or falsehood. I could not, in the most remote degree, have done so. I never dreamed of such a thing, and never could have entertained the idea, or in the slightest degree have intimated it to others.

"I will detain you no longer than to request that hereafter, when any thing is published in the newspapers reflecting upon this office, you will do me the favor to believe that we are acting for the best, and have no intention of disregarding the directions of the government.

"I am, sir, very respectfully, your most obedient servant,

Samuel Swartwout,

"Collector.

Hon. Levi Woodbury,

"Secretary of the treasury."

This candid and courteous explanation obtained from the secretary a gratifying recognition of the judicious views and assiduous services of the collector:

"Treasury Department, May 24, 1837.

"Sir:—I am happy to receive your three communications of the 22d instant.

They give assurances of your vigilance and fidelity, which are very gratifying in these embarrassing times, and which are perfectly consistent with that deep sympathy which I know you feel in common with the undersigned, and that kind forbearance you as well as myself are disposed to exercise, so far as the laws and official duty may permit, in the present painful crisis.

"I am, very respectfully, your obedient servant,

Levi Woodbury,

"Secretary of the treasury.

"Samuel Swartwout, Esq.,

"Collector of the customs, New York."

It was not uncommon for the secretary to request the collector to send him explanations of the returns made to the department. The following letters will enlighten the reader respecting the nature of such correspondence:

"Treasury Department, August 17, 1837.

"Sir: I perceive in your return No. 31, 'of moneys received and paid' for the week ending the 5th instant, the sum of $92,196.35 for payments on
account of 'revenue-cutters and boats, contingencies, &c.,' and also in the succeeding weekly return, No. 32, the additional sum of $92,003.91 is charged for similar objects. As expenditures for these objects have been heretofore but small, in comparison with these, and as there is some press for money at your port, I will thank you to inform me of the cause of the great increase of expenditures for these purposes.

"I am, very respectfully, your obedient servant,

Levi Woodbury,

Secretary of the treasury.

Samuel Swartwout, Esq.,

Collector of the customs, New York."

"Custom-house, New York, Collector's Office, August 19, 1837.

Sir:—In your letter of the 17th instant, received this morning, it is stated that, in No. 31 of our 'weekly returns of moneys,' $92,196.35 is charged to payments on account of 'revenue cutters and boats, contingencies, &c.,' and in No. 32, $92,003.91 is also charged for similar objects.

"I would first observe, respectfully, (to correct an error,) that these sums have been reversed at the department, through mistake, as it will be found on examination of the returns that in No. 31 the latter amount is given, and in No. 32 the former amount.

"With regard to the great increase of these sums, I have to state, that it is owing to the amount of treasury drafts, and which are thus explained: On the credit side of the return we enter, as so much money, the amounts received on bonds and cash duties by drafts; and to counterbalance these sums, we charge on the opposite side the aggregate amount of the drafts themselves. But, there being no express item in the return to which we could distinctly apply the drafts, they were placed under that of 'revenue cutters and boats, contingencies, &c."

"This was the only place where we thought proper to put the amount, unless it might be under the item 'payments on account of collections,' but even there it would be blended with other sums.

"The true amount in No. 31 of payments actually on account of 'revenue cutters and boats, contingencies, &c.,' is .............. $ 4,844.19

"The amount of treasury drafts ............... 87,159.72

\[\textit{\$92,003.91}\]

"The amount in No. 32, for the same objects is as follows......................... $4,096.68

\[\textit{\$88,099.67}\]

\[\textit{\$92,196.35}\]
"If our course should be disapproved, we might for the present erase the item 'payments in bank to credit of treasurer,' and over it write 'treasury drafts,' and opposite place the amount; or the item might be interlined, as would be best preferred.

"I have the honor to remain,

"Very respectfully, your most obedient servant,

"Samuel Swartwout,

"Collector.

"Hon. Levi Woodbury,

"Secretary of the treasury."

"Treasury Department, August 21, 1837.

"Sir:—The explanations given in your letter of the 19th instant respecting certain items charged in your weekly returns numbered 31 and 32, are satisfactory.

"In future I will thank you, instead of blending the treasury drafts with revenue cutters and boats, contingencies, &c., to adopt the course suggested in your letter, to wit: erase the items of 'payment in bank to the credit of treasurer,' and over it write, amount of treasury drafts taken up and returned to the treasurer; and carry out the sum in the column opposite this entry.

"I am, very respectfully, your obedient servant,

"Levi Woodbury,

"Secretary of the treasury."

"Samuel Swartwout, Esq.,

"Collector of customs, New York."

As many other men of means, Samuel Swartwout became a buyer and seller of railroad and canal stock, and most of his ventures were highly remunerative. These transactions were confined to speculations in stock of the Long Island, Stonington, and Harlem railroad companies, and of the Delaware and Hudson, and Morris canal companies. At one time he purchased a large number of Morris Canal shares, ranging from forty to fifty dollars a share, and afterward had them sold at one hundred and eighty and one hundred and ninety dollars a share, by which he gained from seventy to eighty thousand dollars.

He also invested considerable money in the purchase of extensive tracts of land in Texas and Illinois. At one time he was enthusiastically interested in forming a company to acquire the title and tenure to Galveston Island, lying near the mainland of Texas, and to found on it a city with accessible and spa-
His notable efforts to secure the settlement of colonists on the land possessed by him and other investors in New York city and in other places in the United States, made his name and influence widely known for many years in Texas. Among the places in Texas possessing post-offices in 1840 was Swartwout, in Liberty County, on the east side of Trinity River, about one hundred miles north of Galveston.

Some months before the expiration of his second term of office, he became interested in the organization of a company of capitalists for mining coal and manufacturing iron in the western part of Maryland. Although the financial panic of 1837 still continued to keep the volume of current money small, and debarked the banks from resuming specie payments, he and his associates embarked in the enterprise with a strong confidence that the products of the projected mines would meet with a profitable sale as soon as they possessed the necessary facilities for putting them in the market. As a consequence the passage of an act by the legislature of Maryland was obtained, on March 12, 1838, "to incorporate the Maryland and New York Iron and Coal Company." As provided by it, "Louis Howell, Benjamin B. Howell, and Henry W. Howell, and all and every person," who should "be associated with them under the name of the Maryland and New York Iron and Coal Company," became an incorporated body for carrying on the manufacture of iron and of articles of which iron was a composite part, and for opening, working, transporting to market, and vending the produce of their lands, mines, and manufactories.

On March 29, 1838, Samuel Swartwout's second term of office as collector of customs expired. The return of moneys received and paid by him at the custom-house from the 26th to the 28th of March inclusive, contains a transfer of fifteen thousand dollars to Jesse Hoyt, who had been appointed his successor by President Martin Van Buren. It also presents a balance due the United States of two hundred and one thousand and ninety-six dollars and forty cents, concerning which, on sending the return to the secretary of the treasury, he wrote:

"Custom-house, New York, April 13, 1838.

"Sir:—Herewith you will receive the return of moneys received and paid at this office, for the last three days of my official term.

"By it you will observe there is a balance due the United States of $201,-

1 The island became the site of the city of Galveston. In 1836, it is said, there was hardly one arrival in a month of shipping at its port. In 1837 there were only seven houses on the island. In May, 1839, there were thirty sail of vessels in the harbor at one time; three steamers plying regularly between it and New Orleans, and the same number between it and Houston. There were about three hundred houses on it and a population of more than two thousand souls. Two wharves were building, and the construction of a pier and mole had been begun. The public buildings, although diminutive, were a custom-house, court-house, jail, commissariat, and naval store-house, a market, magazine, armory, arsenal and hospital, and two hotels. "Texas, the rise, progress, and prospects of the republic of Texas. By William Kennedy, London, 1841, vol. ii., p. 407."
THE SWARTWOUT CHRONICLES.

This sum I hold in deposite in bank to my order, subject to the settlement of my accounts, and the decision of sundry suits at law, brought against me to recover duties wrongfully exacted, (as is alleged,) and which are now pending in the courts.

"On the adjustment of my accounts, the amount due to the government will be immediately paid.

"I have the honor to be, sir,

"Your obedient servant,

"Samuel Swartwout,

"Late collector.

"Hon. Levi Woodbury,

"Secretary of the treasury."

The large amount of the balance caused the secretary to write him the following letter:

"Treasury Department, April 16, 1838.

"Sir :—I am in the receipt of your letter of the 13th instant, accompanied by a return of money received and paid at the custom-house for the last three days of your official term, exhibiting a balance due the United States, in your hands, of $201,096.40. This sum, you state, is deposited in bank to your order, subject to the settlement of your accounts, and the decision of sundry suits at law brought against you to recover duties wrongfully exacted, as is alleged, and which are now pending in the courts.

"In reply, I have to remark, that the balance in your hands is so large, and the money so much needed by the treasury, it is hoped that you will make an immediate deposit to the credit of the treasury, of at least one half part of it, and take early steps for adjusting your accounts here, so as to see what portion of the residue should be paid over.

"I am, &c.,

"Levi Woodbury,

"Secretary of the treasury.

"Samuel Swartwout, Esq.,

"Late collector of customs, New York."

To this request, the ex-collector gave the following conclusive answer:

"New York, April 21, 1838.

"Sir :—I have the honor to state, in reply to your letter of the 16th instant, that although the balance in my hands appears to be very large, it will not be more than sufficient for the settlement of the outstanding claims upon me.

"I enclose a letter received yesterday from the district-attorney, showing my individual liability for the judgments obtained against me. I received notice from Mr. Lord yesterday that he would issue an execution against my
furniture, unless I paid the amount of the several judgments forthwith. I paid of course. The next court will pass upon twice as large an amount.

"The notices of protest served upon me for duties paid and passed to the credit of the treasury are estimated at between $200,000 and $300,000, and the circuit court decided that the collector, being alone liable, ought not to pay the duties into the treasury.

"In addition to these immense liabilities, the settlement of damages, when the parties have paid full duties on damaged goods, which cannot be adjusted by the present collector, must take a large sum, and cannot all be brought in under three months.

"I hope, therefore, that you will not consider the present balance in my hands at all unreasonable.

"I am, &c.,

"Samuel Swartwout.

"Hon. Levi Woodbury,

"Secretary of the treasury, Washington."

The letter of the district-attorney, William M. Price, enclosed in the ex-collector's communication to the secretary, reads:

"U. S. district-attorney's office, New York, April 20, 1838.

"Sir:—I enclose a copy of a letter this day received by me from Mr. Lord, on the subject of certain suits against you. The recoveries in those suits are for duties paid by the plaintiffs on certain importations of unbleached linens, which, at the present term of the circuit court, it was decided should have been admitted to enter free of duty. As you levied the duties under instructions of the treasury department, the government must, of course, save you harmless.

"A suit involving the same principle was tried at the last October term, and was the subject of a report by me to the honorable secretary of the treasury, of the 22d of December, 1837.

"I would advise you to pay the amounts stated in Mr. Lord's letter, on proper receipts being presented to you by the attorney for the defendants. Should there be any delay, Mr. Lord will feel obliged to issue executions against your property, to satisfy the judgments, which will not only embarrass you, but materially accumulate expense.

"If you will inform me of your determination, I will communicate it to Mr. Lord.

"I am, sir, &c.,

"Wm. M. Price,

"U. S. district-attorney.

"Samuel Swartwout, Esq."

The suits mentioned in the two letters were those of Thomson, Austen, &
Company, and of Charters, against the late collector, which aggregated, with costs, $5,561.63.

Possessing, as he did, highly valuable property in the city, the ex-collector could not but recognize the discreditable method adopted to secure the speedy payment of the several judgments. Unable in any way to free himself from the liabilities which his official transactions as collector of customs subjected him, and would subject him until all the protests were paid by him which had been served upon him by different merchants and shippers for recoveries of money, deposited in bank by him at the time of collection to the credit of the government, estimated at between $200,000 and $300,000, he at once paid the amount of the several judgments. In order, therefore, to secure himself in the most practical legal way apparent to him, that he might meet these heavy liabilities—for the payment of which the circuit court had decided that he was officially responsible—he wisely determined to defer paying the $201,096.40, or any part of it, until these outstanding claims were settled.

This determination of the ex-collector induced the secretary of the treasury to write the following letter:

"Treasury Department, April 18, 1838.

Sir:—Accompanying my letter of yesterday, urging an early adjustment of the accounts of Samuel Swartwout, Esq., late collector of New York, I transmitted a copy of a letter from him, stating his reasons for retaining in his hands the large balance of public moneys mentioned. One reason he declared to be, with a view to await 'the decision of sundry suits at law brought against me [him] to recover duties wrongfully exacted, as is alleged, and which are now pending in the courts.'

'To expedite matters in this case, I will thank you to call upon the solicitor of the treasury, to obtain from the district-attorney in New York a list of suits now pending against Mr. Swartwout, as late collector, together with the amount of money involved in each, and the probable termination of them.

'I am, &c.,

L. Woodbury,

Secretary of the treasury.

James N. Barker,

Comptroller of the treasury."

A transcript of this letter was forwarded to the United States district-attorney at New York, as is mentioned in the following note:

"Office of the solicitor of the treasury, April 27, 1838.

Sir:—I have had the honor to receive the letter of the secretary of the treasury to you, dated the 18th instant and referred by you to this office.

'I transmitted a copy of it to the attorney of the United States for the
southern district of New York, and have received a reply, dated 25th instant, of which I send a copy herewith.

"On receiving the further report to which Mr. Price refers, it shall be communicated to you.

"Very respectfully, yours &c.

"H. D. Gilpin,

"Solicitor of the treasury.

"To J. N. Barker, Esq.,

"Comptroller of the treasury."

The letter of the district-attorney, it will be seen, fully substantiates the ex-collector's statements respecting the character of the protests and outstanding claims, which had influenced him to write to the secretary of the treasury and say that it ought not to be considered unreasonable that so large a balance should remain in his hands.

"U. S. district-attorney's office, New York, April 25, 1838.

"Sir: I have the honor to acknowledge the receipt of your letter of the 19th instant, enclosing a copy of a letter addressed by the secretary of the treasury to James N. Barker, Esq., comptroller, and by the latter gentleman communicated to your office, calling for a statement of suits now pending in this district against Samuel Swartwout, Esq., late collector of the port of New York, to recover duties levied by him, which are alleged to have been wrongfully exacted, together with the amount of money in each case, and the probable termination of them.'

"By reference to my register, I find that there are at present but two suits pending undecided. One brought by Robert Deidericks to recover the value of a package of goods sent to the public store for examination, and there lost or mislaid. In this case the damages are laid at $2,000, though the recovery will not probably exceed half that sum. The plaintiff will certainly prevail.

"In the other suit, Lee, Savage, & Co., are plaintiffs, who claim to recover $158.80, being an excess of duties charged at 25 per cent. ad valorem, on a case of silk gloves, which they contend are free of duty.

"At the term of the United States circuit court, commenced on the first Monday of the present month, four judgments were recovered against Mr. Swartwout: three by John Charters, Alexander Charters, and Samuel M. Charters, and one by Aaron Thomson, John H. Austen, and Thomas Cochran: in the aggregate amounting to $5,561.63, yet unsatisfied [?] being for an excess of duties charged on certain linens, which were reported by the appraisers as having been dyed or colored, but were, on the trials proved to have been known in commerce as unbleached linens.

"I have in my possession 115 protests served on the late collector by various
merchants in this city, against the payments of duties, giving him notice that they intend to commence suits, to recover back the amount of duties thus paid. Not having sufficient data, I am unable to ascertain the amount of duties involved in those protests; nor can I anticipate with certainty what will be the result of suits that may be brought, of which the importers have given notice.

"The protests to which I have referred present a great variety of questions, all relating to excess of duties; many claiming as high a return as 50 per cent.; others a return of but small percentage, and others again a reduction of duties in various amounts. On an examination of the invoices and appraisements at the custom-house, in reference to the questions presented by the protests, the amount of each claim can be readily ascertained. I will apply to the present collector for such statement, and transmit it to you upon my receipt thereof. It will, however, require several days to prepare such a document.

"By the protests it appears that there are 660 packages of linen, blankets, silk, hosiery, worsted, and other articles, on which a return of duty is claimed.

"As the questions involved in many of the protests have been adjudicated, (as for instance, the worsted, linens, and silks,) the importers will, of course, pursue their claims without much delay.

"I am, &c,

"Wm. M. Price,

"U. S. district-attorney.

"To Henry D. Gilpin, Esq.,

"Solicitor of the treasury, Washington."

In these corroborative facts, the secretary found convincing evidence of the undeniable wisdom of the ex-collector's purpose. He furthermore discovered in the following letter of the ex-collector's successor highly satisfying proof that Samuel Swartwout was not without funds sufficient to meet his official obligations.

"Custom-house, New York, April 19, 1838.

"Sir: I wrote you on the 12th instant in relation to moneys for the purpose of paying return duties, &c., to which I have received no answer. The payments have been very heavy this month, and the persons entitled to return duties stood much in need of the money due them: I therefore borrowed of my predecessor, Mr. Swartwout, $25,000 of treasury notes, and am every day obliged to call on him for the same purpose.

"As I require those who are to pay money into this department to be prompt, I am ambitious to be prompt also in behalf of the government. On the 1st of May we are to pay off the inspectors, &c. As some of those who will be entitled to pay on that day I propose not to reappoint, I am anxious to
be able to pay them off; and I would, therefore, be glad to be put in funds for that purpose.

"I am, sir, very respectfully

"Your most obedient servant,

"J. Hoyt,

"Collector.

"Hon. Levi Woodbury,

"Secretary of the treasury."

In the concluding paragraph of a letter addressed to Collector Hoyt, on June 12, 1838, the secretary remarked: "The duties refunded under old protests will, it is hoped, be paid by your predecessor out of the money he retains for his indemnity."

Concerning this expressed desire of the secretary, Collector Hoyt wrote him:

"Custom-house, New York, June 25, 1838.

"Sir:—I had not the opportunity to confer with Mr. Swartwout, the late collector, until Saturday, the 21st instant, in relation to his paying the return duties on linen, I showed him your letter on that subject, under date of the 12th instant, the last paragraph of which he responded to affirmatively.

"Respectfully your obedient servant,

"J. Hoyt,

"Collector."

"Hon. Levi Woodbury,

"Secretary of the treasury."

In order to obtain an early settlement of his accounts with the government, and to secure receipts from his successor for the bonds to be transferred to him, Samuel Swartwout entrusted to John A. Fleming, who had served him as auditor of accounts in the custom-house from July 1, 1836, to the end of his collectorship, the preparation of abstracts of the outstanding bonds, for delivery to Collector Hoyt.

While occupied in the examination of the bond accounts, the auditor was led to suppose that a deficiency of six hundred and forty-six thousand dollars was shown by the books. This alarming intimation, as related under oath by the auditor, caused him to mention it to Henry Ogden, who was then holding the position of cashier under Collector Hoyt. This he did, with the request that the cashier should inform the ex-collector of the apparent discrepancy. The next day the cashier, as further related by the auditor, came to him and

suggested that he should make known to the ex-collector the disagreements of the bond accounts.

When this startling information was imparted by the auditor to Samuel Swartwout, he was greatly surprised, and declared that it was not possible that the accounts could afford such an exhibit. By the insistence of the ex-collector, five accountants were at once set at work to re-examine the books and ascertain whether a discrepancy such as the auditor had announced existed or not in the bond accounts.

Prior to this assumed discovery of a disagreement in the bond accounts, the ex-collector, having ascertained that several months would necessarily elapse before a settlement of his accounts with the government could be effected, particularly as many protests and claims were still to be adjudicated by the courts, concluded to go to England in the interest of the Maryland and New-York Iron and Coal Company, of which he was a stockholder. A stringency in money still existed in the United States, and as the ex-collector was regarded as highly gifted and fitted by experience for furthering enterprises needing capital to develop them to planes of profitable returns, the stockholders consequently selected him to undertake the raising of funds in London to construct the necessary works at Mount Savage, Maryland, for the purpose of rendering the company’s mining and manufacturing operations remunerative.

While his preparations for going abroad were engaging his attention, he daily visited the custom-house to learn the progress of the accountants in accomplishing the examination of the bond accounts. As described by John A. Fleming, the auditor: “There were five abstracts, with copies of each, in a state of preparation, and all made by five different clerks; and the immense number of bonds requiring to be entered, unless great care and accuracy be observed, easily cause mistakes; and when it is considered that the aggregate amount was upwards of $8,300,000, it would not be surprising if large differences should occur in the entries, or in the additions of large columns of figures.”

The task of the accountants was far from being completed at the time set for the sailing of the vessel in which the ex-collector had taken passage. To meet the business obligations as were imperative for him to fulfil, he recognized it to be his duty to empower some competent and trustworthy person to discharge them in his absence. Having great confidence in the ability of Henry Ogden, he arranged with him to meet his obligations and transact such business as might need attention during his absence from home. In entrusting the management of his affairs to him, the ex-collector explicitly and repeatedly enjoined on him a strict compliance with the instructions orally given him that no money or property placed in his hands should be used by him for the settlement or liquidation of any governmental claim or account.
On the fourth of August (the same day that Henry Ogden left the city of New York to go to Canada), Samuel Swartwout made him his attorney, as is evidenced by the following transcript of the original instrument:

"Know all men by these presents, that I, Samuel Swartwout, of the city of New York, have made, constituted, and appointed, and by these presents do make, constitute, and appoint Henry Ogden of the same place, my true and lawful attorney, for me and in my name, place, and stead, and unto my use, to ask, demand, sue for, levy, recover, and receive all such sum and sums of money, debts, rents, goods, wares, dues, accounts, and other demands whatsoever which are or shall be due, owing, payable, and belonging to me, or detained from me, in any manner, way, or means whatsoever, by any person, body politic, or corporate, or number or association of persons whatsoever; and to make and execute for me and in my name all deeds, bonds, mortgages, leases, promissory notes, receipts, acquittances, contracts, and agreements, which I might or could do if personally present; giving and granting unto my said attorney full power and authority to do and perform all and every act and thing whatsoever requisite and necessary to be done in and about the premises, as fully, to all intents and purposes, as I might or could do if personally present, with full power of substitution and revocation; hereby ratifying and confirming all that my said attorney or substitute shall lawfully do, or cause to be done by virtue hereof.

"In witness whereof, I have hereunto set my hand and seal, the fourth day of August, one thousand eight hundred and thirty-eight.

"Samuel Swartwout [l.s.].

Sealed and delivered in the presence of

"J. Phillips.

United States of America, \\
City and county of N. Y., \\

Be it known that on the sixth day of August, in the year of our Lord one thousand eight hundred and thirty-eight, before me, Jacob B. Wood, a notary public in and for the state of New York, duly commissioned and sworn, dwelling in the city of New York, personally came Samuel Swartwout, and acknowledged that he executed the above letter of attorney.

In testimony whereof, I have hereunto subscribed my name and affixed my seal of office the day and year last above written.

"J. Ben Wood, Not. Pub."

State of New York, \\
City and county of N. Y., \\

On the third of October, eighteen hundred and thirty-eight, personally came before me Joshua Phillips, subscribing witness to the within power of at-
torney, to me known, who, on being duly sworn before me, did depose and say that he resides in the city of New York; that he is acquainted with Samuel Swartwout, and that he knew him to be the same person described in and who executed the within power of attorney: that he saw him sign the same, and that he acknowledged that he executed the same in his presence, and he subscribed his name as a witness thereto.

"Isaac O. Barker, Commissioner of deeds."

The following attestation was subscribed beneath these acknowledgments:

"Recorded in the office of the register of the city and county of New York, in lib., No. 4 of powers of attorney, page 136, October 3d, 1838, at ten minutes past 1 p.m. "

"Executed by James Gulick, register."

On the sixteenth of August, the ex-collector embarked on the steamer Great Western for England, having left the power of attorney to be given Henry Ogden on his return from Canada. He had in the mean time informed the secretary of the treasury of his intended absence from the country.

As proof that at the time of Samuel Swartwout's departure for England the unsettled condition of his accounts with the national government was not considered by the treasury department nor by Collector Hoyt, as in any way jeopardizing the honesty and probity of the ex-collector, the following paragraph of the special report of the secretary of the treasury on the sixth of December, 1838, may be adduced:

"Whilst Mr. Swartwout remained collector, suspicions do not seem to have been excited at the department that he was guilty of any default, unless it may be that the balance of money in his hands, when he was renominated to the senate in 1834, appeared to be too large, and caused some inquiry in relation to the subject.

"At that time, not having been myself connected with this department, and the present accounting officers of the customs also, viz.: the first comptroller and the first auditor, not having been in office, I am unable to state with accuracy what then occurred, or what examinations were then made; but it is represented that Mr. Swartwout, and one of his clerks came to this city [Washington] on that occasion and submitted explanations to a committee of the senate, which obviated any objections to his re-appointment.

"During his continuance in office, the statements of his accounts, in a condensed form, were made weekly to this department with punctuality, and usually exhibited a balance in his hands ranging from a mere nominal sum or

nothing to one hundred thousand dollars. The balance varied according to the
season of the year, and the circumstances, which might require large
drawbacks to be paid, quarterly settlements to be closed with his subordinates,
or a great amount of duties received under protest to be refunded. These
claims have always been considered as constituting an adequate reason for re-
taining on hand a sufficient amount to discharge them promptly. The amount
so required at the port of New York is generally very heavy, being, on an aver-
age, each quarter, over a third of a million of dollars.

"The last return made before he left office exhibited one hundred and
twenty-two thousand nine hundred and seventy-seven dollars on hand, which
was near thirty thousand dollars less than the amount of his official bond. The
return sent after his going out of office, which included only the last three days
of his term, showed two hundred and one thousand and ninety-six dollars of
money in his possession. When these returns were received at the depart-
ment, it was supposed that the period of his service having expired he would
have but a small balance of custom-house expenses to defray, no more de-
bentures to pay, and no great amount of duties to refund, and he was forthwith
requested by me to deposite to the credit of the treasurer at least half of the
sum represented to be on hand.

"In reply, he claimed that certain custom-house expenses remained to be
discharged, and that suits had been instituted against him for return duties,
which, with numerous protests that had been filed against payments, would be
sufficient in amount, united with those expenses, to cover the whole balance.
He therefore insisted, as a right, on being allowed to retain money sufficient to
satisfy those liabilities until the questions in controversy received a judicial de-
cision, and professed to regard that balance as not too large for the purpose.

"Copies of the correspondence which took place on the subject between him
and the department are annexed.

"A further inquiry into the case was, however, immediately instituted by
me through the first comptroller and the solicitor of the treasury. It termi-
nated in an impression that the facts and the law, as to suits and protests,
might justify a short delay in the adjustment."

Collector Hoyt's testimony concerning Samuel Swartwout's financial stand-
ing at the time of his departure for England is also noteworthy.

"I knew soon after I came into office that Mr. Swartwout's last weekly re-
turn admitted he retained about $200,000 to cover what he called the claims
upon him. I had no doubt at that time of his perfect ability to meet that sum.
The secretary of the treasury wrote me on the subject soon after I came into
office. He asked me verbally when in the city of New York, in September
last [1838], what took Mr. Swartwout to Europe, and what I thought of his
means to pay the government. I replied that I thought he must be a rich man, and that it was understood he had gone to Europe to raise money on his Cumberland (Maryland, iron and coal) property."

As declared under oath by Henry Ogden, Samuel Swartwout had placed in the cashier's hands before he departed for England, $99,967.05, which "was not intended by the ex-collector to be appropriated to the government." He further declared that his real estate was of "great value." He also deposed that he did not believe that the ex-collector had carried with him an amount of money exceeding $2,000, and that he did not believe that prior to his leaving this country he had transmitted to England any funds, because after his arrival there he had sent him £200.

In the averments of John A. Fleming regarding the honesty of Samuel Swartwout while holding the collectorship of duties at the port of New York, an equitable person cannot but discern that he was radically biased by a suspicion that the collector was a defaulter because he, (the auditor,) had apparently found a disagreement of the custom-house accounts. As disclosed by him under oath, his averments embraced the following statements:

He "became the auditor of the custom-house in the beginning of July, 1836, under the appointment of Mr. Swartwout;" that the first deficiency detected by him in Mr. Swartwout's accounts was that of "about $500,000," in June, 1837; that this discovery was so alarming to him that he communicated it to Joshua Phillips, the assistant cashier, whose answer—"that the cash-book contained all the bonds that had been paid at the office; the residue were in suspense"—prevented him (the auditor) from "mentioning it to others"; that in the month of August, six months after Jesse Hoyt had become collector of customs at the port of New York, he found that the deficiency in Mr. Swartwout's accounts amounted to $646,254.83.

"These bonds," aggregating $646,154.83 and forming the said accounts, according to his averment, "became due generally in the first and second quarters of 1837; they were paid about the time of the suspension of specie payments; some of them, perhaps, prior, and some subsequent to that time; yet of this" he was "only acquainted from the statements given by Mr. Phillips, during the investigation held by the solicitor of the treasury." He did "not know in what kind of money the bonds were paid, but the amounts were never deposited to the credit of the treasurer of the United States. Why they were not," was, as he asserted, "obvious from subsequent developments, and Mr. Phillips's statement," which he was led to assume, "explains the cause, which is, that Mr. Swartwout had retained the moneys for his own purposes."

As seen, John A. Fleming, the auditor, was finally induced to believe that the money paid for the bonds "was never deposited to the credit of the
treasurer of the United States," and "that Mr. Swartwout had retained the money for his own purposes, by subsequent developments, and Mr. Phillips's statement."

John A. Fleming, the auditor, further deposed under oath that he "did not mention the deficiency [of $646,254.83, detected by him in August, 1838.] to Mr. Hoyt, nor did he "communicate the information to the treasury department, it being," as he explained, "no part of my duty to do so; nor were the accounts, at that time, in such a state as to warrant a positive assertion of the fact.

John A. Fleming, the auditor, admitted, under oath, that he had "never known or detected, at any time, any false return or erroneous statement in any quarterly account made by Mr. Swartwout to the treasury department; nor had he ever "discovered any omissions or deficiency of Mr. Swartwout to charge in his accounts any bond with which he was properly chargeable."¹

A less credulous person than John A. Fleming would certainly have discovered in the statements of Joshua Phillips, a singular want of trustworthiness. There was an impelling cause for the zeal which the treacherous assistant cashier manifested in affording the information which so long darkened the understanding of the unenlightened auditor. Joshua Phillips, it will be seen, originated the libellous statements which influenced men who were not intimately acquainted with Samuel Swartwout to believe that he was a peculator of moneys belonging to the United States.

The recollections of Joshua Phillips, it will also be seen, played fast and loose with his memory. Again, it will be seen that when he made a denial there was an end of his responsibility, and when he made an assertion all contradiction was unimportant.

Joshua Phillips deposed under oath that he had "no recollection of Mr. Fleming ever having mentioned" to him "the deficiency in the bond account in June, 1837," but he did recall the fact that "a short time previous to Mr. Swartwout's leaving for England (in August, 1838)," the auditor had "mentioned it" to him, and that then he had "referred him to Mr. Swartwout for explanation."

He further deposed that he distinctly remembered that on Mr. Swartwout's "return to New York" from Washington, in May, 1837, the collector "did, at a public meeting of merchants, declare that he would receive bank notes in payment of customs, and, upon every occasion when applied to by persons as to the description of money he would receive, his answer was, that he would take

bank notes, and that he had told them at Washington that he would take the responsibility."

And he further deposed, that it "was notorious in New York that Mr. Swartwout was receiving bank notes in payment of customs," thereby contradicting the declarations of the collector contained in his letter of May 22, 1837, written, on his return to New York from Washington, to the secretary: "The instructions contained in your letter of the 12th instant, and in subsequent orders, have been strictly carried into effect. Not a dollar for bonds or cash duties have been received at this office since Mr. Ogden received your letter of the 12th instant [in the absence of the collector at Washington], in anything but specie. I have not authorized or countenanced a deviation from it."

And Joshua Phillips, the assistant cashier, further deposed that the first knowledge he had that "Mr. Swartwout had received amounts of bonds taken, and had not credited the United States with the same" was "during the spring of 1837;" and that then Mr. Swartwout had told him "not to charge these bonds on the cash-book at the time of payment as he was unable to make up his deficiencies," and that he, the assistant cashier, had "never communicated this fact to any person except Mr. Ogden, the cashier," and that he had "mentioned it to him during the spring of 1837 in speaking to him of the large amount which Mr. Swartwout owed the government."

And he further deposed that he and Mr. Ogden both knew at the same time "that Mr. Swartwout was using the money of the United States for his private purposes," but he failed to "recollect the time the discovery took place and the particulars of the conversation between" him, (the assistant cashier,) and Henry Ogden, the cashier, although he remembered that it was "the subject of general conversation" with Mr. Swartwout, Mr. Ogden, and himself, and that "Mr. Swartwout did not keep it a secret" from him and Mr. Ogden.

He further deposed that "Mr. Swartwout frequently conversed with" him "in relation to his speculations in real estate, and his prospects of being able to make good his deficiencies, and have a large fortune left." He also deposed that he could not "particularize all the operations" in which Mr. Swartwout was engaged, but said that his "principal purchases of lands were in Texas, Maryland, Illinois, Mississippi, and New York," and that "his operations in stocks were very large," but of them he could not "state anything definite."

He further deposed that "Mr. Swartwout never told" him "in any conversation that he had abstracted money for any purpose, for he knew that" he, the assistant cashier, "was aware of his defalcation," and that "his mentioning" to him "of his different operations in purchasing stocks, lands in Texas, Maryland, &c., was for the purpose of satisfying" him, the assistant cashier, "of the probability of his being able to make good his deficiencies."
He further deposed that he did not know that Mr. Hoyt, the succeeding collector, "was aware" of "Mr. Swartwout's deficiencies" until "in the month of October, 1838," when the collector spoke to him "on the subject."

He further deposed that the reason for his concealing "the deficiencies or delinquencies of Mr. Swartwout" for so long a time was that he "was Mr. Swartwout's clerk, and would not betray the secrets" of his "employer."

For the purpose of giving cogency to several of his assertions, he placed in possession of the treasury department two memoranda. One, which was entitled "a statement of such sums as I have been enabled to ascertain from the old check-books in the office as were drawn by Mr. Swartwout from the public deposite for his own use," was of sums exhibited by checks made between November 20, 1834, and June 23, 1837, inclusive, aggregating $193,602.20. In explanation of this exhibit, he subscribed the following explanation:

"The above statement has been taken from the old check-books. I have not, however, been able to find that including the checks from June, 1830, to December, 1831.

"These sums I know particularly to have been used in the manner stated, from marks made by me in the checks. They are not, however, to be understood as embracing all the moneys that were appropriated by Mr. Swartwout. He was, as I have stated, in the habit of taking money and replacing it, so that it is now impossible to trace it out or give a particular account of each sum. This memorandum is as full as I can now make out from my examination of these books. In the earlier period of these transactions, I was not in the habit of noting the checks used by Mr. Swartwout, and cannot therefore refer to them as accurately as I can subsequently to 1834."

Under oath, he deposed that the sums presented in the statement, "amounting to $193,602.20, were drawn by" the collector "from his cash deposits," which were in "the Bank of America, Mechanics' Bank, and Manhattan Company." He further averred that he, the assistant cashier, "was not always in the habit of noting the checks that Mr. Swartwout used," and that he could not "undertake to say what portion of the above amount was returned."

Another exhibit, made by him of bonds amounting to $597,331.63, which had been paid during the years 1837 and 1838, and entitled a "copy of the statement in the handwriting of Mr. Phillips, the assistant cashier (referred to by Mr. Fleming, in his letter of November 16, 1838), being the list kept by him of a number of bonds which had been paid, and the money received by Mr. Swartwout."

Respecting this statement, Joshua Phillips, the assistant cashier, averred under oath that "the proceeds of the said bonds were deposited in bank,
THE SWARTWOUT CHRONICLES.

AND THE AMOUNT SO RECEIVED [$597,331.63] WAS APPLIED BY 'MR. SWARTWOUT' TO CONCEAL HIS PREVIOUS DEFALCATIONS, WHICH WOULD HAVE BEEN DISCOVERED IF THE BONDS IN SAID LIST HAD BEEN CHARGED ON THE CASH-BOOK." 1

Henry Ogden, the cashier, was also influenced to become a detractor of Mr. Swartwout, and thought it not criminal to misuse the ex-collector's money and property for purposes which he admitted under oath he did contrary to the ex-collector's explicitly expressed wishes and definite instructions.

He averred that between the years 1835 and 1837 he "considered Mr. Swartwout indebted to the government from thirty to fifty thousand dollars."

He also deposed that "when Mr. Swartwout sailed for England," he knew that he was a defaulter, but to what extent "he was ignorant," and that it "was Mr. Fleming, the auditor, who first communicated" to him Mr. Swartwout's "indebtedness and represented it at nine hundred thousand dollars," and that Mr. Fleming made this communication to him "the first week of October, 1838," by which statement it would seem the cashier regarded as unimportant the disclosure which the auditor had made to him in the preceding month of August, when he told him he had found a deficiency of six hundred and forty-six thousand dollars in the bond account.

He further declared that he "did not hold any conversation with any of the custom-house officers in relation" to Mr. Swartwout's indebtedness, "except with Mr. Phillips, the assistant-cashier, until early in October, when Mr. Fleming announced" to him "that the deficiency was nine hundred thousand dollars," and that "about a week after this" he "had a conversation with Mr. Hoyt," the collector, "relating to this deficiency."

He further deposed that in his conversation with Collector Hoyt, that he "stated that it was impossible" for such a deficit to exist, and "that in Mr. Swartwout's account there must be some great errors."

He further deposed that he had requested the collector not to disclose Mr. Swartwout's deficiency "until he could hear from him." 2

Evidently Jesse Hoyt, the collector, was not disposed to comply with the request of the cashier, for he immediately wrote the following communication to the secretary of the treasury.

"New York, October 31, 1838.

"Dear Sir:—You asked me, when you were here in September, my opinion as to the ability of Mr. Swartwout, the late collector of this port, to meet his engagements, or to pay ultimately his debts. I expressed at that time


an affirmative opinion, but I learned yesterday that his accounts as collector were in a bad condition, and that there was a balance due the United States of over one million two hundred thousand dollars. He is abroad, as you know, making an effort to raise money on his Cumberland property, and, in a recent letter, as I understand, from him to a Mr. Howell, his partner in interest, gives a reason to expect that he will succeed in raising a very large sum, and in which event, it is said by Mr. Ogden, the cashier of the custom-house, he will be enabled to pay most of the balance, and amply secure the remainder. Of this I have no knowledge other than that derived from a conversation with Mr. Ogden to-day.

"Mr. Swartwout is expected out in the first steam-packet from England, which may be daily expected; or if he does not come, letters will be received that will state the prospect he has of success. I am of opinion that, if his negotiations fail abroad, he has not sufficient property to meet the claims of the United States."

Respectfully,

"Hon. Levi Woodbury.

"J. Hoyt."

As a medium for the circulation of aspersive and detractory statements respecting Samuel Swartwout, Collector Hoyt was particularly fitted. He had an artful gift for exaggeration that would quickly obtain the admiration of the ex-collector’s political enemies and of all easily prejudiced people. His selfish instincts were in no way inimical to his utterance of the most sweeping of accusatory and denunciatory declarations inasmuch as he foresaw the consequent downfall of the ex-collector and his own individual elevation in the esteem and good-will of the public. Why should he not therefore take the leadership of the misrepresenters, calumniators, and maligners of Samuel Swartwout, absent and ignorant of the scandalous reports which would undoubtedly have wide currency concerning his dishonesty and insolvency?

The secretary of the treasury returned the following answer to the deeply interested collector:

"Washington, November 2, 1838.

"Dear Sir:—I thank you for the information communicated in yours of the 31st ultimo, as to Mr. Swartwout. There is some mystery in this subject. His current account, rendered to me and the treasurer, admits a balance in his hands of only about $200,000; and that, as you were formerly apprized, he professed to retain in order to meet payments on duties which had been made to him under protest, and such as had been sued for to recover them back. Some of those I understood from you, he had since paid, when recoveries were had.

"The balance now would thus be below $200,000. It cannot exceed
that unless there has been falsehood or fraud in these returns. Does Mr. Ogden know of any, or suspect any?

"It is true that his accounts stand unsettled for large amounts; but when they are settled, if the weekly returns had been correct and true, the above result must be true.

"Pray inquire into this, and inform me of the conclusion.

"Truly yours,

"Levi Woodbury.

"Jesse Hoyt, Esq., New York city."

On the following day, the aspiring collector again wrote:

"New York, November 3, 1838.

"Dear Sir: I have signed all my accounts to go on to the first auditor on Monday, except one, which the auditor [John A. Fleming], tells me we shall have to keep till Tuesday, in consequence of having detected an error in Mr. Swartwout's account, making his indebtedness $13,182.75 more than was supposed. I enclose you a memorandum in pencil-mark, given by the auditor, showing the items, and the amount which is $1,233,435.63. God help us!

"Yours,

"J. Hoyt.

"The Hon. Levi Woodbury."

This communication caused the secretary of the treasury to write the following letter to Henry D. Gilpin, solicitor of the treasury:

"Treasury Department, November 5, 1838.

"Sir:—In addition to the facts and letter I submitted to you yesterday, bearing on the supposed defalcation of the former collector of New York, I enclose another letter and memorandum from the present collector, received last evening. This strengthens the opinion before expressed, that you had better make a journey forthwith to New York, in order to ascertain on the spot, as far as possible, the extent of the default, and the best mode of securing the United States against loss.

"If you should find that any mistake exists, and that he holds no more than is necessary to cover his liabilities for suits and protests on public account, it may not be necessary to do anything except to make what he holds for that purpose secure, so that it may be applied to no other purpose. This can be done by an agreement with the bank where it is deposited, not to pay it over except to the treasurer, or to others by his assent for return duties, &c.

