

THE ANTI-RENT WAR IN  
RENSSELAER COUNTY, NEW YORK  
1839 TO 1850  
by John J. Thero



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## CHAPTER I

### THE ANTI-RENT WAR IN

#### RENSSELAER COUNTY, NEW YORK

1839 TO 1850

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## CHAPTER I

### THE COLONIZATION OF RENSSELAERWYCK

During the 1840's Rensselaer County, New York was the scene of much publicized lawlessness and bloodshed as a portion of American history which came to be called the Anti-Rent War. The county furnished a strange spectacle of farmers living in semifeudalism under a democratic form of government long after the Revolutionary War had shown the American spirit of freedom and independence.

The anti-rent agitation which sprang up about 1839 in Rensselaer County and in much of eastern New York State involved quiet communities of normally law abiding, conservative farmers. From these law abiding communities arose a state of recklessness and disorder which for many years kept local law enforcement agents on the alert, and which even made it necessary for the state government to intervene with military force.

To understand these disturbances known as the Anti-Rent War, we must survey the early history of Rensselaer County. After Henry Hudson's discovery and voyage up the river which bears his name, the Dutch undertook colonization of the territory along the river. A trading company called the Dutch West India Company was founded in Holland in 1621, and charged with the responsibility of developing the American colony which the Dutch



named New Netherland.<sup>1</sup> The Company established its first permanent settlement at Fort Orange--now Albany--in 1624. The primary concern of the Dutch West India Company was trade, and in New Netherland trade became synonymous with furs.<sup>2</sup> The beaver, found extensively in New York, Pennsylvania, and Canada, was supplied by the Iroquois tribes in return for trinkets, tools, and guns.

Another profitable adventure of the Dutch West India Company, which it naturally did not publicize as it publicized fur trading activities, was raiding Spanish treasure ships as they carried gold and silver to Spain from Peru and Mexico. New Netherland served as a base for these pirate operations.

To keep the fur trade from the English merchants, and to shelter the fur traders from English trappers and adventurers and from the never trusted Indians, it became important to establish settlements and trading posts along the water routes.

<sup>1</sup>"The chief objects of the West India Company were 'the profit and increase of trade,' and the humbling of the power of Spain and Portugal in Africa and America." The provisions of the company charter were great. After June 3, 1621, "no one would be permitted to sail . . . to the coasts of America or to the West Indies between Newfoundland and the Straits of Magellan, except in the name of, or by permission of the West India Company." Milton W. Hamilton, Henry Hudson and the Dutch in New York (Albany: The University of the State of New York, The State Education Department, 1959), p. 42.

<sup>2</sup>"The number of beaver skins sent home from New Netherlands in 1624 was 4,000, besides 700 other skins, valued at 27,125 guilders. Ten years later the numbers were 14,891 beavers, and 1,413 otters, valued at 134,000 guilders. In 1633 it was estimated that 16,000 beaver skins were handled at Fort Orange alone. The value of beaver skin is quoted in 1656 at \$3.50 to \$4.00. In 1676 a Negro boy nine years old, hale and hearty, was valued at the sum of 28 merchantable beavers." David Murray, "The Antient Episode in the State of New York," American Historical Association Annual Report, I (1896), p. 140.

The fur trade of the Maquas (Mohawk) Indians was especially valuable because the Maquas controlled the Mohawk River Valley which was the most convenient exit through the Allegheny Mountains for furs being transported from the west to Fort Orange. To insure a protected meeting place at Fort Orange, the Dutch West India Company undertook the development of a settlement of farm families surrounding present day Albany. However, neither fur trading nor piracy encouraged Dutch settlers to leave the organized life of Holland and come with their families to farm in the American wilderness.

In March, 1628, to speed the settlement of New Netherland, the Directors of the Dutch West India Company, under provisions of their first charter of Freedoms and Exemptions, authorized their stockholders to plant a settlement of fifty persons over fifteen years of age in New Netherland within a period of four years. The stockholder who could induce fifty such settlers to come to America was allowed to acquire, by purchase from the Indians, an area measuring four leagues (16 miles) along one side of a navigable river or shore, or two leagues (8 miles) along both banks of a river, to an indefinite depth. This system of land grants in return for settlement of a region was called the "Patroon System," with the responsible stockholder called the "Patroon," and his land called a "Patroonship." Many of the stockholders of the West India Company quickly became Patroons. The day that the charter received final approval, Michiel Pauw took option on an area along the Connecticut River. Soon after this Samuel Bodyn requested a tract on the Delaware River; Samuel



Blommsert and Albert Coenraets Burgh, a tract on the Connecticut River; and Pauw, a second claim near what is now Hoboken, New Jersey, which he called Pavonia. By 1635, all of these patroonships, plus additional ones in the West Indies and South America, had proven to be failures. Only one patroonship was a lasting success: Rensselaerwyck, an area stretching along the Hudson River north and south of Fort Orange, and owned by Kilian Van Rensselaer.<sup>3</sup>

Kilian Van Rensselaer was one of the most important stockholders of the Dutch West India Company. He was a rich pearl and diamond merchant of Amsterdam who had had experience as a land owner and developer of large tracts of land in Holland. Although a patroonship was to extend only eight miles along each bank of a river, Van Rensselaer, by purchasing additional land from the Indians for trinkets and tools, was able to extend his grant more than twenty miles along the Hudson River. By summer, 1631, his patroonship reached from the Cohoes Falls, near the mouth of the Mohawk River, southward to below Coeymans.<sup>4</sup> Kilian Van Rensselaer did not personally purchase this land. He never even came to America, but sent agents to buy and manage for him. These agents were able to stretch the boundaries of the patroonship inland until Van Rensselaer owned land which also extended

<sup>3</sup>The patroon system is well known and is discussed in most texts on New York State history. A brief but complete description is contained in: Arnold J. F. Van Lear, "The Patroon System and the Colony of Rensselaerwyck," Proceedings of the New York State Historical Association, VIII (1909), pp. 222-233.

<sup>4</sup>Ibid., p. 224.

twenty-four miles inland on both the east and west sides of the Hudson River. This vast domain covered the chief areas now included in Albany County on the west side; and included the whole of what is today Rensselaer County,<sup>5</sup> except the towns of Schaghticoke, Pittstown, Hoosick, the northern part of Lansingburgh, and part of Troy.<sup>6</sup>

Though the soil was fairly fertile near the river and along the larger streams, much of Van Rensselaer's empire was stony, rocky, and unsuited to productive agriculture. On the west side of the Hudson River was the mountainous Helderberg area; on the east were the Grafton and the Alps mountains. Despite the handicap of hilly terrain, Van Rensselaer's patroonship survived because it was not necessary to settle the hilly regions in the early period of colonization. Van Rensselaer watched his fellow stockholders sell their patroonships back to the West India Company until he alone was a Patroon in America.

In March, 1630, the first tenants were recruited and shipped from Holland to settle on the patroonship, which after 1630 was called Rensselaerwyck. These tenants were furnished with livestock, seeds, and tools, and received grants of land for which they agreed to pay an annual rental of crops or livestock.

<sup>5</sup>Before 1791, Albany County was all of the territory of the State of New York north of Ulster and Dutchess counties, except Washington County which had been taken from Albany County in 1772. On February 17, 1791, Rensselaer County--named to honor the Van Rensselaer family--was separated from Albany County. The first meeting of the officers of Rensselaer County was held in Lansingburgh at the tavern of Ananias Platt on April 15, 1791.

<sup>6</sup>J. W. Barber and H. Howe, Historical Collections of the State of New York (New York: S. Tuttle Co., 1842), p. 311.



From the Dutch, Van Rensselaer had vested in him all civil and military authority subordinate only to the Dutch West India Company. He had his forts, soldiers, cannon, and courts of justice. He had the power to try all law cases and to inflict any punishment, even death; though in case a gallows broke down during an execution, he was not allowed to erect another for the same criminal. This seems to have been one of the few limitations placed on the Patroon's omnipotence. At that time, as New Netherland was a wilderness far from the officers of the West India Company and Dutch law, it likely did not seem extreme to vest such vast power in a landowner. The law did allow for an appeal from the decision of the Van Rensselaer court, but the Patroon required every person who settled in his jurisdiction to pledge himself never to exercise that right.

At the end of the harvest each year the tenant farmers were required to hand to the Patroon or his agent an accounting of the amount of grain, stock and other articles which they might have for sale. Only if the Patroon did not wish to buy could the farmers seek a market elsewhere. The settlers were further required to go to the Patroon's mill for grinding. The Patroon, in turn, was required to keep the mill in repair. The settlers were compelled to buy all supplies from the Patroon's commissary, and no tenant was allowed to hunt or fish without the permission of the Patroon.

A profit was derived from this tenant-landlord arrangement and, by the time of Van Rensselaer's death in 1646, his patroonship was potentially the creator of many rich heirs. The

patroonship was inherited by Johannes Van Rensselaer, Kiliaen's oldest son who was not yet old enough to rule without guardians.

The existence of the patroonship was jeopardized in 1652 when Beverwyck, the settlement around Fort Orange, was declared independent of Rensselaerwyck. Thus, its main settlement was withdrawn and Rensselaerwyck became a large but relatively unimportant colony.

In 1664, the British seized New Netherland. This transfer of government brought some changes, but few of these changes effected Rensselaerwyck. The name of the colony now became New York, and the fort and village previously known as Fort Orange and Beverwyck were now called Albany. In the terms of surrender the British guaranteed that the rights of individual citizens would not be disturbed. To insure this guarantee, the representative of the Patroon in Rensselaerwyck took the oath of allegiance to the British king.

On November 4, 1685, the patroonship was officially patented by Governor Thomas Dongan as an English manor and the proprietor, who was still commonly called the patroon, was transformed into the lord of the manor. Kiliaen Van Rensselaer, son of the deceased Johannes, was the first lord. In the patent, Governor Dongan confirmed the grants of land to the Van Rensselaers so that the manor officially extended inland twenty-four miles from the Hudson River on each side and contained 773,280 acres.<sup>7</sup> Albany was officially detached from Rensselaer-

<sup>7</sup>According to a deed of confirmation, dated May 20, 1704, to Kiliaen Van Rensselaer, in the Book of Patents 7, pages 237 and onward, the manor included: "All that and those tract and



wyck via a release from the Van Rensselaer family, and on July 22, 1606, Governor Dongan granted Albany a city charter.

Kiliaen Van Rensselaer and his family enjoyed increasing prosperity during the more than one hundred years of British rule.<sup>8</sup> Henry Christman, writing with a definite bias, states:

His [Van Rensselaer's] civil rights were restricted a bit, but there was no change in the relations between landlord and tenant.

The English almost outdid their predecessors in saddling the valley with big estates, for in addition to nine actual manors, they handed out millions of acres in patents to lesser members of the Hudson River aristocracy. It was regarded as good policy to place large tracts in the hands of gentlemen of weight and consideration, who would naturally farm out their lands to tenants, a method which would create subordination and, as the last of the colonial governors expressed it, "counterpoise in some measure the general leveling spirit that so prevails in some of His Majesty's governments."<sup>9</sup>

tracts of land called Rensselaerwyck, lying and being in and upon the banks of Hudson River aforesaid, in the County of Albany, in the province of New York aforesaid, theretofore called and known by the name of ye. Colony of Rensselaerwyck, beginning at the south end or part on Berren Island on Hudson River aforesaid, and extending northward up along both sides of ye. sd. river unto a place hithertofore and yet called the Kahoose or the Gtate Falls of ye. sd. river and extending itself East and West all along from each side of the said river backwards into the woods twenty-four English miles."

Kiliaen Van Rensselaer, the Third Patroon, died in 1697 at Watervliet, New York, without children. Katherine Schuyler Baxter, *A Godchild of Washington* (New York: P. Tennyson Neely, Publisher, 1897), p. 110.

<sup>9</sup>Henry Christman, *Tin Horns and Calico* (New York: Collier Books, 1961), p. 24.

## CHAPTER II

### THE LAST PATROON, STEPHEN VAN RENSSELAER III

British sovereignty was removed by the American Revolution, but again the holdings of the large landowners were not weakened. The State of New York regarded Rensselaerwyck as a very large estate owned by an ordinary citizen instead of a manor vested in a feudal lord.<sup>10</sup> The first New York State Constitution, adopted on April 20, 1777, guaranteed that all land grants made via the authority of the King of England or his predecessors would remain unchanged.

Stephen Van Rensselaer III was the patroon of Rensselaerwyck when the Revolutionary War drew to a close. He had come into possession of Rensselaerwyck while New York was still a British colony, though he did not come of age to manage his own affairs until November 1, 1785. Stephen's position in New York society was enviable. He had attended Princeton University and had a Bachelor of Arts degree from Harvard. He was a young man of great influence because he was rich and because he was tied by birth and by marriage to the most important and influential aristocracy of the state. Stephen was the grandson of Philip Livingston, had married Margarita Schuyler, the daughter of

<sup>10</sup>The title "patroon" was officially abolished by both the British conquest of 1664 and the American victory in the Revolutionary War. However, the title was commonly used until after the middle of the nineteenth century.



General Philip Schuyler, and was joined closely with Alexander Hamilton who had married Margarita Schuyler's sister, Elizabeth.<sup>11</sup>

The land which Stephen Van Rensselaer III inherited was not densely populated. There had been little organized activity to recruit settlers for the farm lands since the seventeenth century. The manor was profitable, but was completely unsettled in many areas, especially in the mountain regions.

Upon coming of age, Stephen Van Rensselaer III devised and announced a plan for further populating and cultivating the Rensselaerwyck land which lay far inland from the Hudson River. This plan, which would bring greater wealth to the Patroon, was to grant free tracts of land to veterans of the Revolutionary War. To retain the grant the veterans would be expected to clear and plow the land. When the land became productive the patriot farmers would be expected to pay a portion of their crops as yearly rent. This "free" period was skillfully fixed at seven years for the majority of the Revolutionary War veterans. This plan created an image of Stephen Van Rensselaer as a friend of the Revolutionary War veterans at the same time that it enabled him to settle thousands of virgin acres of his least desirable hill land. Lots were laid out by Van Rensselaer's surveyors and agents while other agents roamed far and wide advertising the free, fertile land of Rensselaerwyck.

With the promise of free land for seven years, farms were quickly taken. Gristmills were built near wilderness crossroads and fast moving streams, churches were erected, and little

<sup>11</sup>Baxter, *op. cit.*, pp. 410-413.

villages and hamlets began to take shape on the landscape. The glowing description of the excellent farm land brought pioneer inhabitants into the most rugged sections of what is now Rensselaer County. The mountainous, rocky, and heavily wooded Grafton area, which never appealed to earlier settlers, saw its first pioneer family in 1786.<sup>12</sup> Abel Owen and his family emigrated from New England to settle on a tract of 200 acres given by Stephen Van Rensselaer.<sup>13</sup> Soon the rough log cabins of a few other New England families joined the Owen's cabin in the lonely Grafton wilderness.<sup>14</sup> It was also during this period that the first settlers moved into the steep hills of Kent Poestenkill. The western section of Poestenkill had had its first tenants, the Lynd, Whyland, and Ives families, in 1770;<sup>15</sup> and the relatively lower land of nearby Sand Lake had received its first permanent settlers, the Adams and Bradt (Brett) families, in 1765 or 1767;<sup>16</sup> but the "free time" was probably necessary in order to populate the mountain regions. The average rent which was later paid by these adventuring backwoodsmen varied from five

<sup>12</sup>Rutherford Hayner, *Troy and Rensselaer County, New York* (New York: Lewis Historical Publishing Co., Inc., 1925), I, p. 104.

<sup>13</sup>The farm of Abel Owen was on the old road from Troy to Petersburg. The road was at one time called Owen's Road. The farm became the Stewart Allen farm, and Owen's well was still in use in 1880. Nathaniel Bartlett Sylvester, *History of Rensselaer County, New York* (Philadelphia: Everts and Peck, 1880), pp. 546-547.

<sup>14</sup>Hayner, *op. cit.*, p. 104.

<sup>15</sup>Sylvester, *op. cit.*, p. 557.

<sup>16</sup>George Baker Anderson, *Landmarks of Rensselaer County, New York* (Syracuse, N. Y.: D. Mason and Company, 1897), p. 511.



to twenty-five bushels of wheat annually depending upon the fertility and acreage of each farm.<sup>17</sup>

Clearing the land for cultivation was both slow and painfully difficult. Trees were felled, but stumps remained. Because some of the tenant farmers had no horses, they had to break the sod or stony earth by hand. If all went well, a small crop could be expected to rise between the tree stumps. While waiting for the first harvest, the farmer had his log cabin to build, repair, or enlarge; the water well to dig; and a storage shed or barn to erect. After seven years, the land was finally cultivated so that it yielded an annual crop.

When the rent-free period had expired the tenant came down from the hills to receive his lease. It was said that Alexander Hamilton, as an expression of his theory of government by the rich, perfected the lease for Stephen Van Rensselaer.<sup>18</sup> It was a new form of property conveyance, a perpetual lease with the reservation of an annual feudal type rent in wheat, fowl, and labor. In 1782, New York State had abolished the feudal idea of primogeniture so that all children could have equal inheritance in estates. To avoid the issue of primogeniture, Stephen Van Rensselaer called the contracts "incomplete sales." The property was granted in fee, but certain "rents" were reserved to the original landlord.

A very material point in these leases, on which one of

<sup>17</sup>Hayner, *op. cit.*, p. 104.

<sup>18</sup>Francis P. Kimball, *The Capital Region of New York State* (New York: Lewis Historical Publishing Company, Inc., 1942), II, p. 161.

the decisions of the court of appeals was later founded, consisted in the fact that when the landlord granted a perpetual lease, he really "sold" the land to the tenant. The lease was worded: "Stephen Van Rensselaer, by these presents, doth grant, bargain, sell, remise, release and confirm unto the said party of the second part," etc. The condition would be different in case the land was leased for a certain number of lives or for a limited number of years. Then the landlord would have retained an interest in the premises, because under certain conditions the premises might return to his possession.<sup>19</sup>

About one half of the leases also contained, in case of the sale of the premises by the tenant, the reservation that one quarter of the sale price was to be paid to the landlord and only three quarters paid to the disposing tenant. The other half of the leases provided, in case of sale, that an extra year's rent should be paid to the landlord. In both cases, the sale had to have the prior approval of the landlord and neither the selling nor the buying tenant could tamper with any provisions of the contract.

