

CHAPTER XIV.

COLONEL SCHUYLER'S position in the assembly was a delicate one. His intimate personal friend, the governor, was now, from the necessities of his position as the representative of the crown, arrayed in hostility to the assembly and the people. Yet in this instance, as in all similar contingencies in his public life, Colonel Schuyler did not allow private friendships to interfere with his duty to his country. He had espoused the cause of the colonists from a sincere conviction of its justice, and from the hour when he entered the assembly he was never known to swerve a line from the path of duty into which these convictions led him.

From the moment when he entered upon his legislative career, he was faithful to the interests of the people. He saw with pain the waste of time exhibited each hour by the indolent and loose manner in which the business of the House was conducted, and he was particularly displeased with the confusion produced by spectators, and those who, by courtesy, were admitted to the floor of the assembly chamber. In order to lessen these evils, he introduced a resolution, on the 3d of November, containing the following rules and regulations for the maintenance of order on the floor :

“No person whatever shall be admitted into the House but such as shall be introduced by a member thereof.

“No member to introduce more than one person at a time.

“If any member shall desire the House to be cleared, the House to be cleared immediately.

“In order that the House may not be disturbed, all persons admitted are to behave orderly and quietly, and that none presume to speak or whisper. And that if any man shall speak, whisper, or stir out of his place, to the disturbance of the House, at any message or business of importance, Mr. Speaker is to present his name for the House to proceed against him.”

This resolution was debated and lost by a vote of thirteen to twelve.

On the 14th of November there was a serious riot in New York, growing out of political excitement, in which some of the Sons of Liberty were involved. On the 21st Governor Moore sent a message into the assembly, asking the House to support him in offering a reward for the conviction of the ringleaders. On the following day the House agreed to make provisions for paying a reward, which was immediately offered in a proclamation by the governor. Colonel Schuyler had been appointed, the previous day, chairman of a committee to prepare an address to the governor on that occasion. Always averse to disorders of every kind, in that address he uttered words of reprobation of the acts of his own political friends, loyal ones toward his King, and timely ones in behalf of the people. It was as follows :

“We, his Majesty’s most dutiful and loyal subjects, the General Assembly of the Colony of New York, having taken your Excellency’s message of yesterday into our most serious consideration, beg leave to assure your Excellency that though we feel, in common with the rest of the colonies, the distresses occasioned by the new duties imposed by the Parliament of Great Britain, and the ill-policied state of the American commerce, yet we are far from conceiving that violent and tumultuous proceedings will have any tendency to promote suitable redress.

“Conscious of the most sincere and affectionate loyalty to the King our sovereign, trusting to his paternal protection, and depending on the justice and equity of the British Parliament, we are preparing decent

and proper representations of the state of this colony, to be laid before his Majesty and the two Houses of Parliament, with hopes of redress.

“As an outrage committed against the laws, and a disturbance of the peace and good order of government, may expose this colony to disrepute, and the inhabitants to a disappointment of their just expectations, we thank your Excellency for the opportunity you have given us to express our abhorrence of the late tumultuous proceedings in the city of New York, and for your intention to maintain the public tranquility.

“It is with pleasure that we can assure your Excellency that these disorderly proceedings are, as appears to us, disapproved by the inhabitants in general, and are imputable only to the indiscretion of a very few persons of the lowest class.

“A riot committed in defiance of the magistrates, (whose vigilance on this, as on every occasion, to suppress turmoils has been very conspicuous,) and contrary to the known sense of the inhabitants, at this so critical juncture, has justly demanded the animadversion of government, and we beg leave to assure your Excellency of our ready concurrence in every measure conducive to good order; and that with this disposition we have resolved on a proper provision to enable your Excellency to fulfill the engagement you have entered into by your proclamation; and that we will, on all occasions, endeavor to support the dignity and authority of government.”

As this address referred to the obnoxious acts of Parliament in a tone of deprecation, some of the more loyal and obsequious members of the assembly voted to reject it, but the motion was lost by a vote of seventeen to five. This being considered a test vote on the feelings of the House, it was hailed as a triumph by the republican party.

Colonel Schuyler was then appointed, with Mr. Rappelye, a committee to wait on the governor and ascertain when and where he would receive the address. He appointed the next afternoon as the time, and Fort George as the place, and at twelve o'clock on that day the address was presented to the governor by the hands of Colonel Schuyler. Its tone, though loyal and indicative of a desire to support order, had, nevertheless, such a republican ring

about it, that the governor was not *officially* very well pleased.