"But if there is a real defalcation, I wish the most prompt and prudent steps taken to secure the government. For this object you could carry with you a transcript of his account as it now stands, a distress warrant, and a copy of the bond."
"When you arrive, either the distress, or a suit on the account as well as
the bond, could be resorted to, as the facts may appear to justify.

"You could take a proper clerk with you from the auditor's or comptroller's,
with the proper papers in this case, in order to see when the default arose, how,
and to what extent it has actually proceeded. On all the points I wish for a
thorough investigation and report, as well as on the regulation that can be
adopted now, or the law that may be necessary hereafter, in like cases.

"If, in consulting with the proper accounting officers, you think it more
useful to have the comptroller go to New York, this letter can be referred by
you to him, and he proceed with all the necessary papers, and with suitable
instructions from you to the district-attorney; or you might both go, if found to
be useful.

"Respectfully yours,

"Levi Woodbury,

"Henry D. Gilpin, Esq.,

"Secretary of the treasury.

"The particulars elicited by J. N. Barker, the first comptroller, and H. D.
Gilpin, solicitor of the treasury, concerning the alleged defalcation of Samuel
Swartwout, are contained in a communication from them to the secretary of the
treasury, written in New York, on November 8, 1838.

"We arrived here ourselves yesterday, and found that Mr. [John] Under­
wood, [a clerk in the office of the first auditor of the treasury, at Washington,]
had been industriously engaged in the necessary examinations. The result
has been, so far, to ascertain that the defalcation exceeds $7,200,000. He
will continue his labors until he has every fact necessary for making a true
account, when he will proceed at once to Washington, and have it duly stated
and passed by the accounting officers.

"We have every reason to believe that the security in Mr. Swartwout's offi­
cial bond is fully sufficient for its amount.

"All that we know in regard to it at present is derived from a voluntary
communication made to us last evening by Mr. Henry Ogden, the cashier of the
custom-house during Mr. Swartwout's term.

"He commenced by saying that the circumstances of the case had troubled
him exceedingly for some time, and that he had strongly urged Mr. Swartwout
not to leave the United States in August last; that he had told him it was
scarcely possible the defalcation could remain much longer concealed, especially
since the accounts for the last quarter had been called for and not furnished;
that he advised him, instead of going to Europe, to go at once to Washington,
submit a statement of the whole matter to the secretary of the treasury, surren-
der his property, and make the best arrangement he could; that Mr. Swartwout
told him in reply, he was confident of being able to raise money in England, by
which he could pay his whole debt to the United States as soon as he returned;
and he did not think the business would be known before that time.

"In reply to our inquiry as to the time when the abstraction of the public
money commenced, he stated that it was about nine months after Mr. Swart­
wout was appointed collector. He afterwards said he supposed it might have
been a year after—that is, in 1830; that, as the amount of [the] defalcation
increased, he frequently spoke to Mr. Swartwout on the subject; and that
about four years since it had become so large that he told Mr. Swartwout that
unless measures were taken to reduce it, he could not continue in the situation
he held. Mr. Swartwout was, however, confident that the operations in
which he was engaged would be so profitable as to make it easy for him to
pay off the whole deficiency. This mode of treating the subject Mr. Swartwout
continued to persist in to the last, always expressing his belief that he could set
matters right.

"In reply to our inquiry as to the mode in which the affair had been con­
ducted, and the amount, Mr. Ogden stated that Mr. Phillips, the assistant
cashier, was more fully acquainted with the particulars than himself, but that
it commenced by Mr. Swartwout not passing to the credit of the treasurer
the whole sums received; that the bonds, being placed in bank, were there
collected and passed to the credit of Mr. Swartwout himself; and that the
weekly transfers to the treasurer by Mr. Swartwout were usually made on
Monday, but did not include the moneys received later than Saturday morn­
ing at to o'clock; by which means the receipts on bonds due on Saturday and
Sunday were embraced in the succeeding week; and thus that amount, which
often was $100,000 or $200,000, could be kept and used by him; the receipts
of the last two days of each week enabling him to make up the previous
deficiency, so as to transfer the requisite sum to the treasurer.

"The next mode adopted by Mr. Swartwout was the use of the fund depos­
ited to meet unliquidated duties, which was a large one, amounting frequently
to $150,000 or $200,000, and was entirely under his control, the depositories
being made to Mr. Swartwout's own credit, and subject to his check. To these
he added the use of moneys paid to him on account of the share of the United
States in penalties and forfeitures; and he also overdrew the account for fees
and emoluments payable to him for himself and the officers of the customs.

"These were, Mr. Ogden stated, in his opinion, the sources from which
Mr. Swartwout retained the moneys, and the mode by which he was able to
keep his transfer to the treasurer apparently correct; but about the years 1836
and 1837, the deficiency had amounted so high that it became necessary, in
order to prevent its detection, to use the bonds which were deposited with him for collection; a large amount of them was withdrawn from the usual course, and the amount collected by Mr. Swartwout. From this arises the principal deficiency in the bond account.

"In regard to the amount of [the] defalcation, Mr. Ogden stated that in one of his conversations with Mr. Swartwout last summer, he (Mr. Ogden) told him that it could not be less than $900,000, but Mr. Swartwout said he did not think it exceeded $600,000.

"In reply to our inquiry as to what had become of the money, Mr. Ogden said that he was totally at a loss to conceive how such a sum could have been exhausted; that Mr. Swartwout had been a large speculator in stocks for several years, and that he had known his operations in them to amount to some hundred shares a day; that he had been a loser for a large sum by the failure of the Josephs, to whom he knew of his actually loaning $25,000 a day or two before their failure; that he had made immense purchases of lands in Texas, and that he also had heavy interests in the Cumberland coal lands. It did not appear, however, that Mr. Ogden could account for an expenditure so large as the ascertained defalcation.

"In reply to our inquiry as to Mr. Swartwout's property, Mr. Ogden stated his inability to give a particular account of it. He said that the funds in bank, known to him, did not exceed $29,000; that there was a house in this city; land at Hoboken, on which there was an encumbrance of about $50,000, but which he thought worth $100,000 more; that there was besides some land in Illinois, the Cumberland property, and the property in Texas.

"Mr. Ogden then stated that he had a full power of attorney from Mr. Swartwout, under which he was desirous to act as under the circumstances of the case he thought his duty required, and Mr. Swartwout himself could not object to.

"He stated that probably Mr. Swartwout would return in the steam-ship expected next week; that he had written urging him to do so, especially on his being apprized that the sureties had received notice from the comptroller that the accounts had not been rendered; that, although he had no direct assurance of his intention to return, he thought it most probable he would do so. He assured us that in the mean time no measures should be taken under his power of attorney to interfere with the claims of the United States; and he finally agreed to transfer to them, under that instrument, the property of Mr. Swartwout, and offered to meet us on the following day for that purpose, at the office of the district-attorney."

The indefinite character of the cashier's assertions and explanations disclosed by this letter is most remarkable. Each of his statements contained in
it, places one in doubt respecting its truthfulness. The comptroller and the solicitor, as will hereafter be shown, were severally misled to communicate to the secretary of the treasury things which subsequently he denied having told them. Not only on this occasion but in his frequent answers to similar inquiries, his habit of evading the force of an interrogation by saying: "that Mr. Phillips, the assistant cashier, was more fully acquainted with the particulars than himself," is particularly patent. Was there any dominant reason for such repeated evasions as these? Should one argue that the cashier and his assistant had a concerted understanding regarding their several ways of supporting each other in their persistent defamation of the ex-collector? Can one justly assume that there had been appropriations of custom-house moneys by them of which they mutually knew? Should one be led by a suggestion to believe that when the cashier in 1833 became a director in the Seventh Ward Bank of the city of New York, at the time of its organization, and in which he deposited, in 1838, to his own account, $90,000, they were then engaged in abstracting funds for which the collector was responsible? Is it not strange that he, in his conversation with the two treasury officials, should inform them that the funds of Mr. Swartwout in bank, known to him, "did not exceed $29,000," which sum, or $30,000, he two days later paid to the solicitor, although he admitted a few months later that Mr. Swartwout had placed in his hands before his departure for Europe, $99,967.05? Is there any apparent evidence of a definite agreement existing between the cashier and his assistant in the declaration made under oath by Joshua Phillips: "I have no knowledge of anything in relation to the money paid by Ogden, as the agent of Mr. Swartwout, to the solicitor of the treasury, or how it came into the possession of Ogden; nor do I know in what bank it was deposited, or to whose credit. Neither do I know for what purpose it was to be appropriated, or anything in relation to it."

Is it any great wonder that, after being guided and assisted by these officious men, John A. Fleming, the auditor, and John Underwood, the treasury clerk, should be enabled to find Samuel Swartwout a defaulter in his collectorship as they alleged him to be and made plausible by lists of clandestinely marked checks, ambiguous data, and disagreeing accounts, exhibited and vouched verifiable by Henry Ogden and his colleague.

It seems almost unimportant to remark that, after hearing the cautiously expressed opinion of the wary cashier regarding the losses of money sustained by Samuel Swartwout, the solicitor and the comptroller naturally concluded "Mr. Ogden could not account for an expenditure so large as the ascertained defalcation."

It was not only the cashier and his assistant who were perplexed, but also
the ex-collector’s friends, in their efforts to find satisfying facts with which to substantiate the improbable inferences made concerning the use by Samuel Swartwout of the immense sums of money which the cashier and his associate pertinaciously alleged the collector had spent in wild and worthless investments. The statements of the cashier, besides being found theoretical by the examining officers of the treasury, were shown later to be invalid by the testimony of sworn witnesses.

The declaration of the cashier respecting Samuel Swartwout’s land at Hoboken lent no support to his unavailing surmises, for “although” as he said, on it “was an encumbrance of about $50,000,” it was as “he thought worth $100,000 more.” And it may also be remarked here, that it was a well-known fact at that time that Samuel Swartwout had purchased the land at Hoboken long before he was appointed collector.

The assertion of the cashier concerning Samuel Swartwout being the loser of a large sum of money by the bankruptcy of the Josephs, a well-known firm of stock-brokers, to whom the cashier knew of the collector “actually loaning $25,000 a day or two before their failure,” must certainly be viewed in a different light than that which the cashier desired it to be seen. Joseph L. Joseph, a few months later, testified under oath: “We once paid Mr. Swartwout seventy or eighty thousand dollars profit on Morris Canal stock. I do not remember of his ever paying our house over two or three thousand dollars of loss. His last speculations resulted in a loss, and he was unable to pay and borrowed some money for us with a view of aiding us to bear up against these differences, actually lost, and the stocks we held, which we did not sell. The loss was over twenty thousand dollars.” He further related: “He owed us a very large sum of money on account of these stock operations as the revulsion of 1837 had occasioned a very great loss on the stocks we had, and which were sold after our failure by the parties who had them under hypothecation. As to the amount, I do not think it necessary to state it, as it is a matter of account between Mr. Swartwout and ourselves, and has to be adjusted when we come to a settlement with him.” When asked whether Mr. Swartwout’s gains were equal to his losses, he declared that “his gains were much more than his losses.”

For reasons best known to himself, Henry Ogden was dissatisfied with certain statements made by the solicitor and the comptroller after their interview with him, and therefore wrote them as follows:

“New York, December 29, 1838.

“Gentlemen: I was greatly surprised, on seeing in the New York Commercial Advertiser of the 27th instant, three letters and the extract of another,

1 On the sixth of December, 1827, Samuel Swartwout gave John G. Coster a mortgage on 327 acres at Hoboken, which was foreclosed by a decree dated July 15, 1840.
purporting to be part of your communication to congress in relation to Mr. Swartwout's deficiencies, to find some material differences in regard to the statement of what took place at the interview between us on the 7th of November, to which I had been invited by you.

"If I suffered them to pass in silence they would mislead the public as to the true state of facts in the case. I cannot, therefore, in justice [?] to Mr. Swartwout, nor from a duty I owe myself, permit them to remain uncontradicted, or rather, unexplained: convinced that you did not intend to communicate anything but facts, and persuaded that you will readily correct the errors into which you may have fallen.

"In the first place you state my disclosures as volunteered. This was not exactly the case. I received an invitation from you through Mr. Hoyt, the present collector, to meet you on the subject at his house on the 7th [of] November; and being then called upon to state what I knew of these matters, I felt myself bound as an honorable man to give you all the information I was possessed of.

"Secondly, you state that I represented Mr. Swartwout's defalcations to have commenced by his not passing to the credit of the treasurer the entire sums received by him.

"You are certainly in error in this statement. Nothing that was said by me could authorize such a conclusion, which would be far from the truth. The simple and true solution will be found in the manner in which the accounts were kept. With regard to the collection of the bonds, and the weekly account of transfer to the treasurer, the mode was the same as had existed previous to Mr. Swartwout's coming into office.

"The collector's accounts were made out on the Monday of every week, and included the payment of all bonds up to Saturday morning only; they would not, of course, contain those of Monday, the accounts being made out early on Monday morning, but those of Saturday, and such bonds as would have fallen due on Sunday (which are paid the day before) were not included in this account. The transfer was usually made on the [following] Monday, but latterly not until Tuesday. The collector consequently had in hand from this source, by this mode of making up his accounts, which I stated had been the usual mode always practised by the former auditor, an average balance of $150,000. It was no retention of funds, or short credit of sums received on the part of Mr. Swartwout; it was the invariable practice pursued by the former auditor, Mr. Schultz, in keeping the accounts of all the collectors [since 1799].

"Thirdly, you make me say, 'The next mode adopted by Mr. Swartwout was the use of the fund deposited to meet unliquidated duties, amounting
frequently to $150,000 or $200,000.” All deposits for unascertained duties it has ever been the practice not to place to the credit of the government until the duties are liquidated. As a matter of course then this fund remained to the credit of the collector, and often exceeded the amount you mention, but it was the mode in which the business had always been done, and not one especially adopted by Mr. Swartwout as I am made to state.

“Lastly, I am made to state ‘that Mr. Swartwout made use of the moneys paid to him on account of the United States in penalties and forfeitures,’ and ‘that he also overdrew his account for fees and emoluments, payable to him for himself and the officers of the customs.’

“You certainly must have misunderstood what I did say on this subject, which would not carry the above inference. Neither the one nor the other could have taken place unless the auditor omitted to debit his account with the proportion of the penalties and forfeitures due to the United States, and besides, committed an error in his account of fees and emoluments. Mr. Swartwout never made out nor was in the habit of examining any account furnished by the auditor, but relied entirely upon his accuracy and correctness.

“Relying, gentlemen, that you will not refuse doing me justice in the premises, I am yours, with great respect,

“Henry Ogden.

“H. D. Gilpin and J. N. Barker, Esqrs.”

By adverting to Nathaniel Schultz, the auditor of the custom-house accounts, who had held the office from 1799 to July 1, 1836, and who, as testified by David Thompson, the cashier of the Bank of America in the city of New York, was “a very intelligent and accurate accountant,” possessing “the highest character for integrity and moral worth,” Henry Ogden imprudently furnished a clew to the motive which influenced him to deny the statements made by the solicitor and the comptroller in their letter to the secretary of the treasury of the eighth of November, 1838, for it is easy to perceive that after considering for a month or more the character of the statements he had made to them regarding Samuel Swartwout’s alleged appropriation of moneys due the United States, he began to fear that it would be impossible for him to afford the requisite proof for supporting them.

The startling admissions and sweeping denials in his letter to the two treasury officials establish unequivocally his guilt as a knavish traducer of an absent friend—one who had openly disclosed his confidence in him by legally intrusting him with all his money and real estate.
What indeed is the force of the numerous and contradictory allegations of Henry Ogden and Joshua Phillips concerning Samuel Swartwout's peculations of custom-house moneys between the years 1829 and 1837? Shall their bastard assertions be deferred to and be believed rather than the veracious and explicit declarations of Nathaniel Schultz, the honest and uncorrupted auditor of the custom-house, whose integrity and faithfulness had ever been praised and admired during his thirty-seven years of service there?

Read and weigh the sworn testimony of this worthy and intelligent accountant and form your conclusions regarding the charges which Henry Ogden and Joshua Phillips brought against Samuel Swartwout.

"The day that I retired from the custom-house and took leave of the collector," as Nathaniel Schultz deposed, "I thought it my duty to state to him that he was indebted to the United States in the sum of about $40,000 for forfeitures. He answered, 'Very well, sir, I will see to it.' I give the substance of his words.'

"They [the forfeitures] were credited to the United States regularly in the account current, in the quarter in which the forfeitures were received from the marshal of the United States. Forfeitures were received by the collector from the marshal. Mr. Swartwout did not keep the accounts himself, but I, as auditor, regularly credited the United States in their account current in these words: 'By amount of forfeitures received this quarter, as per documents herewith.'"

"The accounts of Mr. Swartwout were correct up to the 31st of March, 1836, with the exception of the forfeitures, as already stated, as far as my knowledge extended."

"The accounts underwent a critical examination by me, so that if there was an error of one cent, I had the means of discovering it by proving the accounts."

"About the year 1799, to the best of my recollection, I was made the officer to perform the duties of auditor of the custom-house. At that time there were no means in the custom-house to prove the accounts with the accuracy of which they are susceptible of being proved. And during the time that Mr. ——— Gelston was collector, I was dissatisfied with myself for not being able to render an exact account of all the items which comprised or made the balance in the account current, and thought I would contrive a plan to make it more perfect, and succeeded. The plan of book-keeping I then formed has continued ever since, and now exists in the custom-house, by which any error can be detected. As, for example:"

"Soon after Mr. L. McLane [1831-1833] came into office as secretary of the treasury, he sent to the comptroller for the account current of the collector
of New York for the preceding quarter, and, observing therein a large balance due to the United States, wrote to Mr. Swartwout a letter, the substance of which was:

"Mr. Collector, I perceive by your last account current that you are indebted to the United States in a large sum. Please deposit that sum in the branch bank to the credit of the treasurer of the United States, and send on the receipt thereof without delay."

"Mr. Swartwout referred this letter to me, with the request that I would give an account of that balance, saying he was not aware of being indebted to the United States in any sum.

"I took the necessary custom-house books home with me, sat up a great part of the night, and rendered an account of every item making this balance. This account was next morning sent to the secretary of the treasury, who, not understanding the manner in which the custom-house books were kept, sent this statement to the comptroller's office, with the request that it might be examined by the clerks in the comptroller's department, and to report to the secretary. The statement was found correct of the items of the balance, without a difference of a single cent. This same statement is probably now in the office of the secretary of the treasury, if not burnt.

"Mr. Swartwout was renominated in 1834: the senate called upon the secretary of the treasury for Mr. Swartwout's quarterly account current, to the best of my knowledge, for the first quarter of 1834. This account showed a large balance of upwards of $200,000. Being then in Washington on public business, I was informed by Mr. Coyle, one of the clerks in the auditor's department, that Mr. Silsbee, chairman of a committee of the senate, was highly dissatisfied with the large balance exhibited in the account current of Mr. Swartwout's as due to the United States.

"Mr. Coyle requested me to go before the committee and explain that balance. In order to enable me to do so, I obtained from the office of the secretary of the treasury the weekly returns for that quarter, and by means of the weekly returns, I was enabled to satisfy the committee that Mr. Swartwout's accounts were correct, and he owed the United States nothing according to the quarterly accounts. I recollect now, that before I went to Washington, I told Mr. Swartwout that he owed the United States for forfeitures the sum of about $31,000. I had only to make the accounts correct according to the documents furnished me. If the collector chose to retain the sums received for forfeitures that was none of my business. The forfeitures are the only sums which are paid differently from all others—they are paid directly to the collector, all

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1 It was the fourth quarter of 1833, as was later recollected by him.
others to the cashier of the custom-house; and the collector may give an account, or not, of forfeitures, as he pleases.

"Mr. Swartwout gave to me regularly the accounts relating to those forfeitures; they were by me examined and regularly passed to the credit of the United States in the account current for the quarters as they are above stated, and as they were returned to the treasury. 1

"In less than fifteen minutes [the secretary of the treasury could have discovered a deficiency], by comparing the weekly returns with the accounts current for any quarter. Observe: the weekly returns go to the secretary, and, by comparing them with the account current, obtained from the comptroller, deducting the amount of forfeitures in the weekly returns from the amount credited in the account current, he can ascertain the exact amount of deficiency. In the weekly returns all the items appear separate, as thus for example: 'amount of bonds received at the bank'; 'amount of bonds received at the custom-house'; 'amount of cash duties'; 'amount of tonnage duties'; 'amount of forfeitures,' etc. By that means the secretary had it in his power to know the amount of deficiency in each quarter."

The complicity of Henry Ogden and Joshua Phillips in undertaking to establish the peculations of Samuel Swartwout is further disclosed in the following communication, in which the writer endeavors to beguile the solicitor into the belief that Samuel Swartwout was insolvent in the first term of his collectorship, and that such was the magnitude of his deficiencies at that time that he engaged in the wildest speculations hoping to repay the amounts of money of which the cashier and the assistant cashier alleged he had defrauded the national government:

"New York, November 8, 1838.

"Dear Sir:—As far as my memory serves me, in regard to the difficulties of Mr. Swartwout, I should say that they began not long after his appointment as collector, and that, from that period, he has continued to draw sums from time to time; that my assistant (Mr. Phillips) and myself have held frequent conversations with him respecting the sums of money which he had received, and that we often, when he applied to us, urged him to endeavor to raise money elsewhere, if he possibly could, and not to draw any more from the bank; that about four years since [1834], when we again spoke to him on the subject of the amounts we supposed he had received, he requested us to have an interview with him at his house: that we met him agreeably to appointment, and that he then assured us, as he had done frequently before, that he did not doubt that, before many months, the speculations he had entered

1 His reference here is to memoranda presented by him of the dates of payment and the amounts of the forfeitures paid by the marshal; the total being $40,376.37.
into would result in such a way as would enable him to pay all up. From that period we occasionally called his attention to the balance due until the period of my leaving for Canada (the 4th of August), Mr. Swartwout sailed on the 16th of August.

"I am, with great respect, your obedient servant,

"Henry D. Gilpin, Esq.,

"Solicitor of the treasury."

The allegations contained in this letter enigmatically place the defamed collector in the position of an abject suppliant seeking the favor and clemency of two forbearing judges swayed from executing the stern mandates of the law by the affecting assurances of his turning from his evil ways and of his making an early restitution of moneys purloined by him in hours of temptation. The attitude in which the cashier and the assistant cashier are pictured is one so despicable in character that no right-minded person could be induced to believe that so proud and self-respecting a man as Samuel Swartwout was known to be would have allowed himself to be subjected to the defiant espionage and humiliating condemnation depicted by the inconsiderate traducer. What plausibility can be attached to the allegation that the two employes urged the collector at sundry times and divers places "to endeavor to raise money elsewhere, if he possibly could, and not draw any more from the bank," when, as it was testified that, his gains in speculating in stocks were greater than his losses, and that, on one occasion, eighty thousand dollars had been paid him on a rise in the price of stocks sold for him; and especially when, as averred by Henry Ogden, the sum of $99,967.05 was placed in his hands by the collector at the end of his second term? Further on, the sworn testimony of Nathaniel Schultz, the auditor, will convincingly show the untenable and contradictory character of all the allegations of the cashier and his assistant regarding the defalcations of Samuel Swartwout.

The personal unworthiness of Henry Ogden to be commissioned with the disposition and care of the money and real estate of the ex-collector will soon be manifest to the reader in the way in which he discharged the trust reposed in him by the maligned man. As already disclosed, the cashier had declared under oath that the sum of $99,967.05 intrusted to him by the ex-collector before his departure for England was to pay claims against him and to secure the cashier for responsibilities assumed for him, and was not "to be applied to other purposes," nor to "the extinguishment of his debt to the United States" as specialized by any balance due the government on the settlement of his accounts. His breach of faith with the absent man, and its disastrous consequences, by which property was hastily transferred with no recog-
nition or estimate of its real value, nor with any agreement for its restitution or any part of it exceeding the sum to be found due the national government, is indelibly set forth in the following sworn statement made by the rash and conscienceless deputy.

"I was notified by Mr. Hoyt, about three o'clock of that day [the seventh of November, 1838], that the solicitor and comptroller had arrived and wished to see me at his house that evening, at five o'clock.

"I met the gentlemen named above. After some conversation with them about Mr. Swartwout's deficiencies, what moneys he had in bank, and his prospects of indemnifying the government by a sale in Europe of a mine in Cumberland, Alleghany County [Maryland], Mr. Gilpin asked me if I had a power of attorney from Mr. Swartwout. I replied I had, and that I would make over all his property, and give him all the moneys which I had of his, provided that the whole business should be kept secret until the arrival of the 'Great Western,' which vessel would probably arrive in a few days; that the only hope of the government getting their money was by a sale of this mine; and that any public announcement of Mr. Swartwout's defalcations would, most probably, cause the purchasers to cancel their agreement, which I was inclined to think, from Mr. Swartwout's letters, he had entered into with some wealthy persons in England.

"To this, Mr. Gilpin, addressing himself to Messrs. Barker and Price, said: 'You hear what Mr. Ogden states, and the necessity of keeping everything secret;' to which they assented. I retired soon after, agreeing to call upon Mr. Gilpin the next morning at ten o'clock, to carry out what I had promised him.

"I met him at the hour appointed, and accompanied him to the district-attorney's office, where we met Mr. Price. I then exhibited my power of attorney from Mr. Swartwout, and stated that I had shown it to Mr. D. B. Ogden, who pronounced it not sufficient to convey real estate. Mr. Gilpin then read it, and gave his opinion that it was sufficient; and handed it to Mr. Price, who concurred with him. I was not surprised at this, as Mr. Price had previously told me he had drawn the power. I then commenced filling up a printed deed for Mr. Swartwout's property as far as I could then recollect, and before I left the office, I drew a check for $25,000, which I handed him. At the same time, I called to his recollection the understanding we had the previous evening, that all should be kept secret. He assured me it should.

"The following day I met him again, when I corrected a mistake he was under about the amount of moneys which I had; he understood me to say $30,000 on the previous evening, whereas I had stated the amount at $35,000. He saying $10,000 was too large a balance to leave in my hands,
I observed 'I wish to give Mrs. Swartwout some money.' I then handed him a check for $5,000 more; he then said, 'The balance you can keep.' He expressed a desire to change the form of conveyance, by my giving mortgages on the property, which I readily assented to; and I executed them on that day (Saturday, November 10).

The first conveyance drawn reads:

"This indenture, made the tenth day of November, in the year one thousand eight hundred and thirty-eight, between Samuel Swartwout, of the city of New York, by his attorney in fact Henry Ogden, of the first part, and Henry D. Gilpin, solicitor of the treasury of the United States, for the use of the United States, of the second part:

"Whereas the said Samuel Swartwout is justly indebted to the United States of America in the sum of one million of dollars: Now this indenture witnesseth, that the said party of the first part, for the better securing of the said sum of money, and also in consideration of the sum of one dollar to him paid by the party of the second part, before the sealing and delivery of these presents, the receipt of which is hereby acknowledged, has granted, bargained, and sold, aliened, released, conveyed, and confirmed, and by these presents does grant, bargain, sell, alien, release, convey, and confirm unto the said party of the second part, his successors and assigns, for the use aforesaid, all those certain thirty lots of land situate in the twelfth ward of the city of New York, which were conveyed to Samuel Swartwout by Jared Ayres, by deed dated the 26th day of December, 1833, and recorded in the register's office in the city of New York, in liber 206 of conveyances, page 573; and also all that certain tract of land situate on the west bank of Harlem River, in the state of New York, adjoining McComb's dam, containing, in all, about ten acres of land; and also all that certain dwelling-house and lot of ground situate on the north side of Eighth Street, in the city of New York, at present occupied by the said party of the first part; and also all the right, title, and interest of the party of the first part in any estate, real and personal, situate and being in the state of New York, together with the appurtenances thereto belonging, and all the estate, right, title, and interest, in law and equity, of the said party of the first part in and to the said premises, and every part thereof, with the appurtenances; to have and hold the same to the said party of the second part, his successors, and assigns forever, provided always (and these presents are upon this express condition), that if the said party of the first part, his heirs, executors, and administrators, shall pay to the United States of America the said sum of one million dollars, and the interest thereon, within one week from the date of these presents, then these presents, and the estate hereby granted, shall cease, determine, and be void, but otherwise to remain in full force."
"In witness whereof, the parties hereto have set their hands and seals the day and year above written; the said party of the first part, by his attorney duly appointed for that purpose, by letters of attorney, dated the 4th of August, 1838, now on file in the transfer office of the Manhattan Company, New York, and recorded in the register's office in the city of New York, in liber No. 4 of powers of attorney, page 136, a copy of which letter of attorney is hereto annexed.

"Samuel Swartwout,
"By his attorney, Henry Ogden [L. S.].
"Signed, sealed, and delivered, in the presence of Joshua Phillips, Rob. B. Adams."

On the same day and by a similar conveyance, "all that certain tract or parcel of land situate in the county of Bergen and state of New Jersey, known as Swartwout's Upper Meadows, containing, in all, four hundred acres; and also all that certain tract or parcel of land situate in the said county of Bergen and state of New Jersey, known as Swartwout's Bergen Hill property, containing, in all, about thirty-five acres, and also all that tract or parcel of land situate in the said county of Bergen and state of New Jersey, known as Swartwout's Hoboken Meadows, containing, in all, about three hundred and thirty-three acres," were conveyed to the said party of the second part.

And on the same day and by a similar conveyance, "all and any real estate at or near Cumberland, in the state of Maryland, or elsewhere in the said state, or in the state of Virginia, whether held in his [Samuel Swartwout's] own right or as a partner of any company, incorporated or not incorporated, and also all shares and interest in the stock or property, real or personal, of such company, and also, all the right, title, and interest of the said party of the first part, in any estate, real or personal, in the state of Illinois," were conveyed to the said party of the second part.

As has been seen, the course of action of Henry Ogden during these conferences with the solicitor, the comptroller, and the district-attorney was marked by several incidents of a most noteworthy character.

First, his evident painstaking in representing that Samuel Swartwout's visit to England was to obtain money solely to refund to the national government the sums which he had confessed to him and Joshua Phillips of having embezzled from the funds of the custom-house. And furthermore to deepen the impression that this was the purpose of the ex-collector's going abroad, he sedulously reported that the absent man had written that he was confident of raising the large amount of money necessary to repay his confessed defalcations. He ventured so far as to assert that capitalists interested with him in the development of the iron and coal mines in Maryland were privy to this secret.
To give color to these allegations, Henry Ogden lay great stress upon his expectations that the ex-collector would return in the steamship *Great Western*, due at the port of New York on or near the fifteenth of November, and should he not, letters would be received at that time concerning the progress made by him in obtaining funds adequate to cover the amount of his defalcations. If such were his personal convictions, why, it may justly be asked, did he not endeavor to persuade the two treasury officials to await the arrival of the ex-collector in the *Great Western*, or the letters which he supposed would be brought by the steamship, before any steps were taken by them to secure the ex-collector’s real and personal property by processes of law, which would necessarily give publicity to the alleged defalcations?

The most difficult to understand of Henry Ogden’s transactions during these conferences is the extreme eagerness with which he transferred to the solicitor $30,000 of the ex-collector’s money, which, as avowed by the solicitor and the comptroller, “he voluntarily paid over to the United States.” One is also perplexed in seeking a justifying conclusion for the needless haste with which he transferred to the United States all the real and personal property of the ex-collector. His voluntary admission, in the several conveyances made by him, that Samuel Swartwout was “justly indebted to the United States of America in the sum of one million of dollars” is inexpressibly confounding.

Ignoring the opinion of Mr. D. B. Ogden, who pronounced the power of attorney “not sufficient to convey real estate,” the versatile agent, without any further questioning, conveyed Samuel Swartwout’s real and personal estate in the city of New York, in Bergen County, New Jersey, and in Maryland and Illinois to the United States of America, for which “purpose,” as each of the said instruments falsely recites, the prodigal deputy was “duly appointed.”

The intention of Henry Ogden to ruin the ex-collector socially, morally, politically, and financially seems indisputably established by the tenor and scope of the three conveyances, which severally required Samuel Swartwout, his heirs, executors, and administrators to pay the “sum of one million dollars, and the interest thereon, within one week from the date” on which the evil-minded cashier attached his signature to the instruments. He well knew that it was impossible for the distant ex-collector to comply with the astounding stipulation, as well as preposterous for inexistent heirs, executors, and administrators.

For the amiable and refined wife of the remote man, Henry Ogden had little sympathy. His observation: “I wish to give Mrs. Swartwout some money,” embodies no touching sentiment; all that it expresses is an egotistical spirit of self-importance. Assuming the right to misapply her husband’s money
contrary to his expressed wishes and explicit instructions, he impulsively licensed himself to deprive both husband and wife of real estate of unestimated value in a way so ruthless that the pages of history afford no parallel comparable to it. The sum of forty-five hundred dollars, which he later placed in the hands of Mrs. Swartwout, and his liquidation of the rent due on a house to which she was compelled to resort after a levy had been made upon her husband's real and personal property by the United States marshal of the district of New York, seem to be the extent of the financial assistance he tendered the suddenly impoverished woman, of whose afflictive circumstances he was the immediate author.

Having transferred the ex-collector's property to the solicitor of the treasury for the use of the United States, Henry Ogden tells what happened shortly thereafter. "From that time [Saturday, the tenth of November] until Wednesday or Thursday following, the day the 'Western' arrived, I did not see Mr. Gilpin. Judge my surprise, however, on Monday afternoon, the twelfth of November, to see published in the Evening Post a full detail of Mr. Swartwout's defalcation. I met Mr. Price in the street, about half-past three o'clock that day, and reproached him for divulging it. He said it was not his fault. I called Ogden Hoffman, Esq., who then came up, to bear witness to what I stated, that either he [Mr. Price] or Mr. Gilpin had forfeited their word with me, Mr. Barker having assured me that he had not divulged it."

The account of Samuel Swartwout's alleged defalcation referred to by Henry Ogden as having been published on Monday afternoon, the twelfth of November, by the Evening Post, it will be seen discloses not a little of the existing political antagonism to the systems of banking then in force. That journal made the announcement in the following words:

"Great surprise and much conversation has been occasioned in the city by certain circumstances which have taken air since Saturday. The interest which is felt in the state election is almost swallowed up in the disclosure of the enormous defalcations of Mr. Swartwout, the late collector of this port, who has prudently withdrawn himself from the country, and is now in Europe. They are said to exceed a million and a quarter of dollars, and warrants have been issued against his sureties.

"Never was a more pregnant illustration of the looseness and inefficiency of the system of deposit with the banks than this case of Swartwout. The defalcations of this officer commenced in 1829, when the United States Bank was in full operation, and all the deposits of the public money were made with that bank. They were continued under the system of deposit with the state banks. When the banks suspended specie payments, the same fraudulent keeping back of the public money in his hands went on, under the system of
special deposit with the banks, till his retirement from office. Thus all the
systems, which either the whigs or conservatives rely on for the safe custody
of the public funds, have been tried in his case, namely:

"The system of deposit with a great national bank; the system of deposit
with the state banks. * * * *

"We will not at present dwell on the moral features of this transaction
which are dark enough, we will not dwell on the fact that Mr. Swartwout was
appointed to his office contrary to the wish of the democracy of the city, and,
therefore, that they are under no responsibility for his misdeeds, but we will
affirm, without fear of contradiction, that this prodigious embezzlement of the
public funds, this enormous fraud upon the treasury and the nation, has been
owing to the want of just such a law as the friends of a constitutional treasury
have twice brought into congress, and the friends of the banks have twice
defeated.

"The bonds entered into by the sureties of Mr. Swartwout are of course
inadequate to cover the amount kept back by him from the treasury."

That the allegations of Henry Ogden and Joshua Phillips respecting the de-
falcations of Samuel Swartwout were fictitious and seemingly concocted either
for the concealment of undiscovered peculations augmenting their own wealth
or invented to further their own personal interests, becomes more evident and
established as the subsequent statements of the solicitor and the comptroller
of the treasury, and the later testimony of Nathaniel Schultz, the auditor, and
David S. Lyon, the deputy collector, under Samuel Swartwout, are examined.

The two treasury officials, writing to the secretary from the city of New
York, on November 15, 1838, furnished him with the following information
derived from the misleading data and allegations of the cashier and the assistant
cashier:

"We have completed, with the aid of Mr. Underwood [the treasury clerk],
the examination of the records of the custom-house at this place. From them,
with the information derived from Mr. Phillips, the assistant cashier, we have
ascertained, as we believe correctly, the sums withdrawn by Mr. Swartwout
from the public moneys under his charge, during each successive quarter of his
official term, and never replaced. * * * *

"The amount, as settled at the treasury on the 10th instant, exhibits a bal-
ance due from Mr. Swartwout, exclusive of interest, of $1,344,119.65. It is
supposed that a further adjustment of his accounts, and the production of the
formal and necessary vouchers for sums for which he may be entitled to credit,
will authorize a further allowance of $48,413.96. This will make the sum
with which he is chargeable $1,275,705.69, exclusive of interest. This
is the amount that he appears to have withdrawn and never replaced.
"According to the statements of Mr. Ogden and Mr. Phillips, heretofore mentioned to you, and subsequently confirmed by them in writing as well as verbally, the use of the public money commenced as early as the close of 1829, or the beginning of 1830: the practice being to transfer at the commencement of the week, to the treasury of the United States, no more than the amount received previous to Saturday morning; and thus to replace successively from the subsequent receipts the sums withdrawn, so that the deficiency might not appear. Though the sums thus replaced, after they were taken, can form no part of the balance now charged against Mr. Swartwout, which consists only of sums never returned, yet we endeavored to obtain from Mr. Phillips the items of this sort from the commencement. We were unable to do so. * * * *

"The evidence, therefore, in regard to the moneys that were withdrawn and replaced, is found in the verbal communications made to us by Mr. Ogden and Mr. Phillips, which were given in our previous reports to you, and in their letters and written statements, of which copies will be found among the documents transmitted to you herewith. * * * *

"The 'tonnage duty' is the first fund in which the deficit exists. It amounts in the aggregate to $2,271.39. Of this, there occurred in the year 1830, $622.31; in the year 1831, $546.33; in the year 1833, $823.17; and in the year 1835, $279.35. None of these sums are found to be debited in the cash account of Mr. Swartwout. In the year 1836, however, there is a debit to that account of $488.15, for correction of errors, leaving the whole amount of tonnage duty received and unaccounted for $1,783.24. It may be that this deficit has arisen from errors which have crept into the account during the five years through which it extends. The amount is so small as to give color to the supposition.

"The 'forfeitures and penalties' belonging to the United States constitute the second fund in which there is a deficit. It amounts in the aggregate to $39,823.12.

"Of this, there occurred—

In the year 1832, the sum of ......................... $29,632.46
In the year 1833, the sum of ......................... 3,974.04
In the year 1834, the sum of ......................... 1,773.09
In the year 1835, the sum of ......................... 5,343.53

$39,823.12

"The sum above stated belonged to the United States, as their portion of various penalties and forfeitures, and was received by Mr. Swartwout. It was not, however, debited in his own cash account; and though admitted in his accounts rendered to the treasury, it has never been paid over.
"Three treasury warrants, amounting in the aggregate to $39,240.05, were received by Mr. Swartwout during the years 1834 and 1835. They were in the following sums, respectively:

1834, August 23, No. 9677 .......................... $7,637 21
1835, May 2, No. 837 .............................. 21,895 15
1835, June 22, No. 993 ............................ 9,707 69

$39,240 05

"Mr. Swartwout received these warrants under the authority of the 2d section of the act of 27th June, 1834, to make up an alleged deficiency in the fees and emoluments of his office to meet the compensation due to his clerks. Their receipt appears by his books, but the proceeds have never been debited in his cash account, and their whole amount still remains entirely unaccounted for. * * * *

"The next fund, in which we trace the deficit, is much larger in amount than either of the preceding: it consists of cash received by the collector, but which, according to the usage of the custom-house, that officer has been in the habit of retaining in his own hands under the designation of 'protests' and 'deposits for unascertained duties,' instead of paying it into the treasury * * * *

"It is also proper to refer to the payment made by Mr. Ogden, of $30,000, to the solicitor of the treasury, as being a deduction to be made from the amount due from Mr. Swartwout. It was not, however, a sum standing in the name of the latter as collector, or forming any portion of either of these funds; it was money in the possession of Mr. Ogden, but admitted by him to have been received from Mr. Swartwout, and which he voluntarily paid over to the United States.

"The remaining fund, the deficiency in which makes up the whole debt of Mr. Swartwout, is the bond account. * * * * It will be seen that this deficit in the bond account first occurs in the year 1837. Shortly after its commencement, Mr. Phillips, the assistant cashier, kept a list for his own satisfaction (as he stated) of a large number of these bonds, which had been paid, and the money received by Mr. Swartwout."

"The solicitor wrote on the following day to the secretary of the treasury informing him that the steamship Great Western had arrived from England, and had brought letters from the ex-collector, who, in them, admitted "the existence of a large [?] deficit" [in his accounts], and expressed his ability "to pay the whole of it." From the conflicting hearsays, he had also learned that the ex-collector was then either "engaged in negotiations for selling the coal and iron land near Cumberland or for raising a large sum of money there-
on. No definite contract," he had further learned, had been made, but that
"an agent was to be sent to the United States for the purpose of making ex­
aminations [of the Maryland property] on behalf of the London capitalists."