In the parts of the manor which were first settled, the annual rent was usually at the rate of ten bushels of wheat for each one hundred acres, plus four fat hens and a day's work with a team of horses or oxen, for a farm of whatever size. In the parts of the manor settled later, the annual rent was usually fixed at fourteen bushels of wheat for one hundred acres plus the same additional requirements.<sup>20</sup> These terms were not too different from those offered by Killam Van Rensselaer to the earliest tenants. As with most of the early leases, Stephen Van Rensselaer reserved all wood, mineral, and water rights for himself.

<sup>19</sup>Murray, *op. cit.*, p. 143.

<sup>20</sup>*Ibid.*, pp. 142-143.



He also reserved the right to enter any land at any time to gain these resources. The tenant had to pay the taxes upon the land, had to maintain the road, and was restricted to use the land only for agriculture.<sup>21</sup>

It is readily seen that once tenants were found and persuaded to settle and develop the manor land, [Van Rensselaer could not fail to become wealthy. He collected revenue from the land, but never gave up the land nor had to pay taxes. The quartersale provision alone brought great wealth. Records of eight adjoining farms of 150 acres each in Rensselaer County show that from the time they were settled until 1850, an average of \$660.00 for each had been paid as purchase price to the Patroon under the quartersale. Another farm of 200 acres was sold six times after 1790. The Van Rensselaers received \$200.00 on each sale.<sup>22</sup>

The tenants realized too late that they should have received leases before they spent seven rent-free years of toil clearing and improving their leased acres. They were dissatisfied with their leases, but after having suffered through seven years of hardship, few of them were courageous enough to refuse the leases and again pioneer into the wilderness to clear and plant.

One farmer described his experience:  
"I was poor. I found a lot that suited me and went to work, cleared me a spot for a log cabin and barn. . . . At the end of seven years a large portion of the forest had dis-

<sup>21</sup>If Van Rensselaer could have foreseen the future, he may have paid the taxes himself. The New York State Constitutional Convention of 1921 entitled all male taxpayers to vote, thus enfranchising Van Rensselaer's male tenants.

<sup>22</sup>Kirball, op. cit., p. 161.

appeared. Myself, wife and little ones had just commenced to enjoy the fruits of our labor. I called at the office for my lease. It was handed to me. I told them I could not read it and requested that it should be read to me, which was complied with. I frankly told them that the lease did not agree with our verbal contract."

"It's the only lease given by Mr. Van Rensselaer," the agent said.

"What does the quarter-sale mean?" the settler asked.

"You Dutchmen will never want to sell, and if you should the patroon will never exact it. Mr. Van Rensselaer does not want the Yankees to get among you, for if they do they will make trouble. It is put in to keep them out." The agent further assured him that the day's service would never be exacted, except in the case of building a mill in that neighborhood. Then the patroon would call on the tenant and his neighbors for a few days' teaming.

"If the day's service is only to be performed in the case of building a mill in my neighborhood, why not insert it so?" the settler suggested. "That is not in accordance with our agreement, and I shall not take it."

"You must take it or leave the premises."

"Thus," the settler's story concludes bitterly, "I was compelled to take the lease."<sup>23</sup>

Farmers who had settled on land with fertile topsoil began to meet their annual rental, but the rent payments of the farmers on the stony mountain farms fell in arrears almost immediately. Some farmers gave up, others lingered on in arrears. One of those men adventurous enough to abandon his unyielding farm was Abel Owen, Grafton's first settler. He toiled endlessly for the first seven years to make a success of his farm. Stones probably pushed through his soil more regularly than crops, just as they do today in Grafton; but the rent-free years passed with Owen still battling his land for a living. When the rent came due, Owen failed to meet the payment. In 1796, he gave up, "sold" his land, took his family, and moved to Manlius, New York to settle on the free Military Tract land which was being

<sup>23</sup>Christman, op. cit., p. 27.



parcelled out to Revolutionary War veterans.<sup>24</sup>

For the tenants who were able and willing to meet the yearly rent, it was due on New Year's Day, called "Rent Day" by the tenants. These more prosperous tenants drove their wagons over frozen and snow-rutted roads to reach Stephen Van Rensselaer's storehouses; or rode their horses to Van Rensselaer's manor office or Manor House<sup>25</sup> to show receipts for wheat and fat hens which had been delivered during the past year to the patroon's mills or to sectional receiving stations located near their homes. Often the farmers had to wait in long lines until their contributions were recorded. Many of the tenants found conversation by complaining of the unfairness of the leasehold system. Each year more farmers fell in arrears. Some of them reported on Rent Day to promise a payment at some future date; others remained at home hoping that no action would be taken against them.

Stephen Van Rensselaer did not take a great deal of action against those farmers who were in arrears. Perhaps he felt that though some farmers did not pay their rent, they did continue to improve what was still his land. He knew that he could dispossess them when other tenants were found for the same land. In the meantime they did him more good than harm. Christ-

<sup>24</sup>Sylvester, *op. cit.*, p. 547.

<sup>25</sup>The Manor House was considered the handsomest house in the colonies. It had been built in 1765 by Stephen Van Rensselaer under the direction of his guardian. Much later it had the New York Central Railroad tracks adjacent to it in the lumber district of Albany. It was torn down in 1893. Baxter, *op. cit.*, p. 419.

man believes that the patroon did not take action because he feared that court action might decree his rental system unlawful.

Christman relates two incidents to support his theory:

Stephen Van Rensselaer was too realistic not to know that the semifeudal power of the Hudson Valley aristocracy was an anachronism, and that a single act of provocation might crystallize democratic opposition. Knowing the history of his title, he was constantly harried by doubts of its legality. He betrayed this weakness on one occasion after he had announced that he was going to dispense with the services of a prominent Albany lawyer to whom he had been paying a thousand dollars a year.

"Very well," said the lawyer. "Then I shall be at liberty to accept a retainer from your tenants, and I will then show you that they are no longer your tenants, but the owners of the soil."

The payments were continued, it is said, to the end of the lawyer's life.

Another incident revealed the patroon's dread of a court test. One of his subagents brought a man named Potter Maxon before a justice at Grafton, on charges of poaching timber from the manor. When Maxon demanded proof that Van Rensselaer owned the timber, the case was transferred to the Rensselaer County court. The patroon sped Robert Dunbar to Grafton to settle the case out of court, but Maxon, backed by neighbors . . . would not be pacified. Greatly agitated, Dunbar took out his anger on the subagent, whom he found in the back yard of his home.

"Who in hell and damnation authorized you to carry that suit to a county court?" he demanded. . . .

"Who made you judge of the patroon's title?" Dunbar stormed. "What do you know about titles? You are a damned ungrateful wretch! Mr. Van Rensselaer has sustained you for forty years, and all you ever had came through his means, and now by this one act you have ruined him."

But ruin did not follow. The case was decided in favor of Van Rensselaer, a decision made suspect by the patroon's payment of all legal fees, despite Maxon's protest.<sup>26</sup>

A third cause for the lack of action against the tenants who paid no rent may have been Stephen Van Rensselaer's kindness toward his tenants. Some tenants must have believed this to be the case because Van Rensselaer gained the name of "Good Patroon," and many farmers of his time referred to him by that name.

<sup>26</sup>Christman, *op. cit.*, pp. 30-31.



Though action which was visible to the tenants may have been lacking, Van Rensselaer was taking political action to insure his hold on his rented lands. The political power of Stephen Van Rensselaer was very great. Not only was he rich, well educated, and married into the best known families of New York State; but he himself was an active participant in Federalist Party activities at the state and national levels. From 1788 until 1795, he served in the New York State Assembly and Senate. In 1795 he was elected Lieutenant Governor with Federalist John Jay as Governor. He served as Lieutenant Governor until 1801 when he was nominated for governor, but was defeated by George Clinton. In the same year, Van Rensselaer's wife, Margarita Schuyler, died. A year later Van Rensselaer entered another important family when he married Cornelia Paterson, daughter of William Paterson, a justice of the United States Supreme Court and former governor of New Jersey.<sup>27</sup>

Two years before his first marriage in 1783, Van Rensselaer, aged eighteen, had been appointed Major General of New York State Cavalry, a rank he held to his death. During the War of 1812, Major General Van Rensselaer led all New York militia forces in a campaign which invaded Canada at Niagara. Van Rensselaer's lead troops were victorious, but were captured when the main body of New Yorkers on the American side of the Niagara River refused to leave the territory of the United States. Humiliated, Van Rensselaer resigned his command.<sup>28</sup> Upon his

<sup>27</sup>Dexter, *op. cit.*, pp. 410-413.

<sup>28</sup>D. V. Ellis et al., *A Short History of New York State* (Ithaca, N. Y.: Cornell University Press, 1957), p. 140.

return from militia command, the State legislature chose Van Rensselaer a Regent of the New York State University. In 1823, he was elected to the United States House of Representatives where he served until his retirement in 1829.<sup>29</sup>

In 1805, Van Rensselaer used his political power to legalize the land "sale" system which he had been using for twenty years. He helped to have enacted a New York State law which permitted the imposition of rents as a condition in a contract of sale. In the state Constitutional Convention of 1821, Van Rensselaer used his influence to fight against unrestricted male suffrage. However, his desires were overridden and the Convention granted the vote to all of the tax paying male tenants. The Convention provided that all white males of twenty-one years and over could vote if they had lived in the state of New York for one year, and in the town and county for six months, provided they had paid taxes within the year, had performed military duty, or worked on the roads.<sup>30</sup>

By January, 1839, Van Rensselaer must have seen that the land rent system was becoming more and more unacceptable to more and more people. The Depression of 1837 had made the tenant's life less happy and much of the economic problem was likely blamed on the leasehold system by the tenants who could express their dissatisfaction via the ballot box. On Rent Day, January 1, 1839, William Seward, New York's first Whig governor, took office. His message to the legislature made it clear that he

<sup>29</sup>Dexter, *op. cit.*, pp. 410-413.

<sup>30</sup>Ellis, *op. cit.*, pp. 146-147.



disliked the European idea of a landed aristocracy. He proclaimed that American democracy was the force to remake the world.<sup>31</sup> "The spectacle of a landed aristocrat living in semifeudal splendor among his 3000 tenant farmers was becoming more and more of an anachronism in an age in which democratic impulses elevated the frontier hero, Andrew Jackson, to the White House."<sup>32</sup>

On January 26, 1839, Stephen Van Rensselaer III, the Last Patroon, the Good Patroon, age seventy-three, died at his manor house. Born rich, his rule of Rensselaerwyck had paid him an estimated forty-one million dollars. He had been able to acquire new tracts of real estate in Northern New York and in New York City. At his death he was said to be the wealthiest man in America.<sup>33</sup>

Aristocrat, important Federalist, philanthropist, Stephen Van Rensselaer was publicly mourned throughout the state. He was eulogized from pulpits and platforms as the Good Patroon who had overlooked the unpaid rents of his poorer tenants, built churches on his manor, and contributed to the founding in 1824 of the engineering school which bore his name, Rensselaer Institute (Rensselaer Polytechnic Institute).

The Troy Budget of February 1, 1839 contained a lengthy obituary notice of praise titled, "Hon. Stephen Van Rensselaer:"

<sup>31</sup>Charles Zebina Lincoln (ed.), Messengers From The Governors (Albany, N. Y.: J. B. Lyon Company, 1909), III, p. 312.

<sup>32</sup>David M. Ellis, "The Coopers and New York State Land-holding Systems," Proceedings of the New York State Historical Association, III (1954), p. 416.

<sup>33</sup>Christman, op. cit., p. 33.

The death of this gentleman took place at the Manor house in Albany, on last Saturday afternoon. The character of the PATROON is too well known to require from us any labored eulogy.

The Argus speaking of him says:

Gen. Van Rensselaer was emphatically a good man. Benevolence was a prominent trait in his character. Blessed with the means of giving practical illustration of his predominant disposition, his liberality embraced a vast variety of objects, both private and public. He regarded the poor with the kindest feelings of charity, and his hand was ever open to their relief. Indigent merit found in him a generous patron. The benevolent institutions of the age have shared largely of his bounties. Several of the arts and sciences have felt the influence of his benefactions. Holding the immense hereditary possessions and landed estates of his ancestry, his attention had been long directed to agriculture, and he did much for its advancement.

During the greater part of his life, he occupied public stations, civil and military, the duties of which he performed in a manner highly satisfactory to the public. His fidelity and uprightness were not only admitted, but commended as a bright example.

The amiable qualities of his character were most conspicuously displayed in his private life. . . . In all the qualities that constitute the gentleman, and ennoble the human character, he may be said to have been pre-eminent. As a Christian, he manifested his sincerity by the strict conformity of his life to the precepts of the faith he professed.

It may be noted that the editor of the Troy Budget contributed only the facts of the death of Stephen Van Rensselaer, and then quoted the obituary praise for the late patroon which had appeared the previous day in the Albany Argus. The Troy Budget was outspokenly anti-Federalist, and quoting the Argus may have been more appealing to the Troy editor than writing his own praise for a Federalist--even a dead Federalist.<sup>34</sup>

Across the page of the Troy Budget from the obituary

<sup>34</sup>Though the Federalist Party had been defunct for a number of years at the national level, the term "Federalist" was still widely used in the Troy and Rensselaer County area judging from the common use of the term in the newspapers. Apparently, the people of the area had not completely adapted to the term "Whig" and used Whig and Federalist as interchangeable labels.



notice was a less eloquent reminder of the importance of the deceased "proprietor of the soil." In the classified advertisement section was the notice of "sale" of land owned by the Patroon:

Two Farms For Sale--will be sold at Stephentown, at public auction, on Thursday, the 31st inst. . . . that valuable farm known as "John Rose Farm" containing over 200 acres of land. The title is indisputable--is fee simple. . . . To be sold at the same time and place, that other farm, known as the John Rose Buck Farm, situate near Benjamin Chase's saw mill, . . . containing about 95 acres. . . . This title is durable, subject only to a small annual rent to the proprietor of the soil. Terms of payment will be made known at the time of sale.

Despite the wintry February weather, large numbers of Albanians turned out to witness the funeral of the Patroon. These onlookers were rewarded with a view of most of New York's prominent citizens in a parade-like funeral procession. The Troy Budget marked the occasion with a combination of description and limited praise:

The funeral of Gen. Van Rensselaer, the venerated and lamented Patroon of Albany, was attended yesterday by a vast concourse of citizens. North Market and the intersecting streets at Clinton Square, were crowded with the assembled population who were unable to gain admittance into the Church; and the lengthened procession included the legislature, executive, state and judicial officials, the numerous societies and faculties of which he was the head and munificent patron, and all classes of citizens . . . the hearts of the entire population were there, in a spontaneous expression of respect for the personal worth and virtues of the illustrious deceased.<sup>35</sup>

To counterbalance the words of praise of the Albany Argus or Troy Budget, one may turn to Henry Christman's interesting commentary on the life of Stephen Van Rensselaer:

<sup>35</sup>Troy Budget, February 5, 1839.

Stephen Van Rensselaer belonged to a dying social order, but he was able to live out his life an exponent of the aristocratic tradition that men of wealth were preordained and exclusively competent to be leaders in government, public service, and cultural development. His admirers had ample reason for calling him the Good Patroon. Nevertheless, he should be judged not only by his acts, but by his motives. Under a modest and benevolent exterior he had been the uncompromising guardian of his vested rights.

He had contributed to the relief of the poor; people overlooked the poverty of his own tenants. He had let nearly half a million dollars in rents go uncollected for years; signs of unrest died down among his tenants. He helped build churches on his manor and contributed to their support; the church became a vigorous defender of his privilege, even after his death. He gave money and time to foster agricultural science; the application of new methods increased the productivity of his farms. . . . He gave money and personal effort to the advancement of education and culture, including the establishment of Rensselaer Polytechnic Institute at Troy in 1824; people disregarded the ignorance generated by the demoralizing leasehold system.<sup>36</sup>

<sup>36</sup>Christman, op. cit., p. 33.



### CHAPTER III

#### THE FIRST ANTI-RENT BATTLE

No matter how the life of Stephen Van Rensselaer III was judged, his death must be judged as the end of an era. His last will, which was anxiously awaited by his tenants, was to eventually affect not only his own heirs and their tenants, but all the landlords and tenants in New York State. The will provided for division of the land which had been owned by the Van Rensselaer family for more than two hundred years. Stephen IV, the only surviving offspring of the first marriage of Stephen III, received all of the land west of the Hudson River, consisting of the Albany County lands and including the manor house on the northern edge of Albany, the warehouses, and offices. Stephen IV's land came to be called the "West Manor." William Paterson Van Rensselaer, the oldest son of Stephen III's second marriage, received all of the land east of the Hudson River in Rensselaer and Columbia counties. William's land was known as the "East Manor." Seven other children of Stephen III shared the land, houses, and stocks located in Saratoga and Hamilton counties and in New York City and Albany.

The tenants cared less about division of the land than about a provision for collection of unpaid rents. All arrears on rents were bequeathed "to Daniel D. Barnard, Jacob T. B. Van Vechten, and James Stevenson, in trust, to collect the same in

their own names or in the names of the executors, with all reasonable indulgence to the persons indebted, who are poor or otherwise unfortunate, and apply the money when collected to the payment of the just debts." The "just debts" amounted to over four hundred thousand dollars.<sup>37</sup> The will intended that these debts be paid by the trustees so that the heirs would have a debt-free inheritance. However, if the tenants' rents fell short, the heirs necessarily would have to pay the remaining debts.