On the 24th of the same month, Colonel Schuyler presented a most important bill. It provided for raising three hundred pounds, currency, within the city and county of Albany, for the purpose of procuring the translation into English of several of the Dutch records remaining in the clerk's office in that county, and to bind up and index the same. Also to bind up and index all other records remaining in the office. The bill was passed ten days afterward, and being carried to the council by Colonel Schuyler and Abraham Tenbroeck, it was concurred in by that body, and received Sir Henry Moore's signature.

At the close of December the New York Assembly, in which was a large majority of Republicans, fully and warmly sympathizing with the popular movements in all the colonies concerning the constitutional rights of the Americans, adopted a series of bold and important resolutions, asserting "the rights and privileges of his Majesty's subjects within the colony of New York." There is reasonable circumstantial evidence to show that Colonel Schuyler was the author of those resolves. They asserted the right of petition as belonging equally to their body and the House of Commons; that the colony lawfully and constitutionally possessed and enjoyed "an internal legislature of its own, in which the crown and people of the colony were constitutionally represented; and that the power and authority of legislation could not lawfully or constitutionally be suspended, abridged, abrogated, or annulled by any power, or authority or prerogative whatever."

They boldly asserted their right to correspond and consult with other subjects out of the colony or in other parts of the realm, either individually or collectively, on any

matter wherein their rights or interests, or those of their constituents were or might be affected ; and acting upon this conviction, they appointed a committee of correspondence, to report its transactions to subsequent meetings of the House.

To the third resolution, which declared that the assembly had the right to such free correspondence, Captain De Lancey moved as an addition that "the action of Parliament, suspending the Legislature of this colony, is a high infringement of the freedom of the inhabitants of this colony, and tends to deprive them of their natural and constitutional rights and privileges." This addition was not adopted, for the avowed reason, that these views were sufficiently expressed in the original resolution.

Petitions to the King, and to the Houses of Lords and Commons, were also prepared, in which they pronounced the late acts, imposing duties "with the sole view and express purpose of raising a revenue, utterly subversive of their constitutional rights, because as they neither are," they said, "nor, from their peculiar circumstances, can be represented in Parliament, their property is granted away without their consent."

These resolutions and petitions gave great official umbrage to Governor Moore, and at three o'clock in the afternoon of the 3d of January, 1769, he summoned the assembly to attend him in the council chamber in the City Hall at once. They obeyed, when the governor told them that from the address concerning the riots, which they had presented to him on the 23d of November, he thought they were opposed to all immoderate measures, but the extraordinary resolves which they had lately adopted, and the representations of the state of the colony which they had proposed to send his Majesty, showed such intemperate heat, that

his duty forbade his countenancing their conduct. His speech was mild and conciliatory, but firm, and was received with the most respectful attention. He concluded by declaring the assembly dissolved.

On the day of the dissolution the governor issued writs for a new election, returnable on the 4th of February. The canvass was conducted with a great deal of warmth, especially in the city of New York. John Morin Scott, one of the most active of the Sons of Liberty, had, in the form of a petition, made grave charges against Mr. Jauncey, one of the city members of the assembly. He afterward made an affidavit concerning matters contained in his petition, and attempted to get it before the House. On the 7th of November a vote was taken in the House to have the affidavit read, when only Colonel Schuyler, his friend Tenbroeck, and Peter R. Livingston voted for it. There was an overwhelming majority against it; and then an unsuccessful attempt was made to declare Scott's charges of corruption, et cetera, "frivolous and vexatious." The bitterness engendered by these movements produced the fiercest partisanship at the election, and before; and on the very day when the assembly was dissolved we find, by the record, that the House was "informed that Whitehead Hicks, mayor of the city of New York, and Elias Desbrosses, one of the aldermen, had bound over to the peace Jacob Walton and Philip Schuyler, Esquires." The assembly had just ordered that those officials should attend the House the next day, and show cause for their action against two members of that body, when the summons of Sir Henry and the dissolution of the assembly put an end to the matter.