By Mr. Howell, a stockholder of the Maryland and New York Iron and
Coal Company, he was told that the ex-collector's visit to England had for its
object the raising of funds in London "to form a capital for the construction
of works" on the land of the company, which otherwise would be unproductive;
that "the large value at which it was estimated depended on the erection of an
establishment there, which could carry on the manufacture of iron to the full
extent justified by the richness of the mineral productions; and that the funds
to be raised must be first exclusively applied to these purposes."

The fictitious character of the allegations of Henry Ogden and Joshua
Phillips concerning the dishonesty of Samuel Swartwout while filling the office
of collector of customs at the port of New York, is further shown by the
direct and positive testimony of Nathaniel Schultz, the long-experienced
auditor of the custom-house accounts. In answer to the question: "Will
you examine the statement presented by Mr. Gilpin and Mr. Barker, in their
letter [to the secretary of the treasury] of the fifteenth of November, 1838, and
say whether their statement of Mr. Swartwout's defalcation prior to (July,
1836) the time you left the custom-house, be correct or not; and, if correct,
point out wherein;" he thereupon testified under oath, saying:

"In respect to all that is said about tonnage duties their state­
ment is erroneous. Mr. Swartwout regularly entered all the tonnage duties,
and money received therefor upon his cash-book and other books, and accounted
regularly for the same in his quarterly and other returns. I am certain of
this, and I show you now, in the book before the [congressional] committee
[of investigation], the cash-book and other books, that they were so entered and
accounted for at the proper times. It is not right to say that Mr. Swartwout
is a defaulter for any of these items of 'tonnage duties,' and I maintain and
show, by the books and returns, that they have been regularly accounted for
to the United States.

"The next item is 'forfeitures and penalties,' amounting to $39,823.12. The
amount of this item I have already shown the committee by the books, the 'cash­
book,' the 'book of general accounts,' and 'account-current book' (from which
last book the quarterly accounts are copied and sent to the treasury depart­
ment), was regularly credited to the United States. But Mr. Swartwout re­
tained a large proportion of this amount in his hands, and the weekly returns
showed that he retained this money at the time, because they did not acknowl­
dge the receipt of it. His accounts, forwarded to Washington, showed that he
owed this money to the United States.
"The next item is the 'treasury warrants' received by Mr. Swartwout, amounting, in the aggregate, to $39,240.05, to make up deficiency in emoluments and fees to meet the compensation to be paid by him to his clerks.

"The statement of Messrs. Gilpin and Barker, in regard to these items, is wholly incorrect. These warrants were to my knowledge applied to the purposes for which they were received, and regularly accounted for. I have shown you that they were regularly entered into the 'cash-book,' and in the book called 'collector's book of official accounts,' which contains the 'accounts of expenses of his office, and emoluments and fees.' I lay before the committee the last-mentioned book, and show the application of each of the said warrants. A quarterly and annual account, returned to the treasury department at the proper time, contains a full explanation of these items. * * * *

"I produce the foregoing statement [one marked A,' beginning June 30, 1829, and ending, March 31, 1836, too extensive to be given space here], showing the amount of revenue accrued in each quarter at the New York custom-house, from the time Mr. Swartwout went into office up to the 31st of March, 1836; and also of the payments in each quarter during that time. This account closes at the expiration of the last quarter prior to my quitting the custom-house as auditor. This statement is made from the quarterly accounts of customs in the books of the custom-house; and it corresponds with, and shows within a trifle, the adjustments of Mr. Swartwout's accounts at the treasury, in the respective quarters prior to July, 1836. By adding the forfeitures, which I have before mentioned, the account is balanced very nearly, being about forty dollars in favor of Mr. Swartwout. On the 31st March, 1836, the balance, as appears by the books in the custom-house, and as that balance was ascertained and stated by the comptroller of the treasury at that date, was $7,496,146.

"Mr. Swartwout may have used (but if so, without my knowledge), from time to time, the public money arising from bonds, cash duties, or unascertained duties; but on every Monday I made a statement of all the money received and paid during the week preceding, and I know of my own knowledge, that with the exception of the said sum received of the marshal for forfeitures, Mr. Swartwout paid over to the United States all that was due from him.

"It was not within my knowledge that Mr. Swartwout ever used the public money; and if he ever withdrew money from the bank for his own use, he restored it again; because every Monday the cash balance due from Mr. Swartwout to the United States was paid over to the treasurer of the United States, and the receipt of the cashier of the bank sent on to the secretary of the treasury with the weekly returns, showing that Mr. Swartwout had paid up all that was due.
"When the report was in circulation that Mr. Swartwout had become a defaulter, before I left the custom-house, I knew it was not so; and when the secretary of the treasury said that there were false returns and false accounts prior to July, 1836, I knew it was not so. I deny it. I made all the returns myself; they are all true. The secretary cannot prove the accounts and returns prior to July, 1836, are either false or incorrect; if they are false, he ought to be able to prove it. He cannot prove it, for they are true. * * * *

To these undisproved declarations of the truthful auditor, may be added those of David S. Lyon, the deputy-collector under Samuel Swartwout, which are pertinent to the allegations made concerning his defalcations.

"The moneys received and disbursed by the collector did not come within the duties assigned me, therefore I could not absolutely know that Mr. Swartwout was a defaulter, and if he was such, when he became so, or to what extent. I always believed, and do still believe, that his weekly, and especially his quarterly, accounts were perfectly correct, so far as to give a true account of all the public moneys (considered by him as such) received by him, or due on bonds, so that the treasury department had, at least quarterly, the true amount with which Mr. Swartwout should be debited, and that, by deducting the outstanding bonds, and the moneys paid by him to the United States treasurer, and those paid by order of the treasury department, the deficit, if any, would be easily discovered. * * * *

"I have reason to know that the late collector has demanded duties to be paid, which he had reason to know would not be adjudged legal, and which he believed could not be retained, because he has frequently stated to me his opinion on this subject; but he could not have done it for the purpose of obtaining the use of the money paid under protest, as he accounted to the treasury for moneys so received."

An attempt was made by the Hon. Levi Woodbury, secretary of the treasury, to prove the allegations of Henry Ogden and Joshua Phillips true, by an examination of the first auditor's books, but as will be seen, nothing was obtained to substantiate the assertions of the confederated cashier and assistant cashier.

In answer to a letter of inquiry, dated November 19, 1838, from the secretary of the treasury, Jesse Miller, the auditor of the treasury, that year, on December 1, wrote to him, saying:

"The first inquiry contained in your letter, in reference to 'the great defalcation of the late collector at New York;' is in the following words, viz.: 'I therefore request you to inform me of the causes why it was not in the power of your office to report his defalcation when it first occurred, or at the different settlements afterwards, before his term of office expired.'
"In reply to this question, I would respectfully state that it was not in the power of this office to report his defalcation when it first occurred, because it never possessed the means of ascertaining it. * * * *

"But it is also asked why it was not reported at the different settlements afterwards, before his term of office expired.' To this inquiry the same reply might also be made. This office had no means of ascertaining the defalcation of Mr. Swartwout at any time prior to the final settlement of his account. 'It could and did report the correct balances due from him at the different settlements,' but it had no means of ascertaining that a portion of his balance had been used by him for his private purposes. * * * *

"In the case under consideration, the [alleged] embezzlement of the proceeds of the bonds occurred under very peculiar circumstances. It was at a period of 1837, when, owing to the derangement of commercial affairs, the suspension of specie payments by the banks, then no longer used as agents of the government, etc., the bonds were returned to the custom-house, and, though due, were not put in suit, the secretary of the treasury having authorized a temporary suspension, which was afterwards extended by congress to nine months, and when six or eight thousand bonds were lying at the custom-house at one time, and when all was in such a state of confusion that, as has been stated by the auditor of the custom-house, it was utterly impracticable, even there, to ascertain, in making up the amount for the 1st quarter, 1837, the true condition of the bonds; and when even at this late day, after a great deal of investigation, it has been found impracticable to identify an amount of these [alleged] abstracted bonds exceeding $30,000. * * * *

"With these facts before us, it is quite evident that it would have been impracticable for this office, had the system of examining the bond accounts been the most perfect, to have ascertained the [alleged] fraud committed by the late collector in the bonds until about the time for rendering his final account."

In answer to a letter, dated November 7, 1838, from the secretary of the treasury, "in relation to the large cash balance reported as in the hands of Samuel Swartwout, on the settlement of his accounts as collector of the port of New York, for the fourth quarter of 1836," and to a communication, also from the secretary, dated November 19, 1838, inquiring "why the great [alleged] defalcation of the late collector at New York was so long undiscovered," J. N. Barker, the comptroller, on December 1, that year, wrote to him the results of certain "conclusions" made by him (the comptroller) regarding it.

Having presented them, the comptroller remarks: "An examination of the case presented by the large cash balance reported against the late collector at New York, on the settlement of his accounts for the fourth quarter of 1836, the subject of your first special inquiry, may illustrate these views.
"The balance stated to be due the United States on the 31st December, 1836, was eight millions three hundred and sixty-five thousand three hundred and seventy-seven dollars and eighteen cents ($8,365,377.18), consisting of

- Bonds not due: $5,056,836.72
- Bonds in suit: $2,063,247.56
- General bonds on wines: $56,533.51
- Cash on hand: $1,188,759.39

The examination and revision of an account of this magnitude employed the accounting officers from the time of its reception to the 12th of June, 1837, as will appear from the letter of the comptroller to the collector [June 13, 1838].

In the meantime, and only between the 1st of January and the 31st of March, 1837, the collector had deposited to the credit of the treasurer of the United States the following sums:

- In the Bank of America: $973,000
- Manhattan Company: $995,000
- Mechanics’ Bank: $1,989,000

And making in the aggregate: $2,989,000

Thus, without raising a new account for the first quarter of 1837, but referring merely to the accounts as adjusted on the one hand, and on the other to the registry of warrants in favor of the treasurer, the only two sources of information as to the state of the public moneys in the hands of the collector, within the reach of the then comptroller, there would be presented, instead of the apparent cash balance against the collector of one million one hundred and eighty-eight thousand seven hundred and fifty-nine dollars and thirty-nine cents ($1,188,759.39), an apparent cash balance in his favor of one million eight hundred thousand two hundred and forty-one dollars ($1,800,241)."

It is already manifest that neither the auditor nor the comptroller of the treasury were able to furnish data by which the secretary of the treasury could be justified in believing the charges of dishonesty were true which Henry Ogden and Joshua Phillips had brought against Samuel Swartwout, as collector of customs at the port of New York.

In his special report to the president of the United States "upon the recently discovered default," bearing date of December 6, 1838, the secretary of the treasury makes an admission which conclusively shows that he was unwilling to believe that the late collector had knowingly defrauded the government of moneys legally belonging to it. For he declares:

"It is true that this inquiry [as instituted by him through the solicitor and
the comptroller] has, from necessity, been in some degree ex-parte in its charac-
ter, and that some of the results are liable to be disproved or explained away
hereafter.

"This department would be highly gratified if Mr. Swartwout should, in
the end, be able to show that the money for which he is accountable does not ex-
cceed the $201,096.40 reported by him in his last official abstract of his account
as the true balance. It would, also, be much pleased if it should happen, as
promised in his letter of the 13th of April last, that 'on the adjustment of my
[his] accounts, the amount due the government will be immediately paid.'"

In a postscript to this report the secretary adds:

"Two copies of recent letters from Mr. Swartwout to some of his friends in
New York, and relating to this subject, protesting against the supposed amount
of his default, and insisting on his ability to meet any deficiency, are submitted
for the president's perusal, but are not made a part of this report, as some of
the matters contained in them seem to be of a private character."

Two days later, his excellency, the president of the United States, sent the
following message:

"To the senate and house of representatives of the United States:

"I herewith transmit a special report made me by the secretary of the
treasury, for your consideration, in relation to the recently discovered default
of Samuel Swartwout, late collector of the customs at the port of New
York.

"I would respectfully invite the early attention of congress to the adoption
of the legal provisions therein suggested, or such other measures as may ap-
pear more expedient, for increasing the public security against similar defalca-
tions hereafter.

"Washington, December 8, 1838."

On the seventeenth of January, 1839, the house of representatives appointed
a select committee of nine of its members to "inquire into the causes and extent
of the late defalcations of the custom-house at New York and other places" and
to make a report of the investigations of the committee. The representatives
so appointed were Messrs. Harlan, of Kentucky; Curtis, of New York; Wise,
of Virginia; Dawson, of Georgia; Smith, of Maine; Hopkins, of Virginia;
Owens, of Georgia; Foster, of New York, and Wagoner, of Pennsylvania.

On Thursday, January 24, 1839, the committee met at the Astor House, in
the city of New York, and entered upon the business for which it had been
appointed. On the following day the committee having been tendered a room
in the custom-house in which to hold its sessions, the examination of the first
witness was begun there that day. From that time until Friday evening, Feb-
ruary 8, when the committee adjourned to meet on Tuesday, February 12, at
THE SWARTWOUT CHRONICLES.

the capitol in Washington, its meetings were held there and at the Astor House. Forty-nine witnesses testified before it.

The investigations of the committee having been influenced to a great extent by the political proclivities of its members, they not infrequently differed in their individual judgments concerning the acceptance of the testimony of certain witnesses, and the manner in which it had been elicited. These differences caused a division of the committee, and as a consequence six presented a report of the majority and three a report of the minority. Each of these reports reflect the main features of the differences controlling the action of the members making the two reports.

In the report of the majority, that part of the committee prefatorily remarks:

"At no period in the history of the federal government has there been deeper or better founded cause than exists at the present moment for every patriot heart to desire a prompt consummation of that signal task of reform which public sentiment, many years since, inscribed on the list of executive duties in characters too legible to be overlooked, requiring, 'particularly the correction of those abuses that have brought the patronage of the federal government into conflict with the freedom of elections, and the counteraction of those causes which have disturbed the rightful course of appointment, and have placed or continued power in unfaithful or incompetent hands.' *

"The committee will remark here, that, in the outset of the investigation they have made, they supposed it both proper and safe to place themselves somewhat confidingly under the guidance of several special reports which had been made to the house upon the subject of Mr. Swartwout's defalcations, by the treasury officers, previous to the appointment of the committee. *

"It, however, very soon became evident that those reports were not to be implicitly relied on as auxiliaries in finding out either the law or the facts of the case. *

"There seems to be no cause to doubt the correctness of the reports of the treasury officers as to the extent of Mr. Swartwout's [alleged] defalcations, viz.: ($1,225,705.69) one million two hundred and twenty-five thousand seven hundred and five dollars and sixty-nine cents. *

"So far as Mr. Swartwout's interests or reputation are to be affected, it matters not whether any portion of his [alleged] defalcations be traced back to 1830, or only to 1837, because such a question, respecting dates, is not pretended in any way to alter the aggregate amount."

Having signally failed, as is shown by the testimony of the several witnesses examined, to find a veritable cause for the collector's alleged defalcations, the committee set forth as established facts, grounded on that testimony, the following inferences:
"That at the time of Mr. Swartwout's appointment and of his reappointment to office, he was wholly irresponsible in pecuniary reputation, and was involved in debt.

"That at the time of his appointment and of his reappointment, and for the whole period he was in office, he was notoriously engaged in large and hazardous speculations, and deeply embarrassed by them.

"That his pecuniary irresponsibility and consequent involvements by hazardous speculations, constitute one of the primary causes of his [alleged] defalcations to the government."

Under the heading: "Facts connected with the foregoing defalcations, and deemed material to develop their true character," the majority-report recites:

"The committee have found that both the late and present collectors at the port of New York have been in the receipt of large annual incomes, amounting, according to the testimony, from $5,000 to $15,000, from storage of dutiable merchandise in the public stores while the duties on such merchandise are being computed."

The report of the minority of the committee furnishes the following noteworthy paragraphs:

"The manner of keeping the accounts in the custom-house was calculated to effect the object of concealment. The auditor of the custom-house and the naval officer, intended as checks upon the collector, were kept in ignorance as to the true state of the accounts; and, as the treasury department depended on their statements, it was equally ignorant.

"Two of the witnesses, Ogden and Phillips, cashier and assistant-cashier of the custom-house, say, they frequently made no entry at all in the cash-book of moneys abstracted by Swartwout for his private expenses. When bonds were paid, no credit was given for them. The cash-book being in the possession of these individuals, they furnished such statements to the auditor as suited their purposes, and concealed the accurate and true state of the account."

"Mr. Fleming, the auditor at that time, and now auditor of the custom-house (a very respectable and intelligent witness), testifies that he had suspicions in June, 1837, that there was a deficiency in the bond account: he communicated the suspicion to Mr. Phillips, the assistant-cashier, who answered him in a very laconic manner, 'that credit was given in the cash-book for all the bonds that were paid: the rest were in suspense.'"

"Some of the witnesses best qualified to judge—the brokers of New York state, in technical language, he [the collector] was a great operator in stocks in Wall Street; like all business of this description, it was liable to great fluctuations, Swartwout sometimes winning, at others losing large sums of
money. The evidence as to actual loss or gain is by no means satisfactory.

"The subject-matter, however, both in relation to the extent and the causes of the [alleged] defalcation, is still involved in some uncertainty. The character of the testimony is more than doubtful. Some of the witnesses, and those best acquainted with the facts, were active agents, if not participants, in the frauds; the fountain, therefore, from which we derive our information, or the greater portion of it, is impure and defiled."

The practice of examining several witnesses at the same time, and in the presence of one another, caused a member of the committee to move the following resolution:

"Whereas the practice adopted by the committee of examining two witnesses at the same time is calculated to defeat the object of this investigation and the just expectations of the country, as well as to produce great embarrassment and inconvenience to the members, and particularly when, under the rule of examination, one member is compelled to examine two witnesses at the same time: and whereas the injurious effect of this practice is strongly exemplified by the examination at the same time, and in the presence of each other of two witnesses, to wit, Henry Ogden and Joshua Phillips, cashier and assistant-cashier, attached to the custom-house, and called upon to testify to the acts and doings of the cashier department; be it therefore

"Resolved, that, hereafter, one witness alone shall be admitted into the committee-room, whose examination shall be complete and ended before the introduction of another." This resolution, however, was rejected.

On February 9, 1839, the New York Evening Post contained the announcement: "The Swartwout committee have terminated their labors in the city, and the members, we suppose, are now on their way to Washington."

The report of the committee of investigation, and the journal of that body, comprises, with the index, seven hundred and eighty-six printed octavo pages. On the presentation of it, and the report of the minority, to the house of representatives, on Wednesday, February 27, 1839, it was then

"Ordered, that the said reports do lie on the table, and that 5,000 copies thereof, with the journal of the committee, and 20,000 copies thereof, without the journal, be printed for the use of the house." ¹

The finding by the committee that the alleged defalcation of Samuel Swartwout aggregated $1,225,705.69 could not be otherwise, for Henry Ogden

and Joshua Phillips, having been depended upon by the committee for guidance and data, speedily led its members to that groundless conclusion. Willing to gratify the boisterous political enemies of the late collector, seeking the approval of the revengeful sachems of the Tammany Society, and desiring the favor of their own prejudiced constituents, the committee heedlessly ignored all the opportunities it had to obtain evidence which the vilely aspersed ex-collector might have offered in refutation of the allegations of the self-perjured and perfidious cashier and his nefarious confederate. Blinded and misguided, the members of the committee, one and all, ingloriously fell into a ditch of ignominy from which they were unable afterward to extract themselves.

To recompense itself for the losses of money by the assumed peculations of the late collector, the government of the United States began selling his property at that time in the hands of William H. Waddell, United States marshal, as is disclosed by a conveyance, dated June 14, 1839, which recites:

"Whereas Henry D. Gilpin, solicitor of the treasury, heretofore on the 12th day of November, 1838, in pursuance of the act of congress, approved on the 15th day of May, 1820, entitled an act providing for the better organization of the treasury department, issued under his hand and seal a certain warrant of distress against Samuel Swartwout, and Benjamin Birdsall, Charles L. Livingston, and Mangle M. Quackenbos, sureties of the said Samuel Swartwout, directed and delivered to the said marshal, which said warrant is in the words and figures following, to wit:

"To the marshal of the United States for the southern district of New York, whereas Samuel Swartwout, late collector of the revenue for the port of New York, became indebted to the United States in the sum of one million three hundred and seventy-four thousand one hundred and nineteen dollars [and] sixty-five cents, agreeably to the account truly stated by the accounting officers of the treasury, and certified by the first comptroller of the treasury, of which a copy is herewith transmitted, and whereas the sum of thirty thousand dollars has been paid on account of the said debt, so that the sum of one million three hundred and forty-four thousand one hundred and nineteen dollars [and] sixty-five cents remains due by the said Samuel Swartwout, and whereas the said Samuel Swartwout has failed to pay over according to law the said sum of one million three hundred and forty-four thousand one hundred and nineteen dollars [and] sixty-five cents,

"These are therefore to command you in pursuance to the act of congress, entitled an act providing for the better organization of the treasury department, passed on the fifteenth day of May, 1820, to levy, take, and sell the estate of the said Samuel Swartwout, and of Benjamin Birdsall, Charles L. Livingston, and Mangle M. Quackenbos, the sureties of the said Samuel Swartwout, which
may be situate in your district, according to the provisions of the said act, and in executing this warrant you will by yourself or deputies proceed to levy and collect the said sum of one million three hundred and forty-four thousand and one hundred and nineteen dollars and sixty-five cents remaining due, by distress and sale of the goods and chattels of the said Samuel Swartwout, in the manner prescribed by the said act, and if the said goods and chattels be not sufficient to satisfy this warrant, you will levy the same on the person of the said Samuel Swartwout, and in case he should not satisfy the same, you will commit him to prison, there to remain until discharged by due course of law, and if the goods and chattels of the said Samuel Swartwout are not found sufficient to satisfy this warrant, you will proceed to levy and collect the sum of one hundred and fifty thousand dollars, if so much of the said one million three hundred and forty-four thousand and one hundred and nineteen dollars and sixty-five cents remains due by the said Samuel Swartwout, by distress and sale of the goods and chattels of Benjamin Birdsall, Charles L. Livingston, and Mangle M. Quackenbos, of the city of New York, who are sureties of the said Samuel Swartwout in the said sum of one hundred and fifty thousand dollars, in the manner prescribed by the said act, and you are further commanded to cause to be recorded forthwith, in the office of the clerk of the district court of your district, the levy made by virtue thereof upon the lands, tenements, and hereditaments of the said Samuel Swartwout, Benjamin Birdsall, Charles L. Livingston, Mangle M. Quackenbos, with the date of said levy, and you are further commanded, if the goods and chattels of the said Samuel Swartwout, Benjamin Birdsall, Charles L. Livingston, and Mangle M. Quackenbos are not sufficient to satisfy the sum that may remain due, to sell in the manner prescribed by the said act, the lands, tenements, and hereditaments, and all moneys that remain of the proceeds of such sale, after satisfying this warrant and paying the costs and charges for executing the same, you are required to return to the said Samuel Swartwout, or to his said sureties, as the case may be, and whatever you may do, in obedience to this warrant, you will make return thereof to the office of the solicitor of the treasury, given under my hand and seal this 12th day of November, anno Domini one thousand eight hundred and thirty-eight.

"H. D. Gilpin, solicitor of the treasury, [l. s.]; and whereas the said marshal, in obedience to the command of said warrant and in pursuance of the said act of congress, did levy and seize all the estate, right, and title, and interest which the said Samuel Swartwout had of in and to the premises hereinafter conveyed and described at the time hereinafter specified, and on the fifth day of June, 1839, sold the said premises at public vendue, at the Merchants' Exchange, in the city of New York, a
public place within the county and district where the said premises are situate, having first given public notice of the time and place of such sale by duly advertising the same pursuant to the act of congress aforesaid, at which sale the whole of the said premises were struck off in separate parcels to Francis F. Marbury, for the sum of four thousand one hundred and eighty-two dollars, * * * * the said Francis F. Marbury was then and there the agent of the United States, duly appointed by the said Henry D. Gilpin, solicitor of the treasury, to purchase the said premises for the United States, * * * *

"The lot in the 17th, late the 11th ward of the city of New York, on the northerly side of Eighth Street, 300 feet from the northwest corner of Avenue A and Eighth Street, together with the three-story brick dwelling-house and stable thereon, being the premises lately occupied by the said Samuel Swartwout."

And as further named and described by the said conveyance, the lots numbered 777, 778, 779, between 113th and 114th streets and Third and Fourth avenues; also lots 823, 825, and 827, within the aforesaid bounds; also lots 1,196, 1,197, 1,199, 1,201, 1,203, 1,205, and 1,206, bounded and included between Fourth and Fifth avenues and 110th and 111th streets; and lots 1,127, 1,129, 1,131, and likewise lots 1,154, 1,156, and 1,157, between the last-named avenues and 109th and 110th streets; also the lot, on the easterly side of Greenwich Street, No. 153, with the buildings thereon, also the lot with the store-house thereon in the first ward of the city of New York, on the easterly side of Washington Street; also the two lots in the 17th, late the 11th ward, on the southwest side of 14th Street, 153 feet southeasterly from the southeast corner of 14th Street and Third Avenue; also two lots on the northeasterly side of 12th Street, 300 feet southeastwardly from the corner of 12th Street and Third Avenue.

By a similar conveyance, dated November 12, 1839, the said United States marshal sold on November 11, 1839, at the Merchants' Exchange, to the same party, for the sum of $1,201.20, on the Third Avenue tract, in the 12th ward, lots 776 and 780, between 113th and 114th streets, and Third and Fourth avenues; lots 824 and 826, between 113th and 114th streets, and Third and Fourth avenues; lots 1,198, 1,201, 1,202 and 1,204, between Fourth and Fifth avenues, and 110th and 111th streets; also lots 1,128, 1,130, 1,132 and 1,155, between Fourth and Fifth avenues, and 109th and 110th streets; also lots in the 11th ward, on the southwesterly side of 14th Street, 179 feet from the corner of 14th Street and Third Avenue; and four lots, in the 17th, late the 11th ward, fronting on Second Avenue; also two lots in the 17th, late now the 11th ward, on the northeasterly side of 12th Street and Third Avenue.
By a similar conveyance, dated June 15, 1839, the said United States marshall sold, on June 5, that year, at the Merchants' Exchange, to Hamilton Bruce, for the sum of $1,200, ten acres of land, in the 12th ward, bounded westerly by the road leading to McComb's dam, easterly by the Harlem River, and southerly by lands of A. Watt.

By a similar conveyance, dated June 14, 1839, the said United States marshall sold, on June 5, that year, at the Merchants' Exchange, to Hamilton Bruce, for $1,940, two lots, 117 and 121, in the late 9th, now the 15th ward, on the southwesterly side of 14th Street, between Fifth and Sixth avenues; also lot 301, on easterly corner of Seventh Avenue and 14th Street, at Greenwich; lot 31, on the northwesterly side of 14th Street, between Sixth and Seventh avenues; lot 29, on the northwesterly side of 14th Street, between Sixth and Seventh avenues; lot 59, on westerly corner of Seventh Avenue and 14th Street; and lot 47, on the easterly corner of Seventh Avenue and 13th Street.

By a similar conveyance, dated June 15, 1839, the said United States marshall sold, on June 5, that year, at the Merchants' Exchange, to William Bruce, for $108, a lot in the 9th, now the 15th ward, on the southwesterly side of 14th Street, between Fifth and Sixth avenues, at Greenwich; and by a similar conveyance on the same date, to the same person, for the sum of $200, a lot in the Southwesterly side of 14th Street, between Fifth and Sixth avenues, at Greenwich; and by a similar conveyance of the same date, to the same person, for the sum of $190, a lot on the southwesterly side of 14th Street, between Fifth and Sixth avenues, at Greenwich, in the 9th ward.\(^1\)

In the mean time Samuel Swartwout had been successful in negotiating in England a loan of £120,000 ($532,800) for the Maryland and New York Iron and Coal Company. Imagine his surprise and consternation on hearing through his correspondents that he was regarded as an absconded defaulter and that all his property had been transferred to the national government to cover the amount of his peculations.

Samuel Swartwout was too astute not to perceive how in different ways his visit to England could be used to afford grounds on which to found suppositions for his going there. His absence abroad, as he had written to several correspondents, while ostensibly to raise funds with which the mining property in Maryland might be developed, had been to obtain for his own use money, which, by reason of the panic of the previous year and the consequent scarcity of specie in the city of New York and the almost valueless character of bank notes, he stood in great need to meet his individual obligations. Rich as he
was in landed property, he was nevertheless, at that time, as hundreds of other wealthy men were, greatly embarrassed for ready money. Confident in his personal ability to secure a loan on some part of his vast real estate, either on that in the city of New York, or on his tracts of land in New Jersey, Texas, and Illinois, which comprised more than one hundred and forty thousand acres, he did not hesitate to speak of this intention as governing him to a great extent in making the visit. Had he had any enlightening suspicion that this declaration would thereafter be quoted as evidence to establish his insolvency and as proof that his need of money, not only at that time but during his collectorship, had led him to peculate moneys belonging to the United States, he certainly would never have jeopardized his reputation and possessions by divulging his immediate purpose of going to England.

He was, however, fortunate at that time in having withheld from the knowledge of the public that he had applied $40,000 received by him as collector in the last quarter of his term in 1838 to purchase land for the Maryland and New York Iron and Coal Company, which money was included in the sum of $201,096.40 retained by him at the end of his services as collector to meet the liabilities for which he was individually responsible. It may also be mentioned here, that at his request, when he first learned the character of the allegations defaming him, the president of the Maryland and New York Iron and Coal Company had transferred to Levi Woodbury, secretary of the treasury, one thousand shares of the stock of the company, each share being valued at one hundred dollars, aggregating the sum of one hundred thousand dollars, in trust, for the payment of his indebtedness to the United States.

But, as already remarked, what was his dismay when he amazedly saw the great strait in which he was suddenly placed by being unexpectedly deprived of his immense property by the rashness of Henry Ogden in assigning it to the United States. Shackled and impoverished as the ex-collector was by this calamitous disposition of his wealth, his perplexity and distress surpassed all knowledge. Write thereafter what he might, and explain thereafter what he did, there was no circumstance, no plea, no promise available to him by which he could then exonerate himself from the infamous accusations made by Henry Ogden and Joshua Phillips. Poor, mentally distressed, and threatened with imprisonment should he return to the United States, there was seemingly nothing for him to do other than to stay abroad until circumstances might favor a change of his dreary and distressful sojourn in distant countries, and afford him an opportunity in the land of his nativity to refute the charges of the two villainous traducers.

Finding at the end of three long and gloomy years that his absence from home was in every way perilous to his health, livelihood, and reputation, he
determined to return to the United States in the face of imprisonment to gain a more advantageous position to prove that he was not guilty of the charges brought against him.

It was his good fortune to have formed this resolution at the time when George Poindexter, William M. Steuart, and Alfred Kelley were discharging the duties of a board of commissioners appointed by his excellency, John Tyler, president of the United States, to investigate the affairs of the New York custom-house. The following correspondence will enlighten the reader regarding the means which furthered its accomplishment. The writer of the first letter, Charles W. Dayton, was a highly reputable importer of woolen goods.

"New York, June 18, 1841.

"Gentlemen:—Having informed you that I understood that Mr. Swartwout was very desirous to return to the United States, in order to make every explanation and reparation for his conduct in his power, and that he would do so upon an assurance being given that he would not be imprisoned; and though you may not be authorized to give any such assurance, I have yet to ask your opinion as to the propriety of Mr. Swartwout’s return, and whether you do not believe that his voluntary return will be favorably regarded by those in authority.

"I have the honor to be, very respectfully, your obedient servant,

"Charles W. Dayton.


The following answer was returned to the writer:

"New York, June 19, 1841.

"Sir:—In reply to your note, requesting our opinion as to the propriety of the return of Mr. Swartwout to this country, we have only to say that we are unadvised as to the intention of the executive, but concur in the views expressed by Governor Poindexter, in his letter to you of this morning; and while we do not intend to intimate, in the slightest degree, what may be the intention of the government, or what course the executive may pursue, we do not hesitate to say that we should regard Mr. Swartwout’s return as important, as well as in extenuating his own conduct, and vindicating himself from many alleged charges, and as leading to a full development of transactions of much public concern; and should he think proper voluntarily to return, we are persuaded he will be treated with all the clemency and consideration which is due him.

"Wishing you a pleasant voyage, we are, very respectfully, yours, &c.,

"W. M. STEUART,

"ALFRED KELLEY.

"C. W. DAYTON, Esq."
The following is the letter written by Governor Poindexter, chairman of the commission:

"New York, June 19, 1841.

"Sir:—Soon after my first conversation with you, on the subject of the return of Mr. Swartwout to this country, I opened a correspondence with the president, for the purpose of obtaining his assurance that, in the event of Mr. Swartwout's return, he would be treated with that clemency and respect which would become the character of the chief magistrate, and meet the just views and expectations of a man whom misfortune, not unmixed with error, had driven in exile from the soil of his native country.

"I have received from President Tyler one letter in reply, which promised another in a few days, of a more explicit character. This second letter has not come to hand, but, from the tenor of that which has been received, I do not hesitate to express my conviction that Mr. Swartwout may return without any apprehension that the government will pursue him with a vindictive spirit, or that he will receive any other than a proper respect for his person and property, from every department of the government. I give you these as my impressions, to be used for what they are worth, on your arrival in England.

"Wishing you a pleasant voyage,

"I am, respectfully, &c.,

"GEORGE POINDEXTER.

"C. W. DAYTON, Esq."

For the purpose of preventing the arrest of the ex-collector on his arrival home, Commissioner Steuart wrote the following letter to the Honorable Thomas Ewing, secretary of the treasury.

"New York, July 30, 1841.

"Sir:—Mr. Kelley informs me he has written to you in relation to certain proceedings of the late marshal of this district, and the contemplated arrest of Mr. Swartwout on his arrival, and that he had briefly expressed his views to you, as to the propriety of some intervention on your part to stay a proceeding which can only be attended with distress to an individual who, however culpable, seems to have awakened general commiseration for his present condition. Concurring in opinion with Mr. Kelley, and some additional facts having come to my knowledge since he wrote, I beg leave to submit the same to your consideration.

"Before I joined the commission, representations were made to my associates by certain friends of Mr. Swartwout to induce them to solicit the sanction of the executive for his return. It was represented that Swartwout was living in great penury; that he was indebted to the kindness of comparative strangers for his daily means of living and supporting his wife and children;
that he was miserable in the extreme, and was very anxious to return to this

country to make every reparation and atonement in his power for his conduct;

that he hoped to be able to make explanations of many matters which now

appeared most unfavorable, and to arrange his affairs, and make such settle­

ment of his interests in certain property, particularly as connected with his

investments in the coal mines of Maryland, as would greatly lessen, if not

entirely liquidate the claims of the United States against him. These rep­

resentations, or the substance of them, continued to be made after I took my

seat at the board, and resulted in the correspondence, as shown by the ac­

companying copies of letters, which I send, chiefly because I understand it has

been represented that we, as commissioners, had advised and recommended

Mr. Swartwout’s return.

“By letters received in this city, it appears Mr. Swartwout had intended

to have returned in the Great Western, which arrived yesterday, but had not

time to make his arrangements, and that he proposed to come out in the next

steamer, via Halifax and Boston.

“Anticipating Mr. Swartwout’s return in the Great Western, the late mar­

shal, as you have been informed, intended to have arrested him, and, it is gen­

erally understood, will certainly do so on his arrival by virtue of the authority

which he claims to possess under a warrant still remaining in his hands unexe­

cuted. Although you are no doubt fully informed as to all the particulars

under which process was originally issued against Mr. Swartwout, allow me, if

you please, to state the facts, as I understand them, in explanation of the views

which I take of the subject.”

The writer then proceeds to relate the facts respecting the issuing of the

warrant directing “William Coventry H. Waddell, the marshal of the United

States for the southern district of New York, commanding him to levy, take,

and sell the estate of the said Samuel Swartwout and of his sureties,” under

the command of which, the marshal from the twelfth of November, 1838, to

the twentieth of December, 1838, “did levy on a large amount of property,”

which, at the time of the writing of this letter, was, in part, still unsold, and as

stated by the writer, no returns of sales having been made, left unascertained

what balance would eventually remain due from Samuel Swartwout and his

sureties. Then he quotes from the act of congress, approved September 2,

1789, section 28, that “every marshal or his deputy, when removed from

office, or when the time for which the marshal is appointed shall expire, shall

have power, notwithstanding, to execute all such precepts as may be in his

hands, respectively, at the time of such removal or expiration of office.” And

he further remarks that it had been decided that no marshal after removal

from office could proceed to sell land levied upon by virtue of an execution
left in his hands, and that an arrest under such an execution was a trespass.

"Yet the said Waddell without, as I am advised, consulting or even intimating his intention to the district-attorney here, or to the solicitor of the treasury at Washington, hearing that Swartwout was to return, was and is prepared to arrest him the moment he sets foot on his native shore. The secrecy which has been observed, the notorious insolvency of Swartwout, his utter inability to give bail—all show that this superserviceable zeal of the late marshal is not to subserve the public interest, or the purposes of positive justice, but to secure to himself his poundage fees, which will amount to several thousand dollars, and be, in fact, so much lost to the United States, out of the proceeds of the sales of Swartwout's property.

"Considering all these circumstances, and especially that, if arrested, Swartwout cannot avail himself of the equitable provisions of the fourth section of the act of 1820, by reason of his inability to give the security, that, in all probability would be required; that his imprisonment would only inure to the benefit of a dismissed public officer, and would prevent his giving that immediate attention to his affairs which is believed to be important, and may be highly advantageous to the public interest, I have deemed it not improper to make this communication.

"I have the honor to be, very respectfully, your obedient servant,

"Wm. M. Steuart.

"Hon. Thomas Ewing,
"Secretary of the treasury."

This letter obtained the following answer:

"Office of the solicitor of the treasury, August 2, 1841.

"Sir:—Your communication to the secretary of the treasury, of the 30th July, has been referred to this office.

"In a letter to O. Hoffman, Esq., dated 30th July, 1841, I instructed him to take the direction of the warrant in the hands of Mr. Waddell, and to prevent the arrest of Mr. Swartwout, without express instructions from this office.

"I refer you to Mr. Hoffman for any further information on the subject.

"Very respectfully,

"Charles B. Penrose,
"Solicitor of the treasury.

"William M. Steuart, Esq., New York."

This precautionary step obtained the desired exemption of the ex-collector from arrest and imprisonment. On his arrival in New York, he wrote the fol-
following communication to the commissioners investigating the affairs of the New York custom-house:

"New York, August 4, 1841.

"Gentlemen:—On my arrival at Boston, on the 2d instant, I immediately addressed a letter to the president of the United States, informing him of my return to this country, and of 'my desire to meet such action as he might be pleased to order in the investigation of my unsettled accounts with the government, and to fulfill the voluntary offers repeatedly made heretofore to liquidate any balance which might appear against me, to the extent of my means and ability.'

"In conformity with the above declarations, I beg leave to repeat my desire of proceeding in said investigations in such manner as may be deemed best adapted to attain the object desired, and that I shall await the action of the committee in the premises. In the mean time, I beg leave to suggest that it is of the greatest importance to the interest which the government now holds in the Maryland and New York Iron and Coal Company that I should be authorized to be absent at Cumberland during the visit of Messrs. Palmer and Young to the works of the company, as these gentlemen intended proceeding thither immediately, I hope the committee may be able to give the suggestion a favorable consideration.

"I have the honor to be, with the greatest respect, gentlemen, your most obedient humble servant,

"Samuel Swartwout.

"The Hon., the Commissioners of Investigation of the New York custom-house."

This letter obtained the following answer:

"New York custom-house, August 5, 1841.

"Sir:—The commissioners desired to have had your attendance this morning, but our marshal, who was directed to summon you, was informed you would not be at your lodgings until noon. As you intimated an intention (if not objected to on our part) to leave New York this evening, we have to inform you that we deem your departure unadvisable till the views of the honorable secretary of the treasury are further known, and especially till it is ascertained whether the process directed to the marshals of New Jersey and Maryland, which we understand to have been similar to that put into the hands of the marshal of this district, has been suspended by order of the solicitor of the treasury.

"Respectfully, your obedient servants,

"Wm. M. Steuart,

"Alfred Kelley.

"Samuel Swartwout, Esq."
In view of the examination of the ex-collector by the investigating commissioners, the solicitor of the treasury had sent them the following communication:

"Office of the solicitor of the treasury, August 5, 1841.

"Sir:—On the 30th of November, 1839, the late collector of customs at New York, Mr. Hoyt, addressed a letter to this office, in which he stated that Messrs. DeRham & Moore, one of the most respectable mercantile houses in New York, had called the day before, and handed him a letter from Messrs. E. & C. G. Feher & Co., formerly merchants of New York, dated in St. Gall, Switzerland, October 17, 1839, in which they stated that they found in their possession the following bonds for duties, executed at the custom-house, New York, viz.:

<table>
<thead>
<tr>
<th>Date Due</th>
<th>Amount</th>
</tr>
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<tbody>
<tr>
<td>December 8, 1837</td>
<td>$1,179.00</td>
</tr>
<tr>
<td>December 10, 1837</td>
<td>516.00</td>
</tr>
<tr>
<td>December 19, 1837</td>
<td>1,495.00</td>
</tr>
</tbody>
</table>

Making, together $3,190.00

And that, after the most careful examination of the books of their firm, they were satisfied that said bonds had never been paid at the custom-house. They therefore requested Messrs. DeRham & Moore to inquire at the custom-house, and unless they could there find evidence of their actual payment, to pay them to the collector, and take his receipt.