The 1839 division of Rensselaerwyck into two manors, by terms of the will of Stephen III, facilitates describing the history of Rensselaer County (the East Manor) and the anti-rent battles in that county separately from the history and the anti-rent battles of the remaining Van Rensselaer lands. However, because of the similarities of the owners, tenants, and problems of the two manors, it will sometimes be necessary to refer to events which occurred in the West Manor (Albany County). At times, when describing the Anti-Rent War, it will be necessary to go beyond the boundaries of both Rensselaer and Albany counties because important events of the Anti-Rent War--events which had an eventual influence on the landlord and tenants of Rensselaer County--took place in Schoharie, Otsego, Delaware, Sullivan, Ulster, Greene, and Columbia counties.

Prior to the death of Stephen Van Rensselaer III there was often grumbling among the tenants, and occasional skirmishes, but never an organized and sustained tenant uprising in New York

<sup>37</sup>D. M. Ellis et al., A Short History of New York State, p. 160.



State.<sup>38</sup> Exactly when the act of organized opposition to the feudal rent system began is disputable. It was this organized opposition which came to be known as the Anti-Rent War. The direct cause of the Anti-Rent War was the attempt by the Van Rensselaers and their agents to collect "back rents" by threat of eviction.

In the spring of 1839, sullen farmers gathered around tavern and mill doors to scan handbills which gave notice of the four hundred thousand dollars in back rents to be collected on the manors. The handbills erased the words "Good Patroon" from the tenants' vocabulary forever. The farmers grumbled and complained to each other that they could not afford to pay back rents, and the Patroon should not have allowed rents to go unpaid for so long unless he had intended to forget about ever collecting them.

Collection of back rents was attempted later in the spring in the Helderberg Mountains of the West Manor. Spring was the wrong season in which to collect rent. The tenants had just weathered the winter and few of them had surplus produce with

<sup>38</sup>There were many tenants in New York State besides those on Van Rensselaer lands. Robert Livingston set up Livingston Manor in southern Columbia County in 1686. There were feudal land tenures in the great Hardenburgh Patent of Delaware, Greene, and Ulster counties; the Scott and Flenheim Patents in southern Schoharie County; and several smaller patents. According to Edward P. Alexander, author of "James Duane, Moderate Rebel," in *Proceedings of the New York State Historical Association*, XXXIV (1936), p. 125, James Duane fought New England Yankees off the Livingston Manor land of his father-in-law "where they squatted despite proclamations by the governor, legal writs, and even occasional broken heads." Duane also fought William Prendergast, unsuccessful leader of five hundred dissatisfied tenants in the Leveller's Rebellion of 1766. James Duane was a landlord of a 33,000 acre tract west of Schenectady.

which to pay the rent. The soil of the mountain regions was exhausted and would not grow winter wheat as called for in the leases. Spring wheat would grow, but was rejected by Stephen IV's agents. The day's service with a team and wagon often meant carrying a load of wood to the manor house--often a two day job--or paying two dollars. (Two dollars was a considerable sum in a day when New York City's finest hotels were advertising a full course meal for six and one-half cents.) The news of a rent collection attempt caused wild excitement in the Helderbergs. Farmers declared their intention of not paying back rent though they realized that they might be evicted.

The Troy Budget of May 7, 1839, reported that the "wheat never looked more promising at this season of the year than it does at present," but the expectation of abundance did not change the minds of the absolute farmers. During the same month, Stephen Van Rensselaer's agents returned to the manor house with little rent and reports that most farmers of the West Manor would not pay their rent. The farmers, buoyed up by their apparent strength in numbers, asked for a meeting with Stephen Van Rensselaer to discuss the rent difficulties.

The meeting was held at Van Rensselaer's office in Watervliet on May 22. A committee of at least one representative from each of the West Manor hill towns of Rensselaerville, Westerlo, Berne, Knox, and New Scotland met briefly with Stephen IV. The representatives likely expected to declare their right to buy clear title to the land, or at least to discuss their grievances with their landlord, but Van Rensselaer refused



to enter discussion. He requested their grievances and suggestions in writing "for precision eliminates rumor."<sup>39</sup> The committee moved to Dunbar's tavern, drew up their grievances and suggestions, and on the same afternoon left the following written communication for Stephen Van Rensselaer:

No. 1--GRIEVANCES

To Stephen Van Rensselaer, Esq.:

We, the undersigned a committee of the Tenants of the Western Towns of the Western Manor of said Stephen Van Rensselaer, do in conformity to instructions of our respective constituents, send forth the following as the many grievances with which said tenants feel themselves grieved and burthened, to wit: The enormous price put upon wheat above what it formerly was when the leases were originally given, it being then \$0 75 [.75] per bushel at the extreme, one day's services with a carriage and a team, at \$1 per day, and 4 fowls, at 50 cents, making in all for one year's rent, on a lot of 160 acres (at 22½ bushels per lot) at \$18 37 [\$18.37] per lot; of which time wheat could be raised in abundance; but now, owing to the sterility and roughness of the soil and country, it has become physically impossible to raise wheat to pay our rents--and the wheat rating at from \$1.50 [\$1.50] to \$2 25 [\$2.25] per bushel--day's service at \$2 per day, and 4 fat fowls at \$0 75 [.75], making our rent's rate at from \$35 to \$50 a year, making it now extremely difficult for many of the tenants to support their families, and pay their rents, without involving themselves and posterity in extreme peril and hardship. Also, the many reservations contained in our leases, to wit:--quarter sales, all streams of water, mines and minerals, right of ways or roads, timber, &c., &c., all of which, we as a committee of said tenants, do feel to be most grievous and burdensome, and ask the same to be redressed in such a way as may be conducive to the future happiness and prosperity of ourselves and posterity.<sup>40</sup>

In what they labeled "No. 2--Redress," and "No. 3--Redress," the tenants' representatives recommended cures for the "evils complained of by the tenants of Stephen Van Rensselaer." The cures included the abolition of the old leases and replace-

<sup>39</sup>"Letter to the Public," dated December 2, 1839, written by Stephen Van Rensselaer. Published: Troy Budget, December 7, 1839.

<sup>40</sup>Ibid.

ment with new leases with rent in money instead of wheat, and with the rent varying from seventy five cents to one dollar a bushel depending on the quality of the land as of 1839. The new leases were to exclude

reservation of quarter sales, water privilege, the soil under the water, the privilege of roads, mines, minerals, timber, &c.; together with the privilege of buying the soil, to those who wish to purchase the same, at any future time, for such sum as the interest thereof will amount, to the amount of rent on each lot now to be fixed.

To save the farmers threatened with immediate eviction who were unable to borrow money to pay back rent, the redresses included provisions

that the arrearages of rent due the proprietor of the Manor of Rensselaerwyck from certain tenants living in the western towns of said Manor, to wit: those tenants whose property is incumbered to the amount of their personal effects, over and above their arrearages of rent due said proprietor, should be remitted in whole, or at all events in equal proportion to the stipulations to be entered into for future rents.<sup>41</sup>

It is readily seen that the cures suggested by the tenants were so favorable to themselves that the dispute with the Van Rensselaer likely would have been settled had Stephen IV agreed.

The farmers lived in hope for a week while they awaited the reply from Stephen IV. Their hopes were shattered when Stephen IV's letter of May 29 reached them. In no uncertain terms, Van Rensselaer denied the tenants' grievances and rejected their cures. Expressing landlord thought on landholding as of 1839, Van Rensselaer stated:

<sup>41</sup>Ibid.



I received your communication, purporting to be in your opinion grievances.

Your ancestors or yourselves, who are tenants, accepted leases with a full knowledge of the kind and amount of rent to be paid, and of the reservations and conditions to which the land was subject . . . fully understood at the time the same was made . . . purchasers knew full well the rents and covenants subject to which they purchased; and I am at a loss to conceive how the conditions and covenants upon which the lands are held can now be deemed grievous, unless something is now claimed by the landlord entirely new, and which operates oppressively upon the tenant; and as nothing more is claimed than has been acquiesced in and acknowledged by your ancestors or yourselves, or those from whom you have purchased, for more than half a century, I can not admit that you have now any grievances to be redressed; and especially so, as no rent was charged for the first seven years after the tenant went into possession.

I have examined what you suggest as a redress for the alleged grievances, and it amounts in substance to this, that I shall depreciate my income more than one half, and yield up reservations, which constitute part of my property, and all without any consideration or compensation therefor. . . . Your suggestions, for a redress of grievances (which I can not acknowledge to exist) are therefore inadmissible.

Your last suggestion in behalf of such tenants as have been so delinquent in the payment of their rents, it seems to me is a matter with which you have nothing to do.<sup>42</sup>

Van Rensselaer's letter is lengthy. As if to place some blame elsewhere, he reminded the tenants that his father's will stated that "the arrears of rent . . . have been bequeathed to trustees and are set apart and appropriated when collected to the payment of his debts." He noted the trustees were abundantly competent, could exercise a forbearance in cases of hardship, and, he added sarcastically, thus far the trustees have been able to act without interference of a third party.

Van Rensselaer was willing to change some wheat rents to money rents, but at a rate of exchange set by himself. He

<sup>42</sup>Ibid.

prefaced his exchange proposal with the remark, "I can see no reason why I should fritter away my estate in the manner proposed by you, and would do gross injustice to myself and family, and to society at large, if I should yield to your exactions. I am, however, willing to change the wheat to money rent."

He then fixed the price of a bushel of wheat at one dollar and forty and one-half cents, the average price of the forty seven years prior to 1839; fixed the cost of a day's service with a team of horses at two dollars; and set the price of fowl between seventy-five cents and one dollar. These were the same or similar rates objected to in the tenants' grievances set down for Van Rensselaer only one week previous. Van Rensselaer added together the exchange rates, and offered to sell, with no rent reservation, any lands in the four western towns at five dollars an acre. This was twice what the tenants' redress had termed reasonable. As further protection, Van Rensselaer stated that all arrears in rent had to first be paid before he would change any wheat rent to money rent or transact any sale. The more valuable land below the four western hill towns, with more fertile land and proximity to market, was not for sale at any price.

Their hope for quick and easy resolution of their rental problem removed by Van Rensselaer's letter of rejections, the farmers of the West Manor announced a mass anti-rent meeting at Berne, the top of the Helderbergs, on Independence Day, July 4, 1839. An anti-rent committee prepared a new Declaration of Independence which was read to the assembled crowd of farm



families at the July 4 meeting. The new Declaration stated the rights guaranteed in Constitutional liberty, and then called Van Rensselaer's proposals of May 29

an outrage upon the laws of humanity, and therefore utterly reject and condemn the same. . . . We consider his proposals in the same light that Dr. Franklin considered the act in the British Parliament imposing stamp duties on certain papers and documents used in the Colonies, . . . that we also reply in the language of the patriot . . . that we shall light up torches of quite another sort if we are thus driven to the alternative of choosing an unconditional submission to the will of one man, elevated by an aristocratic law, emanating from a foreign monarchy, or the resistance thereof. The later is our choice, we . . . find nothing so dreadful as voluntary slavery.<sup>43</sup>

The day was a success for the anti-rent committee. The tenant farmers were fired up by the pledge to resist like the patriots of 1775. They concluded by shouting to the "pretended proprietor" that their goal was the redresses as stated on May 22. The next day a copy of the Berne Declaration of Independence was delivered to the manor house for the benefit of Stephen IV.

Meanwhile, in the East Manor, tenants were discussing the actions of their West Manor neighbors, especially the response of Stephen Van Rensselaer IV on May 29. Though William Van Rensselaer was less overbearing and less arrogant than Stephen IV, it was supposed that both landlords were in agreement on rental releases and rent enforcement. William Van Rensselaer was in no way opposing rent collections. The Troy Budget, May 14, 1839, noted an Attorney General's sale of land in Greenbush in arrears on a mortgage of 1808, the deed, with exceptions and reservations,

<sup>43</sup>ibid.

made by Stephen Van Rensselaer III. Undoubtedly, other farmers in arrears would lose their land even if William Van Rensselaer was not as aggressive as Stephen IV, for the trustees of the will of Stephen III were in the East Manor attempting rent collection. Politically, these agents were favored, for in 1839, nine of the sixteen towns of Rensselaer County were under Whig control.

By August, Stephen Van Rensselaer was ready to test his tenants' promised resistance. Writs of ejectment were drawn up against tenants in the hill towns. On August 28, 1839, a farmer named Isaac Hungerford received the first writ from Albany County Undersheriff Amos Adams. Hungerford brandished a long knife which sent Adams riding to more isolated farms to serve writs. That night, while asleep in a Rensselaerville tavern, Adams had his wagon destroyed, his harness cut, and the tail and mane cut from his horse.

On September 7, at an anti-rent meeting at Westerlo, Albany County, Sheriff Michael Artcher was warned in a resolution sent to him:

Resolved, that the committee be, and they are hereby, requested to inform Sheriff Artcher, in a friendly and courteous manner, that it would be advisable for him to remain at home, unless he come in the character of a private citizen.<sup>44</sup>

Shortly thereafter, deputy Daniel Leonard, sent to serve writs in the Helderbergs was treated to a day of threats, near tarrings, proposed drownings, and similar abuse. This was the first time that the tin horn, owned by each farm family to call farmers from the fields, was used as a relay warning. The horn

<sup>44</sup>Christman, op. cit., p. 42.



was sounded from farm to farm to arouse the countryside to the presence of deputy Leonard.<sup>45</sup> The eerie call of the tin horn quickly became the rallying sound at the coming of any of Van Rensselaer's agents in the west or east manor.

In October, Sheriff Artcher and three deputies tried the temper of the hill farmers. Entering the Helderbergs, they heard the tin horns. At Reidsville, a group of husky farmers blocked the road, turned the sheriff's horse, and sent it back toward Albany. As elections neared, neither Sheriff Artcher nor Stephen IV wished to further alienate the tenants, and a truce settled over the manor.

With the elections concluded, Sheriff Artcher determined to secure the Helderbergs. On November 29, in an action which gave the anti-rent war its first statewide publicity, Sheriff Artcher called for a "posse comitatus," and served nearly every able bodied citizen in Albany with a command "to assist me in overcoming such resistance as I find."<sup>46</sup> Albany was thrown into great excitement as stories spread of violence in the hills. On Monday morning, December 2, about six hundred Albanians gathered at Sheriff Artcher's office in a holiday mood. The assembled posse included laborers, bankers, former Governor William Marcy armed with a stout cudgel, and Artcher's deputies. The posse, later called the "Mob of Gentlemen", traveled on foot, by carriage, and on horseback to Clark's tavern in New Scotland. There the main body stopped. About one hundred horsemen pro-

<sup>45</sup>Ibid. p. 44.

<sup>46</sup>Troy Budget, December 3, 1839.

ceeded to Reidsville near Rensselaerville. There the sheriff and his one hundred were met by a "body of men". . . some say two hundred, others say fifteen hundred--some say on horseback, others say on foot.<sup>47</sup> Sheriff Artcher withdrew to Clark's tavern and then led his battleless posse back to Albany.

While the "posse comitatus" had been forming on December 2, Stephen IV had been mounting a publicity campaign to win public sympathy. In a lengthy letter of December 2, printed in the newspapers of Troy and Albany, Stephen Van Rensselaer IV attempted to clear the air concerning the rented lands. The letter was titled "To the Public," and began:

As many erroneous reports have been circulated relative to the difficulties existing in some of the western towns of this [Albany] County, and as many misrepresentations have obtained currency calculated to increase rather than allay the excitement now prevailing in those towns and as the Sheriff (having been resisted in the execution of process) has under the authority of the Statute in that case provided, summoned the citizens of this county to assist him to overcome such resistance etc. I deem it my duty to inform the public of the facts. . . .

After the will of my late father had been proved, the usual notice, requiring persons indebted to make payment was published in the daily newspapers of this city not only, but also in handbills and posted in many of the public places of the county. Some few paid their arrears, while the greater part neglected to do so.<sup>48</sup>

Van Rensselaer then related the events of May, 1839, including copies of the tenants' letter of grievances and redress, and his own reply to the tenants; he wrote of receiving the Berne Declaration of July 4, 1839; and his condemnation of lawlessness

<sup>47</sup>Ibid., December 7, 1839.

<sup>48</sup>"Letter to the Public," dated December 2, 1839, written by Stephen Van Rensselaer. Published: Troy Budget, December 7, 1839.



on the manor. Van Rensselaer reported that there were tenants who had decided to pay their rent arrears, and purchased their land or turned their wheat rent to a money rent as allowed by his offer of May 29, 1839. He stated that other farmers would have taken advantage of his offer, but they had been threatened by their anti-rent neighbors. He further stated that when some landrenters paid their rent, they asked that the payment not be made known lest violence come to them from the anti-renters. To refute a growing rumor that the manor extended, by law, for only twelve miles on each side of the Hudson River, Stephen IV concluded his letter by asking the public to check in the office of the New York Secretary of State to see confirmation, dated 1704, of the English grant of 1685 which extended the manor twenty-four miles on each side of the Hudson River.<sup>49</sup>

Before the last of his posse had straggled back to Albany on December 3, Sheriff Artcher had gone to see Governor William Seward. The Whig governor was required to give military aid to enforce law and order in any county unable to maintain order. Though Seward doubted that Artcher had exhausted all local power, he did give Artcher the militia stationed in Albany County to be used to arrest lawbreakers, but not to collect rent. On Monday, December 9, Artcher and the Albany militiamen marched on the Helderbergs. [On Tuesday, Governor Seward alerted the New York State militia. Bells were rung and drummers beat out the call to arms in the streets as Troy militiamen and the Troy Artillery Company formed and marched off to Albany. Five hundred Montgomery

<sup>49</sup>Ibid.

County troops, commanded by Brigadier General Averill, left Ponda by rail for Albany. The Troy Budget quoted a New York City newspaper which reported that two thousand troops were on the alert in New York City because the people of Albany "have united with the tenantry and that the roads have been blockaded, and the bridges destroyed."<sup>50</sup> The New York City press had exaggerated, but New York State was at war.