The elections were held late in January. On the 16th, Peter R. Livingston, the representative for the manor of

Livingston in the last House, wrote as follows to Colonel Schuyler :

“ Since my last I have only to acquaint you that we are all hard at work. I think the prospect has a good aspect, and at all events Jauncey must go to the wall this time. I make no doubt, if we can keep the people to the promise they have made, that Philip [Livingston] and Scott will be two, and if the opposite party push old John Cruger, I am of opinion that they will push one of the other two out. Our canvass stands well, but there will be a vast deal of cross-voting. The two they all pitch on, of our four, are Philip and Scott, which will put them in. But there is a great deal in good management of the votes. Our people are in high spirits, and if there is not fair play shown there will be bloodshed, as we have by far the best part of the Bruisers on our side, who are determined to use force if they use any foul play. I have engaged from the first day, and am determined to see it out. Lewis Morris certainly comes for the Borough [Westchester]. Henry Holland is obliged to resign for Richmond, as young Browne and young Farmer set up in opposition to each other.”*

Livingston adds, in a postscript : “ Miss Moore ran away with Captain Dickinson last Friday night. She has been married to him ever since last July.” It was Henrietta Moore, daughter of the governor. Captain Dickinson had been stationed at Fort George for some time, and being ordered to another post, his young wife went with him.

Livingston’s predictions were not all verified. In New York, “ old John Cruger ” was substituted for Philip Livingston, who was chosen to represent the manor of Livingston in place of the writer of the above letter. Nathaniel Woodhull, afterward president of the revolutionary convention of the province, was substituted for Miller, of Suffolk; Christopher Billop for Holland; and Lewis Morris for James De Lancey, as representative of the borough of Westchester. There were but few other changes.

Colonel Schuyler was reëlected by a very large majority. On account of his bold stand on the side of the colonists

* Autograph letter.

in the pending dispute, a few opposed him. His freedom of speech in commenting upon the acts of public officers offended a few officials, and these, of course, were among his opponents. Sir William Johnson took offense at remarks reported to have been made by Colonel Schuyler respecting some matters connected with a late treaty with the Indians at Fort Stanwix ; and also at his alleged participation in an attempt to pass a law to prevent members of the governor's council voting or otherwise intermeddling in party affairs, supposed by Sir William to be specially intended for himself. The baronet wrote a very courteous letter to Colonel Schuyler on the subject at the middle of January, frankly telling him that if what he had heard should not be disavowed before the election, he should not support him.

The friendship between Colonel Schuyler and Governor Moore was not disturbed by their political differences. Their correspondence during the winter and spring of 1769 exhibits the same cordial feelings, personally, as before the dispute. They were both too generous and high minded to allow political opinions to excite private enmity, and until the governor's death, the following autumn, he had not a warmer personal friend in the province than Colonel Schuyler.

Letters containing generous greetings and congratulations on account of his reelection were received by Colonel Schuyler, and such confidence had leading men in the province in his qualities of statesmanship, that they turned to him as one of the best fitted of their public men for a contemplated special embassy to England. "Things are drawing to a crisis," wrote William Smith, in February. "I suspect we shall next be obliged to send home special agents as our last shift, and if the Judge (Robert R. Livingston) gets in for Dutchess, and I had a voice, you and

him should be urged to see England in this momentous embassy."* But "the Judge" did not succeed in Dutchess, "owing to all the tenants of Beekman and R. G. Livingston voting against him ;"† the embassy was never undertaken, and Colonel Schuyler remained to serve his country in a far more useful field.

The new assembly met on the 4th of April. Colonel Schuyler took a leading position in the House at the commencement of the session, and ever afterward maintained it. He was appointed chairman of the usual committee to draw up a response to the governor's opening message. He prepared it, and it was adopted on the 8th. After referring to the governor's speech, in which his excellency said that he should not burden them with much business, the address went on to say that the members of the assembly were the servants of the public, and were ready to attend to all business which the welfare of the colony required. Then referring to the governor's recommendation, pursuant to the command of ministers, that the agent to solicit the affairs of the colony in England should be appointed as in Virginia, the Carolinas, Georgia, and the West Indies, by the governor, council, and assembly, and not by the assembly alone, the address boldly said :

"We could wish that the mode which your Excellency recommends to this House, in the appointment of our agent for this colony, to reside at the court of Great Britain, was evidently calculated for the public benefit. To us it appears replete with difficulties and dangers, that, were they proper to be enumerated in our address, we humbly conceive your Excellency would coincide in sentiment with us that the mode your Excellency points out is by no means consistent with the duty of our station to enter into. You'll pardon us, therefore, sir, if on this oc-

* Autograph letter, February 11, 1769.