"Mr. Hoyt encloses a statement from the auditor of the custom-house, in which he says that upon examination of the books of the custom-house, 'it appears that these bonds form part of the large amount of missing bonds charged to Mr. Swartwout upon the closing of his accounts after his retirement from office. They are not, however, contained in Mr. Phillips's list, which was sent to the treasury at the time of the investigation of Mr. Swartwout's accounts by the comptroller and solicitor. After the final accounts of Mr. Swartwout had been made up and transmitted to the treasury, agreeably to the direction of those officers, Mr. Underwood, of the first auditor's office, who had come from Washington with those gentlemen, recommended that a supplemental account of all missing bonds be made out and forwarded to the first auditor as a means of aiding his office in the examination of Mr. Swartwout's bond account. This was accordingly done, and in that account will be found the three bonds in question.'

"The letter of Mr. Hoyt was referred to the first auditor of the treasury for his examination, who returned it in a letter, stating: 'I have caused a diligent examination to be made, and find that the bonds were returned taken by the
THE SWARTWOUT CHRONICLES.

collector at New York, in the second quarter of 1837: that it does not appear from the returns subsequently received from that office, that they were ever paid or put in suit.

“These examinations left no doubt that the bonds had never been paid, and the collector was instructed to receive the amount from Messrs. DeRham & Moore, and deposit it to the credit of the treasurer of the United States, on account of Mr. Swartwout’s debt. The amount (being $3,574.12) was accordingly paid on the 9th of January, 1840, and passed in the treasury to Mr. Swartwout’s credit.

“I make the foregoing statement to you, because it has been generally supposed that a large amount of the bonds with which Mr. Swartwout is now charged was surrendered up without receiving payment. There can be no doubt that such was the case in regard to those three bonds; and as Mr. Swartwout will probably be examined with reference to this matter, I have thought that this case might aid in it, and possibly lead to other and more important developments.

“Very respectfully, yours,

‘Charles B. Penrose,

‘Solicitor of the treasury.

‘Alfred Kelley, Esq., New York.”

The following testimony of Charles W. Dayton given before the investigating commissioners, on August 9, 1841, may also be placed before the reader at this point, to show that Henry Ogden and Joshua Phillips were associated by a common understanding in the advancement of their financial interests while in the service of Samuel Swartwout as cashier and assistant cashier, as early as the year 1837.

“On or about the 28th of January, A.D. 1837, I was under the necessity of raising a sum of money for the payment of the duties on a lot of goods imported by me, and, finding difficulty in raising the amount necessary, I applied to some acquaintance, whose name I cannot now recollect, stating the difficulty of raising the money, with a view of obtaining from him the best method of obtaining the money. He stated to me that I could probably obtain a discount from the cashier of the custom-house. I accordingly applied to Henry Ogden, then cashier, and offered him a note given by Corlies, Haydock & Co., to John Taylor, jr., and which had been given to me by said Taylor for the purpose of enabling me to raise money to aid in the payment of the duties. The note was for the sum of three thousand dollars, and had then about three months to run. Mr. Ogden did not at first give me a definitive answer as to discounting the note, but said he would consult with Mr. Phillips, then assist-
ant cashier, and let me know in a short time. On the same day, or on the next morning, I called again, and Mr. Ogden then informed me that they would discount the note at the rate of one per cent. per month. These terms were accepted, the note delivered to them, and the sum of ninety dollars deducted from the face of the note, as the discount. Mr. Ogden paid me the sum of $2,910, partly in bank bills, and the remainder in a check drawn by him, I think on the Lafayette Bank. The bank bills and the check were immediately paid over by me to an assistant or clerk in the cashier's department, in payment of duties. I immediately obtained a permit, on which I received my goods. All these transactions, in relation to the discounting of the note, the receiving of the money and check therefore, and the paying over of the money for duties, took place in the cashier's apartment or office in the custom-house."

As the examination of Samuel Swartwout, under oath, on Monday, August 9, 1841, by the commissioners, elicited so many astounding statements from the equitable-minded ex-collector, it is thought important to present here the record made of it.

"1. Question. Did you at any time, while collector of the port of New York, 'tell' or otherwise direct J. Phillips, then assistant cashier, or any other person in the cashier's department, not to enter in the cash-book money received on bonds given to secure the payment of moneys due to the United States, and especially did you give any such order or direction in regard to moneys received on bonds contained in a list purporting to have been kept by said Phillips, as set forth in document No. 13 of the house of representatives of the 25th congress, commencing at page 54 of said document, now exhibited to you?

"Answer. I never told, or otherwise directed J. Phillips not to enter on the cash-book any moneys received on bonds or otherwise, nor did I ever give directions to J. Phillips, or any other persons, in regard to moneys received on bonds contained in a list as set forth in document No. 13 of the house of representatives, commencing at page 54 of said document, now exhibited to me.

"2. Question. Did you in person receive from the obligors of the bonds due to the United States, in any instance or instances, payment on said bonds? And was payment on any such bonds, in any instance, to your knowledge, made to any other person than the cashier or assistant cashier (after the bonds were, by direction of the secretary of the treasury, no longer deposited in bank for payment), except such bonds as had been placed in the hands of the district-attorney for collection?

"Answer. I am not aware that I ever received from the obligors of bonds due the United States any payments on said bonds, nor do I know or believe that, in any instance, payment on such bonds was made to any other person
than the cashier or assistant cashier, except on such bonds as had been placed in the hand of the district-attorney for collection, and such as had been paid in bank during the time they were deposited there for payment.

"3. Question. Did the cashier pay to you in person, or to your private secretary, or other confidential agent, the balance of moneys from time to time found to be on hand, arising from moneys received in his department, after deducting the payments made therefrom, for debentures, drawbacks, salaries, treasury drafts, &c.? If not, what disposition was made of such moneys so remaining on hand, and what evidence, if any, did the cashier take for the payment of such sums as, by his cash-book, appear to have been paid over?

"Answer. The moneys collected at the cashier's desk were, I believe, daily deposited in bank by him or his assistant, after deducting the payments made therefrom, for debentures, drawbacks, salaries, treasury drafts, &c.; but no receipt or other evidence, that I know of, was ever given to the cashier or his assistant, of his having done so, beyond the insertion of the same on the cash-book. He or his assistant made the deposits daily, without especially informing me of it, or my inquiring the amount of such daily collections or deposits; nor had I any knowledge as to whether the amount received at the cashier's desk agreed with the daily deposits made by him.

"4. Question. Did the cashier or assistant cashier pay to you in person, or to your private secretary, or other confidential agent, or on your order, either written or verbal, or in any manner, for your use, the moneys received on bonds contained in the list referred to in the first interrogatory, which purports to have been kept by Mr. Phillips, or any part of said moneys; and if any part, how much was paid over to you for your use?

"Answer. I never received personally, to the best of my knowledge and belief, any of the moneys received for bonds mentioned in the list alluded to. None of such bonds, that I am aware of, were ever paid, except in the usual way, at the cashier's desk; and no part of the money received on said bonds, specified in the list contained in document No. 13, was ever handed to me, or to any other person, by my directions, for my private or personal use; nor had I any knowledge of the existence of any such bonds, distinctly from any other bonds, in the custom-house; nor were they, or the proceeds thereof, selected from other bonds, at any time, by any orders or directions of mine.

"5. Question. Had you, during the last quarter of 1836 and the first quarter of 1837, any use for a large sum of money, for any purpose, or did you apply a large sum of money, within the period above mentioned, to any purpose of your own, either in the payment of debts previously contracted or in the purchase of stocks or real estate?

"Answer. I am not aware that I had any particular use for a large sum of
money, for any purpose, within the period above mentioned, namely, the last quarter of 1836 and the first quarter of 1837; but I did appropriate $40,000 in the spring of 1838, for the purchase of iron and coal lands in the state of Maryland, near Cumberland.

"6. Question. What sum of money, either in cash or exchange, did you take with you to Europe in 1838, and what sum of money, if any, did you leave in the United States, to be remitted to you in England or France after you arrived?

"Answer. I took with me to Europe one thousand dollars only, out of which sum I paid my passage out, and left five hundred dollars only for the use of my family; but no moneys were ever remitted to me from the United States whilst I was abroad, except £1,000 sterling from B. B. Howell, after the first payment was made on the loan procured upon the account of the Savage coal and iron estate. I lived, with that exception, on loans obtained from personal friends.

"7. Question. Prior to your leaving the United States, did you by letter to any officer of the treasury department, offer to settle your accounts, as collector of the port of New York, at the treasury, and to make good to the government the amount which might appear against you on such settlement? If yea, can you produce the originals or copies of such correspondence?

"Answer. I did not, that I am aware of, make any such communication as is here referred to, at any time prior to my departure for Europe; but after my arrival in England, I did write a letter to the district-attorney of the southern district of New York, in which I stated that I believed myself able to make good any deficiencies which might appear against me on a settlement of my accounts at the treasury. I have no copy of said letter, but believe the original was transmitted to the solicitor of the treasury.

"8. Question. At the time of your leaving the United States, or subsequent to your arrival in England, did you, by any communication addressed to any officer of the government, express your belief of being able to pay the amount of your indebtedness to the United States, and assign as a reason of your leaving the United States your expectation of raising funds in England, by a sale or negotiation of your interest in certain coal and iron mines in Maryland? If yea, can you produce a copy of such communication?

"Answer. For an answer to this interrogatory, I refer in part to answer 7, and add, that my only object in leaving the United States was to effect a sale of a portion of the property in Maryland, with which I hoped to be able to liquidate all demands against me.

"9. Question. What was the proportion or extent of your interest in the coal and iron mines near Cumberland, Maryland, and what the present condi-
tion of that interest, as under lien to the United States, and what evidence have
you that, by your personal attention and a judicious management of the same,
the said interest can be so advanced as eventually to secure or indemnify the
United States against all losses on your account?

"Answer. My interest in the coal and iron mines in Maryland was origi­
nally one-half, but subsequently the property was divided into 6,000 shares, 1,000
of which were assigned to the secretary of the treasury, on my account; 1,800
or 2,000 were given as a bonus to lenders and others in England; and the
residue belongs to Messrs. Howell, myself, and William Young, in the pro­
portion of five-elevenths to each of the two former, and one-eleventh to William
Young. But, as a large proportion of a loan of £120,0001 20,000 sterling was lost
by the failure of the bank of the Messrs. Wright, in London, in November, a
further amount must be raised, and more shares given as a bonus therefor. It
is on this account that I am anxious to proceed to Cumberland, in order that
prompt action there may place the property in a condition to be available as
soon as possible."

In the answers subjoining the different interrogatories in this examination
there is no evidence that the ex-collector had found it necessary for his self­
defence to resort to any convenient subterfuges or ambiguities of speech, nor
did he betray a vindictive purpose to criminate either Henry Ogden or
Joshua Phillips, or any other person who had served him as an employé while
he had held the office of collector of customs. Neither do his answers show
that he had any inclination to evade or absolve himself from any of the re­
sponsibilities which he had assumed when he accepted the collectorship. His
high sense of personal rectitude was such that he could not be tempted to dis­
honor his individual pride and manliness. Therefore he made no sacrifice of
his integrity to win the favor of the national government or to modify the prej­
udices of opinionated men.

As a consequence of the frank and dispassionate statements of the ex-col­
lector, two of the commissioners subscribed their names to the following com­
munication sent by them to the solicitor of the treasury:

"New York, August 7, 1841.

"Dear Sir:—Your communication of the 5th instant has just come to hand.
The case of the bonds of Fehers had before come to our knowledge. We
have taken measures to obtain a list of the bonds contained in the abstract
made out by the auditor of the custom-house, and that furnished by J. Phillips,
assistant cashier, on which he acknowledges that money was received in the
cashier's department; in other words, a list of the bonds which constitute the
discrepancy between the two accounts. Having obtained this list, we can call
on some of the obligors, and ascertain whether these bonds were paid, and to
whom, and thus perhaps get hold of a clue to the truth in regard to this mysterious transaction.

"Mr. Swartwout positively denies having told Phillips, or any other person, not to enter in the cash-book moneys received on bonds during the first and second quarters of 1837, as testified to by Mr. Phillips before the committee of the house of representatives (doc. 313, pages 370, 371). Mr. Swartwout also denies having received personally from the obligors moneys due on bonds, and also denies that the moneys received on the bonds contained in the list kept by J. Phillips, referred to in doc. h. r. 13, page 54, were paid over to him, as you see by his testimony herewith enclosed.

"You will see by the letter of Mr. Fleming to Mr. Gilpin, then solicitor of the treasury (doc. 13, page —), that Phillips at first denied that he had omitted to enter on the cash-book moneys received by him on bonds. This statement Mr. Fleming now corroborates on oath, as you will perceive by an extract from the testimony herewith enclosed. After Mr. Swartwout sailed for England, Mr. Phillips admitted the reception of the money on the bonds, and the omission to enter the same on the cash-book, but said the omission was in consequence of an order from Swartwout, and that the money was all of it paid over to him.

"Now, though you must, in a legal point of view, take his confession altogether, and while you charge him with having received the money, admit that he paid it over, still, if a suit commenced against him for moneys had and received to and for the use of the United States, you can, as I believe, prove by the obligors of the bonds that they paid the moneys into his hands, and thus compel him [Phillips] to account for it.

"He [Phillips] certainly made a false statement when he said to Fleming that all the moneys received on bonds have been entered in the cash-book; and I have little doubt, from all the circumstances that have come to my knowledge, that Ogden and Phillips, or Phillips alone, but most probably both together, have appropriated to their own use most of the money which was omitted to be entered on the cash-book, unless indeed, part of it was applied to electioneering purposes, as some persons strongly suspect.

"It appears to me important that legal proceedings should be forthwith instituted against Ogden and Phillips, or Phillips alone, as may be thought most expedient, for this money: and I would respectfully suggest that you come here for the purpose of making more full inquiry into the circumstances of the case, with a view of satisfying yourself what is best to be done; or that you give the district-attorney, to whom the matter may be safely confided, full discretion and power to act in the premises.

"I make this communication individually, as both my colleagues are tempo-
rarily absent, and I apprehend delay may be injurious to the interests of the
United States.

"I am, sir, very respectfully, your humble servant.

"Alfred Kelley.

"Hon. Charles B. Penrose,

"Solicitor of the treasury, Washington."

"[P. S.] I was absent this morning when the above was prepared, and will
not detain the mail by entering more at length; saying, however, that I fully
concur in Mr. Kelley’s views, particularly as to instituting proceedings against
Phillips and Ogden. Phillips, we are informed, was a broker in Wall Street
up to the time the commission was instituted; and there are many circum­
stances to fix strong suspicion on him.

"Very respectfully, your obedient servant,

"Wm. M. Steuart."

In their report, dated Washington, January 14, 1842, to the Hon. Walter
Forward, secretary of the treasury, the commissioners, Alfred Kelley and
William M. Steuart, in remarking the testimony taken by them relating to the
collectorship of Samuel Swartwout, say:

"It also appears, from the testimony of Edwin Hyde, that the cashier and
his assistant [Henry Ogden and Joshua Phillips] received payment on part at
least of the bonds contained in the auditor’s account of bonds delivered to the
assistant cashier for collection, and not accounted for by him, either by a credit
to the government on the cash-book, or by the private list of bonds paid, but
not entered on the cash-book kept by Mr. Phillips.

"These circumstances, together with the fact that, in one instance at least,
the cashier and his assistant discounted a note for an importer, in the custom­
house, receiving for duties their own check, given in part payment for the note,
as proved by the testimony of C. W. Dayton, create a strong presumption that
one or both of them converted to their own use large sums of money belonging
to the government."

Mention is further made regarding the steps taken to recover from Joshua
Phillips a part of the moneys which he had alleged had been appropriated by
Mr. Swartwout, and unaccounted for by him. This is in the annual report of
Charles B. Penrose, the solicitor of the treasury, bearing date November 1,
1843, which recites:

"After the return of Samuel Swartwout to this country from abroad, and
his examination before the commissioners appointed to investigate the affairs
of the custom-house at New York, a suit was instituted, under the direction of

ments, 27th congress, 2d session, vol. vi., document 221, pp. 997, 998, 999, 1000, 1001, 779, 780, 784,
785, 781–784, 39.
this office, on the 21st of August, 1841, for the sum of six hundred thousand dollars against Joshua Phillips, who had been assistant cashier of the custom-house under Mr. Swartwout. This suit is still pending. It was brought in consequence of the investigation referred to, and the evidence then elicited, which went to show that, however Swartwout might be liable for money received by his cashier, the cashier himself was also liable for this large sum, never having paid it over."

After the commissioners investigating the affairs of the New York custom-house had returned, on December 8, 1841, to Washington, the ex-collector went there "in the hope of effecting a final adjustment and settlement of his accounts, and also in the hope of obtaining a restoration of his immensely valuable property, which had been illegally seized and sold in his absence, by virtue of the illegal distress warrants, being well satisfied that a moiety of his property would satisfy any just and equitable claim which the government could legally establish against him; and for the purpose of redeeming his name from the obloquy so vindictively and unsparingly heaped upon it."

"With these objects in view, Mr. Swartwout remained in Washington throughout the winter of 1841–2, without effecting anything, and, as a final effort, he informed the solicitor of the treasury that he owned other valuable property, not covered by distress warrants, and unknown to the government, and as an inducement to have his accounts adjusted and settled, he declared himself willing to make a conveyance of all this additional property to a trustee authorized to apply the proceeds of the sale of it to the liquidation of any claim which the government could establish against him."

At that time William Young was the president and the general superintendent of the Maryland and New York Iron and Coal Company. He had "been engaged constantly and actively in the manufacture of iron since he first settled in the United States in the year 1816. The well-known West Point foundry owed all its success to him. He subsequently became president of the Ulster Iron Works, which establishment he raised to a high pitch of prosperity, and quitted it only to take upon himself the superintendence" of the Maryland and New York Iron and Coal Company's works.

It was through his instrumentality that the national government had been induced to transfer to the Maryland and New York Iron and Coal Company three hundred and eighteen shares of the one thousand of the company's stock held to meet the cancellation of the indebtedness of Samuel Swartwout, which transfer was to prevent the company from becoming insolvent and to obtain a loan in England of £80,000, to complete the buildings and works and pay an existing indebtedness of the corporation.

The overtures of Samuel Swartwout made to the national government of his
THE SWARTWOUT CHRONICLES.

willingness to put the property still belonging to him in the hands of an ac-
ceptable trustee empowered to hold and use it for the cancellation of any
claim which the United States could establish as legally held by it against the
ex-collector, resulted in March, 1842, in his making William Young the
trustee. On the acceptance by William Young of this responsible com-
misson, Samuel Swartwout executed a deed of trust to him to secure to the
United States the payment of any claim which it could prove legally estab-
ish'd by it, against him. The deed embraced all his interest in the Maryland
and New York Iron and Coal Company; " three several tracts of land in the
republic of Texas, containing upwards of one hundred and forty thousand acres,
and several tracts of land in the state of Illinois, containing upwards of twenty-
four hundred acres. * * * *

"This, it is understood," as remarked by the solicitor of the treasury, in his
annual report, dated November 1, 1843, "embraces all the estate to which Mr.
Swartwout is in any manner entitled, and which has not been disposed
of in the proceedings heretofore taken against him."

This remarkable ex parte disclosure particularizes the fact that the gov-
ernment of the United States had deprived Samuel Swartwout of all his other
estate, of which no pains had ever been taken by it to ascertain the value, and
of which it had enforced sales, at a time when, by reason of the monetary panic
of 1837, the buildings and lands could not obtain prices in anywise com-
mensurate to their real value, thereby squandering their money-value for the
personal advantage of a few fee and perquisite-seeking officials. It also sug-
gestively brings into the foreground of the position taken by the national
government, the gross illegality of its immediate appropriation of Samuel
Swartwout's property without affording him any proof of a definite and law-
ful claim establishing its right and title to it.

In his frequent conferences with the unfortunate and distressed ex-collector,
the observant solicitor could not forbear making the following allusion to his
manifest sincerity and uprightness:

"I feel bound to add, that he has acted in his intercourse with my office,
as far as I could discover, with entire candor in stating the condition of his
property and affairs; and evinced a commendable disposition to have all his
property applied, without reserve, to the payment of his debt to the United
States. The information which he has furnished has enabled me to put the
proceedings in the state of Illinois in such a train that his lands there will, no
doubt, soon become the absolute property of the government, or be sold for an
adequate price, and the purchase-money applied towards the debt due."

1Executive documents, 28th congress, 1st session, vol. iii., document 35, pp. 21, 20, 21, 22. Letter
of William Young, trustee, New York, March 16, 1850, to John L. Graham, Esq., counsellor at law,
New York.
As further disclosed by William Young, in his communication, addressed to John L. Graham, counsellor at law, of the sixteenth of March, 1850:

"I accepted the trust upon the assurance of the solicitor that he would have all matters connected with the recording of deeds and care of the land in Illinois and Texas attended to by the district-attorneys or other duly authorized agents of the government, without trouble or expense to me; and in accepting the trust, I was also influenced by an earnest desire to aid in effecting a speedy settlement of Mr. Swartwout's accounts, and put an end to the cruel and unjust persecution to which he had been so long subjected.

"Accordingly the deed of trust was prepared, approved by the solicitor, and duly executed by Mr. Swartwout on the 11th March, 1842; it was then delivered to me, together with all title papers and vouchers of ownership of the property so conveyed.

"After having the deed recorded in Washington, New York, and Cumberland, upon the suggestion of the solicitor, I delivered to him the deed, and all the accompanying documents for safe keeping, and from which to frame his instructions to his agents in Illinois and Texas.

"After having made the transfer of so large an amount of property as additional security to the government, the reasonable expectations of Mr. Swartwout of obtaining a settlement of his accounts were doomed to disappointment.

"My efforts were added to those of Mr. Swartwout, with an anxious desire on my part to be exonerated from the responsibility of the trust, but without success. In May, 1845, our expectations were revived by the verdict of the jury, in the circuit court for the southern district of New York, in the suit of the United States versus the executors of Henry Eckford, one of the sureties of Mr. Swartwout, in which the United States alleged a defalcation of $435,052.21, and put in affidavits of the solicitor and the comptroller, and the testimony of clerks, that the books of the treasury department showed Mr. Swartwout a debtor for that sum; instead of which it was proved to the entire satisfaction of the court and jury that Mr. Swartwout had fully and fairly accounted for every dollar of the money for which that suit was brought, and a verdict was given in favor of the defendants for $20,545.59."

"But the withholding of this money, without interest, for so many years was not enough, although it might have been conceded to the heirs of Henry Eckford, decessed, one of the sureties of Samuel Swartwout on his official bond, was commenced in the month of June, 1839, for the alleged defalcation during the second term of the official service of said Swartwout as collector, that is, from the 29th of March, 1839,
Eckford, and would have exonerated Mr. Swartwout from his indebtedness to that amount, still it shows that the accounts kept in the treasury department were not immaculate.

"To avoid the payment of the awarded sum a motion for a new trial was made. The motion was argued in September, 1847, and in October, 1849, the court denied the motion, and confirmed the verdict of the jury of May, 1845. Thus the heirs of Henry Eckford were subjected to the additional loss of four years and five months’ interest, and Mr. Swartwout exonerated from [peculating the sum of | $435,052.21 of his alleged defalcation, in addition to the $600,000 falsely charged as appropriated by him], for which the suit was begun against Joshua Phillips.

"From these facts, the following statement shows ‘the consequent and direct liability of Mr. Swartwout,’ according to the allegations of the treasury department and the investigating committees.

"By the report of the investigating committee, of which Mr. Harlan was chairman, Mr. Swartwout is represented as a defaulter in the sum of $1,225,705.69.

"The report of the investigating committee, of which Governor Poindexter was chairman, caused a suit to be brought against Joshua Phillips, for amount of bond account, no part of which ever passed into the hands of Mr. Swartwout for his own individual use $600,000.00

"The verdict of the jury in the suit of the United States against the executors of Henry Eckford, showed errors in the accounts of the treasury department $435,052.21

"On November 10, 1839, Henry Ogden paid to H. D. Gilpin, solicitor of the treasury, money for which he was accountable to Mr. Swartwout $30,000.00

$1,065,052.21  $1,225,795.69

"Showing a balance of $160,653.48, when on the contrary the whole world has been taught to believe to this day to the 28th of March, 1844; the amount of said official bond being $150,000, and the amount of said defalcation $435,052.21.

"That the issue, joined in said suit, was tried in the month of May, 1845, and that on the 20th of said month, the jury, empanelled in the cause, rendered a verdict for the defendants, and certified a balance in their favor for $25,543.59.

"That after the rendition of said verdict, a motion for a new trial was made on the part of the United States, which motion was argued at the Special term; that at the October term, in the year 1849,
that Mr. Swartwout is a defaulter in the sum of one and a quarter million of dollars!

"Taking advantage of the temporary absence abroad of Mr. Swartwout, the persons then in power seized upon and sold his property; and I am informed that not one dollar of the proceeds has been paid into the treasury up to this time.

"Had his property remained under his own management, his Hoboken meadows alone would have sold for a larger sum than the government could have established a claim for, but, having illegally wrested from him all his property, it has not yet been legally proved, after a lapse of twelve years, that he ever did, or does, owe them one dollar. Why then have we courts of justice and equity? Is a man to be robbed of all his property, and have his reputation blasted, and be made to undergo torture and the suffering of ten thousand deaths, upon the bold assertion that he is a defaulter?

"I have endeavored for ten years to get Mr. Swartwout's accounts settled, and for eight years to get relieved from my responsibility as trustee. If no other means can be devised, I will apply to the senate, and should I fail there, I will lay the whole case before the president, who, I doubt not, will order a thorough investigation.

"I beg leave to call your particular attention to that portion of the trust which embraces the lands in Texas.

"In 1847 I was informed that Mr. Gillet, then solicitor of the treasury, had advertised those lands for sale. I immediately called upon Mr. B. F. Butler, then United States district-attorney in this city [New York], who showed me the 'Union' newspaper, containing Mr. Gillet's advertisement, in which I found [offered for sale] the three tracts specified in the deed of trust and designated as Nos. 876, 877, and 878.

"I explained to Mr. Butler that Mr. Gillet had no authority from me to sell those lands, and that I would not countenance nor recognize such a sale, because the government had not proved any indebtedness of Mr. Swartwout, and I added that Mr. Gillet could not give a good title to any of those lands. Mr. Butler observed that Mr. Gillet could only give a quit claim, which observa-
tion caused me to say that I could give him (Mr. Butler) a quit claim on the city hall (in which we were seated), and that the one would be as good as the other.

"After leaving Mr. Butler, I wrote a letter to Mr. Gillet, protesting against the sale of any of those lands by him, under the existing circumstances, to which he did not think proper to reply; and I afterwards ascertained that he did make sale of the interest of the government in the three tracts covered by the deed of trust."

"Mr. Gillet had in his possession these evidences of the value of this tract, [as given in the footnote], which the government sold to Mr. W. W. Corcoran for $1,001, against the protest of the trustee, in whom the legal title is vested.

"I forbear comment on this transaction, except to add that Mr. Gillet had in his possession documents showing that Mr. Swartwout purchased from Frost Thorn the tract No. 876, on the twenty-fifth of January, 1835, for the sum of $9,688.60, which sum he actually paid as shown by the receipt of the said Thorn; to which sum all taxes subsequently paid must be added, besides the cost of the buildings and the improvements made thereon, as shown by the letter of James Fortune, before referred to [and particularized in the footnote mentioned].

"The tracts, Nos. 877 and 878, on Mr. Gillet's list, are also included in the deed of trust, and consist of 48,000 acres each, yet to be located on any part of the vacant lands in Texas. The right to locate these tracts is unimpaired by lapse of time, and yet Mr. Gillet has sold No. 877 to a Mr. Johnson Price for $525, and No. 878, to a Mr. Alexander R. McKee, for $525.

"The first tract, No. 876, is situated on the forks of the rivers Angelina and Attoyaca. Among the papers deposited by me in the solicitor's office, are the following relative to this tract:

1"County of Nacogdoches, republic of Texas.

The undersigned, assessor of the aforesaid county, does hereby certify that Frost Thorn, of said county, has returned to $4,708 acres of land, situated on the forks of the rivers Angelina and Attoyaca, and that the same is assessed at fifty cents per acre, or for the sum of $21.77. Nacogdoches, 4 Nov. 1837. HADYN EDWARDS, assessor.

"There is also a letter written by James Fortune, and dated Nacogdoches, 15 August, 1839, describing the lands of this tract as among the best in the country, and selling for four and five dollars per acre, with the certainty of a large increased value as the country would become settled."

"But another strange feature in this case is found in the fact that John S. Thorn had bid for this tract $1,000, and that Mr. Corcoran's bid of $1,001 was accepted. This was close shaving, as we say in Wall Street.

"In an interview I had with Mr. Corcoran, in Washington, he stated that the tract had then cost him over $6,000. Knowing that the title to the land was clearly established by the documents deposited by myself in the solicitor's office, and that the taxes were paid, and the record showing that the purchase made by Mr. Corcoran was $1,001, I was unable to understand how it could have cost him $5,000 more. To satisfy myself, I went to the treasury, and made a copy of his letter of bids for the property advertised by Mr. Gillet, of the following is an extract:

WASHINGTON, 25th October, 1837.

Sir: For the following property advertised by you on the 17th of August last, and to be sold this day, I make the bids below stated:"

"Sir: For the following property advertised by you on the 17th of August last, and to be sold this day, I make the bids below stated:"
"The observations heretofore made on the sale of No. 876, apply equally to 877 and 878, and I consider their value of sufficient magnitude to demand my personal inspection of No. 876, and after doing so, to locate the others, and then bring the whole fairly and honorably into market."

Few causes in this equity-renowned land of ours have ever been so remarkable in character as the case of Samuel Swartwout, in which the national government unjustly wronged an honorable man in rights of property and reputation. Probably no acts of wrong-doing on the part of the federal government have ever been specialized by so protracted a neglect and so unparalleled an indifference to earnest and repeated appeals as those made in his behalf to obtain from it a settlement of the claims which might be legally established against him, or his assigns, executors, administrators, and heirs, as those in this memorable case.

In what, it may be asked, has this cruel injustice of the national government manifested itself?

First. In accepting as true the contradictory and contradicted assertions of Henry Ogden and Joshua Phillips, who had evidently engaged in a conspiracy to conceal their own criminality in the matters under investigation.

Second. In taking possession of property of immense value for which it never rendered an account either to the public or to Samuel Swartwout, his assigns, executors, and heirs.

Third. In beguiling the man, whom it had so sorely impoverished by warrants of distress and so mentally harassed by fear of imprisonment, to make a deed of trust, whereby other property was similarly sacrificed by its illegal action, and of which no account was thereafter rendered to the confiding man, his assigns, executors, and heirs.

Fourth. In hastily branding the name of the highly-reputable, patriotic, and influential man with a defamatory stigma, which, until his death, he sought to remove by endeavoring to get the national government to heed the sworn testimony and the verifiable explanations, which, with the interpretations of eloquent representatives, he anxiously hoped would induce it to take compassion on him and be the means of exculpating him from the false charges, which, by its instrumentality, made his name ignominious.

Fifth. In entailing on his descendants and kindred the burdensome duty
of denying a groundless imputation that this distinguished and high-principled member of a family, known through many centuries for its rectitude and patriotism, was guilty of the alleged defalcation.

Sixth. In depriving, without recompense—should it not be able to establish a legal claim to the property so hurriedly taken and sold—Samuel Swartwout, his assigns, executors, and heirs, of the money-value of it, which, at this time, with accrued interest, would exceed a million or more dollars.

Samuel Swartwout, at the beginning of his collectorship, in 1829, resided at No. 78 Murray Street, in the city of New York, and at its end, in 1838, on Eighth Street, near First Avenue. In 1814 he was united in marriage to Alice Ann Cooper, the only daughter of Thomas Cooper, a prominent counsellor-at-law in the city of New York. Her mother, Elizabeth, born in 1775, and married in 1792, was the youngest daughter of David Colden, surveyor-general of the province of New York, and granddaughter of Cadwallader Colden, lieutenant-governor of New York, 1761-65, under his majesty, George III., of Great Britain.

The fruit of the marriage of Samuel Swartwout and Alice Ann Cooper was a son, Samuel, who died when young, and a daughter, Mary Colden, born in October, 1820, who, in her maidenhood, was greatly admired for her beauty and accomplishments. After her father's return from Europe, or more defi-
nitely, on May 30, 1842, she became the wife of Montgomery, the son of Robert L. and Margaret Livingston, who died at Clermont-on-the-Hudson, on August 9, 1855. She, on September 15, 1857, was wedded in St. Clement's Episcopal Church, in the city of New York, to Clermont, son of Edward P. and Elizabeth Livingston, born September 4, 1817. She died childless, in the city of New York, in February, 1864; her husband surviving her at Clermont, the manor-house, near Tivoli-on-Hudson, until November 4, 1865. Their remains are entombed in the family vault, in the grave-yard adjacent St. Paul's Episcopal Church, near the village of Tivoli.

As announced by the New York Evening Post, on Saturday, November 22, 1856:

"Samuel Swartwout, formerly a prominent politician of New York, died yesterday afternoon in this city [at his residence, No. 18 Ninth Street], at the age of seventy-three. In early life he was connected for a short time with the navy. He was a steady and warm friend of Aaron Burr, though not implicated in the latter's political delinquencies. He was appointed, under President Jackson, collector of the port of New York, but his term of office was cut short [?] by an unfortunate defalcation, into which he had been led by unscrupulous men. His ardent temperament had induced him to enter largely into speculations in Texas lands, unprofitable coal mines, and various doubtful enterprises, the consequence of which was that he fell in debt [?] to the government, and was charged with being a defaulter to the amount of over a million. With the exception of a year or two in Switzerland, Mr. Swartwout has since resided in New York, devoting himself [at No. 4 Wall street] entirely to private affairs. It is understood that his funeral will take place on Sunday from Trinity Church.

"The United States revenue flag is flying at half-mast in respect to Mr. Swartwout's memory."

It is said, by another newspaper, that a very large number of persons attended his funeral, many of them being "old men, themselves tottering to the tomb. The burial service of the Episcopal Church was read from the altar by the Rev. Dr. Hobart, one of the incumbents of Trinity Church, assisted by the Rev. Mr. Eaton of St. Clement's Church. The coffin was of mahogany, lined with white satin, and bore on a silver plate the following inscription: 'Samuel Swartwout, died Nov. 21, 1856, aged 73 years and 4 days.' Mr. Swartwout was interred in the family vault of John R. Livingston, in Trinity churchyard."

The ex-collector was survived by his widow, who died, in Montclair, New Jersey, in 1874.
CHAPTER XIV.

DESCENDANTS ON THE UPPER HUDSON.

1795-1899.

The Dutch settlers of New Netherland, for many years after its territory had become a possession of England, steadfastly adhered to the customs of their forefathers. However, in the passage of years, Holland customs began to be ignored by them and their descendants and those of other nationalities adopted. As long as Dutch was the language of the province, marriages were usually contracted within the lines of the families speaking it. But as soon as the members of them began using English vernacularly, matrimonial alliances were formed with those of families not of Holland descent.

In the county of Essex, in England, not far north of London, the surname Bedell distinguishes a number of families whose pedigree can be traced to Richard Bedell, who held an estate in that county under John de Vere, earl of Oxford, in the fourteenth century. It was known under the name of the manor of Bedell's Hall, an appellation derived from the mansion-house standing on the right hand side of the road leading from Pleshey to Chignall-Smele, not far from Dives Hall, about four miles northeast of Writtle church. Near it, where three roads intersect, there formerly was a wayside cross, popularly called Bedell's cross. The manor was one of four hamlets belonging to Writtle parish, and at the time of the general survey was held by Robert Gernon, lord of Stansted-Montichet, and from his family passed to that of de Vere. In the reign of Queen Elizabeth it was held by one William Bedell.

The manor known as Shakeston's, also in Writtle, was held under King Henry VIII. by William Bedell, who died on September 3, 1535. The mansion-house of the estate stands on the side of the road leading from Writtle church to Margetting.

About eight miles northeast of Writtle church is the hamlet of Black Notley, where, in 1570, William Bedell was born, who became bishop of Kilmore, in Ireland, whom the poet Coleridge courageously styles: "The most faultless character in all ecclesiastical history."
The ancestors of this dignitary, as observed by an English historian, were "of ancient continuance" in the county of Essex, "although of no great eminence for worldly greatness; his father and grandfather not exceeding the style of yeomen."

William Bedell was educated at Emmanuel College, Cambridge, where he obtained a fellowship at the age of twenty-three. In 1604 he became chaplain to Sir Henry Wotton, and accompanied him on his embassy to the republic of Venice. In 1627 he was elected provost of Trinity College, Dublin, and two years later was presented the bishoprics of Kilmore and Ardigh, of which, although two of the poorest in Ireland, he would only accept one, that of Kilmore.

"His episcopal character was exemplary; and by his firm yet conciliating endeavors, he effected a considerable reformation in the conduct of the inhabitants of his diocese, which had been previously considered one of the most turbulent and licentious in the country. When the rebellion broke out, in 1642, the bishop at first did not feel the violence of its effects; for the very rebels had conceived a great veneration for him, and they declared he should be the last Englishman they would drive out of Ireland. His was the only house in the county of Cavan that was not violated, and it was filled with people who fled to him for protection. About the middle of December, however, pursuant to orders received from their council of state at Kilkenny, they required him to dismiss the people that were with him, which he refused to do, declaring he would share the same fate as the rest. Upon this, they seized him, two of his sons, and Mr. Clogy, who had married his daughter-in-law, and carried them prisoners to the castle of Cloughboughter, surrounded by a deep water, where they put them all, except the bishop, in irons. After some time, however, this part of the severity was abated. After a confinement of about three weeks, the bishop, his two sons, and Mr. Clogy, were exchanged for some of the principal rebels, but the worthy bishop died soon after, on the ninth of February, 1643, his death being chiefly occasioned by his imprisonment. The Irish did him unusual honor at his burial, for the chief of the rebels gathered their forces together and with them accompanied his body to the church-yard."

The coat-of-arms of the Bedell family displays three Saint Andrew crosses, an escalop, or valve of a shell of the genus Pecten, representing a drinking cup, and two mullets, or rowels of a horseman's spurs, which evidently attest the fact that a third son had, under the protection of Saint Andrew, taken part in one of the crusades for the recovery of Palestine from the Turks and Saracens, either in the twelfth or thirteenth century.

1 Sable, three saltiers, argent; on a fess argent, an escalop between two mullets, azure. Crest, on a lozenge, argent and sable, a buck's head, gules, attired or; between the horns a bough of a tree, leaved proper.
From Hemsted or Hempstead, lying between Great Samford and Rums-tered Helion, in the county of Essex, forty-four miles from London, emigrated Robert Bedell and his wife Blanche, who, with a number of other English people, seated themselves, about the year 1644, on that part of Long Island, in New Netherland, to which they gave the name of the hamlet of their nativity.

On March 17, 1657, the freeholders of Hempstead chose Robert Bedell one of the five townsmen annually elected by them. During his lifetime he, and those of his descendants residing there, were prominent and zealous in furthering its interests. No less active in the management of its affairs are the present representatives of the family living in the town and village.

It would seem that John, the grandson of John, the son of Robert and Blanche Bedell, settled about the middle of the eighteenth century in Dutchess County, where, on February 8, 1751, he was united in marriage to Althe van Nostrand, as is entered in the record-book of St. George’s Protestant Episcopal Church of Hempstead; the clergyman of that church having performed the ceremony while on a parochial visit to the members of his church settled in Rombout Precinct.

John Bedell, it further appears, became possessed of a tract of land bordering upon the Wiccopee, about two miles southeast of the site of Johnsville. Here he built himself a dwelling on the west bank of the stream running thence northward to the Fish Kill. Their house, fronting westwardly upon the road extending southward from Poughkeepsie along the sloping spurs of the Highlands, commanded a wide view of the numerous eminences which the bold range of mountains comprise. As disclosed by a deed, dated October 1, 1754, the farm of William van Wyck adjoined theirs on the east. Lying about two miles northeasterly was the Swartwout homestead, built by Justice Jacobus Swartwout, deceased in 1749.

On the death of Captain Frans de Lange, who had for many years commanded the militia of that part of Rombout Precinct, John Bedell was appointed his successor. About that time, as it is also said, Captain John Bedell reconstructed and enlarged his house at Fishkill Hook, and opened it as a wayside inn, which became a popular and widely-known hostelry. It is further related that, before the war of the Revolution, the militia of that part of Dutchess County were accustomed to assemble there yearly on the first Monday in June, and on two annually-appointed days in August, and on the first

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Monday in September, for general muster and military training, on which occasions large numbers of the inhabitants of the neighborhood presented themselves as spectators.

Tradition likewise relates that Captain John Bedell's daughters were handsome and refined. It was the good fortune of Cornelius, son of Cornelius and Sarah Ter Bos Swartwout, to win the affections of the eldest, Sarah, born on October 11, 1754, whom he married on March 23, 1774.

As happened at many other places within the territory of the thirteen American colonies at the beginning of the war of the Revolution, the militia of Rombout Precinct needed serviceable guns. To provide all the members of Captain Bedell's company with effective firearms, the committee of observation, on August 18, 1775, appointed Henry Schenck and William van Wyck a committee to buy all the muskets and rifles in good condition purchasable from the inhabitants. The commissioned officers of the local organization were John Bedell, captain; John Schut, first lieutenant; Francis Hasbrook, second; and George van Nostrand, ensign.

The unwillingness of the officers and a majority of the privates of the company to be ruled by the regulations prescribed by the continental congress caused them to refuse signing the pledge of association which enjoined the execution of whatever measures might be recommended by that body. On September 12, that year, eighteen members of the company, who had signed the pledge, elected new officers, and thereupon the old organization ceased to exist.