However, by week's end, not a shot had been fired. Sheriff Artcher had found that every farmer for whom he had a writ had fled. His army, having experienced a week of bitter weather, marched back to Albany on Saturday in knee deep snow. The Troy militia returned to Troy on Sunday, December 15, in the midst of a twenty inch snow storm.<sup>51</sup>

The anti-Whig newspapers had a field day ridiculing Artcher and Seward. The Troy Budget called the "Manor War" a farce which reminded them of an old rhyme, "The King of France, with forty thousand men, marched up a hill, and then marched down again."<sup>52</sup> The Albany Argus, saying it did not "wish to embarrass civil officers," blasted the governor's right to order out the militia,<sup>53</sup> which "ridiculous business" was brought about, according to the Budget, "by the inefficiency and incompetency of Whig officers." The Whigs were reminded that in Rensselaer County the "democratic sheriffs do their duty

<sup>50</sup>Troy Budget, December 13, 1839.

<sup>51</sup>Albany Argus, December 16, 1839.

<sup>52</sup>Troy Budget, December 10, 1839.

<sup>53</sup>Albany Argus, December 9, 1839.



by themselves, they don't need a militia."<sup>54</sup>

In the same issue (December 13, 1839) of the Troy Budget was a story titled, "Black-Mail", which traced feudalism from Medieval Europe. Though there was no mention of the Van Rensselaers, the similarities between European feudalism and Rensselaerwyck were unmistakable. Openly favoring the tenants, the article concluded, "we should deplore the day when any large portion of American soil should be parcelled out by hereditary lords to republican serfs and bondsmen."

The tenants received favorable treatment in all of the anti-Whig press, as Seward and Archer were derided as "Albany's Don Quixote and Sancho Panza." In the following parody of Governor Seward's proclamation to the militia, the editor of the Troy Budget ridiculed the Whig officials, attacked the privileged, wealthy Van Rensselaers, and assailed the banks which had suspended payment in the depression of 1837:

A Proclamation by the Governor of the State of Good Sense

Whereas the sheriff of the city of Albany has represented to Governor Small Potatoes that on proceeding into the hills of Helderbarreck to serve a process of the Supreme Court, he was met by a large number of Dutchmen, with long pipes, smoking tobacco, and on asking them to pay up their arrears of pigs, poultry, wheat, and small potatoes, they made several severe and ugly mouths at the sheriff, and pulling out their lighted pipes . . . they cried out, "hoo! hoo! hoo!" to the danger of the precious lives of the Sheriff and his men,

But for the ignorant, big-breeched Dutchmen of the hills of the Heldebarreck, to suspend paying their rents is clearly a crime to the noble Van Rensselaers. . . . None but the educated, the refined, the financial, the brokers and the great commercial interests of society have a right to suspend paying their just debts. For refusing to pay in specie, as the banks have done in Philadelphia, is altogether a

<sup>54</sup>Troy Budget, December 13, 1839.

different affair from refusing to pay in pigs, poultry, and small potatoes. The banks and merchants have a natural right . . . not to pay their debts . . . , but for farmers to refuse to pay their rents . . . is rank insurrection, and to be put down by armed force . . .<sup>55</sup>

The anti-Whig war of words ended on Christmas Eve in a short, but biting Troy Budget article titled "Mountain of Heroes."

Heldeberg [sic], the seat of the Manor War, being interpreted in the vernacular, signifies the Mountain of Heroes. Probably the name was given in prophetic anticipation of the immortal glory to be gained by our worthy Governor, in putting down at the point of the bayonet, the fierce and formidable dwellers of that mountain district, armed like the besiegers of Jerico, with dinner horns.<sup>56</sup>

<sup>55</sup>Ibid., December 17, 1839.

<sup>56</sup>Ibid., December 24, 1839.



#### CHAPTER IV

##### THE TENANTS TAKE TIME TO ORGANIZE

The vast publicity given to the Helderberg uprising in the West Manor served to unite the tenants of the East Manor. A mixture of rumors and fact made for exciting conversation as the farmers of the East Manor met over stone walls, from wagon to wagon, or at the local tavern. The weekly Troy Budget was avidly read on the manor, and passed from farm to farm to add authenticity to the excitement. From the unanimous anxiety over the brave stand by the Helderberg tenants came a unity of purpose and esprit de corps among the East Manor tenants. By 1840, "anti-rent" was a familiar phrase in the towns of Rensselaer County; by Spring, 1840, there were anti-rent committees meeting in the various towns.

Compared to December, 1839, however, 1840 was a quiet year on the manors. Occasionally, the newspapers mentioned debate along party lines in the New York State Legislature concerning manor problems. Governor Seward seemed willing to exist with both tenants and landlords while granting some relief to the tenants. A bill, called the Helderberg War Bill, was reported out to the legislature for payment of the militiamen who had been activated for the December campaign. The bill called

for a total expenditure of \$5,316.02.<sup>57</sup> The bill was sent to committee, debated heatedly in the legislature along party lines, and finally passed. The Troy Budget critically editorialized that "the ordering out of the militia was still more unnecessary [than the posse comitatus] and the round bill the state will have to pay in the matter is owing to the folly of Governor Seward. It may be set down by the people as one of the benefits of Whig rule!"<sup>58</sup>

The big news in 1840 was the upcoming presidential election which pitted Whig candidate, William Henry Harrison, the hero of the Battle of Tippecanoe and the "Log Cabin and Hard Cider Candidate," against Democratic incumbent, Martin Van Buren. In a rollicking, no-holds-barred campaign, the anti-Whig press was violently anti-Harrison, while the anti-Democrat press outdid itself being anti-Van Buren. Log cabin raisings and log cabin burnings occurred in the manor as party members expressed their opinions. Hard cider was drunk by the gallon as the normally Democratic farmers chanted "Van, Van, the used-up man," or "Tippecanoe and Tyler, too," while the Rensselaer County Temperance Society, of which William P. Van Rensselaer was a prominent member, winced and opposed the hard cider drinking candidate. The wild campaign ended as Harrison and Tyler were voted into the White House, and William Seward was returned as governor of New York State.

Rensselaer County was carried by the Whigs (listed as the

<sup>57</sup>Ibid., February 25, 1840.

<sup>58</sup>Ibid., March 13, 1840.



Federalists in the Troy newspapers) by an average majority of approximately 190 votes. However, according to the Daily Troy Budget of November 5, the tenant towns returned Democratic majorities ranging from 218 in the town of Greenbush to a majority of six in the town of Sand Lake. All except two of Troy's eight wards produced Whig majorities and it was these majorities which overcame the rural vote.

In March, 1841, the anti-rent "Indians," who were to become one of the most familiar and colorful aspects of the anti-rent episode, made their first appearance. Christman, in his Tin Horns and Calico, describes the event:

Amos Adams, Archer's successor as sheriff of Albany County, was once more sent to the Helderbergs, this time to auction off livestock to satisfy the rent claims. If he had hoped to find the farmers' vigilance relaxed because they had promised to end hostilities, he was due for a surprise.<sup>59</sup> Not only did the tin horns sound the warning as usual, but he was confronted with a disconcerting new development. A party of men gathered round disguised as "Indians," in loose pantaloons and tunics of brilliant calico, decked with fur, feathers, and tin ornaments. To prevent recognition, some had painted their faces black or red, and others wore masks of calico or painted sheepskin. These grotesque creatures did not lift a finger against Sheriff Adams himself, yet they prevented him from holding the sales by the practical expedient of driving off the landlord's friends who had come as bidders.<sup>60</sup>

<sup>59</sup>The anti-renters never formally promised an end to hostilities. Following the Helderberg invasion, Governor Seward and his supporters emphasized the fact that the farmers had not fought with the militia and no military occupation of the Helderbergs had been necessary. In his January, 1840 message to the legislature, Seward congratulated the farmers for their "cheerful and patriotic submission to the law." This type of modern image-making, plus the fact that 1840 had been a relatively peaceful year on the manors may have left either Sheriff Adams and/or Mr. Christman with the impression that a cease-fire had been ratified.

<sup>60</sup>Christman, op. cit., p. 60.

During the remainder of 1841 and 1842, the anti-rent movement was nearly lacking in violence. In September, 1841, an Albany County deputy sheriff was fired on by the Helderberg "Indians," before fleeing to safety. Down-with-the-rent signs were displayed along town roads in Sand Lake, sheriffs moved cautiously in tenant territory, and a few tenants were evicted from their farms. The state legislature of 1842 named a grievance committee to hear tenants' complaints, but little more than an expression of regret at the tenants' plight and a reaffirmation of the Van Rensselaer's legal rights resulted from the hearing.

The Democratic state convention of 1842 met at Syracuse and nominated two conservatives, William C. Bouck for governor, and Daniel S. Dickinson for lieutenant governor. Seward, aware of an unpopularity resulting from a rising state debt for canal and railroad construction, declined to run for re-election. It was natural for the tenants to support Bouck. He was a descendant of a Palatine farm family, born at Fultonham, Schoharie County (close to the land rental system of the Schoharie Valley) in 1786. He had had public experience as a sheriff and member of the state legislature, and had won a reputation and popularity as a Canal Commissioner who toured the Erie on his horse, "Old Whitey".<sup>61</sup> The 1842 election was an overwhelming Democratic victory placing Bouck, dubbed the "Old White Horse," in the Governor's chair. Governor Bouck was to be spared any immediate tenant problem as 1843 was a year of tenant organization, with anti-rent committees publicizing tenant grievances and recruiting

<sup>61</sup>Kimball, op. cit., p. 161.



new anti-renters.

William Van Rensselaer was publicizing his cause, also. Speaking at the Rensselaer County Agricultural Fair at Lansingburgh, the lord of the East Manor described the differences between savages and intelligent farmers who are armed with tools "to cover the hillside with a ruddy sea of waving gold." "Don't wish," he admonished the listening farmers, "work with ardent and joyous spirit."<sup>62</sup> William Van Rensselaer received maximum publicity during 1843 for his gift to each school district in Rensselaer County of a set of "Sewell's drawings of the human stomach as affected by intoxicating drinks." In the 1830's and 1840's, drunkenness was the topic of many news items as editors moralized to show the evil of the deed and the effect of intoxicating drink on the victim. The Rensselaer County Temperance Society, judging by items appearing regularly in the Troy newspapers, was a flourishing organization of which William Van Rensselaer was an officer. Whether or not East Manor tenants were favorably impressed by Van Rensselaer's gifts, they could not deny the quantity of favorable publicity which resulted. The Rensselaer County Temperance Society resolved to "tender thanks to William P. Van Rensselaer, the present highly respected Patroon of Rensselaer County" who showed by his gift a "deep interest in moral culture of youth, and . . . a worthy son of a

<sup>62</sup>Daily Troy Budget, February 11, 1843. The Troy Budget became a daily newspaper, the Daily Troy Budget, as of January 1, 1843. It remained a very pro-Democratic Party newspaper with a wide circulation in Troy and in the towns of Rensselaer County.

worthy sire."<sup>63</sup> William Van Rensselaer gained favorable publicity throughout the Spring as sets of Sewell's drawings were presented to one after another of the schools in Rensselaer County.

The Daily Troy Budget noted the appearance of William Van Rensselaer before the Troy Common Council on March 16, 1843. Van Rensselaer, displaying what was termed "praiseworthy liberality," assured the Councilmen of his continued financial patronage of Rensselaer Institute in order to keep the college in Troy.<sup>64</sup> In the next column of the same issue, the editor announced that a total of two hundred and forty of Sewell's intoxication drawings were to be presented in the county "by the worthy patroon."<sup>65</sup> Having been favorably allied with temperance, the education of youth, industrious farmers, and higher education, the "highly respected" and "worthy patroon" may have considered 1843 his year of the favorable public image.

The year 1843 was important to many residents of Rensselaer County besides William Van Rensselaer. Almost nightly, Irish immigrants were holding Repeal Meetings to further the cause for a free Ireland. The court house in Troy was a favorite meeting place for the repealers who often compared the Irish to the slaves of the American South; or who might compare the plight of the Irish to the plight of the leasehold tenants of New York State. The Erie Canal was bringing a boom in trade and growth to

<sup>63</sup>Ibid., February 25, 1843.

<sup>64</sup>Ibid., March 17, 1843.

<sup>65</sup>Ibid.



the Albany-Troy area. Canal construction, railroad construction, and the speed of Hudson River steamboats were all lively topics of conversation among the Trojans.

July 4, 1843, was occasion for the anti-renters to discuss their problems at town celebrations in Sand Lake, or at temperance society parades and celebrations in Brunswick, Petersburg, and Grafton. Possible local anti-rent candidates and the nomination of Martin Van Buren for President of the United States were topics of conversation as anti-renters journeyed to the Democratic County Convention at Calvin Sliter's in Sand Lake on August 31.

On September 27 and 28, the Rensselaer County Fair was held, with an address by William Van Rensselaer receiving main billing as "worthy of hearing of the scholar and orator as well as the agriculturalist." Several thousand farmers from the East Manor attended the fair to witness exhibitions and to win prizes for exhibited livestock and crops produced on their farms. Van Rensselaer sent word that he was ill and unable to attend the fair. It is likely that that announcement caused speculation by the manor farmers that their landlord was worried over his welcome among his tenants. Van Rensselaer might very well have worried for almost daily during the summer of 1843, Troy newspapers had advertized legal proceedings and public sales of property in Grafton, Brunswick, and Stephentown; each sale "subject to reservations, restrictions, and conditions having been set forth by Stephen Van Rensselaer."

Judging by the livestock and produce exhibited at the

Rensselaer County Fair, it would seem that the leasehold, tenant system of farming was rewarding to the tenant as well as to the landlord. Farmers from each town of the East Manor won prizes for choice bulls, heifers, pigs, and vegetables. An inspection of the census for 1835 or 1845 seems to prove that there was a measure of prosperity. The facts below concern Sand Lake, perhaps the most prosperous of the manor towns:

Sand Lake:	1835	1845
Total population	3,840	4,291
Entitled to vote according to New York State Constitution	781	983
Acres of improved land	20,555	23,070
cattle	3,272	
horses	1,166	
sheep	5,822	
yards of cloth fulled in homes	4,167	3,176
yards of flannel and woolen cloth produced in homes	5,694	3,601
27 saw mills with value of articles milled	\$16,988	\$22,074
5 grist mills with value of articles milled	\$38,955	\$23,435
Pounds of butter made		174,773

In addition, Sand Lake had the county's only glass factory with production of \$25,000 worth of glass products in 1845; the county's largest tannery business amounting to \$13,295 in 1835; led all but the town of Hoosick in common schools with twenty; had more enrolled pupils (947) than any community in the county except Troy (1100 pupils); had two private schools; and five Methodist, one Dutch Reformed, one Presbyterian, and two Baptist churches.<sup>66</sup>

<sup>66</sup>Census of the State of New York for 1835 (Albany: Croswell, Vansenthuysen and Burt, 1835), Rensselaer County section; and Census of the State of New York for 1845 (Albany: Carroll and Cook, Printers to the Legislature, 1846), Rensselaer County section.



Actually, some of the tenant farmers on the East Manor, blessed with better soil or more energy than others, had built fine houses and barns, could afford to pay their rent, and lived very comfortably. These were likely the prize winners at the county fair. However, these well-to-do farmers were the exception; most of their neighbors remained relatively poor. The Troy Budget tells of receiving a fine load of hard maple wood from Phineas Wright of Sand Lake in payment for a year's newspaper subscription because Wright had no money at all.<sup>67</sup>

While the Democrats won many important state and local offices in the bitterly partisan election of 1843, Gideon Reynolds, a Whig and native of Petersburg, won the job of Rensselaer County Sheriff by what anti-Whig newspapers called "Whiggery fraud and bribery." Christman reports that Reynolds "had been elected by farmers' votes" and "he had always been sympathetic toward the Anti-Renters,"<sup>68</sup> but official returns show that Reynolds lost every East Manor farm town except Nassau, and actually won because he carried Troy and Lansingburg.<sup>69</sup>

With the elections over, winter coming, and 1843 drawing to a close, default "sales" were advertized more extensively than

<sup>67</sup>Troy Budget, December 31, 1839.

<sup>68</sup>Christman, op. cit., p. 103.

<sup>69</sup>Daily Troy Budget, November 8, November 9, 1843. Brunswick, Berlin, Stephentown, Petersburg, Sand Lake, Schodack, Greenbush, and Grafton were all carried by Sheriff Reynold's Democratic opponent. The Democrats also controlled the important town supervisor positions in all manor towns except Schodack, Brunswick, and Nassau. Perhaps Christman was mistaken in his evaluation of Sheriff Gideon Reynold's popularity due to the fact that the opponent for the office had the same last name (Stephen Reynolds, Jr. of Moosick), but was not related to the victor.

at any previous time that year. Tenants, reading of their neighbor's losses, realized that with each "sale," William Van Rensselaer was receiving his one-quarter of the sale price as stipulated in the contracts.

Though the ranks of the anti-rent movement contained the tenant farmers, the leaders were not only farmers but also surveyors, publishers, shopkeepers, and country doctors. The man who came to be recognized as the anti-rent leader in both the east and west manors was Doctor Smith A. Boughton of Alps, a hill community lying between Sand Lake, Nassau, and Stephentown in Rensselaer County. Boughton was born on a leased farm in Stephentown in 1810, the eighth child of Azor Boughton, a tenant farmer. When Smith was six months old, his parents moved to Rensselaerville on the West Manor, and there Smith grew up as the son of a tenant farmer of Stephen Van Rensselaer III. When he was fifteen, Smith was sent to an academy at Cambridge, Washington County, for two years; and then to Middlebury College, Vermont, until 1831 when he graduated as a medical doctor.<sup>70</sup> Doctor Boughton practiced medicine in Saratoga Springs, New York City, Glens Falls, and Delhi in the Catskill Mountains until 1837. In 1837, he entered the Patriots' War in Canada, and, after defeat in Canada, returned to the East Manor.<sup>71</sup>

Shortly after the time of the death of Stephen Van Rensselaer III, Doctor Boughton married Mary Bailey, daughter of

<sup>70</sup>James Boughton, Bouton-Boughton Family (Albany: Joel Munsell's Sons, 1890).