† Autograph letter of Peter R. Livingston to Colonel Schuyler, February, 1769.

casion we declare, with that freedom which is the birthright of Englishmen, that it would be sacrificing the rights and diminishing the liberties of our constituents to adopt any other mode of appointment than that which has been practiced in this colony for many years past. We acknowledge that the mode which your Excellency recommends has taken place in this colony; but the inconveniency has doubtless been as apparent to former assemblies as it is to this. For after having had an agent at the court of Great Britain for a few years, appointed by act of the governor, council, and general assembly, the house of representatives have constantly declined to continue that mode of appointment, and have for many years uninterruptedly exercised the privilege of nominating him, which has been acquiesced in by the crown immediately, and by his several representatives, as governors of this colony, implicatively, amongst whom we have the satisfaction to include your Excellency. We should, therefore, be extremely sorry that any difficulties should, in future, arise in transacting the affairs of this colony by an agent constituted as ours is."

In reference to the governor's requisition for additional provisions for the support of British troops in the colony, the address plainly said :

"The sums that have been already granted for the support of his Majesty's troops in barracks are very considerable. The repeated application of monies to that purpose would effectually ruin a colony, whose trade, by unnatural restrictions and the want of a paper currency to supply the almost total deficiency of specie, is so much declined, and still declining, that its distresses, in a very short time, will become so great that it will be almost equally difficult to conceive as to describe them. In this unhappy situation, your Excellency's requisition for fresh aid demands our most serious consideration.

"We thank your Excellency for the readiness you express to concur with us in any measure for promoting his Majesty's service and the advantage of the colony. We assure you, sir, that nothing will ever be more agreeable to this House than that a perfect harmony should continue to subsist between the several branches of the Legislature."

On presenting this response to the governor's address, Colonel Schuyler said :

"As the repeated resolves and applications of the colonies, relative to Parliamentary taxation, and the embarrassed state of our commerce,

and several other grievances, have not been attended with the success so ardently wished for, and so mutually conducive to the tranquillity of the British empire; and as the growing distresses of our constituents loudly call for our most earnest attention to measures best calculated to preserve the union between Great Britain and her plantations, and restoring a lasting harmony, founded in mutual affection and interest, I therefore move that a day be appointed for taking the state of this colony into our most serious consideration, and for the appointment of special agents, of approved abilities and integrity, to be sent home, instructed to exert their most strenuous efforts, in conjunction with such agents as the other colonies have sent, or may think proper to send, in soliciting the important affairs of this country at the court of Great Britain, and before the two Houses of Parliament during the course of the next session.”*

The subject of religious freedom had engaged much of the attention of Colonel Schuyler during the long years that the topic of episcopacy in America had been discussed, and which was then a prominent subject for disputation. He had been taught to regard hierarchies with disgust, and to yearn for a more liberal spirit among professing Christians. With that full measure of common sense which always distinguished him, he perceived that all primary movements for the general benefit of society must be local and circumscribed, and if founded upon truth would as surely expand as the circles of waves go outward from the point where a pebble is dropped into the still water. With this view, and mingling with his ideas of spiritual needs the practical one of physical and social advancement, he finally brought forward in the assembly a proposition expressive of a scheme which he had long been revolving in his mind. On the 26th of April he arose in his place, and said :

“I move that as the cultivation of the extensive territory in the county of Albany will be highly beneficial to the crown and the colony; and as one of the best means to invite settlers will be to encourage the

* Journal of the Assembly.

worship of God upon generous principles of equal indulgence to loyal Protestants of every persuasion; and as proprietors of large tracts are willing to give small parcels of land for the support of ministers and schoolmasters to aid the new settlers, provided the same can be secured to the pious purposes of the donors; that leave be given me to bring in a bill to enable every church and congregation of reformed Protestants in the county of Albany, without discrimination, to take and hold real estate to the value of a given amount per annum, for the support of the gospel among them."

Leave was given, he brought in a bill, and it soon afterward became a law.