During the war of the Revolution, Captain John Bedell's son, John, gallantly acquitted himself as a soldier, holding the position of a corporal in the eighth company of the Third New York Regiment, from May 12, 1777, to the close of the struggle.

Intending to settle in Rensselaer County, Captain John Bedell sold his farm, in 1794, to Robert Benson, of New York city. The site of his inn, at Fishkill Hook, is now occupied by the carriage-house of Charles Hupful, the present owner of the farm.

As has been related, many of the men, who had battled for the independence of the thirteen American colonies, afterward quitted their homes and settled in less-populated but more inviting parts of the country. From Dutchess County there was a continued exodus for a number of years to the newly-erected counties of Rensselaer and Saratoga on the Upper Hudson, the terri-
tery of which had previously been within the boundaries of Albany County. Not a few of these veterans of the war of the Revolution settled at or near Troy, which had been laid out as a village in 1787, and called Vanderheyden. Those who were not merchants, mechanics, or owners of river-craft, but yeomen, became occupants of farms in the vicinity of the rapidly-growing settlement.

The site of Troy had originally been a part of the manor of Rensselaerswyck. Most of the land covered by the compactly-built part of the city, incorporated on April 12, 1816, was purchased on June 2, 1707, from Pieter Pieterse van Woggelum by Dirk van der Heyden, at that time a freeman of the manor of Rensselaerswyck, who, on March 9, 1687, had been united in marriage to Rachel, daughter of Joachim Ketelhuyyn, of Albany.

The "bauweij," at that time called a ferry-farm (cen pont-page), lying between the two tributary creeks, the Poesten Kill, on the south, and the Piscawen Kill, on the north, was conveyed by Dirk van der Heyden, in 1731, to his three sons, Jacob, David, and Mattys. In 1775, Jacob Dirkse, the great-grandson of Dirk van der Heyden, inherited the middle section of the original farm, on which, in 1787, he laid out the village of Vanderheyden, which, on January 5, 1789, by a vote of the settlers, was given the classic name of Troy. The village-plat was then bounded on the south by the present line of Division Street, on the north by that of Grand Street, west by the Hudson River, and on the east by a line extending north and south through the alley between Third and Fourth streets.

Rensselaer County, previously a part of the territory of Albany County, was erected on February 7, 1791. The county at that time embraced the subdivisions severally called Schaghticoeke, Pittstown, Hoosick, Rensselaerswyck, and Stephentown. Later, the subdivision or township, bearing the name of Brunswick, adjacent the city of Troy on the east, was formed on March 20, 1807, and that of Sandlake, on June 19, 1812.

Rensselaerswyck, being a manor of rented farms belonging to the "patroon," Stephen van Rensselaer, afforded him in 1795, it is said, an annual revenue aggregating about fifty thousand dollars. The rents of the different farms were commonly payable in wheat, delivered at the manor-house, near the northern boundary of the city of Albany.

It would seem that Cornelius, son of Cornelius and Elizabeth Ter Bos Swartwout, and John, the son of Samuel and Phebe Pudney Swartwout, his cousin, who, in 1775, had married Cornelius's wife's sister, Aaltje Bedell, moved in 1795, from Dutchess County, with their families, and settled on the Upper Hudson; Cornelius renting a farm of Stephen van Rensselaer, "patroon" of Rensselaerswyck, lying not far from Troy, and John, one in Saratoga County. Their father-in-law, Captain John Bedell, likewise quitted his home in Dutchess
County, and seated himself on a farm in Rensselaerswyck, in Rensselaer County, having it conveyed to him on March 23, 1795. On it, later in the town of Sandlake, he died in March, 1820, having made his will there on June 7, 1817.1

As recorded, Cornelius Swartwout, on April 21, 1810, had conveyed to him by Stephen van Rensselaer, “in consideration of the sum of five shillings,”

a farm, containing one hundred and twenty-two acres, lying in the town of Brunswick, within the manor of Rensselaerswyck, on the north side of the Hoosick Road, about two miles eastward of the village of Troy, for which, as provided by the deed, he was required to pay “the yearly rent of eighteen bushels of good clean merchantable winter wheat” and “four fat hens,” and deliver them “at the new house of the said Stephen van Rensselaer, in the town of Watervliet,” in Albany County, and “perform one day’s service with carriage and horses.”2

Troy, as described in 1806, was then rapidly attaining larger proportions.

1 The will is filed in the office of the surrogate of Rensselaer County.
2 Book of deeds, 5, in the office of the clerk of Rensselaer County, pp. 440-443.
"The buildings are chiefly on River, Second, and Third streets. The lots in those streets are taken up, and, with some exceptions, occupied by buildings; and many lots, especially in River Street, have two and some three buildings in front. Fourth Street contains already several buildings and many inhabitants; and several new and good buildings will soon be erected on it, as the lots are taken up and considered very valuable. Fifth Street has as yet but few houses on it. Six hundred and eight lots are already laid out on the estate of Jacob D. van der Heyden. * * * *

"By a census taken in each ward separately in February last, the village was found to contain five hundred and fourteen buildings, exclusive of mechanics' shops, stables, and outhouses. Of these, ninety-seven were merchants' stores, and four hundred and seventeen dwelling-houses, and there are eight or ten of the stores, in each of which two mercantile companies transact business. The number of inhabitants was 2,955, of whom eighty-nine were free blacks and seventy-nine slaves."

Henry, the eldest of the nine sons and three daughters of Cornelius and Sarah Bedell Swartwout, was given the Christian name of his great-grandfather, Henry Ter Bos. By the family's change of residence from Dutchess to Rensselaer County, he became acquainted with Sarah, daughter of Ebenezer and Sarah Hart Merrill, natives of Connecticut, who had settled in the town of Addison, Vermont, where, on December 5, 1802, the marriage of their daughter and Henry Swartwout was consummated.

It is said that the ancestors of Ebenezer Merrill were Huguenots, and bore the patriarchal title de Merle. Certain members of the family de Merle fled from their estates, near Puy-de-Dôme, in the province of Auvergne, France, to England, shortly after the massacre of St. Bartholomew's eve, on August 23, 1572.

The fleurs-de-lis, or lilies, known as the royal insignia of France, and the engrailed or curved lines along the voided or vacant part of the Merrill escutcheon being red (gules), denote that a special or courageous service was performed for the king of that country by a member of the family.\(^1\)

Two of the descendants of the French refugees, John and Nathaniel Merrill, brothers, sailed from England to America in 1633, and on their disembarkation went to Ipswich, in Massachusetts.

They were recorded, in 1635, among the original settlers of Newbury, in the same province, where they founded homes and resided until they died. John, Nathaniel's son, settled at Hartford, now the capital of Connecticut, where, in 1657, he was the owner of a lot on Elm Street, and in the following

\(^1\) Or, a pale engrailed, gules, voided of the field, between two fleurs-de-lis azure. Crest: A peacock's head erased proper. \textit{Vide:} Burke's General Armory.
Merrill
year was made a freeman of the place. There he married Sarah, the eldest daughter of John Watson, a prominent settler. John Seymour, an ancestor of Governor Horatio Seymour of the state of New York, married her only sister, Mary. When Deacon John Merrill died in 1712, eight of his sons were living; several of whom, in 1736, drew lots in the distribution of land by the first proprietors of the town of New Hartford. It is said that, in the records of that town, the surname, Merrill, has titles many holders of important local offices, and that the cognomen is found more than any other upon the headstones of graves in the different burial grounds.

The deacon's son, popularly known for many years as Lieutenant John Merrill, wedded, on September 29, 1694, Sarah, daughter of John and Sarah Lyman Marsh. Aaron, their fourth son, married in West Hartford, on April 9, 1740, Esther, daughter of Samuel Richards. Their second son, Ebenezer, became, on October 6, 1766, the husband of Sarah, the third daughter of James and Thankful North Hart, of Northington. Her father was a descendant of Deacon Stephen Hart, an ancestor of Mrs. Emma (Hart) Willard, the foundress of the Troy Female Seminary.¹

Ebenezer and Sarah Hart Merrill moved from West Hartford in 1769 to Canaan, Connecticut, and later to the town of Addison, Vermont, where Henry Swartwout married their daughter Sarah, born in Canaan on March 20, 1781. His father-in-law served the people of the town many consecutive years as a justice of the peace. He was a devout Congregationalist, and until the close of his life persisted in wearing knee-breeches and continental hats.

The industrial enterprise of Henry Swartwout led him after his marriage to engage in the business of manufacturing the running gear of vehicles in a building in Troy, purchased by him, formerly standing near the northwest corner of First and Division streets. The exemplary patriotism and valor of his father in the revolutionary struggle influenced him and his brothers, Cornelius and James, to take creditable parts in the war of 1812-15. As has already been related, Cornelius had served before the outbreak of hostilities in Lieutenant-Colonel Adam Yates's regiment, of Rensselaer County militia, from June 4, 1808, to May 24, 1809, when he was promoted to the rank of captain in the One Hundred and Fifty-fifth Regiment, from which position he was promoted on March 2, 1814, to that of quartermaster of the brigade of Rensselaer County militia, commanded by Brigadier-General Gilbert Eddy. His brother James,

as it has also been related, was appointed an ensign on May 20, 1812, and, on March 2, 1814, was made a lieutenant of a company in the One Hundred and Fifty-fifth Regiment of Rensselaer County militia, at that time under the command of Lieutenant-Colonel Thomas Davis.

If a traditionary declaration be true, Henry Swartwout was a member of the noted local military body of volunteer soldiery, called the Trojan Greens, organized in 1806, of which Thomas Davis was then captain; William S. Parker, lieutenant; and Stephen Warren, ensign. In August, 1814, the company, commanded then by Captain Sidney Dole, having tendered their services for the defence of the city of New York, were sent there with other state troops. In September, the two other local military organizations, the Troy Fusileers and the Troy Invincibles, were likewise accepted for the same service and transported to the metropolis. In the latter part of November the three companies returned to Troy, having received high commendations "for their patriotic and faithful services."

By the act incorporating the city of Troy, on April 12, 1816, its territory was divided into six wards, in each of which, as the act provided, were to be elected, on the second Tuesday in May, in each year, an alderman and an assistant alderman, except in the fifth and sixth wards, where no assistant aldermen were to be chosen. At that time, the first ward lay between a line drawn through the middle of Ferry Street and the south bounds of the city. The favorable estimation in which Henry Swartwout was held by the people of the first ward, in which he had resided a number of years, led to his election to the office of assistant alderman in 1817, and in the four following years to that of alderman. As named in the first directory of the city, published in 1829, and in the directories of the twelve succeeding years, his residence, as numbered, was 155 Third Street, west side, between Ferry and Division streets.

His first wife bore him one son and three daughters. She died on May 14, 1811, five days after the birth of the third daughter. The eldest, a daughter, was then in her eighth year, and the sudden bereavement was a heavy affliction to the distressed father. The loss of a devoted mother, as is well known, is always grievous and one that is commonly felt with particular poignancy by a household in which all the children are of infantile years. Henry, their only son, was then two years and four months old. On April 11, 1812, the father married Mary Wheeler van der Heyden, widow of John I. van der Heyden.

In June, that year, the war of 1812-15 was filling the country with uncertainty regarding the issues of the conflict with Great Britain. The military cantonments at Greenbush and Plattsburg, established during the summer, were in great part supplied with provisions purchased from Troy merchants and meat-packers. One firm, it is known, paid thirty thousand dollars in Sep-
tember, that year, for the transportation of supplies to the two places. During
the fall months the movement of infantry and artillery through Troy was fre­
quent. On Thursday, the third of September, two regiments of infantry and
an artillery company, on their way to Plattsburg, encamped near the village.
The river in front of Troy was a convenient harbor for the anchorage of vessels
freighted with army-supplies. Bateaux were often seen on it passing north­
ward. As chronicled by the Troy newspapers, there were incidents which
gave frequent rise to public censure and pertinent questions regarding military
mismanagement. "We are informed," a Troy journal remarks, "that many of
the bateaux which have passed this town, manned by soldiers only, were in a
leaky condition, and that a large quantity of bread, powder, and other articles
on board were spoiled by being wet." As also noted by the Troy newspapers,
the drafted militia of Rensselaer and Columbia counties, in the second week
in September, 1812, went into camp about a mile from the village.

On the reception in Troy, on Tuesday, February 21, 1815, of the news of
the ratification of peace between the United States of America and Great Brit­
ain, it was arranged that the inhabitants should give expression to their joy on
the following day. "The bells were rung, and at eleven o'clock, a numerous
procession was formed," which marched to the Presbyterian meeting-house,
where suitable religious exercises were conducted by the ministers of the dif­
ferent churches. In the evening the dwellings and stores were illuminated.
From sundown until nine o'clock, "the roar of cannon was almost incessant,
and at intervals in the evening the beauty of the whole scene was much height­
ened by the appearance of rockets let off from the United States Arsenal," at Gibbonsville (now Watervliet).

Henry Swartwout was then mourning the death of his second wife, who had
died on January 21st, that year. The severance of the tender ties of affection
which had strongly attached his youngest children to their gentle step-mother,
filled their hearts with sad longings for her daily cheer and sweet sympathy.
Having for four years entrusted his children to the care of different house­
keepers, he, on June 19, 1819, wedded Sarah Mann Allen, a widow. He died
on September 23, 1841, and his wife survived him until March 19, 1873, when
she died aged eighty-eight years.

When the first directory of Troy was published in 1829, the population of
the city was 10,840. "The increase during the last five or six years," remarks
the writer of the brief historical sketch prefacing the small duodecimo, "exceeds
by more than a half that of any equal time preceding. For this it is indebted
to the opening of the Grand Canal [the Erie], whose beneficent waters reached
the Hudson in 1824. Troy has reaped some share of the boundless benefits
diffused by that great undertaking, as it has opened her markets, in some
measure, to the immense regions of the West, from which they had previously been almost excluded."

At that time there were eight churches in the city, two Presbyterian and six others, severally belonging to the Protestant Episcopal, Baptist, Quaker, Methodist Episcopal, Universalist, and Roman Catholic congregations.

The banking institutions were four: The Farmers' Bank, the Bank of Troy, the Troy Savings Bank, and the Merchants' and Mechanics' Bank.

"The Troy Female Seminary," as the writer of the directory preface remarks, "consists of a plain brick building of more than a hundred feet in length, and another of inferior dimensions. This school is flourishing, and contains a hundred and fifty pupils, nearly half of whom are inmates from abroad.

"An elegant and secure steamboat for the carriage of passengers, the Chief Justice Marshall, leaves Troy two or three times every week for New York. Another, the New London, is employed as a tow-boat, and carries to and from that city an immense quantity of freight and many passengers. About eighty sloops and other craft are engaged in the business of transportation, principally between these two cities, and several schooners ply regularly between Troy and Boston. * * * *

"The trade of Troy supports four newspapers, two of which are semi-weekly and two weekly."

The indomitable enterprise and commercial competition of the merchants and manufacturers of Troy had wide fame at that time. It was truthfully said by a newspaper editor, commenting on the territorial importance of the Erie Canal in 1823: "The enterprise of the Trojans is worthy of all imitation. We believe that without exception they are the most enterprising people in the United States. There is among them a noble spirit of rivalship, untinged by jealousy of each other. No man appears to envy, but every man to emulate the genius, talent, and industry of his neighbor. They are determined, if they do fall in the scales of commercial, manufacturing, and mechanical competition, that they will fall honorably in a firm and persevering struggle for pre-eminence."

Daily viewing the animating features of the mercantile and manufacturing activity of Troy, Henry, the only son of Henry and Sarah Merrill Swartwout, born on January 27, 1809, healthfully grew to manhood stimulated by the local stir and thrill to be ambitious to be one of Troy's prosperous and reputable citizens. This urgent desire became more authoritative after he had gained the love of the noble woman, who, for eight-and-fifty years, as his wife, was a continued fountain of happiness unto him.

Born at Tomhannock, in Pittstown, Rensselaer County, on December 30, 1814, she, by the change of residence of the family from her birthplace to Troy
in the spring of the following year, was baptized at her new home, as also were,
at the same time, her eldest and her youngest sister, on July 17, 1816, by the
Rev. Jonas Coe, pastor of the First Presbyterian Church. Her parents, David
and Amelia Lester Ketelhuyn, had her christened Maria Amelia; the first
name being that of her father’s youngest sister, Maria, and the second that of
her mother’s mother, Amelia, the wife of Mordecai Lester, who before her
marriage was Amelia Flagler of the town of Fishkill, in Dutchess County.

The Ketelhuyn family, as hereafter shown, traces its descent from Hein-
rich Ketel, or Ketelhuyn, an honored doctor of laws, residing in the sixteenth
century, in Demmin, in the province of Pomerania, Germany. The ancient
seat of his ancestors, near it, was known by the descriptive name of Ketelsha-
gen. Their coat-of-arms, presented in this volume as a frontispiece to “The
Ketelhuyn Chronicles,” is strikingly elaborate and attractive.

Joachim Ketelhuyn, the great-great-grandfather of David Ketelhuyn, came
to New Netherland in 1642, in the same ship with the Reverend Johannes
Megapolensis, who had been called to organize a Dutch Reformed church in
the manor of Rensselaerswyck, at Fort Orange. Joachim Ketelhuyn settled
there and became, in 1652, one of the founders of Beverswyck.

For many years, while living at Tomhannock, David Ketelhuyn held the
office of justice of peace. His services were in constant requisition by the peo-
ple of that settlement and neighborhood for the drawing of legal papers, deeds,
wills, and contracts, and for the adjustment of small differences arising among
them. On his going to Troy, in 1815, he engaged in the flour and feed busi-
ness, in a building one door north of one standing on the northeast corner of
River and Elbow (Fulton) streets. Before moving from Troy to the city of
New York, the family occupied a dwelling on the east side of Second Street,
numbered 62, between State and Congress streets.

At this home, Henry Swartwout plighted troth with Maria Amelia Ketelhuyn,
them regarded as one of the handsome young women of Troy, particularly re-
markable for her fine figure and graceful carriage. She was then seventeen
years of age. Her mother having been educated in the faith of the Protestant
Episcopal Church, her daughters attended St. Paul’s Sunday-school, at that
time conducted in the basement of the stone edifice, built, in 1827–28, on the
northeast corner of Third and State streets. In 1830, while Maria Amelia
Ketelhuyn was still attending the Sunday-school, she was given charge of a
class of young girls, from whom she regretfully parted on the departure of the
family from Troy in 1831.

Henry Swartwout and Maria Amelia Ketelhuyn were married in the city
of New York, on November 7, 1833. From their wedding tour they returned
to Troy, where they resided until the spring of 1839, whence they removed to
HENRY SWARTWOUT.
(From a portrait painted shortly after his marriage.)

MRS. HENRY SWARTWOUT.
(From a portrait painted shortly after her marriage.)
West Troy. In the spring of 1847, they again made Troy their place of abode, where, in the spring of 1862, Henry Swartwout purchased the brick residence, on the west side of Fourth Street, between Broadway and Fulton Street, where he and his wife passed the closing days of their lives.

Ten days after establishing themselves in their new home, an impetuous and calamitous conflagration swept southeastwardly across the central part of the city, on Saturday afternoon, May 10, 1862, destroying in six hours five hundred and seven buildings, not including barns and out-houses, valued at, with their contents, $2,677,892.

Prior to 1847, Henry Swartwout had engaged in several industrial and mercantile enterprises. In the spring of that year, he and his brother-in-law, Abner Loveland, became associated as Loveland & Swartwout, millers and flour merchants, at No. 347 River Street. On the dissolution of the firm in 1852, he became a leading manufacturer of men’s shirts, collars, and cuffs, which, from the year 1829, was and still is one of Troy’s most important and famous industries. By reason of ill-health, he retired from business in 1866, having acquired in a career, compassing a third of a century, a reputation for rectitude and probity in every way enjoyable as an experience and a memory.

The celebration, in the first week in January, 1889, of the centennial anniversary of the naming of Troy was entrusted to a committee of one hundred citizens, who, by long residence, social standing, and intelligence were selected as representative men of the city. Among those chosen to arrange the manner and scope of the exercises was Henry Swartwout. The commemorative acts, projected by the committee, began on Wednesday evening, January 2, 1889, with an inaugural concert of vocal and instrumental music, in Music Hall, followed on Thursday and Friday afternoons and evenings with historical addresses at the same place, and ended on Saturday with a procession in the morning, and a parade, an illumination of the city, and fireworks in the evening. Restricted entirely to the citizens of Troy, the celebration was accomplished without the aid or participation of other people. The weather was remarkably fair and mild, the streets were void of ice and snow, the exercises appropriate and interesting, the processions imposing, and the fireworks fine. The decorations of the buildings were elaborate and befitting. Relics and mementos of the early inhabitants were displayed in the store windows, and maps and pictures marking the growth of Troy embellished the newspapers. On the preceding and following Sundays, sermons pertinent to the centenary event were preached in the different churches.

The closing years of Henry Swartwout’s life were those of great physical affliction, he being almost helpless by repeated strokes of paralysis. His invalidism was such as to require constant attendance, and his devoted wife and
affectionate daughters and son bestowed upon him all the care and attention which their love and sympathy prompted. At midnight, on August 12, 1892, death released him from his patiently-endured sufferings. His remains were privately interred in Oakwood Cemetery on the following Sunday.

From an obituary, published in one of the city newspapers, the following tributary comments on his life are derived:

"The deceased was thoroughly devoted to his religious principles and his family, and by profession of faith was a member of the Second Presbyterian Church of Troy. He was very retiring in his manners, and quite averse to any ostentatious display, and had refused many positions of trust and emolument that had been tendered him. Although a remarkably unobtrusive man, there was nothing misanthropical in his character. He had a speaking presence, highly suggestive of a contented mind, but, nevertheless, alert with an interest in local and other public events. He was naturally endowed with a disposition to be helpful to his fellow-men. A glance at his placid and benevolent face was sufficient to obtain the knowledge that he was sympathetic and benevolent. From it one could always elicit satisfying evidence that there was no need of any other revelation to disclose the virtues of his individuality.

"Men were naturally drawn to him by the cheerfulness of his demeanor. Companionship with him was an agreeable solace to those troubled by discontentment and business perplexities. He was a man of wide information, penetrative reflection, and dispassionate judgment. His opinions agreed or disagreed with those of other persons according to the light of his understanding of the matters within his knowledge, but no discussion nor any divergence of views could incite him to angry assertions or positive declarations. Gentle in presence he was equally gentle in speech. He knew what deep wounds hasty and passionate words could make, and he guardedly abstained from inflicting them. The 'grand old name of gentleman' he worthily won and worthily wore."

Mrs. Henry Swartwout thereafter dwelt with her son, Major William Merrill Swartwout, at the family residence, No. 63 Fourth Street, until her death on Friday evening, February 18, 1898. The painful ending of her earthly career was indirectly caused by a shaft of a vehicle striking and prostrating her while she was crossing a Troy thoroughfare four years before her decease. Prior to this misfortune she had been blessed with a remarkably healthy womanhood.

The devout and sanctified soul of the heavenly-minded mother quietly quitted its earthly tabernacle in the presence of her two daughters and son. On the following Sunday afternoon, her body was committed by the Reverend Hector Hall, D.D., pastor of the Second Presbyterian Church of Troy, to a
flower-strewn grave in the family burial plat, in Oakwood Cemetery, surrounded by her weeping children and sorrowing kindred.

From an obituary in one of the daily newspapers of Troy is taken the two paragraphs here quoted concerning the estimable and charming woman:

"Mrs. Swartwout united with the Second Street Presbyterian Church, on September 1, 1838, from which she withdrew to become, with her husband, on April 28, 1848, a member of the Second Presbyterian Church, and they thereafter were regular attendants at the services conducted in the first house of worship, built by the congregation on the southeast corner of Sixth and Grand Division streets, until the building was destroyed by fire on May 10, 1862. On
the erection of the present edifice, on Fifth Avenue, they were seldom absent from the services held in it on Sundays until her husband was stricken with paralysis, and after his decease her advanced age precluded her from church-going.

"Mrs. Swartwout was in many respects a gifted, and, in all, an exemplary woman. She won from those who served her honor and painstaking duty; her graceful courtesies and winning manners endeared her to all who knew her; she beautifully expressed her affection for her husband and children by an uncommon tenderness of feeling and solicitude; her acts of benevolence were immediate and done with gladness; she was quick to discern the admirable traits of her acquaintances, and took delight in remarking their accomplishments and virtues. She died as she had lived—trustling in the love and wisdom of God."
Her first daughter, Anna Frances, and Joseph Maullin of Troy, were united in marriage on June 27, 1854. At that time, Troy's famous industry, the manufacture of men's linen-wear, which traces its rise to the year 1829, was rapidly assuming the vast proportions that have since made the city—the seat of its origination—known in every village and city in the United States, where the excellence of the goods speedily gained unsurpassed popularity and extensive sale. From 1851 to 1863, Joseph Maullin, the recognized founder of the manufacturing business of Cluett, Peabody, & Company, whose establishment is an imposing block of massive buildings on the west side of River Street, between Jacob and Hutton streets, was a member of the successive firms of Maullin & Blanchard, Maullin & Bigelow, Maullin, Bigelow, & Company, and Maullin & Cluett. His death, on November 10, 1863, deprived Troy of one of its most enterprising and influential citizens.

Mrs. Anna Frances Swartwout Maullin became the wife of Isaac N. Phelps of New York city, on December 15, 1868. The happiness of their conjugal life was terminated by his death on August 1, 1888. In an announcement of his decease at his summer home at Saratoga Springs, it was said by a leading newspaper of the city of New York, that "Mr. Phelps had made the reputation of a successful business man not by any bold or brilliant strokes of financial genius, but by persistent application, tireless energy, excellent judgment, and careful economy. As a judge of mercantile credits, he was held to be without a peer in Wall Street, and he carried this discriminating faculty with him in his investments of stocks and bonds. He was the largest stockholder in the United States Trust Company. He was the founder of the Mercantile and Second National Banks, and at various times was more or less directly engaged in the actual management of other financial institutions. At the time of his death he was a director in the Central Trust Company, the United States Trust Company, the Metropolitan Trust Company, the Greenwich Savings Bank, the United States Life Insurance Company, the Mercantile Fire Insurance Company, the Second National Bank, the Mercantile National Bank, the Hamilton Bank, and the Fifth Avenue Safe Deposit Company. In addition he had large interests in railroads and manufactories. At one time he was a director of the Erie Railway, and during the Garfield presidential campaign was treasurer of the republican national campaign fund. His political preferences were strongly republican, and for a score of years he was an enthusiastic member of the Union League Club."

Mrs. Isaac N. Phelps resides in winter in the city of New York, and in summer in her delightful home on North Broadway and Second Avenue, Saratoga Springs. She is exceedingly generous, but dispenses her charities in modest and unostentatious ways. She was educated at the Troy Female Sem-
inary, and is a member of the Emma Willard Association. She is also a member of the Society of Colonial Dames of the state of New York, and of the Society of the Daughters of the American Revolution. As tributes to the memory of her first husband and her mother, she furnished and endowed two rooms in the Samaritan Hospital, on the east side of Eighth Street, between Hoosick and Hutton streets, Troy, at the opening of the institution in the fall of 1898.

Her sister, Mrs. Walter Jerome Green, lives in the city of Utica, New York. Her residence, No. 1 Rutger Park, occupies a spacious site on the elevated terrace at the head of John Street, and commands a wide prospect of the at-
tractive Mohawk valley. In her girlhood, Sarah Ketelhuyn Swartwout was educated at the Troy Female Seminary, and by confirmation became a member of St. John's Protestant Episcopal Church, of Troy.

At Troy, on June 26, 1867, Sarah Ketelhuyn Swartwout was joined by marriage to Walter Jerome, son of Charles and Mary Jane Hubbard Green, of Hubbardsville, New York, whose lineage is traceable through his father's ancestry to John Alden, of Plymouth colony, and through his mother's to Lieutenant Joseph Kellogg, of Hadley, Massachusetts. When a young man, having received a liberal education at Cazenovia Seminary and Madison University, Walter Jerome Green decided to enter the legal profession, and thereupon became a law-student, and graduated, in 1864, from the law department of the University of Albany. With Charles D. Matteson, he formed a partnership under the title of Green & Matteson, attorneys and counselors-at-law, at Schenectady, New York. In 1866, he relinquished the practice of law at his father's request, and subsequently became engaged in business with him as a partner in the firm of Charles Green & Son, bankers and hop-dealers, at Utica.

In 1878, Walter Jerome Green, perceiving the need of the advantages of a railroad by the people of the northeastern part of Florida, obtained the passage of an act by the legislature of that state privileging the construction of one. By the act to incorporate the Jacksonville, Saint Augustine, and Indian River Railway Company, approved March 4, 1879, and the act to confirm the organization of the Jacksonville, Saint Augustine, and Halifax River Railway Company, approved February 28, 1881, he and his associates were authorized to construct a railroad from the south bank of Saint John's River, at and opposite the city of Jacksonville, Duval County, to a point near the city of Saint Augustine, in Saint John's County, and thence southward down and within fifteen miles of the Atlantic coast to a point at or near the headwaters of the Halifax River, in Volusia County. He was elected president of the company and was the sole owner of the road, which, when constructed, extended from Jacksonville to Saint Augustine, a distance of thirty-seven miles, and connected with the Atlantic Coast Steamship Company's line of vessels, plying between Saint Augustine and New Smyrna. The operation of the road has always been regarded as having been the means of bringing to that part of the state of Florida a large amount of northern capital, which, through Mr. Green's influence, was advantageously invested in property there.

In announcing the decease of Walter Jerome Green, at his residence, No. 1 Rutger Park, in Utica, on January 27, 1885, The Florida Times-Union said: "In the death of Mr. Green, Jacksonville loses one of her best friends, for he realized that the interests of his road and that of the city were identified, and shaped the management and policy of the road accordingly. Our business
men feel deeply his death, for it was well known that it was his purpose to push the construction of the road to Daytona and points farther south with all possible speed. While it is true that Jacksonville, in the death of Mr. Green, has lost a friend, it is still more true that the whole Halifax coast has suffered a much more serious loss. The flags on the steam-ferry line are displayed at half-mast, and the office of the company, in this city, is draped in mourning."

This Florida railroad property was inherited by Mr. Green's only child, Walter Jerome Green, born on December 17, 1874. In 1887, it was sold to Henry M. Flagler, of the city of New York, who has from that time been the president of the company controlling it.

In all the different enterprises in which Walter Jerome Green engaged, he displayed great intelligence and judgment, as well as exemplary diligence and energy. He never invested money in financial projects of a hazardous character, but with admirable sagacity and foresight used it for the furtherance of enterprises sanctioned as beneficial and legitimate. Not only in Utica, but in Central New York where his business affairs demanded his presence and superintendence, he was highly esteemed as an honorable and successful merchant and banker. In Florida, where he found a wide field for a judicious use of money and a practical exercise of his personal experience and ability, he was regarded by all who knew him as a benefactor and a man worthy of more than ordinary confidence. While seeking at his home in Utica a brief respite from the management of his absorbing railroad interests in Florida, in the winter of 1884–85, he was stricken by apoplexy and immediately died. A man of versatile genius, rare judgment, and hospitality, his unexpected decease was an event which not only caused his kindred to lament his loss, but also his numerous friends in the northern and southern states.

His son, Walter Jerome Green, was united by marriage to Mary Stuart, daughter of Colonel Joseph Stuart and Celeste Julia Wood Lowery of Utica, in Grace Church, on February 17, 1897. He is a member of the vestry and the treasurer of the church. He also is one of the trustees of the House of the Good Shepherd, a director of the Utica City National Bank, and a director and the treasurer of the Savage Arms Company of Utica.

Among the number of costly and elaborate memorials beautifying the interior of Grace Episcopal Church, in the city of Utica, is the exquisitely-designed and finely-executed baptismal font placed there by Mrs. Walter Jerome Green and her sister, Mrs. Isaac N. Phelps, in memory of their deceased father, Henry Swartwout.

"The design is that of the celebrated sculptor, Thorwaldsen, and represents the angel of baptism kneeling on one knee and holding in his hands a large scallop shell, which forms the bowl of the font. It is cut from the finest
Italian marble, and is all in one piece except the base on which it stands.” Two foundation pieces of smooth Indiana limestone—the smaller slab superimposed on the larger—form an environing step. The platform is surrounded by a plain brass-railing, with a gate at one side; the step being a kneeling place for the sponsors, or for an adult receiving baptism. The font was unveiled and consecrated on the festival of the Epiphany, January 6, 1895.

Mrs. Walter Jerome Green, since residing in Utica, has taken an active and prominent part in the parish-work of Grace Church, of which church she became a member in 1877. She has been no less interested and helpful in the
growth and direction of different institutions in the city, having been a manager of Faxton Hospital for several years, a vice-president of the Homœopathic Hospital, in which institution she furnished a room in memory of her husband. She is vice-president of the House of the Good Shepherd; a vice-president of the Women's Exchange, one of the managers of the Women's Christian Association, and a member of the Oneida Historical Society. The valor of her ancestors during the French and Indian wars of the colonial period, and in the revolutionary struggle for the independence of the American colonies, secured her admission to membership in the Society of the Colonial Dames of the state of New York, on January 12, 1897; in the Society of the Daughters of the American Revolution, on June 6, 1895, and in the Society of the Daughters of the Revolution, on May 24, 1895.

The fondness of Mrs. Green for rare curios has made her the possessor of one of the largest and most valuable private collections of historical and legendary china in the state of New York.

William Merrill Swartwout, the only son of Henry and Maria Amelia Ketelhuyn Swartwout, acquired in his youth a practical business education in different schools in the city of Troy and the Troy Academy. In 1853, he entered the Farmers' Bank, at No. 16 First Street, organized in 1801, where, until 1858, he discharged in succession the duties of book-keeper, discount clerk, and assistant teller. Afterwards, until his enlistment in 1862, as a soldier under the call of the president of the United States for three hundred thousand troops, he held the position of clerk in his father's manufactory. Meanwhile he had, on May 7, 1855, become a member of the Washington Volunteer Fire Company of Troy, chartered on May 26, 1812, with which he remained in active service until his departure from Troy for the seat of war, having been elected assistant captain of the company, under Captain Nathan Dauchy, in 1859-60.

The same ennobling patriotism displayed during the war of the Revolution by his valiant ancestors also stimulated him to serve as a soldier in the Civil War for the preservation of the union of the federal states which they had left as a prized memento of their successful struggle for liberty and self-government. In the gloom of the dark days following the defeat of the union forces in front of Richmond, he, on September 3, 1862, enlisted in company G of the One Hundred and Sixty-ninth Infantry Regiment of New York Volunteers, organized at Troy, with men principally residents of Rensselaer and Washington counties. The officers of the company were John T. McCoun, captain; George H. Gager, first lieutenant; and Thomas B. Eaton, second lieutenant.

The regiment departed from Camp Corcoran, on the northern limits of
Troy, on Thursday evening, September 25, by a train of nineteen cars, with the following field officers: Clarence Buel, colonel; John McConihe, lieutenant-colonel; Alonzo Alden, major; William E. Kisselburgh, adjutant; Sidney W. Kinney, quartermaster; John Knowlson, M.D., surgeon, W. J. Skinner, M.D., and P. L. Reynolds, M.D., assistant-surgeons, and the Rev. Joel W. Eaton, chaplain. From Park Barracks, in the city of New York, the regiment was ordered to proceed, on Monday, September 29, to New Dorp, on Staten Island, where, at Camp Van Vechten, on October 6, it was mustered into the service of the United States for three years. On leaving Camp Van Vechten, on Wednesday, October 15, it was taken by cars to Washington, and arrived there on Friday evening, October 16. Having been assigned to Abercrombie's division of the Twenty-second Army Corps, it began doing duty at the chain bridge, about seven miles northwest of the capital. In the month of February, 1863, the regiment marched into Washington for provost duty.

Suffolk, in the Department of Virginia, commanded by Major-General John A. Dix, having been menaced by a confederate force in the early part of April, the regiment was ordered to reinforce the federal troops commanded at that point by Major-General John J. Peck. Vacating Martindale Barracks on April 15, the regiment arrived at Norfolk on the following day, on the steamer John Warner, thence it was carried by cars to Suffolk, and attached to the second (Colonel Robert S. Foster's) brigade.

On April 24, the regiment, then in the second provisional (Colonel Jeremiah S. Drake's) brigade of the third division of the Seventh Army Corps, moved, with the third division, commanded by Brigadier-General Michael Corcoran, upon the enemy's right flank, on the Edenton Road. It was placed far in advance of all the other regiments in order to support the battery of the Fourth United States Artillery, and unflinchingly faced the fire of the enemy's guns until ordered to withdraw from the position. In this initial engagement of the regiment, Private E. H. Bradt, of company H, was instantly killed, Colonel Clarence Buel severely wounded, Major Alonzo Alden slightly injured, First-Lieutenant John H. Hughes, of company A, seriously hurt, and four privates were disabled. While the regiment was making its final onset on the enemy, a confederate soldier was taken prisoner by Private Swartwout, whom he found armed with an English rifle. This incident was regarded as "an instance of noble daring," by the writer of a newspaper account of the introductory action. On the night of May 3, the confederate troops retired from Suffolk in the direction of the Blackwater River.

The regiments composing the second brigade, commanded by Col. Robert S. Foster, as named in the return of the Seventh Army Corps, on May 31, were the Thirteenth Indiana, One Hundred and Twelfth New York, One
Hundred and Sixty-ninth New York, the One Hundred and Sixty-fifth, and the One Hundred and Sixty-sixth Pennsylvania, under Major-General John A. Dix.

The Union forces engaging the enemy at Charleston Harbor, South Carolina, being numerically insufficient to operate successfully at that point, Brigadier-General Robert S. Foster's brigade was ordered there, and, on August 2, disembarked at Folly Island. Brigadier-General Quincy A. Gillmore, commanding the Department of the South, assigned the brigade to Brigadier-General Israel Vogdes's division; the brigade then embracing the Thirteenth Indiana, the One Hundred and Twelfth, and the One Hundred and Sixty-ninth New York regiments. These regiments participated in the siege of Fort Wagner and Fort Gregg, until their reduction in September, and subsequently in a skirmish with the enemy, in January, on John's Island.

The personal qualifications of William M. Swartwout fitting him for higher duties than those of a private in the army obtained for him, from Governor Horatio Seymour, a commission of second-lieutenant, on February 2, 1864, with full rank from November 9, 1863.

On February 23, the regiment sailed from Charleston Harbor for Florida, and arrived at Jacksonville, on February 25. Excepting in a brief engagement with the enemy at Cedar Creek, it was not otherwise engaged than in doing picket duty while in Florida. On April 13, 1864, it, and the One Hundred and Twelfth New York, and the Thirteenth Indiana regiments were ordered to embark for Hilton Head, South Carolina, whence, on April 22, it proceeded without disembarking to Fortress Monroe to report to Major-General Benjamin F. Butler, commanding the Department of Virginia and North Carolina, for incorporation into the Tenth Army Corps.

At Yorktown, on the reorganization of the Tenth Army Corps, commanded by Major-General Quincy A. Gillmore, the regiment was placed, with the Thirteenth Indiana, the Ninth Maine, and the One Hundred and Twelfth New York regiments, in the second (Colonel Jeremiah C. Drake's) brigade of the third (Brigadier-General Adelbert Ames's) division. The Tenth and the Eighteenth Army Corps of the Army of the James, having embarked, on May 4, the fleet of vessels departed from Newport News at daylight on the following day, and ascended the James River, preceded by a number of ironclads, under Acting Rear-Admiral S. P. Lee, to the confluence of the Appomattox, where, that night, the two corps occupied Bermuda Hundred.

The regiment, in the battle of Chester Station, on the Richmond and Petersburg Railroad, behaved with great gallantry, and suffered a loss of nine killed, thirty-four wounded, and thirteen captured or missing. Other losses were sustained while confronting the enemy at Bermuda Hundred.
Lieutenant-General Ulysses S. Grant having the need of more troops, Major-General Benjamin F. Butler was ordered to send him the greater part of his force. Major-General William F. (Balady) Smith, commanding the Eighteenth Army Corps, embarked on the night of May 28, with the first and second divisions of it and the second and third of the Tenth Army Corps, for White House Landing, on the Pamunkey River. Bearing the designation of the Eighteenth Corps, his troops proceeded by a forced march to Cold Harbor, where the Army of the Potomac was confronting the confederate forces under General Robert E. Lee.

The One Hundred and Sixty-ninth New York Regiment, commanded by Colonel John McConihe after the resignation of Colonel Clarence Buel in February, on reaching Cold Harbor, on Wednesday afternoon, June 1, being in the third (Brigadier-General Charles Devens's) division and in the second (Colonel Jeremiah C. Drake's) brigade, took part in the successful assault upon a part of the enemy's line late that afternoon. By an impetuous charge upon the advanced line of the rifle-pits of the enemy, they were quickly carried by the second brigade. In moving across a wide open field upon the earthworks, behind which the confederate troops had retired, the regiment was exposed to a fierce fire of musketry and artillery. Colonel McConihe, having ordered the regiment to charge upon the enemy's last position, was killed as it enthusiastically started to obey the command. Lieutenant William M. Swartwout was wounded shortly afterward, and Lieutenant-Colonel Alonzo Alden, while planting upon the captured line of earthworks a United States flag (taken from the hands of a wounded color-bearer), was severely wounded in the neck immediately behind the lobe of the right ear, where the bullet is still (in 1899) embedded. In the brief action, the regiment's losses were one officer and eight men killed, four officers and sixty-seven men wounded, and one man captured or missing.