<sup>71</sup>Christman, op. cit., pp. 66-67.



The Alps' leading farmer and businessman, Amasa Bailey. Doctor Boughton settled at Alps (along the road which is now New York State route 43) where he established a medical practice and studied the problems of his tenant farmer patients. Apparently a rebel at heart, Boughton threw himself into anti-rent activities. He became a public speaker condemning William P. Van Rensselaer and his brother Stephen IV and preaching resistance in what has been termed a "mastery of rustic rhetoric."<sup>72</sup> Boughton was an organizer, traveling from the East Manor to the West Manor and back in his effort to unite the farmers as anti-renters in formal local associations with officers and treasuries. He apparently was fitted for the task for he was described by his best friends as a "zealous doctor, a handsome young man of genteel deportment and great personal charm, cultured and highly educated" though his enemies looked at him "with jaundiced eye" and "insisted he was only a loose-lipped, knock-kneed, ignorant, uncouth adventurer."<sup>73</sup>

By the end of 1842, Doctor Boughton was the accepted leader of rapidly organizing anti-rentism in both Albany and Rensselaer counties.<sup>74</sup> In Rensselaer County, Boughton's chief aid was Burton A. Thomas of West Sand Lake. Thomas, a year older than Boughton, had also been born on a leasehold farm in Stephentown. He had taught himself surveying and engineering

<sup>72</sup>Isabel Thompson Kelsey, "The Trial of Big Thunder," *Proceedings of the New York State Historical Association*, XXXIII (1935), p. 257.

<sup>73</sup>*Ibid.*

<sup>74</sup>Christman, *op. cit.*, p. 75.

while working his father's farm, and then moved to West Sand Lake where he became an important Democratic party member as town clerk, supervisor, and justice of the peace.<sup>75</sup>

Throughout 1843, Doctor Boughton, Burton Thomas, and lesser known leaders had ridden over the two manors securing signatures for a petition to the state legislature for relief from the leasehold system. On New Year's Day, 1844, Doctor Boughton rode from Alps to Albany with the finished petition signed by thousands of anti-rent tenants. Boughton later wrote of his problem in gaining recognition for the petition:

It was a desperate struggle. We had the whole aristocracy of the State to contend with, immense wealth and powerful political influences. In both branches of the Legislature the cry of the majority was--"Your ancestors made a fair covenant, and now you, their descendants, want to break from it and obtain your lands for nothing." This I had to contend with by explaining to members of the deception practiced on the tenants when they received their leases. The lobbies were filled with landlord lawyers contradicting me.<sup>76</sup>

On Friday, January 19, the tenants' petition was introduced to the New York State Assembly. Included among many other petitions, the petition "of the Inhabitants of the Manor of Rensselaerwyck for the Redress of Grievances" received the most Assembly attention. Debate in Assembly centered on disposition of the petition, with Mr. Whipple, delegate from Rensselaer County, suggesting the petition go to a select committee. When it was suggested that such a committee be composed of the delegates from Albany and Rensselaer counties, Mr. Whipple backed

<sup>75</sup>Sylvester, *op. cit.*, p. 530.

<sup>76</sup>Christman, *op. cit.*, p. 80.



off, but too late. By a rollcall vote of 71-49 the petition was sent to a select committee of the Assemblymen from the manor counties.<sup>77</sup> On January 22, there was a great deal of minor maneuvering begun by a request by Assemblyman Samuel Stevens that he be removed from the select committee on the grounds that he was the lawyer for the Van Rensselaers. This request was followed by Assemblyman Young's move to discharge the entire committee. After debate, it was decided to excuse Mr. Stevens, but to allow the select committee to continue its work.<sup>78</sup> There was similar discussion of January 26, as it became apparent that the manor county assemblymen, not wishing to publicly take sides with either the tenants or the Van Rensselaers, were attempting to have the select committee abolished on the grounds of conflict of interest. Assemblyman Warren, chairman of the select committee, stated that he had been placed on the committee against his will, but if the Assembly thought he and other manor representatives should study the problem, the committee would do just that and "report to the house with their opinions for a mode of relief." That statement ended the discussion, and indicated to the tenants that they could expect "a mode of relief."<sup>79</sup> Tenants, awaiting the favorable report, read that on February 6, 1844, the petition was divided to read "of the tenants of the Manor of Rensselaerwyck for Relief; of the Tenants of the Manor of Rensselaerwyck in

<sup>77</sup>Daily Troy Budget, January 20, 1844.

<sup>78</sup>Ibid., January 23, 1844.

<sup>79</sup>Ibid., January 27, 1844.

Albany Co. for Relief."<sup>80</sup> That was the last to be heard or read of the petition for nearly two months.

The years 1840 through early 1844 were relatively peaceful years on the manors. Though punctuated by occasional outbursts such as the first appearance of the "Indians" in 1841, these years may have seemed to the casual observer to be the time of decline of the anti-rent movement. Actually, these years provided the time for Doctor Boughton and other anti-rent leaders to organize the local and manor-wide anti-rent opposition, and unite the organizations on both sides of the Hudson. The petition to the legislature was a result of this skillful organization. The events of these relatively calm years fortified the tenants for the struggle yet to come.

<sup>80</sup>Ibid., February 7, 1844.



## CHAPTER V

### NO IMMEDIATE LEGAL RELIEF

On Friday, February 9, 1844, Leon Culver, Jr., a Stephentown farmer, was brought to trial in the Rensselaer County Court of General Sessions on the charge of "wilful trespass in cutting and carrying away wood and timber from land in Stephentown" belonging to William P. Van Rensselaer.<sup>31</sup> The East Manor farmers had been looking forward to the trial as a test case of the reservations and restrictions contained in their leases. William Van Rensselaer, realizing the interest building in the case and its importance on the future validity of his deeds, employed David Buel (who was referred to as Judge Buel) and Job Pierson, two of the most skillful lawyers in the county, to assist District Attorney, Martin I. Townsend, in prosecuting the case. Calvin E. Mather and John T. Hogeboom, anti-rent lawyers from Sand Lake, represented Culver.

As the trial commenced, it became apparent that it was the Van Rensselaers' "incomplete sale" deeds which were to stand trial more than Levi Culver. Judge Buel opened the case by remarking that there was, among the tenants, considerable excitement concerning the title of the Van Rensselaer family to the manor; and that for "the satisfaction of those who are parti-

<sup>31</sup>Ibid., February 20, 1844.

cipating in the anti-rent excitement" and in order to prove Levi Culver guilty, the prosecution would show William P. Van Rensselaer to be the lawful owner of the manor according to the laws of New York State. Buel then traced the ownership of the land from Killam Van Rensselaer of Holland. He introduced old parchment patents of Governor Thomas Dongan, which were read and examined by Culver's lawyers who questioned the official seal as false; the patent of Queen Anne's confirmation of 1704 was produced and read; Governor George Clinton's patent of 1794 to the Van Rensselaers was examined; and lastly the will of Stephen Van Rensselaer III was read and explained as it pertained to William P. Van Rensselaer.

Witnesses who testified that Culver had taken sixty or seventy cords of wood were cross-examined by Culver's lawyers who attempted to prove the trespassing was an unintentional mistake. At about dark, nearly six o'clock, the court recessed following a speech by Judge Buel who said that a great deal had been recently argued concerning Mr. Van Rensselaer's title and societies were forming among the tenants to resist the payment of rent on the grounds that there was no just title to the manor. He concluded that he hoped the trial would satisfy all that there was a just title in the possession of William P. Van Rensselaer.

On Saturday morning, the court met and heard a "few arguments." After meeting for a short time, the jury returned a verdict of guilty. Culver was sentenced to pay sixty dollars or spend four months in jail, and it seemed that the Van Rensselaer



title had been proven.<sup>82</sup>

The anti-rent leaders, realizing that they must continue to attack the titles as illegal as well as unjust, began a campaign to question the validity of the various documents introduced in the Culver trial. In a letter dated Sandlake [sic], February 23, 1844, to the Daily Troy Budget and to the Albany Argus, Sand Lake anti-rent leaders, Burton A. Thomas and John T. Hogeboom, systematically spread doubt over the entire trial. The letter was addressed "to the Anti-Rent Association of the County of Rensselaer" in order to prevent "false hopes or expectations" as a result of the trial.<sup>83</sup> Because a large body of citizens were so deeply interested in the trial, the anti-renters stated, they were appointed to get the facts and to present these facts without bias. First, the anti-rent leaders continued, the jury was difficult to select because the District Attorney challenged nearly everyone as a member of the Anti-Rent Association until a jury was finally sworn "which seemed favorably disposed to the interests of the Patroon." The District Attorney then turned over the case to Judge Suel who displayed "great perfection in the professional 'art of coloring'."

The "art of coloring" was not lost in Thomas or Hogeboom, either. The remainder of their letter was opinion, half-truth, and a clever use of terms such as, "purporting to be" or "alleged to be," as they cast considerable doubt on the trial's worth.

<sup>82</sup>Ibid.

<sup>83</sup>Albany Argus, March 9, 1844, quoted in Daily Troy Budget, March 14, 1844.

Noting the documents introduced, the writers stated, "Your committee leaves you and the public to judge how far the evidence in the cause sustained the Judge's history," in view of the fact that the word "Kahoon" as a northern boundary was written in a different ink and had no mark of age, but, of course, "without it there would be no northern boundary." The wax seals on the patents from Governor Dongan and from the agent of Queen Anne, the writers pointed out, were both badly aged, illegible, and could have been affixed by anyone. The remainder of the letter made these points: the English titles were annulled by the Revolutionary War, laws of the colony of New York were foreign laws, grants by our government were void unless accompanied by a money consideration, the power of Governor Dongan was unproved, without seals or signatures the parchments were as worthless as if the name "Jack Pudding" were written there, and Judge Mann charged the jury "unequivocally in favor of the title of" Van Rensselaer.

The anti-rent attempt to smear the Culver trial apparently succeeded. On March 19, the Daily Troy Budget published a letter, "at the request of several patrons," which continued the disparagement of the documents introduced in the Culver case and attacked the delay of the mysterious Select Committee of the Assembly. The letter expressed

regret and disappointment at the unnecessary and unwarrantable delay on the part of the Legislative Committee having charge of the grievances of the tenants of the pretended "Lord and proprietor of the Manor of Rensselaerwyck."

Rumors are rife that the committee have delayed doing their duty solely from political considerations. It is too serious a matter to be made the football of politicians.



The patroon on the one hand, lays claim to a large territory which has for years been fertilized by the sweat and toil of hardy yeoman who have "paid tribute to Caesar" until the whole territory has been paid for in the way of "rents." The tenants believe there is no legal right to say nothing about his having no right in principle to hold so large a number of God's creatures in feudal vassalage.

The feelings of a large and intelligent class of citizens who believe that they are goaded and oppressed unlawfully and unjustly are not to be trifled with. . . . They have had before them the black lettered deeds with their crumbling seals. Why has it not been made known whether they are base forgeries or not?

After a detailed attempt to show the "black lettered deeds" as forgeries, the anti-rent writer continued in an effort to turn the rich ("who get laws passed by the Legislature") against the poor:

Let the title be good, bad or indifferent, the committee should have proposed some measure to the legislature to do away with perpetual rents; nothing short of this will satisfy the people. An old widow in Troy has invested on bond and mortgage say \$1000, which is all she is worth, and the legal interest on which is \$70 a year. The landlord who is wealthy and opulent receives say \$70 a year from perpetual rents. The difference in the two cases is this, the old widow on her income of \$70, according to the rate of our last annual tax, would have to pay \$21.25, while the rich landlord on his rent incomes is not compelled to pay a cent of tax.

Nine tenths of the people of Troy and county of Rensselaer are indignantly opposed to all feudal tenures, because they are vexatious, burthensome and oppressive, and weigh down the energies and the enterprise of the people. And the committee should have at least treated their grievances with due consideration.

#### ANTI-RENT<sup>84</sup>

The next day, March 20, a letter signed "Justice" continued the attack on the Van Rensselaer land holdings. This impressive letter attacked the justice rather than the legality of the leasehold system:

<sup>84</sup>Daily Troy Budget, March 19, 1844.

The perpetual or permanent rents of Rensselaer county are supposed to amount to at least two hundred and ten thousand dollars per annum. They may be considered as interest on three millions of property. That amount of bonds and mortgages at seven per cent would yield the same income. It is plain that the bonds and mortgages, and the ground rents ought to bear the same tax--the holders of ground rents consider them as worth thirty-three per cent more than bonds or mortgages. Shall mortgages and the farmer's stock be taxed and ground rents be exempt, as heretofore, from all tax? This the people will not endure. Our republic is not the land for special privileges.<sup>85</sup>

On March 26, a tenant's letter condemned the Assembly Select Committee for delay and "political maneuvering" by "interested politicians;" and threatened the wrath of the people,<sup>86</sup> unaware that that very morning the Committee had finally released a written report of its inquiry.

The report reviewed in detail the grievances of the tenants, stated an inability to recommend measures to grant all of the relief sought, and then proposed three avenues of relief: taxation of the income of the manor at the request of the tenants; court tests, "in all cases where lands are being held for a longer term than twenty years, by lease, with annual rent, to persons who claim to derive title from the British Government such persons claiming such annual rents shall establish the validity of such grant before any conditions of such lease shall be enforced by law;" and, in the event that a court test proved the title to be valid, "any person holding lease in perpetuity subject to annual rent . . . may have the cash value of such rents . . . ascertained by the appraisal of three disinterested

<sup>85</sup>Ibid., March 20, 1844.

<sup>86</sup>Ibid., March 26, 1844.



persons to be appointed" by the legislature.<sup>87</sup> The report concluded with hint of possible violence if a remedy was not obtained.

Assemblyman Hoffman rose to object to the report because a select committee could not recommend a remedy. Such action, he said "was but vain and tantalizing to the petitioners," because such laws as recommended would be opposed by the Supreme Court. He charged that finding complaints was easy, managing a solution was another thing. Assemblyman Sampson rose to state his sorrow to hear that a lack of relief would lead to tenant violence. He recommended that it would be better for the tenants to abandon their land and move to the West.

The report of the Select Committee stated that the Committee did not wish to be held responsible for what it recommended because it had no lawyer as a member of the Select Committee. Assemblyman Sampson stated that he saw no relief unless American traditions of property rights were uprooted; and Mr. Hoffman recommended the report go to the Judiciary Committee where there were lawyers who could devise a solution in harmony with property rights guaranteed by the United States Constitution.<sup>88</sup>

The Troy Whig, siding with the anti-renters, reported that the select report "was referred to the Judiciary Committee by a majority of the House to prevent any further action."<sup>89</sup>

<sup>87</sup>Albany Evening Journal, March 26, 1844.

<sup>88</sup>Albany Argus, March 26, 1844.

<sup>89</sup>Troy Whig, March 28, 1844.

The Daily Troy Budget, in a two column editorial, also sided with the tenants and attacked the Select Committee for its "petty non-committalism" which "did not firmly meet the question" and "then cowardly throwing the responsibility of some specific action upon the House." The Committee "sneakingly added that 'not any of them members of the legal profession' . . . could they not suppose . . . that the petitioners were willing to provide the committee with any legal aid that they wanted!"

The long and unwarrantable delay of the Committee, as well as the indefinite character of their report, cannot be otherwise than unsatisfactory to the petitioners and contrary to their reasonable expectations. . . . We can only say that if the Committee had no relief to propose, they should have earlier stated the fact to the House, that the Judiciary Committee might have had time to examine fully into the matter. . . . Such miserable trifling is only insulting in the extreme to the oppressed tenants. In going to the legislature, all they asked was to be informed if they had any reason to expect relief, and if they had, to have it extended to them . . . that they wanted the committee to tell them in plain words whether the legislature could give them relief or whether they could not--no mincing matters. How far their wishes have been regarded we leave them to judge for themselves.<sup>90</sup>

On the following day, the Daily Troy Budget devoted two-thirds of its total news area to the "Manor Question." The entire Select Committee report was printed with comment by the editor that the Committee had authored "a miserable, wishy washy piece of non-committalism . . . evidently with the hope that its mealy-mouthed sophistry would produce some political effect upon the coming town elections." The editorial continued that doubts are surely thrown on the legality of Van Rensselaer's claims now that the report shows there is no paper deed to cover

<sup>90</sup>Daily Troy Budget, March 29, 1844.



the period 1652 to 1670, and also disputes the relationship of the present Van Rensselaers to Kiliaen Van Rensselaer, the original Patroon.<sup>91</sup>

The Troy Whig of the same day reversed itself and defended the Select Committee as having met the question but having "refrained from speaking with too much confidence in regard to the subject" because they felt more able lawyers should tackle the intricate question.<sup>92</sup>

The Budget, never willing to give the last word to the Whig, editorialized on April 1, that "there is an old proverb that the suffering tenants of the manor understand . . . to wit: 'fine words butter no parsnips'. It is enough for the Petitioners to know that the Patroon and his lawyers ARE NOT DISSATISFIED WITH IT [the Select Committee report], but consider it altogether in THEIR FAVOR."<sup>93</sup>

April 2, 1844, was election day in all of the towns of the manor with the important job of town supervisor at stake in every town of Rensselaer County. The tenants had been well educated during 1843 and early 1844 in the power of the ballot. Prior to elections, Anti-Rent Association rallies were held with "Down with the rent" and identification of candidates favorable to the tenants' demands as the main topics. The labels, "Democrat" or "Federalist-Whig," were losing their meaning on the manor. In an election day editorial, the pro-Democrat Budget

<sup>91</sup>Ibid., March 30, 1844.

<sup>92</sup>Troy Whig, March 30, 1844.