At the beginning of this session, a long memorial from "merchants, traders, and others concerned in or affected by the Indian trade," addressed to Jacob Teneyck and Philip Schuyler, representatives for the city and county of Albany, Jacobus Myndert, representative of the township of Schenectada, and Abraham Tenbroeck and Robert R. Livingston, representatives respectively of the manors of Rensselaer and Livingston, was presented, in which the memorialists, after expressing their satisfaction because the governor had recommended the passage of an act for regulating the Indian trade, set forth their views, based upon stated facts and conclusions. This memorial was referred to a committee of the assembly, of which Colonel Schuyler was chairman, and on the 10th of May he presented a report on the subject, carefully drawn by his own hand. That report, from its completeness and valuable suggestions, excited a great deal of attention, and Colonel Schuyler and Mr. De Lancey were instructed to prepare and bring in a bill for the regulation of the Indian trade. That bill soon became a law, and the regulations adopted under it were in operation until the commencement of the Revolution, and the change in the relative position of all parties concerned was effected by the war.

The power of executive influence over the legislation of the colony had long been deplored, yet no one had nerve enough to take the evil by the horns and accomplish something toward its arrest, until, on the 17th of May, Colonel Schuyler, after some preliminary remarks, said, "I move that it may be resolved by this House, that no member of this House, or that may hereafter be elected to sit herein, holding any place of honor, profit, or trust whatever under the crown, shall have a seat in this House, unless such member shall resign the same within six months next after such resolve (if any) shall be made." By a majority of only one the question on the motion was postponed.

Resolutions were next passed asserting the sole right of imposing taxes to belong to the assembly ; also claiming for the people the right of petition and of trial by jury ; all of which had been practically questioned by the parent government. It was also resolved, in consideration of ministerial action against the province of Massachusetts, that sending persons for trial to places beyond the high seas was "highly derogatory to the rights of British subjects." These movements, so bold, so indocile, if not rebellious, mortified Governor Moore, (for he found himself absolutely weak in power, the assembly being supported by the people,) and on the 20th of May he prorogued the Legislature to the 7th of July. On the same day the assembly had, with very great reluctance, voted fifteen hundred pounds for the support of the troops in the colony.

At about this time the Massachusetts assembly convened, and resolved that it was inconsistent with their dignity and freedom to deliberate in the midst of an armed force, and that the presence of a military and naval armament was a breach of privilege. They refused to enter-

tain any subject except a redress of their grievances, and the usual business of granting supplies was passed by unnoticed. They solicited the governor to remove the troops from Boston to Castle William, in the harbor, and on his refusal they voted a petition to the King for his recall.

Virginia, over whose councils Lord Botetourt, a kind-hearted, conciliatory, but vain and ambitious gentleman, now presided, gave generous support to Massachusetts in her hour of trial, and sent her words of greeting. These and other measures offended royal authority, and the governor, as in duty bound, dissolved the Virginia assembly.

In other provinces like proceedings occurred, and in the summer of 1769, the antagonisms between the governors of the provinces and their respective Legislatures and people produced much confusion and excitement. To this, in New York, was added great irritation, when it was known that a resolution of Lord North (who had succeeded Townshend as chancellor of the exchequer), that a respectful petition from the assembly of that province should not be received, had been passed by the Parliament. Had intelligence of this insult reached New York before the passage of the resolution to appropriate money for the troops had been acted upon, that measure would not have been proposed even.

The British ministry, baffled in their attempts to draw a revenue from America by coercive measures, now contemplated a resort to milder ones. The non-importation agreements had been generally adhered to faithfully, and their effects upon English commerce made them the instruments again in bringing ministers to their senses. The English merchants were really more injured by the acts of Parlia-

ment than the Americans. The exports from England to America, which, in 1768, had amounted to \$11,890,000, of which amount \$660,000 were the value of *tea* alone, fell, in 1769, to a little more than \$8,000,000, the value of tea being only \$220,000. The English merchants, therefore, joined their American brethren in petitions and remonstrances ; and under the direction of Lord North, the Earl of Hillsborough sent a circular letter to the colonies, intimating that the duties upon all articles enumerated in the late act would be taken off, as a measure of *expediency* (not of right), except on *tea*. This was unsatisfactory, for it was not the amount of the tax, but the *principle* involved, that caused the contention. The principle was the same, whether the duty was laid upon one commodity or on a dozen ; and so long as the Parliament assumed the *right* to tax the colonies without their consent, so long the Americas would dispute it. The year 1769 closed without any apparent hope for a reconciliation between Great Britain and her colonies, for warnings came with Hillsborough's circular letter exhorting the Americans to not put their "trust in princes," nor their creatures.