In a letter, dated at Cold Harbor, on June 10, Lieutenant Swartwout contributed the following particulars of the casualties: "On the first of June, our corps (the eighteenth), as also the sixth, were hotly engaged, and after several desperate charges won the field, but I am sorry to say not without a sad disaster in losing our colonel and ninety-four others in killed, wounded, and missing.

"After marching all day in the hot sun from White House Landing, and hear-
ing the sound of distant booming cannon, we arrived about five o'clock in front of the enemy, stacked arms, and made coffee. In about half an hour we were ordered to take arms and charge the enemy's works, which was handsomely done along the whole line. It was after charging across an open field, and at the edge of the woods, that Colonel McConihe was killed. He was in front of the colors, and only about six feet from me when he fell. I assisted in raising him up, having seen him lift his arm and then instantly fall down. 'Oh!' was all he said, and he died immediately. Lieutenant-Colonel Alden took command of the regiment, and we charged the entrenchments and took them.

"It was in the second charge and rally that I received my wound. I was on the left of the regiment when a piece of shell struck me behind the knee on the cords and muscles of my right leg, which instantly became so stiff that I could not use it. I was sent to the Eighteenth Corps hospital, but preferred joining the regiment after a few days to remaining in the hospital, but not to go on duty immediately. There is a rumor that we are to return to the south side of Richmond. I am happy to say that my leg is doing well."

The casualties among the officers of the regiment permitted Second-Lieutenant Swartwout to be promoted to the position of first-lieutenant, and, on July 9, Governor Seymour, having signed the commission, with rank from June 1, forwarded it to him through the proper military channels.

As intimated by Lieutenant Swartwout, the Eighteenth Corps returned to the Army of the James, and, on June 15, took part in driving the enemy from different positions before Petersburg. On the morning of June 16, the Army of the Potomac absorbed the Army of the James, and the regiment for a time thereafter was identified with its operations at that point.

On the evening of June 30, the second (Colonel William B. Barton's) brigade of the second division of the Eighteenth Army Corps was ordered to assault the enemy's line so that, under the fire of the brigade, the first (Colonel N. M. Curtis's) brigade could excavate a rifle-pit near the enemy's position. Colonel Louis Bell, commanding the third brigade, to which the One Hundred and Sixty-ninth New York Regiment was attached, ordered the regiment under the command of Major James A. Colvin, to move to an advantageous position, but on advancing it unfortunately came under the heavy fire of the enemy. After withdrawing to the crest of a hill, the regiment opened fire upon the confederate troops in front of them, and they soon ceased firing. In a return of the casualties, from June 15 to June 30, the losses of the regiment are particularized as eight men killed, one officer and sixty-three men wounded, and three men captured or missing. A month later, on July 30, in the disastrous assault upon the enemy's works, "at the crater," in front of Petersburg, near the line of the Norfolk Railroad, the regiment was subjected to a loss of one officer
(Captain A. D. Vaughn of company F) and one man killed, eight men wounded, and nine captured or missing. At the time of the action, the third (Colonel Louis Bell’s) brigade in the second division of the Tenth Army Corps, comprised the Thirteenth Indiana, the Ninth Maine, the Fourth New Hampshire, the One Hundred and Fifteenth, and the One Hundred and Sixty-ninth New York regiments, occupying the earthworks vacated by the Ninth Army Corps. While confronting the enemy at Petersburg, the casualties in the regiment, from June 23 to August 1, exclusive of the losses on June 30 and July 30, numbered sixty-eight.

Having been withdrawn from the entrenchments at Petersburg, the third (Francis A. Osborn’s) brigade, in the second (Brigadier-General John W. Turner’s) division of the Tenth Army Corps, Major-General David B. Birney, commanding, was transferred to the Army of the James, and occupied defensive positions between the Appomattox and James rivers. At that time the broad shallow stretch of the James River, called Trent Reach, about three miles north of Port Walthall, on the Appomattox, was commanded by the guns of the confederate battery Dansler, advantageously planted on high ground west of the James.

Major-General Butler, perceiving that the battery could be passed by constructing a direct channel for the navigation of monitors and gunboats toward Richmond, five hundred and twenty-five feet long, across the narrow neck of land separating the water of the upper and lower reaches of the James, at Dutch Gap, then forming a horseshoe curve southward over a space of five miles, suggested to Lieutenant-General Grant the important advantages of excavating a canal at that point through which the river might flow. Major Peter S. Michie, the chief engineer of the Army of the James, having favorably reported the feasibility of such an undertaking, an order was given to begin it. A body of colored troops of the Tenth Army Corps, for a working force, and the One Hundred and Sixty-ninth New York Regiment, for picket duty in the vicinity of the projected canal, were detailed to proceed under the cover of darkness to Dutch Gap, and to perform the duties required of them.

Colonel Alonzo Alden, who had succeeded to the command of the regiment on returning to active duty upon the healing of the wound received by him at Cold Harbor, inaugurated, on the morning of August 10, the digging of the canal by removing the first shovelful of earth, which entitled the regiment to the honor of beginning the successful excavation of it. A barge having been moored in the eastern reach of the river, opposite the line of the canal, Colonel Alden made it his headquarters, and the regiment pitched its tents westward of it and along the north side of the canal where it had been staked out by Major Michie.
Early on the morning of August 13, as Lieutenant Swartwout, as acting adjutant, was returning from an inspection of the picket lines, the enemy began firing upon the camp with several heavy guns of a battery planted at the Hewlett House, causing the men to seek temporary shelter along the river-bank, north of the barge. On reaching head-quarters, Colonel Alden gave Lieutenant Swartwout an order to deliver to the officers commanding the different companies. On his way to the point on the bank of the river protecting the regiment, a ponderous shell carried away his left arm, and then exploded beyond him, killing an officer and wounding eleven men. With wonderful equanimity of mind, he hastened the delivery of the order entrusted him by placing it in the hands of a fellow-officer, and then gave the requisite instructions for the proper bandaging of his dangerous wounds. Although greatly weakened by the loss of blood and nervously shocked by the sudden severance of his arm by the two hundred pound projectile, which frightfully excoriated his left side, he endured with admirable fortitude the removal of the fragments of his mutilated arm, in the afternoon, at the Point of Rocks Hospital. On the following day, he was conveyed by steamboat to Fortress Monroe, where, at the Officers' Hospital, a few days thereafter, he was joined by his anxious father.

The following facts, furnished by a letter written by Colonel Alden, disclose some of the circumstances attending the enemy's firing upon the regiment, on August 13, at Dutch Gap. The enemy opened upon the regiment with a two-hundred-pound gun, and fired twelve rounds. One of the shots disabled eleven men, among them Assistant-Surgeon Austin Mandeville and Hospital-Steward Bernard Blair, who were at that time dressing Lieutenant H. J. Crippen’s wounds. When the shell exploded, it killed the lieutenant and wounded the medical man. Lieutenant Swartwout, who had been mustered in, on the fourth of August, as first lieutenant, was carrying, as acting-adjutant, orders from regimental headquarters to the officers commanding the different companies, had the greater part of his left arm taken off by a monster shell. The remaining upper part of his arm was amputated at the shoulder socket, and his recovery is hopefully expected. In a letter written to Lieutenant Swartwout’s parents, Colonel Alden justly lauded their son’s bravery and meritorious services as a soldier. In the following communication, other particulars of the occurrence are given by Colonel Alden:

"Head-Quarters 169th Regt., N. Y. Vols."
"In the field, Va., Aug. 23d, 1864."

"My Dear Swartwout,

"Accompanying this are your muster-in roll and final statements. Soon after you were wounded, you requested me to take care of certain papers in the
left side pocket of your coat. You little thought then that the same shell that
took your arm off carried with it the entire left side of your coat, including the
pocket and its contents. I was therefore unable to find anything of the papers.
If your commissions were in that pocket they are gone. You will have to get
duplicates from Governor Seymour, which you can do when you get home
without any difficulty.

"I sincerely hope to hear that you are getting along well. I am very anx­
ious to hear from you. Of course you cannot yourself write a letter. You can
dictate to others, however, which I wish you would do for my sake.

"I wrote to your father as soon as you were wounded. I suppose he is
with you now. Remember me to him. I will send to your home the remains
of your coat and also your other things. Before you will be able to rejoin us
again we may pass through very many changes. You must not resign. You
can serve me in many ways with one arm.

"How is Surgeon Mandeville? Do you know that the same shell that
struck you struck eleven different persons. Keep up good courage. Don't
fret yourself. You are inconvenienced by the loss of your left arm, but it is a
mark of honor which you may always be proud to wear. My best wishes are
with you.

"All the officers wish to be remembered. Church is acting in your place.
Charley Clarke is clerk.

"We are now in our old camp under the bower [at Bermuda Hundred]. I
hope we may stay here yet awhile.

"Very respectfully,

"ALONZO ALDEN."

The healing of his side and shoulder was rapid, and, on November 21,
Lieutenant Swartwout was permitted to leave the hospital to return to Troy.
He was exceedingly desirous of serving again in the army, and went some
weeks later to Washington, and solicited a physical examination. The sur­
geon-in-chief, however, would not certify to his fitness for active service, and,
on December 31, 1864, he was honorably discharged on account of disability
caused by the amputation of his arm.

On November 21, 1865, Governor Reuben B. Fenton conferred upon Lieu­
tenant William M. Swartwout the rank of brevet-captain of New York Volun­
teers, for gallantry, at Dutch Gap, Va., on August 13, 1864.

The regiment in the mean time had been winning the fame entitling it to
be recognized as one of the three hundred fighting regiments of the union
army. On August 26, it again entered the trenches in front of Petersburg,
whence, after a month's service, it returned once more to the north side of the
James River. In the engagements at New Market and Fort Gillmore, in
September, it suffered a loss of about forty men. It subsequently took part in the abortive expedition under General Butler against Fort Fisher, in North Carolina, and returned to winter-quarters on the James. The interval of rest was brief, for, on January 3, 1865, it again embarked to be taken to Fort Fisher, where the regiment's intrepid assault on that confederate stronghold obtained for the battalion deserved laudation. In the assault and upon the explosion of the magazine, on the succeeding day, about one hundred and thirty members of the regiment were killed or wounded. The regiment's last notable service was at the taking of the city of Raleigh. From the time of its mustering into the service of the United States to the close of the war the regiment aggregated 1,868 officers and men, of which number 953 had been added to it by recruitings and transfers. Its total losses were 916 by casualties in battle, disease, and other causes. Having participated in twenty-eight separate and distinct engagements, the regiment returned to Troy, on July 25, 1865, on the steamboat John Brooks, and having been escorted through some of the principal streets by the Twenty-fourth Regiment of New York militia and a number of companies of Troy firemen, was eloquently welcomed home, in Washington Square, by the Hon. John A. Griswold, and by William H. Merriam, of the New York Herald, at one time a lieutenant in the regiment. Having partaken of a collation at Harmony Hall, the regiment returned to Albany in the afternoon, where it remained in barracks until discharged from service as a military organization.

The later surviving members of the regiment having specialized the recollection of the heroic deeds of their killed and deceased comrades by generous contributions of money, they were enabled to place, on September 25, 1894, a handsomely-designed memorial window in St. Margaret's Protestant Episcopal Church, at Menands, in Albany County, New York, of which the Rev. Edgar T. Chapman is rector, who, after his appointment, on October 31, 1863,
as chaplain of the regiment, until the close of the war, won, by his ministerial and beneficent offices, the affectionate regard of its members. On the organization of the National Guard of the state of New York, Captain Swartwout was appointed, on May 30, 1867, by Governor Reuben B. Fenton, an aide-de-camp in the tenth brigade, third division of the National Guard, with the rank of cap-

tain, from May 25, 1867. Having discharged for ten years the duties incumbent upon him as senior aide-de-camp, in the tenth brigade, Captain Swartwout tendered his resignation, and, at his request, was honorably discharged from service in the National Guard, on June 29, 1877. Governor Lucius Robinson, by virtue of the authority with which he was invested by the legislature of the state of New York empowering him to confer brevet-rank upon any officer,
under the rank of colonel, who had been a member of the National Guard for ten years, and had served seven as a commanding officer, appointed and constituted, on July 10, 1877, Captain Swartwout a major by brevet, in the National Guard of the state of New York.

In the spring of 1894, when the removal of the remains of the dead veterans of the Civil War, buried in the Soldiers' and Sailors' Plat, in Oakwood Cemetery, to a more eligible location on the western heights of the extensive necropolis was contemplated, Major Swartwout, desiring to render the site of the graves of the deceased patriots more prominent by erecting there a lofty flag-staff from which the national colors should daily wave over them, took the preliminary steps to accomplish his commendable intention. In furtherance of it, he addressed the following communication to the chairman of the Joint Memorial Committee of the Troy posts of the Grand Army of the Republic, about to celebrate Decoration Day, with memorial services, at Oakwood Cemetery:

"Troy, N. Y., May 16, 1894.

"Comrade Albert Tompkins,

"Chairman of the Joint Memorial Committee:

"I saw an announcement that the Soldiers' and Sailors' Plat in Oakwood Cemetery would be changed and a new one dedicated, and conceiving that it would be opportune for me to tender a befitting tribute to the memory of the deceased veterans reposing there after faithfully serving their country in a trying time of need, I interviewed Mr. Adam R. Smith, president of the Oakwood Cemetery Association, who approved my intention, and cheerfully granted his consent to the erection of a flag-staff upon the new burial site. I also informed several of the members of the Joint Memorial Committee, and they were highly pleased to learn that I contemplated the bestowal of so suitable a token. I deem it essential that the flag which we so proudly cherish should be displayed there throughout the entire year, and ensuing years; a pleasant-weather flag during the summer and a storm-flag in winter. I judge that the daily view of the national emblem waving over the graves of the deceased veterans, who have ceased to answer post roll-calls, will serve to keep alive recollections of their courage while battling for the just cause of the greatest nation of the world, and preserve unforgotten the patriotism of our dead comrades reposing in Oakwood Cemetery.

"Yours very respectfully,

"William M. Swartwout."

As proposed by him, he caused to be planted on the eastern border of the wide plat a lofty symmetrical staff, seventy-five feet in height, surmounted with a gilded metallic eagle. The formal presentation of it, together with a large flag of standard bunting, formed a part of the memorial exercises of the four Grand
Army posts of the city, on the afternoon of Decoration Day, Wednesday, May 30, 1894. The presentation of the burial plat by the citizens of Troy to the members of the four posts attracted to Oakwood Cemetery on that afternoon a large number of the inhabitants of the city and its vicinity. The programme of the occasion comprised the following exercises:

Overture by the band; presentation of the new burial plat to the Troy posts of the Grand Army of the Republic by H. H. Darling, chairman of the Citizens' Committee; the posts' acceptance of it by the Hon. Lewis E. Griffith, commander of Post Willard; presentation of the staff and flag, by a letter from Major William M. Swartwout, read by W. H. Boughton of Post Tibbits; breaking out the flag by Major Isaac F. Handy of Post Tibbits; “The Star Spangled Banner,” sung by public-school children; acceptance of the staff and flag by the Rev. L. M. S. Haynes, D.D., chaplain of Post Griswold; music by the band; ritual-service of the Grand Army of the Republic; reading of the orders of the day by A. D. McConihe, commander of Post McConihe; duty of the day, by J. M. Snyder, commander of Post Tibbits; “America,” sung by public-school children; festival of the dead, by Colonel W. H. Munn, commander of Post Griswold; decorating graves, by G. S. Aldrich, commander of Post Bolton, Lansingburgh; music by the band; address by the Rev. George E. Stockwell; “Columbia, the Gem of the Ocean,” sung by public-school children; benediction.

In the spring of 1895, Major Swartwout had the first staff removed and another substituted, to which was added a part of the first one as an upper mast, thereby obtaining a height of one hundred feet for the display of the flag floating from it. For this striking token of his patriotism he received from the Joint Memorial Committee of the four Grand Army posts in the city an attractively-lettered resolution adopted by the committee, on May 17, 1895:

“Whereas, Captain William M. Swartwout has erected a fine flag-staff in the Soldiers’ and Sailors’ Plat in Oakwood Cemetery, from which is kept waving at all times, at his expense, the National Emblem over the graves of comrades who sleep in safety beneath its protecting folds:

“Therefore be it

“Resolved, That, representing the Grand Army posts of this city, we desire to express to Captain Swartwout the sincere thanks of his ‘Comrades-in-Arms’ for this practical evidence of his generous patriotism, with the assurance that his liberal gift will ever be cherished with grateful remembrance in the hearts of all true and loyal citizens, and especially by those who, with him, did battle for their country.”

Unfortunately a violent whirling wind, in the summer of 1898, broke off the

1 Vide: The fac-simile prints of the resolution in the Appendix.
top of the upper mast, which influenced Major Swartwout to diminish the height of the staff to eighty feet.

The flag now daily seen floating from the prominent staff standing south of the stately monolith marking the tomb of Major-General John E. Wool, and in sight of the finely-sculptured sarcophagus enshrining the remains of Major-General George H. Thomas, "the Rock of Chickamauga," is one of the most conspicuous objects on the elevated foreground of Oakwood Cemetery. The patriotic impulse originating in the mind of Major Swartwout the thought of the appropriateness of planting there a widely-visible staff from which the national flag should continually float in view of the liberty-loving people who annually garland the graves of the unforgotten soldiers and sailors in that hallowed precinct of the dead, is remarkably suggestive of the generosity prompting Captain Abraham Swartwout—Major Swartwout's ancestral kinsman—to give, at Fort Stanwix, in 1777, his military mantle to form the blue field of the first flag of the United States on which were constellated thirteen white stars emblematic of the union of the thirteen colonies.

The line of Major William Merrill Swartwout's descent from Rolef and Catryna Swartwout, of Groningen, Holland, may be presented thus:

I. Rolef and Catryna Swartwout, married about 1600.
II. Tomys and Hendrickjen Otten Swartwout, married June 3, 1631.
III. Roeloff and Eva Bratt de Hooges Swartwout, married August 13, 1657.
IV. Thomas and Elisabeth Gordinier Swartwout, married about 1682.
V. Jacobus and Gieletjen Nieuwkerk Swartwout, married October 5, 1746.
VI. Cornelis and Elisabeth Ter Bos Swartwout, married June 19, 1746.
VII. Cornelius and Sarah Bedell Swartwout, married March 23, 1774.
VIII. Henry and Sarah Merrill Swartwout, married December 5, 1802.
IX. Henry and Maria Amelia Ketelhuyn Swartwout, married November 7, 1833.
X. William Merrill Swartwout.

Sketches relating to other members of the Swartwout, Swartwolt, and Schwarzwald families in Holland, Germany, and America will be found in the Addenda, and in the "Swartwout Lineage," following "The Ketelhuyn Chronicles."
THE KETELHUYN CHRONICLES.

CHAPTER I.

JOACHIM KETELHUYN AND HIS ANCESTORS.

1451-1682.

THE German-Saxon name Pomone or Pommern, meaning "on the sea," designates a maritime province in Prussia, bounded on the north by the Baltic Sea, on the west by the province of Mecklenburg, on the south by that of Brandenburg, and on the east by West Prussia. It is geographically divided into three districts: Stralsund, Stettin, and Coslin. The surface of the province is low and flat. The inhabitants—racially descendants of an ancient Saxon people—are generally tall and robust. The mediaeval history of this part of Germany describes it as successively subdivided among different lines of ducal houses.

Off the irregularly indented coast of the province lies the island of Rügen, in the Baltic Sea, immediately opposite the city of Stralsund, from which it is separated by a navigable strait. The island's greatest length from north to south is thirty-two miles, with a width of twenty-five. On it is Putbus, the capital of the old barony of the princes of Putbus.

The ancestral estates of the Ketel family, called as early as 1451 Ketelshagen,° were on the island of Rügen, where the family was long famous in the history of its nobility. The patrial title was also written Ketele, Kettle, and Kettel.

The name is evidently of Scandinavian origin. The Norwegian conqueror of the Hebrides and founder of the jarls (noblemen) of the Western Isles was distinguished by the appellation Ketyl. For many years certain members of the Ketyl family held offices of repute in Iceland, where one known as Ketel Haeng was greatly honored by the inhabitants.

1 The Ketel plantations; from the German substantive haus, a place fenced in, precinct, enclosure.
"Among mythological objects," remarks a writer on the derivation of surnames, "the kettle or cauldron can hardly be omitted. In the North, the vessel is _ketil_; in old German, _chezil_; in English _cylcle_; but the names from it seem to be almost entirely northern, though the cauldron is almost certainly the _olla_, so common a bearing [or emblem] in Spanish heraldry," significant of a large and well-fed body of retainers.

Demmin, one of the oldest Slavonian built cities, anciently a capital city in the jurisdiction of Stettin, lies about twenty-eight miles southerly from the city of Stralsund, on the high ground overlooking the valley of the Peene River, in the province of Pommern. It is mentioned as flourishing as early as the year 540, and two and a half centuries later it was an important commercial town.
North of it, and about fifteen miles south of Stralsund, on the right bank of the Trebel, is Grimmen, a capital city and a railroad center, in the jurisdiction of Stralsund, with a population of 37,112 souls, mostly Lutherans.¹

Bagmihl, in his "Pomeranian coat-of-arms book," describes the coat-of-arms of the family von Ketel, saying:

"One of length, conformable to a divided shield, the right side of which is divided four times across and three times lengthwise into squares of black and gold. In the left golden field are fifteen blue balls, three in each row. Upon the mantled helmet, with a roll of black and gold, are three natural lilies on green stems. The helmet-mantlings are: to the right, black and gold; to the left, blue and gold."²

"The family von Ketel," as Bagmihl relates, "authentically makes its appearance first in the middle of the fifteenth century, when Conrad Ketel, in 1451, sold to Berndt Buggenhagen and his heirs the half of Ketelshagen. In 1452, Berthold and Conrad Ketel divided the paternal tenure of Ketelshagen between them. Berthold left behind him four sons: Hennig, Bartholomew, Henry, and Anthony, who, in 1505, were invested by the duke Bogislaw X. with the half of Ketelshagen. Anthony, the youngest, still a minor in 1505, perpetuated the family, and was mentioned as having possession of Ketelshagen until 1570. Into the possession of this property later came his son Jurgen (Anthony's second son Tonnies having died earlier), whose sons, Henry, Ernst, Claus, and Jurgen, were invested with the paternal heritage by Duke Philip Julius. Claus retained the estate until the calamities of the Thirty Years' War exiled him, inasmuch as it was in strange hands in 1633.

"About the end of the seventeenth century it was again found in the hands of the family (the possessor was called the Riding-master Ketel, and was nominally Philip Gurzlaff, the son of Jurgen, mentioned in 1602; nevertheless the offspring of Claus had also prominence, and not until 1756 did it become extinct in a Lord Ketel living at Selchow, near Anclam), and it subsequently passed into the hands of a mortgage-holder until Captain Ulwert Ulrich, nominally a descendant of Tonnies (son of Tonnies, known from 1505 to 1570), secured it in 1738. His son Bogislaw sold the estate in 1789 to the House of Putbus, to which, at present, it still belongs.

¹ Grimmen in Pommern, Kreisstadt in der Provinz Pommern, Regierungsbezirk Stralsund, 23 km. südlich von Stralsund, rechts an der Trebel, Station der Lüne-Berlin-Stralsund der Preussischen Staatsbahnen. Der Kreis Grimmen zählt auf 95875 km², 373112 mndt bewohnt. E.

"The son of the last William, earlier an imperial Prussian dragoon-officer, lived, until 1820, although without landed property, at Mecklenburg, and had, according to oral report, at that time several children."

Heinrich Ketel, a son of one of the four brothers to whom Duke Bogislav X. gave the holding of the one-half of Ketelshagen in 1595, resided at Demmin, and was greatly honored as a member of the ancient patrician family and as a distinguished senator. His son Joachim, on whom was bestowed the title of doctor of laws (Doctor der Rechte), held in Demmin in 1576 the office of alderman, and, in 1578, that of burgomaster or mayor. In 1562, he married Margarethe, daughter of Johann Wessels, who bore him two daughters, Anna and Margarethe, and a son, Joachim. This son is recognized as the father of Joachim, who settled in New Netherland and wrote his surname, Ketelhuyn.

It may be in place here to remark that the suffix huyn is supposed to be a derivation of the ancient German-Saxon hyne or hine, a farmer, and that Joachim had added it to his cognomen as descriptive of his occupation. The knowledge of this act, it would seem, influenced not a few of his descendants to write the surname Ketel, Kettel, Kittle, and Kittelle.

He, as other persons desiring to better their fortunes in America had done, quitted his German home in Grimmen, in the province of Pommern, and proceeded to Amsterdam, Holland, where, on the sixth of June, 1642, he sailed for New Netherland, in the ship called the Wood-yard (de Houttuyn). Among the persons on board the vessel going to Rensselaerswyck was the Reverend Doctor Johannes Megapolensis, junior, whom Kiliaen van Rensselaer, the patroon, had induced the classis of the Reformed Church, at Amsterdam, to send as pastor of the church which he was commissioned to establish in the manor.

One of the conditions, on which the scholarly divine accepted the call to the remote field of pastoral labor, was that he was to receive from the patroon an annual salary of one thousand guilders (four hundred dollars), the first three


years, so that he and his family should be "able to maintain themselves honora-
ably and not be necessitated to have recourse to any other means, either farming,
trading, cattle-rearing or such like, except the diligent performance of his duties
for the edification of the inhabitants and Indians." This salary was to be paid
in "meat, drink, and whatever he might claim," one-half in Holland, the other
in New Netherland, at the current prices. He was also to receive a yearly
donation of thirty schepels (twenty-two and a half bushels) of wheat, and two
firkins of butter, or sixty guilders. Should his services be satisfactory it was
further stipulated that the *patroon* should give him annually, for the last three
years, two hundred guilders as additional salary. The *patroon*, besides giving
him a present of three hundred guilders before he embarked for New Nether-
land, also agreed that he and his family should not be at any expense for food
while making the voyage, and that his salary should begin on the day of his
arrival at Fort Orange.

In the written instructions given Domine Johannes Megapolensis, on June
3, 1642, by Kiliaen van Rensselaer, the *patroon* says:

"His reverence will be pleased to take charge of my people and property,
which are at present [to be] conveyed over in God's name, in the ship *de
Houttuyn*. The persons going over are these: De. Johannes Megapolensis,
Matheld Willemsen, his wife, Hellegond, Derick, John, and Samuel, his chil-
dren; Abraham Staes, surgeon, his servant; Evert Pels, beer brewer, his wife,
his man; Cornelis Lambertsen, from Doorn, Utrecht, a farm servant; Jochim
Kettelhuer, from Gremyn; John Helms, from Barltt, North Brabant; Johan
Carstenssen, from Barltt, North Brabant; Juriaack Bestvaell, from Luyden-
dorp; Ciaes Jansen, from Waalwyck, North Brabant; Paulus Jansen, from Gee-
truydenburg, North Brabant; Hans Vos, from Baden; Juriaen Pauwelsen,
from Sleeuwyc, North Brabant; Hendrick Albertssen, from Londen, 22
years, Gertruyd Dries, his wife, 23 years, [and] Hendrik Dries, her brother,
21 years, from Doesburg. * * * * *

"He shall take care that these persons embark on shipboard, and having
arrived, by God's help, at the Manhattans, where the Noble Director Kieft
resides, see that they and my goods be forwarded to the colony by the first
opportunity, and be provided with food at my expense."  

The voyagers arrived at Fort Orange, on the eleventh of August, where
they were provided temporary homes in some of the thirty or more small,
thatched wooden houses contiguous to it.

Kiliaen van Rensselaer, in order to secure the people of the manor against
massacre by the Indians should they become hostile, prudently determined that
the church should be built near Fort Orange. To define his wishes clearly, he

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1 Rensselaerswyck Manuscripts.
sent Arendt van Curler, the commissary of Rensselaerswyck, a map of the projected church-neighborhood (kerckhuurte), with instructions that, with the exception of the farmers and tobacco-planters who should reside on their farms and plantations, no other colonists should establish themselves elsewhere than in the vicinage of the church.

The church which the patroon had instructed Arendt van Curler to build on Domine Megapolensis's arrival was not erected, it seems, until 1646. Writing to the patroon on June 16, 1643, the busy commissary wrote: "As for the church it is not yet contracted for, not even begun. I had written to your honor that I had a building almost ready, namely the covenanted work, which would have been for Domine Megapolensis's occupation, but it did not suit Domine Johannes; in other respects it was adapted in every way to his wants. On this account I have laid aside its completion. The one I intend to build this summer in the pine grove will be thirty-four feet long by nineteen wide. It will be large enough for the first three or four years to preach in, and can be used afterward as a residence by the sexton, or for a school."

When Father Jogues, the distinguished French Roman Catholic missionary, visited Fort Orange, in the summer of 1646, Domine Megapolensis was still preaching to the settlers in his own dwelling. The plain wooden building that had been erected for a house of worship was then nearly completed. Shortly afterward, when it was dedicated, it contained a pulpit with a canopy, a seat for the magistrates, one for the deacons, nine benches and a corner-seat. These and several other things had required an outlay of eighty florins or thirty-two dollars. The small edifice stood not far west of Fort Orange, which occupied a part of the present open space lying immediately west of the wharf of the night-line of steamboats plying during the season of navigation between Albany and the city of New York.

In April, 1652, when Director-General Stuyvesant defined the extent of land claimed by the West-India Company at Fort Orange, he ordered a number of posts to be planted at points within the range of a cannon-ball fired from it. In obedience to his commands, the small community of colonists, whose dwellings obstructed a full view of the environs of the fort, moved their houses to designated sites north of it, between the present line of Hudson Avenue and that of Steuben Street. The seat of this settlement he named Beverswyck. Two roads formed its principal thoroughfares; one called Handelaarsstraat (Traders' Street) is now known as Broadway; the other, titled Jonkersstraat (Gentlemen's Street), is recognized as State Street.

The cost of removing the buildings was defrayed by a joint contribution of the West-India Company and the colonists. Joachim Ketelhuyyn was regarded as highly fortunate in having assigned him a plat of ground on the west side
of Handelaarsstraat, about five hundred feet north of Jonkersstraat. The 
patent or ground brief for it, given him, on October 25, 1653, in the name 
of the West-India Company, by Director-General Stuyvesant, describes the 
lot as having a breadth of four rods and a length of nine. After New Neth­
erland had been surrendered to the English, Governor Richard Nicolls, on 
May 14, 1667, confirmed to him the proprietary right and title to it, and to 
another lot, for which he also had a ground brief dated October 25, 1653, 
which describes it as lying in Beverswyck and being four rods and nine feet 
in breadth and six rods and nine feet in length.¹

On the first-described plat of ground, the energetic colonist either reseated 
his former dwelling or erected a new one, prior to the date of the letters-patent 
given him by the West-India Company.

The distance of the village from the fort and the church suggested the con­
struction of a large block-house, which, should the Indians at any time become 
hostile, could be a convenient and defensible place of refuge, and while they re­
mained friendly could be used for a church. Moved by these considerations 
the people of Beverswyck and Rensselaerswyck unitedly undertook the erection 
of the desired structure. To provide the money needed to defray the expenses 
of the undertaking the patent and the co-directors of Rensselaerswyck sub­
scribed one thousand guilders (four hundred dollars) and the magistrates of 
the court of Fort Orange and Beverswyck fifteen hundred more, from moneys 
received for fines. On the tenth of March, 1656, the officers of the court ad­
dressed a letter to the director-general and council of New Netherland, peti­
tioning them "to solicit and influence the inhabitants of the city of New 
Amsterdam for a liberal contribution" to assist them in the construction of the 
block-house church, "inasmuch as on similar and other occasions, especially to 
the church there," they and the people of Beverswyck and Rensselaerswyck 
had given and contributed according to their ability.

"Receiving no reply to this request, the magistrates wrote on the eighth 
of April a second communication to the officers of the provincial government, 
in which they said: 'We are much surprised that no answer to our last letter, 

¹ A Confirmation Granted unto Jochem Kettlehyn for two Lotts of Ground & House at Albany. 
² Richard Nicolls, Esq., &c., Whereas there was a Patent or Ground brief herebefore Granted by 
the Dutch Governour Petrus Stuyvesant unto Jochem Kettlehyn for a Certain House and Lott of Ground 
lying in Beverswyck at Albany having to the West North & East the Highway & to the South Wm. 
Hosmeyrs Conteyning in Breadth foure Rod & in Length nine Rod together with another Lott of Ground 
& Garden lying in the Towne aforesaid abutting to the East on the Highway to the South of Arent 
Gerritsens to the West Goosen Gerritsens & to the North Arent Jansen having in Breadth four Rod 
and Nine foot & in Length six Rod and Nine foot which sd. Patent or Ground brief so Granted as 
aforesaid bears date the 25th day of Octob. 1653. Now for a Confirmation &c The Patent is dated the 
14 May 1669."

Book of patents, No. 2, p. 218 (p. 39), in the office of the secretary of State, Albany.

102; vol. iii., pp. 71-72, 186-187.
at least none on the subject of our expected collection there, has been received by us assuring good success for it.' When, as they observed, they contracted for the building of the block-house church and made themselves liable for 'the heavy expenses,' their 'expectation and hope in the beginning were set very justly' on obtaining help from the people of New Amsterdam; therefore, as they reasoned, 'in the event of a failure we should be very much disturbed and distressed; even if everything should turn out for the best, it would be very difficult to collect the remainder from the church here.'

The site selected for the building was near the center of the intersection of Handclaars and Jonkers straaten. On the second of June, the corner-stone was laid in the presence of the magistrates of Fort Orange and Beverswyck and those of Rensseelaerswyck, and a large assemblage of the inhabitants of the village and the manor. The Reverend Gideon Schaets, who had accepted the pastorate of the church, on May 8, 1652, conducted the religious services, and Rutger Jacobsen, a magistrate, placed the stone in position.

Built in the form of a block-house of the period, the church was loop-holed, and on the platforms above it were placed three small cannon to command the three roads diverging from it. (See diagram, page 532.) In 1657, a bell, presented by the directors of the Amsterdam chamber of the West-India Company to the congregation, was hung in a small belfry forming the pinnacle of the structure. Twenty-five beaver-skins were sent to Holland to pay for a pulpit, but their value was, as it seems, insufficient to obtain one. However, the directors of the Amsterdam chamber of the West-India Company, "to inspire the congregation with more ardent zeal," contributed seventy-five guilders for the purchase of the prediekstoel, which was sent to Beverswyck in a vessel, which sailed some time after the departure of the one on which the bell had been sent.

The hostile attitude of the Indians, in the fall of 1659, caused the inhabitants to unite in inclosing the village with a high fence of planks and palisades. They immediately began constructing it, and in the spring of 1660 completed the defensive stockade. According to present metes and bounds, it extended northwardly along the bank of the river from the foot of Hudson Avenue to the site of the Delaware and Hudson Canal Company's passenger-station. Thence it continued to a point near the northwest corner of the station of the New York Central and Hudson River railroad, where it deflected to a point on North Pearl Street, about two hundred feet north of Maiden Lane. Its extension on the side of the hill terminated at a point on State Street, near Lodge Street. Descending the hill, the barrier reached a point on South Pearl Street, near Beaver Street, and thence extended to Green Street, about seventy-

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five feet north of Hudson Avenue; thence to the intersection of Broadway and Hudson Avenue, and thence to the foot of Hudson Avenue. Strong wooden gates were hung at the ends of the different streets and a number of guard-houses built outside the entrances to the village. The cost of erecting the stockade, gates, and guard-houses was partly liquidated by an annual tax of three guilders on each chimney within the protecting line of palisades.

On the surrender of Fort Orange to the English, on September 24, 1664, the fort and the village were named Albany. The inhabitants of Albany and Rensselaerswyck were thereupon allowed by Governor Nicholls the same privileges as had been granted in the articles of capitulation to the people of the city of New Amsterdam, which thereafter was called New York.

In 1680, Jasper Dankers and Peter Sluyter, two Labadist missionaries from Friesland, Holland, visited Albany and entered the following description of the village in their journal:

"It is nearly square, and lies against a hill, with several good streets, on which there may be about eighty or ninety houses. Fort Orange, constructed by the Dutch, lies below, on the bank of the river, and is set off with palisades, filled in with earth on the inside. It is now abandoned by the English, who have built a similar one back of the town, high up on the declivity of the hill, from which it commands the place. * * * *

"The town is surrounded by palisades, and has several gates corresponding to the streets. It has a Dutch Reformed and a Lutheran church. The Lutheran minister lives up here in the winter and down in New York in the summer. There is no English church or place of meeting, to my knowledge. As this is the principal trading fort with the Indians, and as the privilege of trading is granted to certain merchants, there are houses or lodges erected on both sides of the town, where the Indians, who come from the far interior to trade, live during the time they are there. This time of trading with the Indians is at its height in the month of June and July, and also in August, when it falls off; because it is then the best time for them to make their journeys there and back, as well as for the Hollanders, on account of their harvests."  

The Reverend John Miller, describing Albany in 1695, says: "It is in circumference about six furlongs, and hath therein about 200 houses, a fourth part of what there is reckoned to be in New York. The form of it is septangular, and the longest line [is] that which abuts upon the river running from north to south. On the west angle is the fort, quadrangular, strongly stockaded and ditched round, having in it twenty-one pieces of ordnance mounted. On the
northwest side are two block-houses, and on the southwest as many; on the southeast angle stands one block-house; in the middle of the line from thence northward is a horned work, and on the northeast a single mount. The whole city is well stockaded round, and in the several fortifications named are about thirty guns.”

The diagram of the city of Albany, embellishing the rare work of the ob-

servant clergyman, presents the prominent features of the place in 1695. As numbered on it, they are defined in the foot-note on this page.

Joachim Ketelhuyn lived, until he died in 1682, with his family, in the dwelling on his lot, on the west side of Handlers Street (numbered 12 on the Miller diagram), but now better defined as being on the southwest corner of Broadway and Maiden Lane, and extending westward to the east side of James

2 1. The fort of Albany. 2. The Dutch Calvinist church. 3. The Dutch Lutheran church. 4. The [Dutch Lutheran] burying place. 5. The Dutch Calvinist burying place. 7, 7. The block-houses. 8. The Stadt-house. 9. A great gun to clear a gully. 10, 10. The stockade. 11, 11. The gates of the city, six in all. 12. The site of Joachim Ketelhuyn’s lot.
THE KETELHUYN CHRONICLES.

William Ketelhuyn, probably their eldest son, married in Albany, about 1683, Hilletje, the widow of Storm van der Zee, and daughter of Gerrit Lansing; her father having emigrated from Hasselt, near Zwolle, in the province of Overysel, Holland. After their marriage, they occupied a dwelling built upon his lot on the north side of Beaver Street, purchased by him in 1681, and next east of a lot on the northeast corner of Beaver and Green streets. On the call of the Reverend Godefridus Dellius, in 1683, to aid the Reverend Gideon Schaets in his ministerial labors, he was one of the burghers of the Dutch Reformed Church of Albany, who contributed three hundred and fifty pieces of eight to pay the salary of the assistant minister for one year. In 1689, his name (opposite of which are £2:) appears on a contribution list of “the farmers belonging to Captain Masten Gerritse's company” of Albany militia, who had subscribed money to pay men to serve as soldiers for the defence of the city against the French and allied Indians.

Desiring to have possession of a tract of land lying along the east side of the Hudson River, about thirty-seven miles north of the city of Albany, he and Cornelius Cuyler purchased it from the Indian owners, and petitioned, on June 4, 1728, his excellency, John Montgomery, governor of the province of New York, under George II., to grant them letters-patent, to secure their title to it. On the twenty-seventh of October, that year, the tract was surveyed and described as “beginning at the north bounds of a certain patent granted unto Cornelius van Dyck and company, at the north side of the mouth of a certain creek or brook called by the Indians Dixondehawe, [now the Batten Kill] and so running up the river as the river runs, to a place called the Second Carrying-place, [at the mouth of Stony Creek, opposite the site of Fort Miller] and so extending back into the woods from the first and second stations two English miles.” In the letters patent, bearing date of May 6, 1832, the section of the tract assigned to Cornelius Cuyler, merchant, comprised seven hundred and fifty acres, extending from the mouth of the Batten Kill, “along the north bounds of the lands commonly called Saraghtoga,” east eighty-eight chains, thence north eighty-eight chains, thence west one hundred and ten chains to

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1 The three daughters then residing with their mother were Annetje, Margarethe, and Hilletje.
2 Deeds, book m., p. 115.
3 A Spanish dollar, called a “piece of eight,” having the value of eight reals. The history of the city of Albany. By Arthur James Weise, p. 178.
4 Documentary history of the state of New York, 8vo ed., vol. ii., p. 95.
the Hudson River, and thence down the stream to the place of beginning. The section granted to "William Ketelhuyn, of the county of Albany, yeoman," began at the northwest corner of Cornelius Cuyler's section, and ran along the north bounds of the same east ninety-six chains, thence north eighty-eight chains, thence west eighty-eight chains to the Hudson River, and thence south to the place of beginning, containing eight hundred and fifty acres.¹

The letters-patent for the two areas of land, lying severally on the east and west sides of the Hudson River, inclusively bearing the name Saratoga, were granted on November 4, 1684, to Cornelius van Dyck, John Johnson Bleeker, Peter Philip Schuyler, Johannes Wendell, Derick Wessells, David Schuyler, and Robert Livingston. In 1685, Cornelius van Dyck sold his share, on the east side of the river, to William Ketelhuyn and Kiliaen De Ridder.