<sup>93</sup>Daily Troy Budget, April 1, 1844.

bemoaned the use by the Whigs of excitement over the rent issue to deceive voters in the towns into thinking that the Whigs would "aid them in putting down the rents and demolishing the title of the Patroon while their only object was to use them for their votes and then turn them off with a sneer." The editorial again assailed the Select Committee report, condemned the Whigs for sending their agents into the manor towns to proclaim that the report favored the tenants, and admitted that these tactics had been especially successful in Brunswick, Berlin, and Sand Lake where many Democrats were convinced that the Whigs favored the anti-renters.<sup>94</sup>

The election returns showed Grafton, Sand Lake, Petersburg, Schodack, Greenbush, and Stephentown electing Democrat supervisors; Brunswick, Berlin, and Nassau choosing Whigs in an election where a change of twenty-five votes would have given the Democrats a sweep in the manor towns.<sup>95</sup> Anti-rent was the deciding issue. The Budget had predicted possible Democrat reverses in Brunswick, Berlin, and Sand Lake. In Brunswick, a Whig, Harry Betts, was chosen as town supervisor. Betts had shown his political acumen by having his letter to "the inhabitants of the Manor of Rensselaeruyck" published in the Budget on election eve. The letter refuted the claims of William Van Rensselaer, and praised the Select Committee report.<sup>96</sup> In Berlin and Sand Lake, Demo-

<sup>94</sup>Ibid., April 2, 1844.

<sup>95</sup>The non-manor towns of Rensselaer County, Troy, and Lansingburgh all chose Federalists to give the Federalists a ten to six majority on the county Board of Supervisors.

<sup>96</sup>Daily Troy Budget, April 1, 1844.



eratic candidates, John Davidson and John Vosburg, had voiced enough anti-rent sentiment to insure their election. Vosburgh had to defeat the regular Whig nominee plus a late comer Anti-Rent candidate to win in Sand Lake, "the strongest anti-rent town in the county."<sup>97</sup> The Whig admitted boastfully that "capital has been made in the elections for the Federalist ticket out of the anti-rent question."<sup>98</sup>

With the election over, tenants again began to speculate concerning relief which the Assembly Judiciary Committee might provide for them. On March 29, Assemblyman Allen, Chairman of the Judiciary Committee, had promised to hear all interested parties concerning the report of the Select Committee on the Manor Question and not to delay the findings. On April 5, a member of the Judiciary Committee related that the report would have been ready except so many tenants had requested a hearing before the committee. In a letter to the Budget from "Anti-Rent," the Judiciary Committee was told to be prompt and honest in saying that there was no relief for the tenants.<sup>99</sup>

On April 26, 1844, the Judiciary Committee report was made public by Committee Chairman Allen. The written report held little hope for the tenants, but referred them to the Van Rensselaers for relief. The main resolutions of the Judiciary Committee report were:

<sup>97</sup>Ibid., April 4, 1844.

<sup>98</sup>Troy Whig, April 4, 1844.

<sup>99</sup>Daily Troy Budget, April 10, 1844.

That the bill reported by the Select Committee of this House, entitled "An act concerning tenants by lease," would if passed into a law be unconstitutional and void.

That the legislature have not the constitutional power to interfere with, and vary the resolutions which exist between landlord and tenant under contracts heretofore made, and grant the relief asked by the petitioners.

That the Legislature has not the power to modify and alter the tenures, either upon just compensation or without compensation to the landlord, so as to remove or remedy any of the evils complained of.

That the Comptroller be requested to report to the next Legislature whether ground rents, revenues from quarter sales and interests, water right reservations are now subject to taxation, and if so, upon whom the burthen would fall according to the terms of the leases, and if not, whether they should be, and what, if any alteration in the law is required in respect thereto.<sup>100</sup>

There was considerable discussion in the Assembly as to where taxes belonged--on tenant or on landlord--and if on landlord, could he pass the tax along to his tenants? The Committee's solution--to request a ruling from the state Comptroller--was finally accepted and the report was sent to the printers.

Publication of the report caused the anti-renters to suspect that it had been written by one of the patroon's lawyers;<sup>101</sup> though the Budget, after complimenting the Judiciary Committee on its speed in compiling a report "of great ability," reported that "a group of eminent lawyers in New York City hired by the tenants agree with the Judiciary Committee."<sup>102</sup> The Troy Whig, in an edition printed for rural circulation, condemned the report; but in the same city edition printed the report without

<sup>100</sup>Ibid., April 27, 1844.

<sup>101</sup>Christman, op. cit., p. 81.

<sup>102</sup>Daily Troy Budget, April 29, 1844.



editorial comment.<sup>103</sup> Comment and condemnation of the Judiciary report continued even after the legislature adjourned on May 7. On May 14, 15, 17, and 18, in an attempt to eradicate all rumors, the Budget printed the entire report. After reading the report every last tenant could realize that little hope presently rested in legal channels. Throughout the report ran the refrain that all laws requested would be a deception because the United States Constitution guaranteed property rights.

February through May, 1844 had held hope and despair for the tenants. The Culver trial seemed to have two different meanings depending upon whether one sided with the Van Rensselaers or with the tenants. The findings of the legislative committee, and the newspaper reports of the findings, teased the tenants while both political parties pampered the tenants in order to gain local election victories. However, with the release of the Judiciary Report, even the most optimistic tenants lost hope of achieving victory over the Van Rensselaers via purely political or legal avenues.

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<sup>103</sup>Troy Whig, April 28, 1844.

## CHAPTER VI

### ORGANIZED VIOLENCE ON THE MANOR

Long before May 14, 1844, the anti-rent leaders, foreseeing the legal avenue blocked, decided on straightforward use of force to gain their ends. The past two years of Doctor Boughton's planning and organizing had resulted in a pledged membership of more than four thousand anti-renters in the East Manor Association, the West Manor claimed even more, and Schoharie County membership was in the thousands.<sup>104</sup> Tenants established local chapters of the associations, set initiation fees and dues, and agreed on meeting places and warning signals. Tar barrels burning along the East Manor roadsides became a common sight as anti-renters built up their courage and issued a warning to sheriffs or Van Rensselaers' agents.

In May, 1844, Anti-Rent leaders from Albany, Rensselaer, and Schoharie counties met at the home of John J. Gallup in East Berne in the Helderbergs to discuss two problems: extension of the anti-rent rebellion to all leasehold land in New York State, and prevention of rent collection and repossession of farms by the landlords. Doctor Boughton figured prominently in a solution to the first problem, for, by May of 1844, he had become the rebellion's outstanding "rustic orator" and was attracting new

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<sup>104</sup>Christman, op. cit., p. 91.



twenty-five cent initiation fees at rallies throughout the manors. The second problem was more bothersome. To arm the farmers en masse would bring the state militia into the manors and bloodshed or surrender. To resist local law-enforcement agents on a small scale would be unlawful and bring arrest. Doctor Boughton wrote:

Our all was at stake. The law was on their side and we were at their mercy. We resolved to adopt the same kind of protection resorted to by the people of Boston when the tea was thrown into the water of the bay. We raised in the counties a large force of men to prevent the landlords from executing their threats. This force was to be on hand to protect the tenants from legal hounds. They were to appear only on certain occasions. They were not to disturb the community in any other form. Socially or legally, no one knew who they were, except the individuals. This force was to be used only until we could get judicial or legislative redress.<sup>105</sup>

So that a sheriff who might be harassed or turned back by the anti-renters could not recognize any of the farmers and arrest them at a later date, the Indian costume of calico and mask, first used in March, 1841, was adopted on a manor-wide scale. Each local anti-rent chapter began to boast of its "Indian" defenders. The Van Rensselaer tenants along the little Hoosac River, for example, formed a Committee of Public Safety and "agreed to announce the advance of the sheriff of the manor by blowing a dinner horn as a signal to the Indian Boys militia."<sup>106</sup> "Chiefs" of the "Indians" took on names such as "Yellow Cloud" or "Red Jacket." Doctor Boughton became famous as "Big Thunder;" Thomas Thompson of Hoags' Corners (a community at the foot of the road which leads from the Alps towards Sand Lake) became

<sup>105</sup>Ibid., p. 92.

<sup>106</sup>Grace Greylock Miles, *The Hoosac Valley* (New York: G. P. Putnam's Sons, 1912), p. 143.

"Tuscarora;" and Frank Abbott, leader of the Nassau-Alps Anti-Rent Association which met at Martin's Tavern in Hoags' Corners, was known as "Little Thunder."<sup>107</sup>

Soon a well-trained and disciplined army of about ten thousand men was ready for whatever might come. No two costumes were alike in color, style, or decoration, and their arms were makeshift and varied--muskets, pistols, spears, hatchets, and axes, cheese knives, bits of scythes, and clubs. Some of the chiefs of tribes were distinguishable by long dresses like women's nightgowns. Otherwise the disguise was so complete that anecdotes were told about parents talking for hours with their own sons, and struggling sisters being overwhelmed with the unwelcome caresses of their own brothers, without the slightest suspicion of their identity.<sup>108</sup>

As words of the "Indian" tribes spread and tales of their drilling in local pastures were told; as signs were erected reading "Down with the rent," or "End Patroonery;" and as William Van Rensselaer determined to collect the rent, it became apparent that a conflict was near. Handbills telling of an Independence Day "Indian" parade and rally, and a speech by "Big Thunder," at Hoags' Corners were distributed throughout the towns of the East Manor. "Big Thunder" informed the gathered farm families that William Van Rensselaer was about to attack.

During the week of July 9, 1844, Sheriff Reynolds and one or two of his deputies ventured deep into the manor in an attempt to serve process papers on Stephentown tenants. Before reaching Stephentown, Reynolds heard the call of the dinner horns. Soon a "party of men disguised as Indians" blocked the road and the sheriff and his deputies "were compelled to forego their

<sup>107</sup>Sylvester, *op. cit.*, p. 432.

<sup>108</sup>Christman, *op. cit.*, p. 93.



purposes.<sup>109</sup>

On the morning of July 24, Sheriff Reynolds, with a posse of about thirty Trojans and deputies, set out to serve papers in Alps and in Stephentown. Tin horns announced the posse's coming, and

When the company reached the edge of Stephentown, they were confronted by some one hundred and ten individuals, dressed as Indians, completely disguised, and armed to the teeth. The posse were arrested in their progress--their horses detached from their carriages and turned at large--their persons surrounded, and each individual in turn thoroughly searched. Papers were found upon Deputy Sheriff Allen of Lansingburgh, which were burned and the officer treated to a light coat of tar and feathers. After this the posse were marched for a mile and a half surrounded by the natives, amidst firing of cannon and musketry, blowing of horns, and savage yelling, when they were dismissed, and admonished not to repeat their visits, or they would be treated worse.<sup>110</sup>

The rebellion now became a political issue. In 1839, Governor Seward, Whig, was bitterly criticized by the Democratic press for ordering the militia to the Helderbergs. The Whig press, as was expected, had defended Seward's action. However, with Governor Bouck, a Democrat, in Albany, the sides turned. Now the press demanded immediate military action; the Democratic press forgot 1839 and defended Bouck's inaction. The Troy Whig of July 25, advised that "The next step to be taken, will be, we presume, for the Governor to order out the militia to aid the Sheriff. The laws of the State must be sustained at all hazards. No man's life or property can be considered safe in this country unless such outrages are repressed and their authors and instiga-

<sup>109</sup>Daily Troy Budget, July 16, 1844.

<sup>110</sup>Ibid., July 25, 1844.

tors punished."<sup>111</sup>

The Democratic Daily Troy Budget attacked the Whig for hypocrisy when the Budget editor discovered that only the daily edition of the Whig, printed for city circulation and read by the Federalists of Troy, carried the denunciation of the Indian "outrages." The weekly edition of the Whig, printed for rural circulation, carried the report of the incident without any recommendation or condemnation.

On July 26, an appeal was made to Governor Bouck for intervention by militia in the East Manor. On the morning of July 27, a Saturday, Governor Bouck rode to Troy and consulted leading Democrats on the rebellion. He apparently was satisfied that a solution would be found because he did not order out the state militia. An anti-rent letterwriter, "Justice," did not agree that a solution would be found as evidenced by his letter to the Budget:

We regret these difficulties--we had hoped to have seen some compromise on the conflicting claims of Mr. Van Rensselaer and the tenants, and in justice to the latter we can say that a proposition on their behalf has been made to negotiate and arrange upon terms deemed equitable, all questions in controversy. The writer of this article has sought to bring about an amicable arrangement with Mr. Van Rensselaer, and Mr. Van Rensselaer to disregard all overtures for accommodation until the people submit. . . . The tenants being coerced to a legal and legislative controversy are now preparing for it. They mean to resort to legal measures and no others. If a few fiery spirits are found using force, we regret it. The Courts of Justice and the Legislature are open to them, and the laws if rightly expounded and the Legislature can give them relief.<sup>112</sup>

The Budget accused the Whig of goading the Governor to

<sup>111</sup>Ibid.

<sup>112</sup>Ibid., July 29, 1844.



action in order to give the Whigs a campaign issue in the coming election. The Budget editorialized that Governor Bouck would not order out state troops without an investigation as Whig Seward had done in the "small potatoes war;" and leave the state with a debt as Seward and Artoher had done.<sup>113</sup>

As if to reassure the residents of Rensselaer County that rebellion was not confined to their county, the Budget reprinted a news report from the Kingston Journal. The Journal reported "opposition to rent is progressing in Schoharie, Greene, Delaware, Ulster, and Rensselaer Counties;" tenants are acting with earnestness in forming associations "so the whole matter may be understood by the people;" there are frequent meetings; leaflets are being printed, including copies of the original patent documents; public meetings are held with speakers of "great ability;" "Indians" dress in "bright frock coats with belt around the waist with a scalping knife and pistol" and have false faces cut out of leather and caps "ornamented in many ways;" dinner horns signal an assembly, and it is forbidden to blow the horn for any other purpose. The Journal also reported a Fourth of July anti-rent meeting at Pine Hill Grove (Ulster County) attended by five thousand plus three hundred "Indians."<sup>114</sup>

On August 1, the Democratic Party held its Rensselaer County rally at Schodack. While the meeting publicly adopted resolutions dealing with distant politics such as endorsement of James K. Polk for President, opposition to a National Bank, and

<sup>113</sup>Ibid., July 31, 1844.

<sup>114</sup>Ibid., July 29, 1844.

reservations concerning a strong tariff; it is likely that winning the anti-rent vote was uppermost in the minds of many delegates. On the next day, almost as if to spell out Democratic regard for the tenants, the Budget detailed the avenues open before Governor Bouck would act; and stated that the Governor would not act unless the sheriff had fully exercised his duty.<sup>115</sup>

Eight days later, August 10, Governor Bouck did act, but not in a manner to threaten the tenants or alienate their votes. He rode to West Sand Lake, capital of the rebellion on the East Manor, to meet with the East Manor leaders in order to arbitrate a peaceful settlement.

When he arrived in West Sandlake [sic], a cannon volley roared a salute, and three thousand farmers and two hundred "Indians" were assembled to greet him. A platform stood in front of the church, and banners hung from the village houses. Some displayed the figure of an Indian, and others the Devyr slogan--"For the Land is Mine, Saith the Lord." From the village flagpole a rippling banner proclaimed "DOWN WITH THE RENT!" . . .

Governor Bouck went directly to the home of Burton Thomas, the Anti-Rent corresponding secretary, where he conferred with tenant leaders while the crowd waited in the road. It was mid-afternoon before the church bell gave the signal that the Governor was about to mount the platform. It was not he who addressed the crowd, however. He merely sat quietly on the platform while Joseph Gregory, president of the East Manor Association, reported on the conference.

They had proposed to the Governor, Gregory said, that the question of the validity of the Van Rensselaer title be arbitrated by the governors of any three New England states, Connecticut excepted. Governor Bouck had demurred, on the ground that the governors were common men like himself, none of them lawyers except Governor Briggs of Massachusetts, and they were therefore "not a whit more competent to decide."<sup>116</sup>

The Governor made the same statement as had the Budget: that he would not act until he was satisfied that Sheriff Reynolds

<sup>115</sup>Ibid., August 2, 1844.

<sup>116</sup>Christman, op. cit., p. 105.



had fully exercised his duty. He further promised to direct the sheriff to delay serving any more processes.]

For all his plain ways, Bouck handled the delicate situation with skill. He succeeded in undercutting the force of the landlord-inspired Judiciary Committee report, and taking control of the situation like a statesman. When the strategy became clear, the farmers congratulated themselves that "all the Governor lacked of being an Indian was the calico."

Sheriff Reynolds, probably glad of official relief from landlord pressure, went immediately to the Governor to find out what was expected of him. According to the Troy Whig, the Governor told him to do nothing until he heard from him, because he had opened negotiations with the Anti-Renters, the consummation of which might be defeated by any action on the sheriff's part.

Weeks passed without any further word from Bouck. Meanwhile, discouraged over the future and alarmed by threatening letters, William P. Van Rensselaer . . . took up temporary residence beyond the reach of the Anti-Renters.<sup>117</sup>

As if to keep the rebellion stirred up, the Budget printed two long articles, one from the New York True Sun, entitled "Rensselaer Manor Riots," and the other from the New York Tribune, titled "The Rensselaerwyck Troubles." These articles noted that the leases resulted in retarding the agricultural prosperity of the country in what some thought of as a trifling matter which would blow over. We should stop the Indians and violence the articles agreed, but must do something about the grievances of the tenants which "in our opinion must be removed." The True Sun observed that the "roads over the hills are adapted to a guerilla contest" and "signals could easily be given at night from the prominent points." The Tribune stated that "the grievances of the tenants are no abstractions," and that "an intelligent businessman of Albany estimates that that county alone would have

<sup>117</sup>Ibid., p. 106.

been two millions richer to-day if the Manor had never existed." The Tribune then suggested four remedies: the Patroons should be asked to make a "magnanimous offer" to compromise with the tenants, the legislature should step in if the Van Rensselaers have no power to make an offer, "quit rents" should be fairly estimated by impartial umpires, and rent which is in arrears should become a mortgage on the tenant's property payable over the next five or ten years at seven per cent interest.<sup>118</sup>

Despite the "truce," Deputy Sheriff Jacob Lewis was taken from his home at Schodack, at two o'clock in the morning on September 2, by the Schodack "Indians." He was dragged to Nassau, forced to dance for amusement of the "braves," and then coated with tar and feathers. A few days before, Rensselaerville "Indians" had treated Albany County Sheriff, Christopher Batterman, to a similar coat of tar and feathers. Forty or fifty Stephentown "Indians" were also out on September 2. They ambushed a stage on the Albany-West Sand Lake road and forced the driver to return to Stephentown where a passenger, a Mr. Douglass, was forced to apologize for having accidentally pulled up a "Down with the Rent" stake.<sup>119</sup>

These incidents were morale builders staged by the "Indians" to keep themselves amused and important. Another such event occurred on September 12 when an Albany butcher, who had crossed the Hudson on his way to buy cattle in Sand Lake, was unfortunate in meeting up with a small band of "Indians." They

<sup>118</sup>Daily Troy Budget, August 19, August 26, 1844.

<sup>119</sup>Ibid., September 3, 1844.



hailed him and told him to shout "down with the rent." The butcher stubbornly refused and was tarred and feathered.]

On September 12, some anti-renters held a convention to nominate an independent Anti-Rent ticket for offices in Rensselaer County in the coming election. Those attending decided not to nominate, but rather to adjourn until October 2. However, on September 21, about one hundred anti-renters gathered again at West Sand Lake and nominated Richard P. Herrick of Greenbush for Congress; Ryer Hermance of Nassau, a Mr. Potter of Stephentown, and E. S. Howard of Troy for the Assembly; and Burton Thomas of West Sand Lake for Clerk. Three days later, the Whigs met in convention in Troy, and, in a surprising move obviously intended to win votes from the Democrats, nominated Mr. Herrick for Congress and Mr. Hermance for the Assembly. It is an amusing side issue that William Van Rensselaer was able to oppose Herrick not only because Herrick was an Anti-Rent candidate, but also because Herrick was the owner of a Greenbush distillery and Van Rensselaer was an official of the county Temperance Society.

The Democrats and Whigs held rallies throughout the manor as election day approached. Henry Clay had again received the Whig endorsement for President and was opposing James K. Polk with the annexation of Texas as a main issue nationally. The tenants were disinterested in Texas, but knew they could benefit via the election of a governor or state legislators who were friendly to their cause. The Democrats did not reendorse Governor Bouck, picking Silas Wright, a three term United States Senator from Canton as their candidate. Wright had been removed from the

anti-rent scene, and it was difficult for the tenants to determine what his thoughts were on the leasehold system. For governor, the Whigs picked Willard Fillmore of Buffalo, Chairman of the Ways and Means Committee of the United States House of Representatives. Fillmore's view on feudal leaseholds was also unknown to the tenants. Local candidates found it difficult to conceal their views on "patroonery." Law enforcement agents found it good politics to leave the "Indians" alone and Whig-Anti-Rent candidate Herrick even informed the tenants to "Avoid the payment of rent peaceably, and by legal means, if you can, if not, you know what to do."<sup>120</sup>

The fiercely contested campaign was climaxed with the November 5 election. James K. Polk and Silas Wright were elected, though Grafton, Brunswick, Nassau, and Berlin went for Clay; and Clay and Fillmore carried both Rensselaer and Albany counties. The big news on the manor was the election of anti-rent members of the Assembly such as Richard Herrick in Rensselaer County and Anti-Rent nominee, Ira Harris, in Albany County.

With the returns compiled, the Democratic press lamented: In all the country towns but two, where the Anti-rent question turned the tables upon us most shamefully, our friends have done better than usual. But for the Anti-rent question, which whig [sic] artifice and fraud brought to its service on the whole ticket, Rensselaer County would have given a democratic majority.<sup>121</sup>

On November 15, the same newspaper blamed Assemblyman-elect Herrick's victory on "lamentable defections" by the anti-

<sup>120</sup> Ibid., October 18, 1844.

<sup>121</sup> Ibid., November 9, 1844.



rent vote from the Democratic camp.

The Van Rensselaers must have realized that their position as landlords was shaken by the election of outspoken Anti-Rent assemblymen. The tenants had displayed power of the vote which was even greater than the power of their "Indians." Local elected officials could not be expected to act against masses of voters. The Budget caused temporary anxiety when it carried a news item which stated that one of the Van Rensselaers was going beyond the local and state government for collection of his rents:

Mr. Van Rensselaer, who has had a difficulty with his tenants in New York, it is said in the Philadelphia Ledger, is about to make his residence in Pennsylvania, in order that he may bring a suit against the state of New York in the United States Supreme Court, to compel that state to have its laws executed against those tenants who resist his right. His place of residence, it is understood, will be in Boston.<sup>122</sup>

The anxiety was short-lived. Two days later the same paper called the Philadelphia story a hoax.

Though the tenants had the power of the vote and power of the "Indians," the Van Rensselaers realized that more powerful than either was enraged public opinion. Disorder by inflamed tenants might sway public opinion to favor the landlords. To provoke disorder became the landlord's main aim. A Rensselaer County grand jury was meeting in Troy, where anti-renters were treated with disfavor, to investigate "complaints made before them of outrages upon the property and persons of individuals, perpetrated by persons disguised as Indians." The grand jury needed witnesses from Sand Lake, and asked the district attorney to issue subpoenas for the witnesses. The sheriff attempted to

<sup>122</sup>Ibid., November 16, 1844.

serve the subpoenas, but was stopped in Sand Lake "by a band of men disguised as Indians, who forcibly wrested his papers from him, and threatened him with great personal injuries." Grand Juries had to retain subpoena privilege, and Governor Bouck, in an official proclamation of November 25, offered a five hundred dollar reward for the apprehension of the "Indians," the reward to be paid upon conviction.<sup>123</sup>

Some "Indian" misdeeds were not connected with anti-rent, were an easy way to gain revenge, or were more for the delight of irresponsible troublemakers than for the benefit of the tenants. One such incident occurred in Nassau:

We learn . . . that Mr. Christian Craver of Nassau in this county was attacked at the residence of a neighbor, on the evening of the 3d instant, by a gang of ruffians disguised as Indians, who dragged him out of the house by the heels and applied a coat of tar and feathers to his head and neck . . . the outrage upon Mr. Craver has no connection with the anti-rent troubles.<sup>124</sup>

A trouble making anti-renter was Henry G. Green of Berlin. Green, a well-to-do store owner, had a reputation which included expulsion from the Baptist Church for public intoxication. Green and eleven disguised followers attempted to free Schuyler Jones, a Berlin tenant in arrears on his rent, who was being hauled to Troy by constable John J. Nichols. Green, overplaying his role, was captured by Nichols. Jones eventually paid the rent; Green was fined one hundred and twenty-five dollars. During the following year, troublemaker Green's anti-rentism was ended when

<sup>123</sup>Ibid., December 2, 1844.

<sup>124</sup>Ibid., December 16, 1844.



he was apprehended for murdering his bride of one week.<sup>125</sup>

If, in order to win the public's sympathy, the Van Rensselaers needed tenant violence, they got violence beyond expectation in late November and December. "Outlawry in Schoharie Co." headlined a November 28 story of anti-rent excitement near Livingstonville in Schoharie County. The event included the firing of shots and the eventual arrest of two "Indians."<sup>126</sup> In early December, other uprisings were reported in Columbia County and in the Catskills. Then, on December 18 and December 19, two farmers were killed in "Indian" rallies.

On December 18, Doctor Boughton rode to Smoky Hollow, near Claverack, in Columbia County, to deliver the main address at a well publicized anti-rent rally. The presence of the anti-rent leader always insured a large crowd, even in the cold of December, and three thousand tenants had gathered by midafternoon. First reports from the rally indicated that a Hillsdale farm boy, William Rifenburg, had condemned the meeting and was told by an "Indian" to cry "down with the rent." Rifenburg refused. The "Indian" showed his pistol and repeated his demand. When Rifenburg again refused, the Indian shot him and he died immediately.<sup>127</sup> Later investigation revealed that Rifenburg had merely been a spectator. A shot rang out and Rifenburg fell to the floor in what was assumed by those present to be an accident. However,

<sup>125</sup>Louis C. Jones, "The Berlin Murder Case in Folklore and Ballad," *Proceedings of the New York State Historical Association*, XXXIV (1936), pp. 192-193.

<sup>126</sup>Daily Troy Budget, November 28, 1844.

<sup>127</sup>Ibid., December 20, 1844.

Doctor Boughton, Mortimer Relden (a resident of Alps) and Samuel Wheeler were arrested by the Columbia County sheriff.

On the next day, December 19, Elijah Smith of Grafton, who had been having disputes with the Grafton "Indians," and who was "a violent up-renter,"<sup>128</sup> was cutting wood on a lot about one half mile west of Grafton Center near Oliver West's house.<sup>129</sup> Grafton had not been settled very quickly because of the stony soil and hard winters. The buildings were constantly in need of work, most of them being chinked cabins or clapboard shacks. For most tenants life in Grafton was a bare existence and winters were dreary times with the family barrel of hard cider as the only source of cheer. Grafton tenants were bitter anti-renters, and protested when William Van Rensselaer sold the right to cut wood on a tenant's lot to Smith's uncle, Plum Martin, of Grafton. The "Indians" had warned Smith, but he and his uncle, were found cutting wood on the lot.

This annoyed the "Indians" and they came to the determination of preventing him from doing so, and on Thursday last fifty disguised men paraded, armed, for that purpose. On that day Mr. Martin, Elijah Smith and three others laid out some wood on another and an adjoining lot. . . . About two o'clock in the afternoon, Mr. Martin was drawing a load of wood on the Turnpike near a little settlement of buildings, . . . when he was interrupted by the Indians and annoyed in various ways. Smith and the three men with him in the woods heard the noise and came to his assistance. Smith was in advance with his axe swinging carelessly in his hands and seeing Martin pressed up against the fence in the road side and the Indians about his team. He cried out "leave that team alone, it is my property." An Indian cocked his large horse pistol and said "if you advance any further I will blow you through." He continued to advance towards the team and Indians, and on coming near them, one of the Indians caught him by the

<sup>128</sup>Christman, *op. cit.*, p. 122.

<sup>129</sup>Sylvester, *op. cit.*, p. 554.



collar and jerked him around suddenly, and the Indian with the cocked pistol immediately fired and the ball penetrated the small of his back. Mr. Smith made no hostile movements further than to continue to advance toward the team, neither did he brandish his axe in any way . . . "130

Smith was carried to widow West's house, but when his fellow workers discovered no blood, they decided Smith was unhurt. Mrs. West disagreed and wanted him carried to a bed, but he died before he could be moved. Coroner Betts made an immediate investigation which determined death due to a pistol shot, and, as Smith's shirt was burned "to a tinder" for two inches around the shot, the shot was blamed on an "Indian" at close range.

Whether Smith had made "no hostile movement" or had swung his axe at the "Indians" as related by the Troy Whig and by Christman,<sup>131</sup> was of little consequence. Enraged public opinion broke around the heads of the anti-renters. The Budget called the Smith death "murder" and stated that the anti-renters "wantonly shot him!" Commenting on the two killings in two days, the Budget editorialized:

The dreadful murders which we have just been called to record, and the other desperate acts of these misguided people, will bring their deeds of violence to a just and speedy termination. We have hoped almost against hope, for an amicable settlement of these minor troubles, but those most deeply interested, by either participating in, or winking at these outrages, have forfeited much of the sympathy that they would otherwise have enjoyed. They needed mercy and they could have obtained it. They have demanded justice and they will probably get it--not, we fear, without retribution.<sup>132</sup>

<sup>130</sup>Daily Troy Budget, December 21, 1844.

<sup>131</sup>Christman, op. cit., p. 122. "Cursing, Elijah jumped from the wagon, stripped off his heavy winter coat, and with ax uplifted, rushed the masked men. Before he reached them, a shot rang out, and he stumbled and fell to the ground."

<sup>132</sup>Daily Troy Budget, December 20, 1844.

The Budget followed on the next day with more condemnation: "What a horrible picture this presents in a civilized community. An inoffensive man in the vigor of life and health shot down in a public highway by a band of desperadoes, and that too in the broad light of day, and the villains permitted to retire to their homes undisturbed and unpunished."<sup>133</sup>

On Christmas Eve, the Budget refuted a charge by the Troy Whig that politics could enter the investigation of "Indian outrages." Referring to Governor Bouck's hands-off policy, the Whig had charged that Sheriff Reynolds had not yet been called upon to act in Grafton. The Budget responded that the murder itself called the sheriff to action and forcefully advised Sheriff Reynolds to begin an investigation. That same afternoon, Sheriff Reynolds with Deputy Richmond and Constables Wilson, Cropsey, and Phipps traveled to Grafton and arrested Norman Goyer and Henry Lund. The same officers rode back to Grafton on Christmas evening to subpoena witnesses to the murder.

Meanwhile, Elijah Smith was buried in a small hillside cemetery about a mile west of Grafton center. On his headstone was inscribed: "Elijah Smith, who was shot by a band of Anti-renters dressed in disguise, Dec. 19, 1844. Aged 33 years, 9 months, 13 days."

On December 26, Sheriff Reynolds arrested William Parks and Charles Smith, and subpoenaed thirty witnesses to appear before the Coroner at the Court House in Troy. On December 28, Constable Phipps arrested Ira Allen, Ira Ford, Jabez Haikes,

<sup>133</sup>Ibid., December 21, 1844.



John P. Maraville, and Elisha P. Burdick when they came to see Norman Goyer in the county jail. With the jail filling, the citizenry of Troy became panicky, and rumors spread of an "Indian" attack on the jail. The military companies in Troy were placed on alert, the jail was fortified, three fieldpieces and a supply of small arms and cartridges were shipped from the Arsenal, and a requisition was sent to the governor for more arms and ammunition.

The investigation dragged out through rising excitement. Ira Allen and Elisha Burdick were revealed as "Indian Chiefs" although Allen was Grafton's Justice of the Peace and Burdick was town constable. With law enforcement so related to the tenants it was impossible to find a murderer, and though more than two hundred persons were questioned concerning Elijah Smith's murder, no one was ever indicted.<sup>134</sup>

As Silas Wright took office as Governor in Albany on January 1, 1845, the state seemed nearly engaged in a civil war. Doctor Boughton was in jail at Hudson and that city was the victim of real and imagined attacks. Troops were garrisoned near the jail and others were on the way. The anti-renters were split: some wished to shed the calico and prevent further bloodshed while others were gathering a force of four thousand "Indians" to blast Big Thunder out of jail.

On January 15 and 16, one hundred and fifty delegates from eleven leasehold counties bested an unprecedented snowfall

<sup>134</sup>Arthur James Weise, History of the Seventeen Towns in Rensselaer County from the Colonization of the Manor of Rensselaerwick to the Present Time (Troy, N. Y.: J. M. Francis and Tucker, 1860), p. 417.

to attend the first state Anti-Rent Convention at the Berne Lutheran Church in the Helderbergs. The delegates repudiated the use of force and again stated the three reliefs which they sought: (1) repeal of the special rights as judge and jury given to the landowners in cases involving rent disputes, (2) establishment of the right of tenants to challenge the validity of a landlord's title in court, and (3) imposition of a tax on the rents received by the landlords.

On January 28, Governor Wright signed into law a bill which made it unlawful to appear in New York State in disguise and armed, thus making law of the tenant's declaration at Berne. Early in February, a petition of twenty-five thousand signatures was sent to Albany urging the adoption of the three Berne demands, but little result was to come of the lengthy petition. As spring arrived, the anti-rent troubles mushroomed. Defying the new state law, "Indians" donned calico and mask, blew tin horns, and began guerrilla warfare on the leasehold lands. Ulster County reported major incidents and Delaware County reported major disturbances, with Delhi turned into an armed camp to protect the county jail containing anti-renters. Newspaper reports indicated a growing abundance of "Indians" in the Catskills as spring progressed.

"Big Thunder," Doctor Boughton, was tried in March in the Hudson courthouse, but after twelve hours of deliberation, the jury could not agree. Boughton was re-committed to the Columbia County jail for a new trial to be held in September, 1845. In April, an Anti-Rent newspaper began publication in Albany. "Every



opinion of the Nineteenth Century seemed supported by one group and damned by another. Every controversial group included an editor or two and the weekly papers were used to spread their opinions."<sup>135</sup>

On April 9, 1845, the first copies of the Albany Freeholder, published by anti-renter, Thomas Devyr, were distributed to "counteract the publicity in favor of the landlords" given by most papers which felt obliged to support the rich and powerful Van Rensselaers, especially the Albany Argus and the Troy News.<sup>136</sup> With his friend, Doctor Boughton, tried but still in jail, Devyr wrote in the first issue, "After a long, and truth demands that we should add, a cruel incarceration, Dr. Boughton has been put on trial." Then throwing aside discretion, Devyr sarcastically attacked the Boughton trial and Columbia County sheriff, Henry C. Miller:

It appears that the District of Columbia--no, not the District but the county--has two millers who glean up most of the (official) grist within those bounds. One of them is the DA, who opened the case in . . . a clear and forcible speech. This gentleman had an easier task than his official brother--he underwent no cross-examination. If he had, it is to be feared that his "speech" would have been muddled of much of its clearness and shorn of less or more of its force.<sup>137</sup>

Elections for county office were held on April 3, and, in 1845, as in 1844, anti-rent was the deciding issue in the manor towns of Rensselaer County. Commenting on the elections, the

<sup>135</sup>S. M. Craib and R. M. Craib, "Our Yesterdays - A History of Rensselaer County" (Mimeographed book for schools of Rensselaer County, ca. 1947), p. 115.

<sup>136</sup>Ibid.

<sup>137</sup>Albany Freeholder, April 9, 1845.

Freeholder rejoiced:

Rensselaer County has made a clean sweep. The terms "Democratic" and "Whig" are, so far as Rensselaer has to do with them, passing into the dead language. Anti-Rent . . . is drawing them totally out. . . . Scarcely Troy and her nurse tender, Lansingburg, escaped. All the rest have declared with the emphasis of the Ballot Box that "time [of Patroonery] shall be no longer." . . . Patroonery is virtually dead . . .