By his first wife, he had three sons, who severally died while children or minors. He married his second wife, Maria Ridder, at Albany, on March 18, 1715. He died at his last place of residence, on his Saratoga farm, on August 21, 1746, and his body was interred in the Dutch Reformed Church burying ground, on the south side of Beaver Street, in Albany. As particularized in his will, made August 9, 1734, he bequeathed to his wife, Maria, all his lands at Saratoga, which he had bought of the heirs of Cornelius van Dyck, all the land on the north side of Fish Creek, at Saratoga (near Schuylerville), all his land in the manor of Rensselaerswyck, on the west side of the Hudson River, where he had formerly lived, and all the land he had in partnership with Philip Livingston, north of Saratoga, together with his fourth share in the saw-mills, premises, and privileges, there jointly owned by him, Philip Livingston, and Cornelius Cuyler. To Kiliaen De Ridder he bequeathed the half of the land and farm he then lived on and a fourteenth part of the undivided land at Saratoga, after the decease of his widow, and then the other half of his real and personal estate was to be conveyed to the children of Wouter van der Zee, Albert van der Zee, and Antje Baker.²

Albany became a city by a charter given its inhabitants by Governor Thomas Dongan, on July 22, 1686. Its territory lay within the following described boundaries: "On the east by Hudson's river so far as low water mark," on "the south by a line * * * * drawne from the southermost end of the pasture at the north end of * * * * Martin Garetson's island, running back into the woods sixteen English miles due northwest to a certain kill or creek called the Sand Kill; on the north" by "a line * * * * drawne from the post that was sett by Governor Stuyvesant [to establish the

¹ Book of patents, 11, pp. 85-91, in the office of the secretary of State, Albany, N. Y.
² The will of "William Ketelhuyn, of Saratoga, New York," is in the probate office of the state of New York, at Albany.
north line of the village of Beverswyck in 1652] near Hudson's river, runn­
ing likewise northwest sixteen English miles; and on the west by a straight 
line * * * * * drawne from the points of the said south and north 
lines."

A mayor, a recorder, a chamberlain, six aldermen, six assistant aldermen, a
town-clerk, a sheriff, a coroner, a market-clerk, a high constable, three sub­
constables, and a marshal or "sergeant-at-mace" were specified as municipal
officers. As defined by the charter, the mayor, the recorder, the aldermen
and their assistants were constituted "one body corporate and politick, in deed,
ffact, and name," to be known by "the name of the mayor, aldermen, and
commonalty of the city of Albany." The mayor and the sheriff of the city
were to be nominated annually "upon the feast day of St. Michael, the arch­
angel," the twenty-ninth of September, by the lieutenant-governor of the prov­
ince, as were the recorder and the town-clerk, but no limitations of time defined
their terms of office. The other officers, except the chamberlain, were to be
elected annually by the majority of the voices of the inhabitants, on St. Mi­
chael's day. The chamberlain was to be chosen yearly on the same day by
the mayor and three or more aldermen of each class.

The mayor or any three or more of the aldermen had "full power and au­
thority under the common seal to make free cittizens of the said citty and libert­
ties thereof; and no person or persons whatsoever other than such free cittizens" could exercise "any art, trade, mistery or manuall occupacion within
the said citty, libertyes, and precincts thereof, saveing in the tymes of ffayres."
To obtain the freedom of the city, the person desiring to pursue the business
of a merchant or a trader was required to pay a sum of not exceeding three
pounds twelve shillings, and one wishing to engage in a particular occupation
such as that of a mechanic, thirty-six shillings.

The mayor, aldermen, and commonalty of the city were granted "full lib­
erty and lycense att their pleasure to purchase from the Indians, the quantyty
of five hundred acres of low or meadow land lyeing att a certeyne place called
or knowne by the name of Schaihtecogue," and also "the quantity of one thou­
sand acres of low or meadow land, lyeing att a certeyn place called or knowne
by the name of Tionondorogue," paying annually to his majesty's officer or
receiver, in Albany, on the twenty-fifth day of March, a quit-rent of one beaver­
skin.

Rachel, probably the eldest daughter of Joachim and Annetje Ketelhuyn,
murried, on March 9, 1687, Dirk van der Heyden, who, in 1707, purchased the
ferry-farm, which is now the site of the city of Troy. Her sister Maria, on May
7, 1693, became the wife of Johannes Barentse Bratt, of whom further mention
will be made on subsequent pages.
David Ketelhuyyn, their brother, was in 1690 a member of Captain Abraham Schuyler's company of provincial militia. As has been related, the descent of the French and allied Indians from Canada upon Schenectady, on the night of the eighth of February, that year, and the consequent massacre of many of its inhabitants and the carrying away of others into captivity, greatly terrified the people of Albany and its vicinity. Aware that the French purposed making a descent upon Albany, the commissioners sent there by acting Lieutenant-Governor Jacob Leisler, and the municipal officers and the justices of the peace of the city and county of Albany, having resolved in convention and ordered, on March 26, Captain Jacobus de Warm to proceed to Crown Point with a small body of militia and Schaghticoke Indians and learn and report any movement southward of French forces and Canadian Indians, the same body of commissioners, municipal officers, and justices of the peace, placed in the hands of Captain Abraham Schuyler the following written instructions:

"You are hereby ordered in his majesty's name to take hence forthwith under your command nine men and march with Jannetje or Laurence the Mohawk Indian and his party of savages with some Schaghtooks Indians upward about seven miles beyond the Crown-point unto Otter creek, or some other better place or rendezvous which you may consider more suitable, safer, and more advantageous—where you shall remain and keep good watch day and night, and send out especially good scouts and spies every day till sundown, and you shall correspond daily with Captain Jacobus de Warm and his soldiers who are sent to the aforesaid Crown-point, and mutually communicate to each other all remarkable occurrences, and should you perceive or meet any French Canada Indians, you must endeavor to despoil, plunder and do them all injury as enemies conformably to the custom of war: And the aforesaid nine men are hereby strictly charged to obey their officers in all things.

"And the officers shall in all things advise with the aforesaid Indian Jannetje, as to what concerns his majesty's interest and this undertaken expedition. You shall likewise remain at the aforesaid Otter creek, or at the place you may think fit as above, for the time of one month, except you really and truly perceive the approach of a powerful enemy's force, which you cannot resist, then you must cito [speedily] send a messenger hither, and the remainder of your company must return immediately here to the city.

"But if there be any volunteers, either Christians or Indians, who will proceed from the aforesaid Otter kill to Canada as spies to reconnoiter or to take prisoners they have permission so to do, provided the post at the Otter kill or your sojourn shall always remain fully established. Meanwhile you shall manufacture some bark canoes which you can use according to circumstances."
"Thus given under our hands in Albany this 31st March, and in the 2nd year of his majesty's reign annoq : Dom. 1690.

"J. Bruyn,  
"Jon: Provoost,  
"Pr. Schuyler,  
"Dirck Wisselze,  
"Jon: Wende.

"N.B. The aforesaid men are: Arent Schuyler, David Ketelhuyn, Tho. Sjeer, Casper Teller, Daniel Brad, Willem the Indian, But Teunissen, Hendk Jansen van Saragtoge."

From this reconnoissance, the several bodies of men returned to Albany without meeting any large force of the enemy near the places at which they had temporarily sojourned.

As recorded in the marriage register of the Dutch Reformed Church of Albany, David Ketelhuyn and Johanna Bratt were married in that city on March 31, 1695.

The number of souls composing their household, as shown in the return of June 6, 1697, was specified as one man, one woman, and one child. In the fall of 1703, he was elected by the citizens of Albany "constable for ye Half Moon," and in the succeeding autumn, "constable for the third ward" of Albany.

On May 1, 1705, he sold, for £150, to Willemse van den Bergh, yeoman, of the city of Albany, "a certain house and lot of ground * * * * in the bounds and limitts of the city of Albany and colony of Rensselaerswyck, bounded on the west side by the highway that leads to ye mill at Watervliet."

On March 16, 1706-7, the two brothers, Daniel and David Ketelhuyn "of the city of Albany," bought of Harme Janse Knickerbacker, from Wijbe, in the province of Overijssel, Holland, but "late of the county of Albany," for one hundred and eighty-four pounds and ten shillings, "each one equall half of all that certain tract or parcell of land * * * * on the west side of Hudson's river above the land commonly called the Half Moon, being about four English miles above the farm or boundary of Gerrit Hendrikse, which said land begins at the kill or creek that runs into Hudson's river between the Wijbe Vlackje and the said Harme Janse's house, and from thence along the river, on the west side of Hudson's river, and strikes back from the river westward into the woods on the south and along the north side of the said kill or creek so as the same runs until you come to the high hills, which said hills run along the fly

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2 Deeds, book a., p. 334, in the office of the clerk of Albany County.
of the Half Moon and stretch as far as Sarachtogue; and on the north side from the northern end of the said Stonje Island with a direct west line into the woods till you come to the said high hills aforesaid."

On March 20, that year, Daniel Ketelhuyn sold his share in this tract to his brother David, for one hundred and one pounds and five shillings.¹

¹Deeds, book F., No. 6, pp. 3, 41, in the office of the clerk of Albany County.
CHAPTER II.

LIEUTENANT DANIEL KETELHUYN OF SCHAGHTICOKE.

1674-1754

In the years 1696 and 1697, the frequent forays of bands of Canadian Indians and the shocking character of their bloody barbarities in the vicinity of Albany, made the inhabitants of the city and other parts of the county extremely apprehensive of falling victims to their treachery and hatred. At that time the only fortified outpost north of the city was a block-house, surrounded by a stockade, on the Flats, near the first mouth of the Mohawk River, opposite the site of Troy. The River Indians had five wigwams within the circle of its palisades, where also were several houses for the twenty-four soldiers garrisoning it.

Lieutenant-Governor Benjamin Fletcher, having ordered a return to be made him of the number of persons who had quitted Albany County since 1689, and of those who had been killed and taken prisoners, learned, on April 19, 1698, that the inhabitants of the county then numbered 1,459, showing a decrease of 557 souls. The tribes of savages, which embraced those known as Mohawks, Oneidas, Onondagas, Cayugas, Senecas, and River Indians, aggregated 1,320 people, presenting a loss of 1,500 in the space of nine years. By massacres and in conflicts with the French and the Canadian Indians, eighty-four men had been killed and sixteen taken prisoners.

The fort which the English government had built at the western end of Jonkers Street was not a stronghold in any sense of that word. Everywhere about it were visible signs of its structural weakness. The lieutenant-governor, Lord Viscount Cornbury, at the beginning of his administration in 1702, in the first year of Queen Anne's reign, reported it to the Lords of Trade as being "in a miserable condition. It is a stockadoed fort about one hundred and twenty foot long and seventy foot wide, the stockadoes are almost all roten to that degree that I can with ease push them down. There is but three and twenty guns in the fort, most of them unserviceable, the carryages * * * * so honey-combed that they cannot be fired without danger."
The garrison, commanded at that time by Major Richard Ingoldsby, was represented by one hundred and seventy-six soldiers, not including officers. The lieutenant-governor was surprised to find the soldiers so scantily clothed that many of them had nothing "wherewithal to cover their nakedness" and they were "eight weeks in arrears of subsistence. As for the militia that is in as bad a condition as the rest, for they have never been once muster'd since Colonel Fletcher went from here [in 1698]. Indeed, by Colonel Peter Schuyler's care, the regiment of the militia of the county of Albany is in pretty good condition but that is perfectly owning to his care."

The preceding lieutenant-governor, the Earl of Bellamont, in a letter addressed to the Lords of Trade, dated July 26, 1700, wrote from New York in similar tenor, saying:

"Some of the inhabitants of Albany, who are now here, tell me the soldiers there in garrison are in that shameful and miserable condition for the want of clothes that the like was never seen. This sad condition of the soldiers does us great hurt with the Indians, whose chiefest resort being to that town, and they being a very observing people, measure the greatness of our king and the conduct of affairs, by the shameful plight of the soldiers. These persons assure me that some of the chief sages of the five nations have asked them whether they thought them such fools as to believe our king could protect them from the French, when he was not able to keep his soldiers in a condition as those in Canada are kept."

The lieutenant-governor, in another letter to the Lords of Trade, when speaking of his visit to Albany, in August, that year, says:

"I had the two companies at Albany, viz.: Major Ingoldesby's and Captain Weemes's muster'd before me there. I never in my life saw so moving a sight as that of the companies at Albany, half the men were without breeches, shoes and stockings when they muster'd. I thought it shameful to the last degree to see English soldiers so abus'd. They had like to have mutinied.

"I was in great hopes your lordships would have directed me to fall immediately upon fortifying at Albany and Schenectady; those forts are not only scandalously weak, but do us unspeakable mischief with our Indians, who conceive a proportionable idea of the king's power and greatness. The inhabitants came all about me at my leaving Albany, and told me in plain terms that if the king would not build a fort there to protect them, they would on the very first news of a war between England and France desert that place and fly to New York rather than stay there to have their throats cut."

The hostilities between England and France, existing from 1689 to the fall of 1697, known as those of King William's War, having ended by the making of a league of peace at Ryswyck, Holland, was followed by a short period of tranquillity, which ended in 1702, by the opening of another struggle between the two powers, known as that of Queen Anne's war.

Daniel, probably the youngest son of Joachim and Annetje Ketelhuyn, was wedded in Albany, on August 16, 1695, to Debora, the daughter of Cornelis Cornelise and Suster Viele of Schenectady. The precise location of their home in Albany is not known, although it was in the third ward, north of Jonker Street. His residence there and his recognized trustworthiness led to his appointment, on October 14, 1703, as collector of taxes in that part of the city. Two years later he was made the constable of that precinct. On St. Michael's day, September 29, 1706, he was elected an assistant alderman to represent the freeholders of the third ward in the common council, as he also was on the same day in the following year. He was the owner of several eligible pieces of property on Handiers Street and on the road beyond the north gate of that thoroughfare, which, between the years 1707 and 1712, he sold to different persons residing in the city of Albany.¹

Upon the death of Lieutenant-Governor Lovelace, on May 5, 1709, the administration of the government of the province devolved upon Colonel Richard Ingoldsby. At that time the English ministry had projected a second expedition for the conquest of Canada. As planned, Quebec was to be the point to be attacked "by a squadron with five regiments from England, and twelve hundred provincials from Massachusetts and Rhode Island; whilst fifteen hundred men under Colonels Francis Nicholson and Samuel Vetch, from the central colonies," were to attempt the reduction of Montreal, by advancing northward by way of Lake Champlain.

The people of the province of New York entered into this project with alacrity. "They raised the necessary funds by issuing, for the first time, bills of credit, and fitted out a force of four hundred and eighty-seven men, besides several volunteer companies, which repaired to the rendezvous on Wood Creek, where forts, block-houses, and stores, with one hundred boats, and as many birch canoes, had been prepared, chiefly at the charge of the province. The five nations [of Indians], by the influence of Colonel Peter Schuyler, had been induced to take up the hatchet, and to send six hundred warriors to the field, leaving their families to be maintained by the provincial treasury. The conjunction was deemed highly favorable to the enterprise, as France was not in a condition to aid her colony, and many of her dependent Indians had been neutralized by treaties with the confederate tribes. But the defeat of the

¹ Book E., wills and deeds, pp. 74, 100, 145, 152, in the office of the clerk of Albany County.
Portuguese, at this moment, rendering necessary all the aid which their English allies could give them, caused another direction to be taken by the British forces destined for the American expedition. In consequence of this change of the destination of the English troops, the labors and great expenditures of the colonies, to which New York had contributed twenty thousand pounds, were sacrificed to European policy."

With this expedition, it appears, Daniel Ketelhuyn was connected as a lieutenant of one of the volunteer companies organized to go on it. This is evident from the action taken in 1717 by the provincial assembly, which, that year, authorized the colonial treasurer to pay in bills of credit certain "officers and soldiers who served and were employed in the expedition against Canada, in the year one thousand seven hundred and nine," and is more definitely set forth in the following paragraph forming a part of the act:

"To Daniel Ketelyn, Lieut., his Executors or Assigns, the quantity of Forty Four ounces of Plate aforesaid."

The liberty granted the city of Albany, by its charter of 1686, to purchase from the Indians five hundred acres of land at Schaghticoke, was not exercised until 1707. On February 28, that year, at a meeting of the mayor, recorder, aldermen and commonalty, at which the mayor, David Schuyler, the recorder, John Abeel, and twelve aldermen and assistants (Daniel Ketelhuyn being at that time a member of the common council) were present, the matter of establishing the right and title of the city to a tract of land at Schaghticoke came under consideration. To further the business, the following resolution was taken:

"Whereas ye Commonalty have Lately Resolved to send to Mashahaes and other Indian owners of ye land & woodland Caled Shaaktekook to ye End that ye Commonalty might agree & purchase the same for ye Behoofe of ye City in order thereto ye sd Indians doe here appear, vizt. : Mashahaes & Machatawe; who, after some time spent in making an agreement, the said Mashahaes & Machatawe, for themselves & on behalf of Caemskaek, aesiah quanch, Jan Conccl, Schachaempe, Tassawampe, and ahantowit, Indian owners and native proprietors of ye sd lands & woodlands, have sold & transported ye sd lands, Situate on ye East side of hudsons River, above ye half-moon, commonly called Schaakhkook, is bounded on ye west side by ye sd River, on ye south side by ye bounds of Eghb Teunise & Barent Albertse bratt, & Runns northward along the said River side to ye End of two miles from Schaaghkooks Creek, and striks from thence into ye woods by an East line twelve

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miles, and on the south side by a Southeast line 14 miles, or so much further
that ye line on ye East side doth Comprehend and take in ye third Carryeing
place on ye said Schaakhooks Creek, which Carryeing place is the outmost
bounds of sd Schaakhook lands Eastward, as by Conveyance bearing Even
date herewith, may more fully appear wherefore is yet to be paid, in June next,
unto ye said Mashahaes, &c., 2 blankets, 12 duffel coats, 20 shirts, 2 guns,
twelve pounds powder, 36 pounds of Lead, 8 gallons Rum, 2 Casks Beer, 2
Rolls Tobacco, 10 gallons Madera wine, & some pipes, and moreover yearly
to be paid & delivered unto ye sd Indian Mashahaes, or his heirs, in ye month
of October dureing the space of tenn years, commencing from ys day, 1
Blanket, 1 shirt, 1 pair stockings, 1 Lapp, 1 keg of Rum, 3 pounds powder,
6 pounds Lead, 12 pounds Tobacco, and that a writteing shall be given to ye
sd Mashahaes for about 12 acres of Low Land on Shaahkook Creek at such
place as ye Commonalty shall lay out, & that ye same must be Laid & kept in
fence at ye Charge of ys Citty on occasion, so that ye sd Mashahaes & his
heirs may Cultivate & have use thereof forever & none other by his or their
means, unless he or they shall first have disposed of this priviledge unto ye
Mayor, Recorder, aldermen, and Commonalty for ye behooffe of ye sd Citty,
which writteings is as followeth, vizt. witness our hands in Al­

bany, this 28th of feby Ao. 1706-7. Johans Roseboom, Abraham Cuyler,
Dirk van der Heyden, Gerrit Roseboom, Daniel Ketelhuyn, Johns D. Wande-
laer, jour., Coenraet ten Eyck, David Schuyler, John Abeel, Evert Bancker,
Hendk Hansen, Johans Cuyler, Frans Winne, Thomas Williams."

On July 10, 1708, the common council of the city of Albany announced the
conditions on which the eight plantations on the south side of Schaghticoke
Creek would be assigned to the applicants accepted by the corporation. Each
farm, as determined by the municipal authorities, was to comprise twenty-five
morgen, or fifty acres of low or meadow land under the hill by the creek, and
five morgen, or ten acres of upland, toward the said hill, and all to lie connect­
edly together in one tract. Twenty persons severally desired to be assigned
one. They were Stephanius Groesbeck, Daniel Ketelhuyn, David Ketelhuyn,
Johannes Harmense Knickerbocker, Johannes De Wandelaer, junior; Corneliis van Buren, Abraham Cuyler, Philip Livingston, David Schuyler, Jan
Quackenbos, Pieter van Brugh, Jacobus Schermerhoorn, Johannes Cuyler,
Daniel Bratt, Barent Gerretse, Dirk van Vechten, Korset Vedder, Dirk van
der Heyden, Frederik Harmense, and Johannes van Vechten.

In order to avoid partiality in the assignement of the plantations, the clerk of
the common council was ordered to prepare eight billers, severally bearing the
number of the farm to be conveyed, and twelve blank ones, and place them
in the mayor's hat, and let each applicant draw one, which was accordingly
done. The following persons drew the marked billets: Daniel Ketelhuyn, Johannes Cuyler, Johannes Harmense Knickerbacker, Johannes D. Wandelaer, junior, Barent Gerritse, Cornelius van Buren, Korset Vedder, and Dirk van der Heyden.

The conveyance which seated Daniel Ketelhuyn as an occupant of one of the eight plantations of the city of Albany, at Schaghticoke, reads as follows:

“This Indenture, had, made, and concluded this thirteenth day of October, in the Eighth year of the Reign of our Sovereign Lady Anne, queen of Great Britain, france, and Ireland, Defender of ye faith, &c., and in the year of our Lord one Thousand Seven hundred and nine Between Evert Bancker, Esq., mayor, John Abeel, Esq., recorder, Hendrick Hansen, Johannes Roseboom, Myndert Schuyler, Robert Livingston, Francis Winne, Nanning Harmense Vischer, Esqrs., aldermen; Gerrit Roseboom, Coenraet Ten Eyck, Johannes De Wandelaer, junr., Ryer Gerritse, Abraham Schuyler, and Harpert Jacobse, assistants; together mayor, aldermen, and Commonalty of the City of Albany, of the one part, and Daniel Kettelhuyn of the said City of Albany, Gentleman, of the other, Witnesseth that the said mayor, alderman, and Commonalty, as well for and in Consideration of the sume of Sixteen pounds Tenn Shillings Current money of New York to them in hand paid, before the Ensealing and Delivery hereof, by the said Daniel Kettlehuyn, as for the full performance of Certain Covenants and agreements hereafter mentioned to be made, have Remised, Released, and Granted, and by these presents Doe for themselves and their successors Remise, Release, and Graunt unto the said Daniel Kettelhuyn, Thirty morgens of Land, situate, Lyeing, and being in the bounds of the Land belonging to the said City at Schaackook, Lyeing in three Several Lots, one thereof being Called No. 5, is bounded on the north by Schaackooks Creek, and on the south side by ye Lott No. 6, belonging to Derrick van Vechten, on the east by Tamhenicks Creek, and contains Tenn morgens, and [the] other [which] is called No. 10, is bounded Likewise on the East by the said Tamhenicks Creek, on the north by Lott No. 9, belonging to the said Derrik van Vechten, on the west the hills, and on the south by Ten other morgens of Land, wherein the five morgens for his Rooffsteed is Included, being Likewise bounded on the east by the said Tamhenicks Creek, south and west by the foot of the hills, Together with Reasonable Estovers [necessaries or supplies] out of the woods of the said City for fencing, building, and fuel, on the said thirty morgens of Land only, and also Common of pasture within the waste and unpropriated ground of the said City for all beasts Commonable.

* * * * Rendering and paying for the said thirty morgens of Land, yearly and Every year, unto the said mayor, aldermen, and Commonalty and their successors for the time being after the first of May, seventeen hundred and fif-
teen, forever the just and full quantity of thirty and seven bushels and one-half bushels of Good merchantable winter wheat, in the months of January and February Every year forever, and also to admiss a Common waggon Road over the said thirty morgens for the use of the neighbors to ride to and from their Lands at all times.”

The first tract, known as lot No. 5, containing ten morgens, lay on the south side of the Hoosick River, and in the west angle formed by it and Tamihenicks or Tomhannock Creek, which flows northwardly into that stream about two and a miles east of the Hudson River. The second lay south of the four tracts, Nos. 6, 7, 8, and 9, conveyed severally to Dirk van Vechten, (Nos. 6 and 9) and Johannes Harmense Knickerbacker (Nos. 7 and 8), and bounded on the north by lot No. 9, and east by Tamhenicks Creek, and south of the road now running eastward from Mechanicville through the village of Schaghticoke or Hart's Falls. This tract, known as lot No. 10, contained twenty morgens; five of which were set apart for the site of Daniel Ketelhuyn's roofstead or homestead.

It would seem that he did not seat his family at Schaghticoke until 1710 or 1711. Then, doubtlessly, it was in a log-dwelling, erected on the tract, designated in the conveyance as being bounded on the north by lot No. 9 belonging to Derik van Vechten, and on the east by Tamhenicks Creek.

At that time Lieutenant-Governor Robert Hunter was administering the government of the province of New York. The hostilities between England and France known as Queen Anne's war, begun in 1702, were then engaging the forces of the contending powers. Colonel Francis Nicholson, who had taken Nova Scotia from France in 1710, had induced the British ministry to undertake the reduction of Canada in 1711. "Circulars were addressed to the governors of the northern and middle provinces to meet and confer with him, and to prepare their respective quotas of men and provisions. The assembly of New York, on July 2, 1711, in aid of the enterprise, passed an act for raising troops, restricted the price of provisions, and issued bills of credit aggregating ten thousand pounds, to be redeemed by taxation in five years.

But the expedition proved most disastrous. Colonel Nicholson, under whom served Colonels Whiting and Ingoldsby, mustered at Albany two thousand colonists, one thousand Germans and one thousand Indians, who commenced their march toward Canada on the twenty-eighth of August. The troops from Boston, consisting of several veteran regiments of the Duke of Marlborough, one battalion of marines, and two provincial regiments, amount-

ing to six thousand four hundred men, commanded by Brigadier-General Hill, sailed on board of sixty-eight vessels, under convoy of Sir Hovendon Walker, on the thirtieth of July, and arrived off the St. Lawrence, on the fourteenth of August. In ascending the river, the fleet was entangled amid rocks and islands along the northern shore, and ran imminent hazard of total destruction. Eight transports, with eight hundred men, perished. Upon this disaster, the squadron bore away for Cape Breton; and the expedition was abandoned, on the ground of want of provisions, and the impossibility of procuring a seasonable supply. The admiral sailed directly for England, and the colonial forces for Boston; whilst Colonel Nicholson, thus deserted, was compelled to retreat from Fort George. The want of skill and fortitude were eminently conspicuous in the British commanders of the enterprise.”

Lieutenant Daniel Ketelhuyyn evidently took part in this expedition and served in Colonel Richard Ingoldsby’s British regiment of Independent Fusiliers, and for a time substituted another officer, as is disclosed by the following “certificate:”

“New York, October ye 22d, 1711.

These are to Certifie yt Dan’l Kettle hath Served in Cap’ Ino. Rudgyard’s Company in my Regem’ as Lieu’ (in ye Room of Lieu’ Ab. Lyon, who desired to be excused from any farther Service in yt Station), from ye Second day of September, 1711, to Octo’ ye 10th following, and yt he hath a just right & title to ye Said pay as

“Wittness my hand

Rich. Ingoldesby.”


The ill-success of the expedition at once stimulated bodies of French soldiery and Canadian Indians to invade the frontier settlements and wreak revenges marked by horrifying massacres and savage ruthlessness. Daniel Ketelhuyyn's return home had not yet had the measure of a fortnight, when he and his family and several of his kinsfolk experienced in a most deplorable way the fiendish cruelty and vindictive enmity of the stealthful foe.

His woodcraft and ability to converse in the language of the Indians eminently fitted him for the exigencies of frontier life. At Schaghticoke, he became familiar with the warriors of the small band of savages living and hunting along the banks of the Hoosick River and its tributaries; a remnant of the Pequot tribe, famous in the early history of New England. They had quitted their ancient hunting grounds about the year 1674, and had occupied that part of the province of New York, east of the Hudson, on which the corrupted name now written Schaghticoke was bestowed.

The Earl of Bellamont, adverting to the overtures he had made the Eastern Indians, while visiting Albany as lieutenant-governor of the province, in August, 1700, wrote in October, that year, to the British Board of Trade, saying:

"I am in hopes of bringing the Eastern Indians to come and settle at and about Schackhook with our River Indians; it is a project I have formerly acquainted your lordships with, which if I can accomplish will be of very great use to strengthen our five nations, and annoy the French whenever we have a war with France. Your lordships will find our River Indians [will] make me an overture to that purpose. * * * * Our Schackhook or River Indians were of those Eastern Indians, but were driven from that country by the people of New England twenty-six years ago in the war called King Philip's War. Those Eastern Indians and our River Indians still retain their friendship, and intermarry with each other."

The Schaghticoke Indians, in their conference with the lieutenant-governor, at that time, thus referred to their occupancy of land east of the Hudson:

"It is now six and twenty years since we were almost dead when we left New England, and were first received into this government. Then it was that a tree was planted at Schakkook whose branches are spread that there is a comfortable shade under the leaves of it. We are unanimously resolved to live and die under the shadow of that tree, and pray our father to nourish and have a favorable aspect towards that tree, for you need not apprehend that though our people go out a hunting they will look for another country, since we like that place called Schakkood so well."

The tree which they had planted is now one of wide-spreading branches and has a huge trunk measuring twenty and more feet in circumference. It
stands a short distance east of the Knickerbacker homestead, and is the admiration of all persons seeing it. It was long called the Tree of Welfare, and when it was planted it is said that Sir Edmund Andros took part in the impressive ceremony. In a return, made on July 20, 1702, this body of savages embraced "110 Indians at Skachcock; 87 below ye [Indian] towne; in all 197 fighting men."

The Schaghticoke Indians always manifested a strong feeling of friendship for the settlers occupying the eight Albany plantations, and not infrequently one or more of them lodged under their roof-trees to defend them against surprise by roving bands of Canadian Indians.

The particulars of the frightful massacre at Schaghticoke, on the night of the twentieth of October, 1711, have so long been misstated by different writers, that it seems imperative that they should now be related with more accuracy as regards the circumstances of time and place, and the names of the persons murdered and carried away into captivity.

On the afternoon of the twentieth of October, Lieutenant Daniel Ketelhuyn and his brother-in-law, Captain Johannes Barentse Bratt, purposing to visit the village of the Schaghticoke Indians, were on their way thither, when they met in the woods through which they were passing a French Indian, with a gun on his shoulder. The lieutenant at once accosted him in the Indian language, and inquired what his purpose was in that locality. To this question, the savage returned the answer that he was hunting. Then he asked him, why it was that he was alone. He said that the camp of his party was not far away. The surprised settler wishing to acquaint his brother-in-law, who was on horseback, with his fears, hastily communicated them to him in a few Dutch words.

The Indian, fully conscious of the jeopardy he was in, cocked his gun, and shot Captain Bratt. Perceiving him to be dead, and aware of his own personal danger as well as that of his family in case the firing of the gun had alarmed the Indian's comrades, Daniel Ketelhuyn immediately ran toward the wily savage to dispossess him of the tomahawk, which he was threateningly brandishing. To keep at bay the intrepid yeoman, the Indian fiercely struck at him with the hatchet as he came within reach, but only hit him on the shoulder with the helve of it.

In the struggle that followed, the lieutenant threw the Indian upon the ground, and wrenched with his left hand the tomahawk from the right of the savage. The strategic red man, thinking to disconcert his powerful antagonist, began telling him that his companions would surely revenge any injury done him, as there were twenty of them near that spot, on each side of the Hudson River. This information, however, did not deter him from making an effort to shift the stone ax from his left to his right hand. To do it, he was compelled
to let go his hold of the wriggling Indian. On regaining their feet, the discomfited savage speedily fled, closely followed by the fleet-footed farmer. A trailing vine having tripped him to the ground, he lost sight of the running warrior.

Placing the corpse of his brother-in-law upon the horse in front of him, he cautiously rode back to the house, where the lifeless body and the startling intelligence at once horrified the weeping women and children.

Confident that his family and his visiting kinsfolk might soon realize the actuality of their anxious apprehension of imminent danger, he at once began a search on horseback for armed men to aid him in resisting any attack that might be made by the provoked Indian and the other members of his tribe then there on a war-path. Before sundown he found three provincial soldiers and an Indian boy who volunteered to go to his house and guard it. He afterward rode on toward Albany seeking for more armed men whom he might persuade to return with him to Schaghticoke before the party of French Indians could execute any hostile act fatal to the life of any member of his household. At that time, besides his wife and two children, there was also beneath his roof-tree his brother David and his wife (Johanna Bratt), his sister Maria, (Captain Johannes Barentse Bratt's wife,) her son Joachim; a negro boy, and the three soldiers and an Indian boy.

About midnight several knocks upon the front door of the house caused David Ketelhuyn to inquire the name of the person seeking admittance. The answer returned revealed the presence of a French Indian. Entrance having been denied him, a number of bullets were fired at the door. Thereupon the soldiers returned the shots by firing through the loop-holes along the sides of the building.

Knowing the effectiveness of heat and smoke, the Indians set fire to the house, which was soon in flames. Meanwhile, an old infirm Schaghticoke Indian, who had a wigwam near it, concealed himself under the trunk of a fallen tree, and became an undiscovered witness of the thrilling drama that was enacted in the fitful light and billowing smoke of the burning homestead.

Forced then to meet the dire consequences of falling into the hands of the unrelentless enemy, the soldiers rushed one after the other through the suddenly opened doorway in a brave attempt to pass the line of savages posted to prevent them from escaping. The first soldier was killed instantly by two bullets penetrating his body. The second, having successfully forced a passage through the closely-drawn cordon of whooping Indians, was pursued by six, and brought back a bound prisoner. The third met the same fate as the first, after issuing from the smoke-curtained portal. As he fell, the negro boy ran past his lifeless body but failed to escape the grasp of a captor. Joachim, Cap-
tain Bratt’s son, sixteen years old, was shot through one of his shoulders and became their third captive. The alert Indian boy followed him, and although shot through the breast and the fleshy part of one of his arms, eluded capture.

The three women, Mrs. Bratt, Mrs. David and Mrs. Daniel Ketelhuyn, the last-named carrying on her arm a babe seven months old, then came hesitatingly out, piteously weeping. David Ketelhuyn having been shot through the open doorway, his charred body was found the next day among the smouldering ruins of the building; as was the body of one of Daniel Ketelhuyn’s children, who had been killed by a bullet fired at the soldiers seeking to escape capture.

Setting fire to the barn and a barrack of corn, the exulting savages led their prisoners to a spot not far distant from the flaming buildings, where they stripped Mrs. David Ketelhuyn of her clothing, and having subjected her to many indignities, finally tomahawked her to death, having scalped her while still alive. From the protecting arms of Mrs. Daniel Ketelhuyn, one of the savages inhumanly wrenched her infant son Cornelius, and taking him to a tree, beat out his brains against its trunk. To augment more keenly the grief of the shrieking mother, he hung the bloody body of the dead babe in a cleft of the conspicuous tree. The captured soldier was in the mean time horribly tortured, scalped, and killed.

When Lieutenant Ketelhuyn returned an hour later with a number of armed men, the Indians were on the west side of the Hudson, hurrying northward with their prisoners and plunder.

When the light of the slowly-breaking day sufficed to give distinct relief to the smoking ruins, the charred corpses of David Ketelhuyn and Daniel Ketelhuyn’s daughter were discovered, as were also the nude mutilated body of Mrs. David Ketelhuyn, and that of the mangled babe hanging on the tree.

As the day grew apace, Daniel Ketelhuyn, moaning and lamenting, told and retold the particulars of his absence and the circumstances of the appalling tragedy, as described to him by the aged Schaghticoke Indian and the Indian boy, to the different persons who came to tender him sympathy and aid. Certain of them took the burned and ghastly remains to a place of shelter where they prepared them for burial.

Fifty soldiers, under the command of Captain Jacobus van Schoonhoven, were sent from Albany to Schaghticoke as soon as the alarming intelligence of the massacre reached the city. The three scalped soldiers, who had formed a part of the garrison at Albany, they interred with military honors at Schaghticoke. Leaving a detail of men from his company there, Captain van Schoonhoven, with the remainder as an escort, returned to Albany with the bodies of Captain Bratt, David Ketelhuyn, his wife, and Lieutenant Daniel Ketelhuyn’s
children, where they were buried, on the twenty-fourth of October, in the graveyard of the Reformed Dutch Church.

The shots fired at the French Indians by the three soldiers were not all ineffective, for the body of one of them was found in the ashes of the burned barn, and that of another in the woods concealed under a covering of fallen leaves and dead boughs, and also the head of another.

The commissioners of Indian Affairs, Kiliaen van Rensselaer, Evert Bancker, Myndert Schuyler, and Pieter van Brugh, wrote at once to Lieutenant-Governor Hunter, at New York, saying:

Albany 22 October 1741

May it Please your Excellency

Wee cant in duty discharge to acquaint your Excellency that on the 6th Instant in the afternoone Capt: John Bradt and David Ketelhuyn were in the woods near Schackatoock, who met an Indian & fer they had some discourse with him he shot Capt: Bradt (who was brought dead yesterday) and designed them to kill J: Ketelhuyn—wth his axe but he got the axe out of his hands, so the Indian made his escape—Leaving gun & axe behind him,

Just now were a certain Intelligence that a party of Indians have this morning cut off the family of J: Ketelhuyn—taken his 80 Brothers wth Prisoners & their Children with him, three Soldiers of his Garrison & his reposes burnt in his house: we understand that he and the man with him did not till all they were burnt out a lame Indian who was hid behind a stone—knew all this Barbarous Treachery, he says that there were at 100 Indians, we dont 50 more on the first notice hereof to see whether this was true, and one of them is heard who brings in the foregoing act; we'll had of Dan Ketelhuyn who met him by the way,
We understand that there are but about 40 men of 2150 ordered to stay on these frontier postres, desiring your Lordship's concurrence that the frontier may be well garrisoned this winter, and that a clause may be inserted in an act to appoint a provost marshall to levy the fines of the inhabitants here who are very negligent in doing their duty as is of them required on the frontier. We are with respect

May it please your Lordship's

your Excellency most humbly and obedient servants

(Handwritten signatures)

For

His Excellency Robert Hunter Esq.
Cap. Genl. & Gov. in Chief of the Province of New York New Jersey
at Fort Albany

P. J. Carter Jr. New York
Urged by his love for his wife, and unable to ascertain whether or not she was still alive or had met the same fate as her sister-in-law, Mrs. David Ketelhuyn, Lieutenant Daniel Ketelhuyn immediately petitioned Lieutenant-Governor Hunter for liberty to go forthwith to Canada with two or three Indians, either with a pass or other safeguard, to find and ransom her, if it were possible, before any adverse circumstances should prevent him. As declared by him in his petition for the favor, he was ready and willing to go there with the first party of Indians that might be sent against "the French and their inhuman infidels," but as the season of the year was not favorable for such an expedition, he was led to believe that his proposed mission might be undertaken more quickly with a less number of Indians.

His request was graciously granted by the compassionate official, who furnished him with a government passport and a letter to expedite the exchange of his wife, and Mrs. Bratt and her son, for any captives in the hands of the Indians of the province of New York. Having secured the services of several Indians acquainted with the route thither, he started, in November, for Montreal, by the way of lakes George and Champlain, a journey of about two hundred and thirty miles from Schaghticoke. His search was not a protracted one, and in January, he returned to Albany, with his wife, and sister, and nephew.

The site of his burned home and the scene of the massacre, it would seem, recalled too vividly the shocking atrocities of the memorable October night, and desiring to erect a homestead at some distance from them, he exchanged with Johannes Harmense Knickerbacker that particular part of his farm, on the west side of Tamhenick Creek, for an equal quantity of land on the east side of that stream. The locality of the new tract is thus described by the instrument of conveyance of the twelve morgens of land, made on the twenty-second of November, 1712.

"Seven morgen thereof being bounded on the west by Tamhenicks Kill or Creek, on the north by the Lott of Lewis Viele, and on the south by the Lott No. 4, belonging to Corsett Vedder." The remainder, or the other five morgens, was bounded "on the north by the Madder Kill, on the west by the Land of Johannes De Wandelaer, and on the east and south by the Land of Marten Dellemont." For these twelve morgens, Daniel Ketelhuyn transferred to Johannes Harmense Knickerbacker twelve morgens, ten of which formed lot No. 9, which was bounded "on the north by the Land of the said Johannes Knickerbacker, on the east by ye Creek called Tamhenicks Kill, to the south by the Land of the said Daniel Ketelhuyn, and on the west by the hills." The other two morgens lay on the south of the said lot No. 9.

On the seven morgen section of land, it appears, Lieutenant Daniel Ketelhuyn built his last home at Schaghticoke, the site of which was recently, (1897,)
To His Excellency: Robert
Gill, Captian General and Governor
in Chief of the province of New York,
New England and Newfoundland.

The Humble Petition of Levi Denelle, Mayor of the City
of New York.

I pray your Excellency, having been by the late General of these
prices and manifestations proved, that I am the true Minister of the
Church of the City of New York, where the said Governor and his
Council have been pleased to appoint me to the said office of Mayor.

Therefore I pray you, that you would be pleased to grant me
permission to go to Canada, or to any other place that you shall
think fit, to attend the Governor and Council of that place, and to
assist them in their business.

Yours faithfully,

[Signature]

Manuscript of Ketelhyn's Letter for Permission to Go to Canada.
occupied by the unique dwelling represented on this page. On May 18, 1721, he purchased with the sum of one hundred and forty-three pounds, three other tracts of land along "Schaabkooks Creek," comprising thirty morgens, belonging to Harmanus Wendell and Philip Livingston, merchants of Albany, and adjoining the lands of Johannes Christianse and Johannes Groesbeck, Johannes De Wandelaer, Lewis Viele, and Marten Dellemont.

Mrs. Bratt, his sister, had evidently become a near neighbor, for, in the minutes of the meeting of the common council of the city of Albany, on April 18, 1718, the following entry appears:

"The petition of Maria Bratt, widow of Johannes Bratt, deceased, being read, praying for an abatement of the heavy acknowledgment which is on the land in her possession, and also a release for a small spot of ground on the east of Tamhenicks Creek, above the bridge, as may be sufficient for a hof-stade [or country-seat]." She was granted "the land above the bridge," containing three or four acres, bounded "on the south by Tamhenicks Creek."

At that meeting of the common council, as particularized in the minutes, Johannes De Wandelaer, of Schaabkook, appeared to acquaint the commonalty
that he had sold his land there to Daniel Ketelhuyn for two hundred and forty

Debora Ketelhuyn was the mother of twelve children, five daughters and
seven sons. Three of the sons died in infancy, before her captivity. After
her return from Canada, she bore David, who was baptized on October 19,
1712, then Grietje, who died in infancy, and then last Margarita, christened on
January 24, 1712.

Daniel Ketelhuyn's son Joachim, who was six years old at the time of the
massacre, and Douw, three, both, as it would seem, being then away from
Schaghticoke, married and resided there with their families until they died.
Anna, his eldest child, born in 1696, married Joachim van der Heyden, of
Schenectady, on January 8, 1725. Margarita, the youngest, wedded Dirk
Joachimse van der Heyden, of the Carrying-place, \(\text{van de draag plaats} \), on
February 28, 1754. There is no information extant respecting the death of
the parents.

The settlers at Schaghticoke enjoyed thereafter a period of comparative
peace until the spring of 1746. By the declaration of war, in 1744, between
England and France, the French Indians of Canada were again privileged to in­
vade the province of New York, and give full rein to their savage propensities.
Lieutenant-Governor George Clinton, who was then administering the affairs of
the province, began in the fall of the following year to make preparations
for an expedition against the French, who were then in possession of the fron­
tier stronghold at the south end of Lake Champlain.

Writing to the Board of Trade, in November, 1745, he speaks of the
project he had presented to the provincial assembly, saying: "I have been
endeavoring to set on foot a scheme, and to engage the province therein, for
the reduction of a fort at Crown Point possessed by the French in the Indian
country, which is a great annoyance to our frontiers, and have in pursuance
thereof sent up to Albany six pieces of cannon, of eighteen pounders, with
carriages, and a proportion of powder, ball, match, and other implements. It
is well they are gone, for to my great concern, (and what I have represented
to the assembly would be our fate,) I have received an account of the nine­
teenth instant, by express from Albany, that a party of French and their
Indians had cut off a settlement in this province, called Saratoga, \( \text{now better}
known as Schuylerville,}\) about fifty miles from Albany, and that about twenty
houses with a fort, (which the publick would not repair,) were burned to ashes,
thirty persons killed and scalped, and about sixty taken prisoners." \footnote{Documents relating to the colonial history of the state of New York, vol. vi., p. 288.}
The terrifying deeds of the enemy's Indian allies filled Albany with refugees. The people living in the vicinity of the burned settlement, and at points on the unprotected frontier, left their homes and passed the winter in the city. Although warned to be vigilant and armed, many of the farmers living along the frontier began in the spring of 1746 the cultivation of their fields, hoping that they might escape molestation. But early that year the French Indians were on the war-path. What happened then at Schaghticoke is thus described in a letter to Lieutenant-Governor Clinton, by the commissioners of Indian affairs, at Albany, in a letter dated there, on April 23, 1746.

"We have just now received an account that the French Indians have begun their barbarous method of scalping, having yesterday murdered one Harme van Vechten, [son of Dirk van Vechten, one of the first settlers, | a principal farmer of Schaahkook, as he was at work near his own house. A few people, who were together in a little fort near by, heard two musket shots but did not think it an enemy. His negro boy, who was at some distance plowing on his land, heard two Indian shouts. He unyoked his horses from the plow, came home immediately, and found his master dead. He was shot betwixt his shoulders with a ball which came out at his breast. He had two stabs on each side of the breast, two cuts on his forehead with a hatchet, and his scalp taken off. They had sprinkled his blood on the gable end of his house. This is what we have long dreaded, but, as it is now begun, we expect that all our people, (who were now venturing out again to their settlements,) will return to town."

For the purpose of protecting the farmers at Schaghticoke, who in the following year returned there again to till their farms, Lieutenant-Governor Clinton, in March, 1747, stationed at that point two companies of soldiers.

The expedition, which the English crown sent in 1762 to Cuba to reduce Havana, a possession of Spain, then an active ally of France, included, as has already been related in ‘the Swartwout Chronicles,’ the Second New York Regiment, commanded by Colonel George Brewerton, in which Abraham Swartwout was lieutenant. John de Garmo, who, on October 27, 1750, had married Anna, the eldest daughter of Joachim and Eva Vrooman Ketelhuyn, was a captain in the same regiment. His son, Matthew de Garmo, during the war of the Revolution served as a captain in the Fourteenth Regiment of Albany County militia, of which John Knickerbacker and Peter Yates were successively colonels.

CHAPTER III.

BRAVE MEN ON LAND AND SEA.
1751-1799.

The settlers in and near Schaghticoke were sufficient in number in 1751 to justify the organization of a Reformed Dutch Church at that place. A small house of worship was built by the congregation, but it was shortly afterward burnt by an invading body of French Indians. In 1760, another meeting-house was erected near the Ketelhuyn homestead. It is described as one of wood, forty by sixty feet, having low walls and a high-pitch roof. A conical steeple with a conspicuous weather-cock crowned its east gable. At the west end of the interior was an octagonal pulpit, small and elevated, in front of which stood in high relief a narrow desk for the voorlezer or reader.

The first registration of the name of a member of the church at Schaghticoke appears under the date of November 27, 1751. Among the early entries of baptisms is the record of the christening, on June 17, 1764, of Neeltje, daughter of William and Anneke Toll Kittle (Ketelhuyn), the witnesses being Daniel Kittle and his wife Saartje van Schaick.

Douw, the fifth son of Lieutenant Daniel Ketelhuyn, became a member of the church on June 19, 1769, at the age of sixty years; his wife, Neeltje, daughter of Jacobus and Maria Bovie Brouwer of Albany, having died a number of years before that date. The hand of Maria, their oldest child and only daughter, was sought in marriage by Carel (Charles) Hansen Toll, whose grandfather, Carel Hansen Toll, settled near Schenectady as early as 1685. Captain Daniel Toll, his uncle, was, with a hired man, one of the first victims of the memorable Beukendal (Beech Valley) massacre of July 18, 1748. The two men were seeking several strayed horses in the vicinity of a place called Kleikul (Clay pit), about half a mile north of Beukendal, where they were discovered by a body of Canadian Indians, who killed and scalped them. At Beukendal, about three miles from Schenectady, forty or more men of the neighborhood were assisting in the raising of the frame-work of a barn on the farm of Nicholas de Graff. The enemy surprised them and killed twenty-six
of their number. The others took refuge in the de Graff homestead, where, under Simon Toll, Charles’s father, they gallantly defended themselves until the arrival of armed succor. Adrian van Slyck, the husband of Breje Toll, Charles’s aunt, was among the number massacred. It is said that the families which suffered that day the loss of one or more kinsmen were the Toll, van Slyck, Veeder, Conde, de Graff, Mebie, Viele, and others whose names are still familiar.

The courtship of Carel Hansen Toll and Maria Ketelhuyn ended in their marriage in Schenectady, on October 2, 1759. The intimacy of the two families led to the acquaintance of William Ketelhuyn, Maria’s brother, and Anneke, the third daughter of Simon and Hester de Graff Toll, Charles’s sister. Her parents, it is said, disfavored their marriage, causing them to be wedded privately in Albany, on July 12, 1763.

It was a custom as early as the year 1770 for the mayor and members of the common council of Albany to visit Schaghticoke officially every year to inspect the farms belonging to the city. To arrange for the annual entertainment of these municipal officers, the city, on February 28, 1771, conveyed to Johannes Knickerbacker a tract of land containing three hundred and fifty-nine acres, which was to continue in his possession as long as he should provide at his house lodging and refreshment for them and grain and hay for their horses. Among the duties incumbent upon the visiting officials was the collection from time to time of the minor rents due the city, as is disclosed by the following resolution of the common council, passed February 11, 1775: “Three members are authorized and empowered to collect from their tenants at Schaghticoke the fewles which are due and in arrear to the corporation.”

When the struggle of the thirteen American colonies against British oppression was engaged in by the people of the province of New York, those at Schaghticoke promptly manifested their willingness to take up arms to vindicate their right to be free and independent. On October 20, 1775, John Knickerbacker was selected from their number and placed in command of the Fourteenth Regiment of Albany County militia, composed of companies organized in the towns of Hoosick and Schaghticoke.

The roster of the regiment as arranged on October 20, 1775, embraced the following field officers: John Knickerbacker, colonel; Derick van Vechten, first major; John van Rensselaer, second; Carel Hansen Toll, adjutant; Ignas Kip, quartermaster.

These officers, and others later substituting them, with the stalwart yeomanry of the districts of Hoosick and Schaghticoke, were from time to time in active

THE KETELHUYN CHRONICLES.

service in the Army of the North, successively under the command of Major-Generals Philip Schuyler and Horatio Gates. When Lieutenant-General John Burgoyne descended from Canada into the province of New York, in the summer of 1777, the Fourteenth Regiment of Albany County militia opposed the advance of the enemy by destroying bridges and hindering in other ways his progress southward on the roads on which he was moving. At Bemus's Heights and Freeman's Farm, in October, it participated in the engagements which seriously dispirited his forces, and caused their surrender at Saratoga (Schuylerville), on October 17, 1777. While Burgoyne's forces lay near Bemus's Heights, it is said, a scouting party of Hessian troops took possession of the old block-house at Schaghticoke, from which they made forays for food for themselves and horses upon the neighboring homesteads and barns.

When Colonel Peter Yates, on June 22, 1778, succeeded to the command of the regiment, William Kittle (Ketelhuyn) was then a private in Captain Gerrit Tennise Bratt's company. As a member of the company, afterward commanded by Captain Cornelius Vandenburg, he was in active service from July 23 to October 13, 1779; from May 17 to June 7, and from October 11 to November 12, 1780; and also from October 10 to November 24, 1781. His patriotic kinsmen also acquitted themselves with every evidence of valor and faithfulness in various conflicts with the forces of Great Britain.¹

¹ Adam Kittle (Ketelhuyn), private in Captain Walter Yoosman's company in the second regiment of levies for the defence of the frontiers, May 11, 1780, Lieutenant-Colonel John Harper commanding; and in Captain Lawrence Grose's company in the regiment raised for the immediate defence of the state of New York, April 27, 1781, Lieutenant-Colonel Marinos Willett commanding.

Benjamin Kittle, private in Captain Cornelius Dozy's company, in the Sixteenth Regiment of Albany County militia, under Colonel Lewis van Woer, April 4, 1778.

Daniel Kittle, private in Captain Jacob van Allen's company, in the Eighth (First Claverack) Regiment of Albany County militia, under Colonel Robert van Rensselaer, February 23, 1778; and in Lieutenant Tennise Martha's company in the Second (Schenectady) Regiment of Albany County militia, Major Jeflis J. Fonda commanding.

Henry Kittle, private in Captain John A. Hardenbergh's company in the regiment of levies under Lieutenant-Colonel Frederick van Weissenfels, July 10, 1782; and in the same company in the regiment of levies commanded by Colonel Albert Pawling.

Joachim Kittle, private in Captain Lawrence Grose's company in the regiment raised for the immediate defence of the state of New York, April 27, 1781, Lieutenant-Colonel Marinos Willett commanding.

John Kittle, private in Captain Luke Schermerhorn's company in the Fourth (Second Rensselaerswyck) Regiment of Albany County militia, April 11, 1778, under Colonel Kilian van Rensselaer.

John Kittle, private in Captain Jacob van Allen's company in the Eighth (First Claverack) Regiment of Albany County militia, under Colonel Robert van Rensselaer.

John Kittle, private in Captain John A. Hardenbergh's Regiment of Ulster County militia, under Colonel John Captwe, February 23, 1778, and killed in August, 1781.

Nicholas Kittle, private in Captain Evert Van Valehugh's company in the Seventh Regiment of Albany County militia, Colonel Abraham J. van Alstyne commanding; also a private in Captain Luke Schermerhorn's company in the Fourth (Second Rensselaerswyck) Regiment of Albany County militia, under Colonel Kilian van Rensselaer; an ensign in Captain Lambert Boghardt's company in the Seventh (Kinderhook district) Regiment of Albany County militia, under Colonel Abraham J. van Alstyne, April 2, 1778.

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William Ketelhuyn, besides being a zealous and influential member of the Reformed Dutch Church at Schaghticoke, was for several years one of its officers. As a deacon, he served from December 19, 1777, to December 9, 1779; and as elder, from December 2, 1798, to December 2, 1800. Upon the death of his wife, on April 1, 1816, he changed his home to that of his daughter, Elizabeth Exceen, at Schaghticoke Point. In his will, made in the town of Schaghticoke, on September 17, 1817, the two ways of spelling the family-name, then in vogue, are strikingly exemplified: "First I give unto the heirs of my oldest son Douw Kettle, deceased, the sum of two hundred and sixty-two dollars, which is to come out of a mortgage given by William and John Myers, which money was let to Simon Kettle at the time of the first division of moneys
of my estate. * * * * All the remaining money and property after that
the payment of his burial expenses shall be equally divided among my six
children; namely, my daughters, Nelly, Hester [and] Elisabeth; my sons,
Douw, Simon, and David; meaning that the heirs of Douw shall have the part
[to which] he should have been entitled. * * * * I further order and ap­
point my two sons, viz.: Simon Kittle and David Kittlehuyn, my executors.”

In a codicil, added on August 29, 1818, is recited: “I do appoint and con­
stitute Douw K. Lightlhall, my grandson, one of my executors.” On August

28, 1829, after calmly singing a hymn, he died in the ninety-second year of his
age, and his body was buried in the grave-yard at Tomhannock.

David, the third son and youngest child of William and Anneke Toll Ketel
huyn, was born in Schaghticoke, on August 30, 1778. He early displayed a
fondness for books, and read such as were accessible to him with more than
ordinary zest and a quick discernment of the value of their contents. Quali­
fied by his knowledge of the principles of common law and the statutes of the
state of New York, he, on his appointment as a justice of the peace, became a
popular counselor in matters of controversy and disagreement arising among
the farmers at Schaghticoke and in its vicinity. In the drawing of conveyances, contracts, and wills, he was regarded as highly trustworthy and painstaking.

For a number of years he was, as a militiaman, a member of the second squadron of the third division of Rensselaer County cavalry, commanded by Captain Knickerbacker, and on March 16, 1804, was appointed second lieutenant of the troop.

At the house of her brother, Felix Lester, on the west side of Third Street, between Congress and State streets, Troy, he met Amelia, the daughter of Mordecai Lester, to whom he was united in marriage, in Troy, on January 20, 1812, by the Rev. Jonas Coe, D.D. Although living at Tomhannock, in Rensselaer County, their first daughter was born in Troy, on November 17, 1813, at the residence of Felix Lester, on the west side of Third Street, opposite the

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Mordecai Lester was living in 1746, in Grant Elbo Precinct, Dutchess County. On September 20, 1772, appointed a justice of the peace, and, in 1775, refused to sign the pledge of general association. Accused as being a bearer of intelligence to the commander of the British forces, he was obliged to conceal himself in a house at Fishkill, whence, in August, 1775, he fled to an English man-of-war in New York harbor, which sailed to Nova Scotia. He settled in New Brunswick, bought a ship and became a trader to India, carrying there fish and returning with silks, china, and other oriental products. He was thrown from a carriage and killed. He married Amelia Flugler, of Rombout Precinct, Dutchess County. Children: Mordecai, born in Nova Scotia, July 27, 1770; married Mary, daughter of Thomas and Ann
First Baptist Church. Their second child, Maria Amelia, was born at Tomhannock, on December 30, 1814. In the spring of 1815, David Ketelhuyn moved with his family to Troy, and engaged in the flour and feed business, in a frame building next north of one then standing on the northeast corner of River and Elbow (Fulton) streets; the family occupying a wooden dwelling next north of his store. In the spring of 1831, he went with his family to the city of New York, and resided, until 1835, on the northwest corner of Hudson and Clarkson streets. After the decease of his wife, on November 28, 1842, he changed his residence to Brooklyn, where he died, on August 5, 1863, in the eighty-fifth year of his age.

To them were born six daughters and one son. Anna Elizabeth became the wife of William Wallace Webster, on October 3, 1841, and is still living, in 1899, in Pittsburgh, Pennsylvania; her husband having died, at Hudson, New York, on September 1, 1849. The second daughter, Maria Amelia, married Henry Swartwout, on November 7, 1833. The third daughter, Julia Frances, became the wife of William Force of New York city. Eliza Lester, the fourth, wedded Whitman Phillips, and lives with her two daughters, Helen C. and Imogen M., at Ridgewood, in Bergen County, New Jersey. The fifth child, William, died in Troy, when two years old. The fifth daughter, Caroline Matilda, married William Beverly, son of Bishop Beverly Waugh, of the Methodist Episcopal Church. Their sixth daughter, Hester Ellen, became the wife of Milton M. Chamberlain of Jersey City, New Jersey.

Douw, the eldest son of William and Anneke Toll Ketelhuyn, surnamed Kittle in his father's will, was born in Schaghticoke, on December 20, 1767, where he was living in 1793, when he married Jeanne Almy. On October 24, 1794, he and his wife became members of the Reformed Dutch Church at that place. He was elected, on November 15, 1795, one of its deacons, in which office he served the congregation until November 27, 1797. In the first decade of this century, he moved with his family to Montgomery County, New York, where he engaged in farming near the village of Ames, in the town of Canajoharie. On September 29, 1814, he was unfortunately drowned in Schoharie Creek, flowing into the Mohawk River, at Fort Hunter, Montgomery County, twenty miles west of Schenectady. His remains were buried at Ames.

His son Simon, born at Schaghticoke, in November, 1799, it would seem,
cultivated for a number of years his deceased father's farm near the village of Ames, so named in honor of Fisher Ames, one of the first settlers of that part of Montgomery County. The Free-Will Baptist Society, organized in 1794, built in 1832, a new house of worship in the village, the earlier one having been erected about a mile east of it. The society was reorganized that year, and called the Ames Free Baptist Church, of which Simon Kittle was then one of its six trustees.

The homestead farm, near Ames, adjoined that of the Hon. Seth Wetmore, of Winchester, Litchfield County, Connecticut, who had settled, in 1805, in that part of Montgomery County. The Free-Will Baptist Society, organized in 1794, built in 1832, a new house of worship in the village, the earlier one having been erected about a mile east of it. The society was reorganized that year, and called the Ames Free Baptist Church, of which Simon Kittle was then one of its six trustees.

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The social intercourse of the two families led to the marriage of Simon Kittle and Lucy Elizabeth, the only daughter of Seth and Lucy Doolittle Wetmore. Their eldest son, George Wetmore Kittelle, born at Ames, on September 18, 1827, engaged, when still a young man, in merchandising, and later in the manufacture of cotton goods, owning extensive mills at Avon, Connecticut; Pittstown Four Corners, in Rensselaer County, and Fonda, Montgomery County, New York. After an active business career of fifty-seven years, he withdrew from its cares and anxieties, and now resides in the city of New York. On January 25, 1866, he was married at the Church of the Incarnation, in New York city, to Marie Louise, daughter of Nathan Deyo and Elizabeth Wolfe Geer, a descendant of a family of Devonshire gentry, in England. One of its members, George Geer, settled at New London, Connecticut, in 1651. Her great-grandfather, Captain Rezin Geer, was killed and scalped in the massacre in Wyoming Valley, on July 3, 1778, on the site of which a monument has been erected to his memory.

Sumner Ely Wetmore Kittelle, their only child, was born, on June 14, 1867, on his father's farm, adjoining that of the late Rev. Henry Ward Beecher, at Peekskill, on the Hudson. A general education was acquired by him at different schools in the city of New York. His mental and physical qualifications...
obtained for him, on May 19, 1885, a naval cadetship, and he, on June 7, 1889, graduated from the United States Naval Academy, at Annapolis, Maryland, having the sixth position in a class of thirty-five members.

The varied character of his meritorious and distinguished naval services during so short a period as a decade of years, may be epitomized as follows:

In July, 1886, he was ordered to the United States flag-ship Chicago, destined to the European station, and was present, on December 19, that year, at the coronation of Charles I., king of Portugal. In May, 1890, the Chicago was sent in the fleet, under Admiral John G. Walker, to acknowledge the new republic of Brazil and salute its flag, and he was there presented to the first president of that republic.

On July 1, 1891, Sumner E. W. Kittelle was promoted to the rank of ensign, and assigned to the United States gun-boat Bennington, sent then to the South Atlantic station. In April, 1892, he was presented to the president of the Argentine republic. In the following month of July, he was sent in the Bennington to Palos, Spain, and there participated in the Columbus celebration, and was presented at the court of Spain. In September, that year, the Bennington sailed to Genoa, Italy, where it, with men-of-war of other nations, took part in the Columbus celebration at that city. On board of the United States flag-ship Newark, he was presented to Humbert I., king of Italy. Later in the year, in the Bennington, commanded by Commander R. B. Bradford, he, with other officers of the vessel, assisted in the fitting out of the exhibition caravels, the Nina and the Pinta, at Palos, Spain, which were modeled after the two vessels that accompanied the Santa Maria, commanded by Christopher Columbus, on his voyage of discovery in 1492; the two caravels being afterward exhibited at the Columbian Exposition, at Chicago. In February and March, 1893, he was in the Bennington, which towed the Nina to the port of Havana, and, in May and June, took part in the naval reviews in the waters of the United States. He returned that year in the Bennington to the European station.

On January 31, 1894, he was transferred at Villefranche-sur-mer to the Chicago, under the command of Captain A. T. Mahan, and, with the officers of the ship, was presented at the court of St. James. On November 1, that year, he was ordered to Washington, D. C., for duty as staff intelligence officer, in the Navy Department. In the summer of 1895, he was ordered to instruction at the Naval War College, at Newport, R. I. In August, 1896, he was ordered to the torpedo-boat Ericsson, and was later transferred to the cruiser Bancroft, and subsequently to the dispatch-boat Dolphin.

On March 22, 1897, in the New Swedenborgian Church, at Washington, D. C., Ensign Sumner E. W. Kittelle was united in the bonds of holy matri-
mony to Anna Lockwood, daughter of Captain Charles Dwight and Eliza Rogers Lockwood Sigsbee.\footnote{Captain Charles Dwight Sigsbee was born in Albany, New York, on January 16, 1845, and is a descendant of an old Holland family. He was appointed acting midshipman in the United States Navy on September 27, 1859; midshipman on July 16, 1862; promoted ensign on October 1, 1863; was in battles of Fort Fisher and Mobile Bay; promoted master on May 10, 1866; lieutenant on February 21, 1867; lieutenant-commander on March 12, 1868. He distinguished himself in deep-sea sounding, inventing apparatus for the same, and publishing a highly authoritative work on the subject. He was decorated with the Red Eagle of Prussia by Emperor William I. He received a gold medal at the London Fisheries' Exhibition. He was promoted commander on May 11, 1882; has commanded many ships, and has served as hydrographer of the navy. He was promoted captain on March 21, 1897, and had command of the ill-fated battleship Maine, blown up in Havana harbor, Cuba, on February 15, 1898. In September, 1898, he was advanced three numbers in his grade for "extraordinary heroism in action," during the war with Spain, while in command of the United States steamer St. Paul, and is at present (March 1, 1899) in command of the battleship Texas. Mrs. Sigsbee's father, Professor Henry H. Lockwood, U. S. N., retired with rank of commodore, is a graduate of West Point Academy, has served in the United States Army as a lieutenant; was appointed professor in the United States Naval Academy, at Annapolis, on November 4, 1841; was during the Civil War a brigadier-general of United States Volunteers, and for a time commanded at Baltimore, Maryland. He was born in Delaware in 1815, and is still living. Her brother, Lieutenant James Booth Lockwood, of the United States Army, was second in command of the Greely Arctic Expedition, and died at his post in the Arctic region, having gone farther north (lat. 83° 24') than any navigator except Dr. F. Nansen.}

At the beginning of the war between the United States of America and Spain, the \textit{Dolphin}, having undergone repairs in the Brooklyn navy-yard, sailed, on April 9, 1898, for Key West, and there reported, seven days later, for duty to Captain William T. Sampson, acting rear-admiral. The gun-boat \textit{Nashville} having brought there, on April 22, the first prize vessel of the war, the \textit{Buena Ventura}, the \textit{Dolphin} was ordered to take charge of it. Three days afterward the \textit{Dolphin} was sent to blockade Bahia Honda, on the north coast of Cuba, west of Havana. There Ensign Kittelle boarded the Spanish schooner \textit{Lola}, and obtained her surrender to the United States. While the \textit{Dolphin}, with two other small vessels, was maintaining the blockade of Havana harbor, the \textit{Hawk} brought dispatches from Commodore Winfield S. Schley, at Cienfuegos, on the south coast of Cuba, in which communication that officer said: "I am not sure that the Spanish fleet under Cervera is not in Cienfuegos." The \textit{Dolphin} took the dispatches and sailed eastward in search of Acting Rear-Admiral Sampson. On the morning of May 26, that officer was found on the flag-ship \textit{New York}, in Nicholas Channel, north of the province of Santa Clara, Cuba, watching for Cervera's fleet, expecting the Spanish officer would attempt to reach Havana by passing through that channel. Ensign Kittelle went aboard the flag-ship and delivered the dispatches to Acting Rear-Admiral Sampson. At the council-of-war, held on board the \textit{New York}, on May 27, the acting commander-in-chief decided to go at once to Santiago de Cuba, believing that Cervera's fleet was there, having, on May 23, sent orders to Commodore Schley "to proceed with all possible dispatch to Santiago to blockade the port."
On June 1, the *Dolphin* arrived off Santiago de Cuba, having conveyed thither the cable-steamer *Adria*, where the *Merrimac* was found getting dismantled for sinking in the entrance of the harbor two days later.

On the general attack on the Spanish forts by the fleet, on June 6, the *Dol-

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*Lieutenant Sumner E. W. Kittelle.*

*Phin* was on the right of the line, close inshore. About eight o'clock that morning, the dispatch-boat opened fire, first on Aguadores, and later, on Morro. Two shots from the last-named place fell between the *Dolphin* and the *New York*. At ten o'clock, the *Dolphin* withdrew to her previous blockading station. Shortly after eleven o'clock, a railroad train, carrying Spanish troops, was sighted, and the *Dolphin*, then a quarter of a mile from the shore, opened
fire and disabled the train, which was quickly abandoned. Between four and
five o'clock in the afternoon, Ensign Kittelle discovered the enemy repairing
a battery eastward of Morro. The *Dolphin* signalled the flag-ship for per­
mission to reconnoitre and interrupt the work. The privilege being granted,
Ensign Kittelle, as officer-of-deck, moved the vessel within forty-five hundred
yards of Morro, where Ensign Cole opened fire on the battery. The enemy
returned it with vigor, two shells passing closely over the boat and two strik­
ing astern of it. As ordered, the *Dolphin* then withdrew to her station.

On June 13, while the *Dolphin* was at anchor at Bahia de Guantanamo, not
a few Mauser-rifle bullets wildly reached the vessel; Lieutenant Snowden be­
ing grazed by a ball. On the following day, the *Dolphin* shelled the enemy
out of cover at Cuzco. In the evening of June 15, Ensign Kittelle dined on
board the *St. Paul* with his father-in-law, Captain Charles Dwight Sigsbee.
Three days later, when off La Siqua, Ensign Kittelle boarded the *New York*
with dispatches sent by General Castillo from La Siqua, to Acting Rear-Admiral
Sampson.

On June 21, 23, and 25, the *Dolphin* was engaged in dragging the harbor
of Guantanamo for mines planted there by the Spaniards. On June 28, when
the vessel was off the north coast of Cuba, the *Newark* ran into it, and the
*Dolphin* was compelled to proceed for repairs to the Gosport navy-yard, at
Norfolk, Virginia.

On August 10, 1898, Ensign Kittelle was promoted to the rank of lieutenant.

Line of descent, in America, on his mother's side, of Major William Mer­
rill Swartwout; and that, on his father's, of Lieutenant Sumner E. W. Kittelle.

I. Joachim and Annatje Ketelhuyn, of Beverswyck.
II. Daniel Ketelhuyn and Debora Viele, married August 16, 1695.
III. Douw Ketelhuyn and Neeltje Brouwer, married September 9, 1738.
IV. William Ketelhuyn and Anneke Toll, married July 12, 1763.
V. David Ketelhuyn and Amelia Lester, married January 20, 1812.
VI. Maria Amelia Ketelhuyn and Henry Swartwout, married November 7,
1833.
VII. William Merrill Swartwout.

V. Douw Kittle and Jeanne Almy, married in 1793.
VI. Simon Kittle and Lucy Elizabeth Wetmore, married —
VII. George Wetmore Kittelle and Marie Louise Geer, married January 25,
1866.
VIII. Sumner Ely Wetmore Kittelle and Anna Lockwood Sigsbee, married
March 22, 1897.
ADDENDA

TO

THE SWARTWOUT CHRONICLES.

DESCENDANTS IN HOLLAND.

1629-1869.

The Swartwout Brothers—Wybrandt, Tomvs, and Herman,—wholesale tobacco merchants, engaged in that business, in 1629, on the Keizersgracht, one of the largest of the semicircular canals of Amsterdam, Holland. They severally dwelt, it would seem, near their store-houses, in the northwestern part of the city, not far from the wide harbor called the IJ, and not many blocks distant from the site of the present Centraal-Spoorweg Station (Central Railroad Station), north of the Dam. Some years later, Wybrandt and Herman severally owned and occupied two adjoining residences, fronting on the Wagenplein, (Wagon Square,) near the Haarlemmerpoort, (Haarlem Gate,) in the same part of the city.

As is known, Wybrandt was the father of a daughter, Fredericka. His brother Herman was the parent of seven sons and five daughters. Two of his sons were educated at the famous university of Leyden, founded in 1575, by Prince William of Orange. "Its fame," says Baedeker, "soon extended to every part of Europe. The greatest scholars of their age, Hugo Grotius, Scaliger, Salmastus, Boerhave, Wyttenbach, and others resided and wrote here, and Arminius and Gomar, the founders of the sects named after them, (Arminians and Gomarists,) were professors at the university. * * * * The library, the oldest and one of the richest in Holland, contains upwards of one hundred and sixty-five thousand volumes and fifty-three thousand valuable manuscripts."

Roeloff (Latinized Rodolphus), Herman Swartwout’s eldest son, on April 27, 1665, entered the university at the age of thirty years as a student of medicine, and graduated, on September 22, that year, as a doctor of medicine, from the
university of Harderwyk, founded in 1648. His name also is enrolled on the register of the university of Groningen, under the date of September 17, 1655, where he pursued for some time the study of theology. His brother, Abraham, ten years his junior, also entered the university of Leyden, on April 27, 1665, and there pursued the study of philosophy. Doctor Roeloff Swartwout's son, Herman, at the age of sixteen years, was registered a student, on August 26, 1687, at the university of Leyden.

Herman, the son of Floris Swartwout, (a younger brother of Roeloff and Abraham,) born in Amsterdam in 1676, and died there, on June 11, 1740, was professionally a master sculptor, (beeldhouwer,) or carver of statuary in wood and stone. Laurens, his son, born in Amsterdam, in 1700, was for many years a popular surgeon, (chirurgijn,) and had a large practice in that city.

Doctor Laurens Swartwout's son, Hendrik, was the youngest of his children, two sons and six daughters. When a small boy, Hendrik exhibited many evidences of natural ability and observation for the pictorial representation of things, animate and inanimate. He desired to become a portrait painter, but his parents disapproved of his following a profession of uncertain remuneration, and he was educated to be a surgeon. He and Alida, the daughter of Jan and Gesina van Ryn, a descendant of one of the ancestors of the famous
Dutch painter, Rembrandt Harmensz van Ryn, were married, on December 28, 1760, in the Walloon (French) Church, in Amsterdam.¹

The coat-of-arms of the Amsterdam van Ryn family as described by Rietstap, is a red shield, having a gold band lying horizontally across the center of it, displaying three fleurs-de-lis of gold; the crest being the head and neck of a brach-hound in gold.²

Doctor Hendrik Swartwout, although attentive to the duties of his profession, not infrequently occupied his leisure in sketching and painting. Some


(Translation.) Hendrik, son of Laurens Swartwout, and Ada van Ryn, having had their banns for three successive Sundays without any opposition, they were married in the Walloon Church of Amsterdam, the 28th of the month of December, in the year 1760. Done by the conductors of the church of the said place, the 14th of the month of January, in the year 1761. In the name of all, W. Francois, one of the pastors.

² De gueules à la fasce d'or, accompagné de trois fleurs-de-lis du même, Cimier : une tête et col de chien, braque d'or. Annuaire Général. Par J. B. Rietstap. Gouda, Netherlands, 1884.
of his pen-and-ink drawings are still preserved as family souvenirs, in Amsterdam. The portraits of himself and wife, made by him in the later days of his life, are said to be good likenesses. The quaint arrangement of the letters of their names, with memorial inscriptions of the dates of their births and marriage, and a wreath-encircled medallion, bearing the Latin motto, vigilantia et fidelitate, (vigilance and fidelity,) and an altar, on which is an offering of two flaming hearts, guarded by a cock and a dog, were drawn, as shown by the date, 1777, when he was forty years of age. He died, in Amsterdam, on December 3, 1800, and his wife, on April 14, 1821.

Their last child, Jan Hendrik, was born in Amsterdam, on July 2, 1776. As privileged by law at that time, any male person born in Amsterdam, on obtaining his majority, and having complied with all the legal requirements, could become a freeman of the city. This designation, should he and his wife die, without leaving means for the support of such of their children as were under
age, would entitle them as orphans to be supported and educated by the city. Desiring to be a freeman, he, on November 18, 1802, having complied with the requirements of the law, was declared "a born freeman."

His acquaintance with Susanne Jacqueline, daughter of Jean Pierre and Marie Jacoba Mens Hébert, residing with her parents, on the Gelderschek ramp (Gelderland quay), near Koningstraat, led to their marriage, on July 27, 1806. He was then living with his mother at their home, No. 26 Roesstraat.

Louis Bonaparte, having been created king of Holland, in 1805, by his brother, Napoleon, emperor of France, the administration of the government of the city of Amsterdam was considerably changed. From the Civic Register, (Registre Civique,) the information is derived that Jan Hendrik Swartwout was appointed, on July 19, 1811, a commis (clerk) of the district of Amsterdam, in the department of the Zuiderzee. The position was one evidently connected with the regulation of the commerce of the city, which he filled with merited acceptance for many years.

He died in Amsterdam, on January 20, 1851, and his widow, on January 27, 1854. They were the parents of two sons and one daughter.

The coat-of-arms of the Hébert family is described as being a shield of silver, with a red chevron drawn to a point, with a tree in a foreground of
green, with a chief of blue, the principal a crescent of gold between two stars on the sides of the field.¹

Jan Hendrik, the eldest son of Jan Hendrik and Susanne Jacqueline Hebert Swartwout, was born in Amsterdam, on June 17, 1807. He was four and forty years old, when, on April 8, 1852, he married Catharina Maria Courier, born on January 23, 1808. Their conjugal happiness was terminated by his death on the thirteenth of July, 1853. No children were born to them.

The coat-of-arms of the Courier family was originally acquired by a French ancestor, who married a woman of quality of German extraction. Their union privileged the display of a divided shield, the right of which is red with two stars of gold ranged between two bars of the same; on the left, which is silver, a half eagle of black, animated on that side.²

Frederik Jacobus, the youngest son of Jan Hendrik and Susanne Jacqueline Hébert Swartwout, was born in Amsterdam, on November 14, 1813. Having enjoyed the benefits of a primary education obtained in different schools of the city, he, on November 4, 1813, began, as it is evident, at the age of fifteen years, the study of pharmaceutics, and, on August 4, 1837, was legally titled an apothecary, (apoteker,) or pharmacist, and engaged in the business of one on the Grinburgwal, and later continued it on the Heerengracht. On June 29, 1857, he was appointed city-apothecary in the Inner Hospital, (stads-apotheker in het Binnengasthuis,) which position he held until his death. He was appointed lecturer (lector) in the Athenaeum Illustris of Amsterdam, and acquitted himself of the duties of that office until 1877, when the institution was incorporated with the Amsterdam University, (Amsterdamsche Universiteit).

He was one of the founders of the Netherland Society for advancing the practice of Pharmacy, (Nederlandische Maitsschappij ter bevordering der Pharmacie,) and was chairman of the society for many years. On November 12, 1856, he was made a corresponding member of the Sociéte de Pharmacie of Brussels, Bel-

¹Argent au chevron de guéules, accompagné en point d’un autre terrasse de sinople ; au chef d’azur, chargé d’un croissant d’or entre deux étoiles du champ. Armoirial Général. Par J. B. Krietstap.
²Parti : au 1 de guéules, 3 étoiles d’or, rangées entre deux barres du même ; au 2 d’argent, à la demi-lunette de sable, montant du parti.
SWARTWOUT ADDENDA.

Having been appointed one of the commissioners to prepare a new pharmacopoeia by Willem III., king of the Netherlands, he, with his associates on its completion, was awarded the thanks of the king for that important service, in a decree, dated February 28, 1872. On June 30, 1880, Doctor Frederik Jacobus Swartwout was made an honorary member of the Netherlands Society for advancing the practice of Pharmacy.

He married, in Amsterdam, on June 20, 1844, Maria Charlotta Bourse, by whom he had one child, Juliene Jacqueline Marie, born on April 16, 1846, who died, on March 22, 1847. Her mother died, on May 24, 1854.

The Bourse coat-of-arms is a shield of gold, with a red chevron, displaying three money-bags on it. The crest, a head and neck of a griffin, natural, with a red tongue.\footnote{Dor un chevron de guéules, accompagné de trois bagues du même. - Cimier : une tête et col de griffon au naturel, langue de guéules. - Annuaire Général. Par J. B. Rieset.}

On February 4, 1858, Doctor Frederik Jacobus Swartwout married, in Amsterdam, Henrietta Jourriana Wenke, who died on January 13, 1887. She bore him one child, Jean Henri Frederik, who died in infancy. The father died in Amsterdam, on May 17, 1886, aged seventy-two years.

Johanna Maria, the only daughter of Jan Hendrik and Susanne Jacqueline Hébert Swartwout, was born in Amsterdam, on March 22, 1809. On June 12, 1851, in the village of Sloterdyk, a few miles northwest of Amsterdam, she was joined in the bonds of holy matrimony to Willem Frederik, son of Jan and Helene Catharina van Groeneveldt de Hoog.

He was born in Amsterdam on December 30, 1798, and had first married, on May 31, 1822, in Amsterdam, Johanna Gerritdina Beugel, by whom he had two sons; Jacobus Wilhemus Leonardus, born in Amsterdam, on December 15, 1823, and Frederik Willem, born there, on November 21, 1826. His first wife died in Amsterdam, on October 8, 1846.

The marriage of Willem Frederik de Hoog and Johanna Maria Swartwout was blessed with one child, Willem Frederik, born in Amsterdam, on January 7, 1853. On January 14, 1856, the father was legally titled a born freeman.
of the city of Amsterdam. For many years he was honored with the office of director of the municipal work-house. He died, on December 12, 1871, and his widow, on November 29, 1891.

Their son, Willem Frederik de Hoog, on June 4, 1879, married, in Helder, province of Noord Holland, Maria Cornelia, daughter of Johannes Franciscus and Anna Elisabeth Elders Manikus, born in Helder, on June 25, 1853. They are the parents of four children, two sons and two daughters. Their eldest child and son, Frederik Jacobus, born in Amsterdam, on August 28, 1880, began serving in the summer of 1898, in Queen Wilhelmina's Holland army, for a term of eight months, and is now a corporal, with the expectation of being promoted to the rank of sergeant, in April, 1899. The father, on October 7, 1882, was declared a born freeman of the city, where, since 1853, he has owned the three-story brick dwelling, No. 156, on the west side of Pieter Cornelisz Hoofstraat, not far from the Ryks Museum in which the family resides.

The de Hoog coat-of-arms is a shield of silver displaying three black boars' heads, tusked, defenders of the field. The crest, a natural tree. Motto: Renown gives strength.  

Several records in the archives of the city of Amsterdam disclose the information that "Jorien" and "Elsjen Zwartwout," deceased, were the parents of "Andries" and "Henrick Zwartwout," who, as orphans, residing in Amsterdam, were the recipients, between the years 1554 and 1560, of money due them as rent from inherited property. The sons were evidently in comfortable circumstances, for Henrick is mentioned as having in contemplation a journey to Spain.

Line of descent of Willem Frederik, son of Johanna Maria Swartwout de Hoog, of Amsterdam.

I. Rolfe and Catryna Swartwout, married about 1600.
II. Herman and Geertruijt Schutte Swartwout, married, May 1, 1629.
III. Floris and Elisabeth Hendriex Swartwout, married, December 3, 1673.
IV. Herman and Johanna Striep Swartwout, married, May 18, 1698.
V. Laurens and Jannetje Atkins Swartwout, married, June 26, 1725.
VI. Hendrik and Alida van Ryn Swartwout, married, December 28, 1760.
VII. Jan Hendrik and Susanne Jacqueline Hébert Swartwout, married, July 27, 1806.
VIII. Johanna Maria Swartwout and Willem Frederik de Hoog, married, June 12, 1851.
IX. Willem Frederik de Hoog and Maria Cornelia Manikus, married, June 4, 1879.

1 D'argent, à trois hares de sauvage de sable, défendues du champ. Gazon : un arbre, au naturel.  