No. 1, on our list, is Greenbush. The whole ticket Anti-Rent. Sand Lake-Democratic Anti-Rent Supervisor elected  
Grafton-Democratic Anti-Rent Supervisor elected  
Schodack-Anti-Rent Whig Supervisor elected  
Brunswick, Nasogy, Stephentown, Berlin, Pittstown, and Hoosick, the same.<sup>138</sup>

A defeated candidate for the office of constable in the community of Wynantskill (located between Troy and the Town of Sand Lake) apparently blamed his defeat on the rent issue, for the Freeholder related an amusing incident:

On Monday night, after the town election, an anti-rent pole was cut down at Wynantskill. Rumor speaks of a defeated constable as probably the perpetrator. Still we would remind our friends of the maxim in law, that all men ought to be accounted innocent until proved guilty.<sup>139</sup>

Commenting further on the fate of Doctor Boughton, the Freeholder noted that while the next trial for the tenant leader would not be until September, there was no reason to keep him in jail "while swindlers, thieves, and criminals of any kind are permitted to go at large, frequently on straw bail." Wide circulation of the Freeholder was recommended as the way to "strike terror into the wire pullers of both parties."<sup>140</sup>

As spring moved toward summer, William Van Rensselaer

<sup>138</sup>Ibid.

<sup>139</sup>Ibid.

<sup>140</sup>Ibid.



moved with what appeared to be a compromise spirit. He let more prosperous farmers know that he might lower the amount of back rent due if they would pay in full, and he offered to sell clear title to the eastern lands of Rensselaer County. The Freeholder was cynical concerning Van Rensselaer's motives and stated:

We are instructed that Mr. Burdock, one of those instruments that Mr. Van Rensselaer has occasion to use in gleening up surplus produce, and who resides at Burdick, has been out through Rensselaer County trying to induce the richer farmers to "compromise." This would put him in a favorable position to extinguish the discontents of the poorer class. We believe he had not occasion to write home about his success.<sup>141</sup>

Stating that William Van Rensselaer had offered to release Stephentown from "serfage" at the rate of a dollar a bushel of wheat, to be paid in a principal sum, and that water privileges were also for sale in Stephentown, the Freeholder scorned Van Rensselaer:

That Stephentown is such a rugged, rocky, craggy, hard favored place--such a dearth of soil--such a crop of desolation--that no human being, except a Patroon or his lickspittle would ever dream of exacting out of it the first red cent. They, however, have a stomach for anything.<sup>142</sup>

The anti-rent newspaper praised the militant local anti-rent associations and reported news such as a call made by the West Sand Lake Anti-Rent Association for funds, at the rate of one cent per acre, to bring legal suits against William Van Rensselaer.<sup>143</sup> Violence was not encouraged, but the readers of the Freeholder learned that "we cannot shut out the fact that if the laws were equal, just, republican, in spirit and operation,

<sup>141</sup>Ibid.

<sup>142</sup>Ibid., April 30, 1845.

<sup>143</sup>Ibid., April 16, 1845.

no one would break them."<sup>144</sup>

Summer came with the tenants of Rensselaer County still opposing their landlord. Doctor Boughton was still in jail, and, at July 4 rallies throughout the East Manor, the tenants were reminded of "Big Thunder" as a rallying call. Two weeks after these rallies, Doctor Boughton was released on bail and returned to Alps to await his re-trial. Undoubtedly many tales of Van Rensselaer's treatment of the tenants were related to "Big Thunder" while he was in Alps, for Van Rensselaer's agents were in the County attempting rent collections, evictions, and auctions of cattle to pay arrears on rent. The Troy newspapers occasionally mentioned "Indianization" of constables or deputy sheriffs who attempted to serve process papers, but no major incident occurred during the summer.

On August 7, 1845, at Andes, in Delaware County, a deputy sheriff, Osman Steele, who had established an ugly reputation in anti-rent territory and who was hated by the tenants, was shot and killed during an auction on a tenant farm. Given another murder committed by "Indians" in full disguise and in sight of a sheriff, the newspapers of the state condemned the calico murderers. Steele, known to the tenants as a drunken tyrant, was buried as a noble hero. Citizens were placed under arms in Delhi for the second time in 1845 while the tenant "Indians" fled the county or lived in caves or woods. More than eighty anti-rent leaders were jailed in the Delhi jail, Delaware County was declared an emergency area, and Governor Wright ordered state troops to the village.

<sup>144</sup>Ibid., April 30, 1845.



All of the initial excitement plus continuing arrests, the building of log pens to hold the overflow of prisoners, and rumors of "Indian" attacks, made for exciting reading in the newspapers of the state. News reports of the day would indicate that New York State was at war.

Anti-Rent excitement over the unsolved Steele murder was heightened when the re-trial of Doctor Boughton began on September 3. The re-trial was colorful and "good copy" for newspapermen. John Van Buren, son of the former President, was prosecutor; and the judge was imported from New York City. The jury was picked after two weeks and, after the appearance of many varied witnesses, the jury, on September 30, returned a finding of "guilty" of robbery of process papers from Sheriff Miller. The judge, with the option of a sentence ranging from minor imprisonment to life, pronounced sentence of life imprisonment. The judge's preface to the sentencing indicates that the severe harshness of the sentence was meant to end all "Indian" activities. Doctor Boughton was transferred under heavy guard that very night to a river boat bound north toward the Clinton Prison at Dannemora. Rumors spread of "Indian" attacks to release the prisoner, and dockside crowds at Albany prevented stopping there. Troy was packed with anti-renters, but Doctor Boughton was taken to the jail and back to the boat despite the menacingly large and noisy crowd. Once past Troy, the Doctor's guards had little worry and escorted their prisoner safely to Dannemora.

The sentence imposed on Doctor Boughton caused spirited writing in newspapers and bitter debate among residents of lease-

hold and non-leasehold areas of New York State. Some, angered at the lawlessness of the anti-renters, or friends of the Van Rensselaers, saw the penalty as just and deserved; others, including all of the tenants, saw the penalty as an attempt by the friends of the Van Rensselaers to cow the anti-renters into submission. These latter citizens called for an elected judiciary in the state as a remedy for Van Rensselaer or Wright justice. The trial of the "Indians" involved in the murder of deputy Osman Steele began in mid-September, and, as the verdicts were returned, the tenants became positive that there was a need for an elected judiciary: by October 11, 1845, over two hundred cases had been heard in Delhi; two tenants were to be hung, four were sentenced to prison for life, eight received sentences ranging from seven to ten years in prison, the rest received lesser prison terms or were fined as much as five hundred dollars. With a few more trials of that type, Clinton Prison would soon have been filled with anti-renters.

In looking back, it can be seen that the years 1844 and 1845 were the climactic years of the anti-rent war. Violence was assured as the tenants, buoyed up by their strength in numbers and their decisive strength at the election polls, goaded the Van Rensselaers and their agents. It became too dangerous for the Van Rensselaers to ride over their manors (even in an armed coach with numerous outriders as had been possible in previous years) or for farmers to profess publicly a doubt about the just cause of the anti-renters. Farmers who were branded "up-renters" lived in fear of their neighbors who, disguised as Indians, were



known to sneak into barns at night and cut off the tails of all the horses in order to confirm the "up-renters" social standing in the community.

The emergence of a powerful leader in Doctor Boughton, the preparation for battle, the meetings of the Indians, all foretold the coming violence. As 1844 was drawing to an end, the violence reached an apex with the killings in Columbia and Rensselaer counties on December 18 and 19. The double killings and the wartime aftermath on the manors focused the attention which the tenants needed in order to gain their ends. However, the murders brought disfavor and public opinion turned sharply against the disguised killers. It was obvious that in order to gain real and lasting relief the tenants would have to move from the battlefield to the courtroom and voting place.

## CHAPTER VII

### THE VAN RENSSELAERS GIVE UP

The anti-renters, struck with the possible result of further "Indian" attacks, discarded their tin horns and calico. It was nearly election day and the loss of Boughton and the Delaware County warriors provided a unity at the polls which threatened any candidate's association with landlords or association with Governor Wright. The Governor, luckily for him, was not up for election in 1845. As election neared, the press reported requests being received by the Governor to commute the two death sentences imposed at Delhi. But Governor Wright did not accede and on election day the two tenants were still awaiting death. The newspapers, as always, vigorously Whig or Democratic, had been bemoaning the efficiency of the anti-rent vote, but, even so, the force of the tenant vote was unexpected. Normally Democratic Rensselaer County went to the Whigs who received a majority of over seven thousand votes in the manor counties. A referendum for a constitutional convention to be convened in 1846 passed by more than two hundred thousand votes, and anti-renters were again chosen to the state legislature. With the demonstrated success of the candidates endorsed by the anti-renters came an eager willingness by politicians in both political parties to give the tenants the relief which they sought. Duly impressed, Governor Wright reluctantly commuted the death sentences of the



two Delaware County "Indians" to life imprisonment and finally withdrew the state troops from Delhi.<sup>145</sup>

That the November election made a marked impression on Governor Wright became much more apparent when he delivered his annual message to the legislature on January 6, 1846. Devoting the main portion of his address to the leasehold system, Wright traced the rent troubles of the entire year 1845 and established real hope for the tenants:

In my former communication to the Legislature upon this subject, I stated that I considered myself precluded from discussing, or even considering, the real merits of the differences existing between the landlords and the tenants, by the violent and criminal conduct of those who assumed to act for the latter, and in their name, and apparently by their approbation; and who had changed the issue to one between sustaining the law, preserving the public peace, and protecting the rights and lives of unoffending citizens on the one side, and armed resistance against the law, wanton disturbances of the peace, and aggravated trespasses on the rights and lives of individuals, on the other.

Assuming, what I hope time may prove, that these violent proceedings have terminated, and that, hereafter, only constitutional and lawful appeals for redress are to be made, the points really presented for public action, become proper subjects for inquiry and discussion.

The change of the tenures from leasehold to fee simple estates, I have ever understood, and supposed to be the great object of desire on the part of the tenants. The odious character, and evil influences of the leasehold tenures, have certainly formed the great burden of the complaints which have reached me; and I have labored under a false impression, if, at the commencement, the avowed object was not this change. This, it seems to be well understood and conceded, must be reached by contract and compromise between the landlord and tenant, and that no power possessed by the State could so change the existing contracts, while the Constitution of the United States remained in force. . . . A still further complaint made by the tenants is that an inequality of taxation exists in favor of the landlords of these leasehold estates, unjust to the people of the whole State, in reference to the

<sup>145</sup>Lincoln, *op. cit.*, IV, pp. 309-325.

collection of a general tax, and particularly unjust to the people of the counties where the estates are situate, in reference to the taxes annually assessed to pay town and county expenses. . . . There appears to be force and truth in this position. The place and manner of assessing such capital may be matter of more difficulty and more question. The money due upon mortgages, contracts, notes, and the like, is assessed to the holder of the securities, at the place of his residence, and the tax is payable in his town or ward; while the complaint urged in this case implies the opinion that the leases should be assessed, and the tax paid in the town or ward where the lands are situate. This would be the introduction of a new principle in reference to the assessment of personal property of resident citizens; but the expediency of adopting it, and the mode of carrying it out, are matters of detail, appropriately belonging to legislation, in case the tax itself is imposed. . . . A suggestion has been frequently made, in connection with the troubles arising from these tenures, the adoption of which I suppose to be within the unquestioned power of the Legislature, although I am not aware that it has been urged by the tenants upon the existing leasehold estates. It is, that a law should be passed, to prohibit, for the future, this form of selling farming lands, by declaring that no lease for such lands, for a longer term than five, or ten years, or some other short period, shall be valid. It is entirely apparent, notwithstanding the very unwarrantable character of the late disturbances upon the leasehold estates, that these tenures are not in accordance with the spirit of our institutions, or with the feelings of that portion of our people in no way interested in the disturbances, or in the relations out of which they have grown. Such is manifestly the settled state of the public mind upon this point, that the multiplication, or material extension of leasehold estates, would be looked upon as a public evil, threatening more widespread and serious disturbances, than those which have, recently, interrupted our internal peace. If, therefore, there be no obstacle in principle, and none presents itself to my mind, may it not be well for the Legislature to put at rest any apprehension of this sort, by the passage of such a law? I should hope for salutary influences from such legislation upon the existing estates. I think it would have a tendency to confirm, in the minds of the landlords, their present inclination to commute the leasehold titles, and would operate strongly upon the tenants, to induce them to accept fair terms of commutation, and discharge themselves, at as early a day as possible, from an objectionable system of tenures thus confined to them.<sup>146</sup>

A select committee soon to be commonly called the Tilden

<sup>146</sup>*Ibid.*, pp. 239-245.



Committee after its chairman, Samuel J. Tilden, of Columbia County was appointed. The Committee, watched as a suggester of legislative reform plus a direction finder for the coming state Constitutional Convention, heard counsel for the Van Rensselaers, spent three days to hear tenant representatives from eight counties including Rensselaer, and then wrote a thirty-four page report which was presented to the legislature on March 26. The report traced the origin and extent of the leaseholds in each county, verifying what had often been stated by William and Stephen Van Rensselaer that in 1646 Rensselaerwyck "comprised a tract of country extending twenty-four miles north and south and forty-eight miles east and west, lying on each side of the Hudson River, and including nearly all of the counties of Albany and Rensselaer." The lands "are still held under perpetual leases" except for "a few in the county of Rensselaer, for sixty years, which are now about to expire."<sup>147</sup> The Committee, having stated the case, extended its conclusions:

Of the unfavorable influence of the leasehold tenures, upon the agricultural prosperity and the social condition of the communities where they exist, your committee entertain no doubt. Experience and observation--the gradually formed and thoroughly established convictions of those who are subject to them, and those who are free from them--of all who compare the effects of this system and the proprietary system in contiguous localities, and in farms intermingled side by side in the same locality, has settled the question, and, as your committee believe, has settled it in conformity with truth.

It has indeed been urged that the lengthened or perpetual credit allowed to the settler for the purchase money of his farm, with an exemption from interest or rent for a period of generally seven years, formed terms unusually favorable to him, conducing to his immediate prosperity and domestic

<sup>147</sup>Ibid., pp. 328-329.

comfort, amid the struggles and hardships incident to his condition, as well as securing the early occupation and cultivation of the lands. All this is no doubt true; but it by no means follows that the ultimate and permanent effect of the credit--continued beyond the immediate benefits which it certainly did confer--was salutary. On the contrary, it is more than probably that this is another of the frequent instances in which a credit--convenient or useful at the time--becomes, in its remote and general effects, an injury.

Nor, if it could be shown that the rent was but a moderate interest on the market value of the wild lands, or even less than the rate at which the principal could be employed, would the conclusion be warranted that such a perpetual charge, universal in a community, is good; or that, upon the whole, anything was gained by accepting it in exchange for the unalleviated difficulties which ordinarily attend those who form a new settlement.

The mere idea of proprietorship is a valuable element of the individual and social character of the agricultural population of this country; inculcating habitual self respect and self-reliance; elevating the moral and mental dispositions, and enlarging the capacities for action; cultivating at once a manly sense of individual independence, and a generous subordination to the collective will. The diminished influence of this idea would naturally be the more felt in a community which saw itself, in this respect, an exception to all those by which it was surrounded; and where, too, the sense of dependence was made the more offensive, by traditional associations of degrading incidents, now removed, to a relation which still continued and seemed likely to be perpetual. . . . In the present case, in addition to the restraints on alienation imposed in many of the leases, serious impediments have existed, to a free exchange of the lands, in the inconvenience and legal embarrassments which surround such transfers, and which tend to restrain labor from seeking, through shifting employments, its most advantageous application, and to repress the disposition, the habit, and the opportunities of enterprise.<sup>148</sup>

Then came the Committee's recommendations:

After a careful examination of the subject, your committee have come to the conclusion that leases in fee, for lives, and for long terms are, under the general principles of taxation adopted in this State, proper subjects of assessment, and have amended the bill for that purpose which was referred to them. . . . If, then, these leases are, according

<sup>148</sup>Ibid., pp. 334-336.



to established rules, proper subjects of taxation, they ought not to be exempted, and especially as such legal preference tends to encourage investments which have been found so contrary to just public policy. Leases for lives and for terms deemed to be equal to a life, seem to fall so far within the reasons applying to leases in fee, as to be likewise subjected to assessment. . . . The Legislature had no power, instantly to annul or change the contract. If it should attempt to do so, it would itself be overruled; and would but delude and betray the unfortunate man who trusted to it; overwhelm him with expensive litigation and certain defeat.

But it should adopt any measures within its constitutional power to remove discriminations against him, as compared with other debtors; and it should, from considerations of public policy and public duty, prohibit these peculiar relations which have proved so undesirable, for the future, and do what it can, rightfully and justly, to terminate those which now exist.

Your committee have examined the subject with a sincere and anxious desire for the accomplishment of this object. They have matured a bill for your consideration.

It prohibits for the future leases of agricultural lands for a period exceeding ten years; and proposes, by the exercise of the unquestionable power of the Legislature over the statutes of devises and descents, to provide, at a future and not very distant period, for the commutation on equitable principles, in chancery, of the rights and interests of the landlords, and the conversion of them into mortgages, payable at once or in reasonable instalments.<sup>149</sup>

In effect, then, the Van Rensselaers would be taxed on their reservations in each lease, and each estate would be divided upon the death of the present owners and given to the present tenants "on equitable principles." The pro-landlord press stated that murder had been the weapon used by the tenants to win such concessions and complained that the number of tenant votes as opposed to the few landlord votes was the reason for a report so favorable to the tenants. James Fenimore Cooper, a defender of landed aristocracy who was often entertained at

<sup>149</sup>Ibid., pp. 338-356.

Stephen Van Rensselaer's manor house, expressed the pro-landlord view in this preface to his The Redskins:

It would be idle to deny that the great principle which lies at the bottom of anti-rentism, if principle it can be called, is the assumption of a claim that the interests and wishes of numbers are to be respected, though done at a sacrifice of the clearest rights of the few that this is not liberty, but tyranny in its worst form, every right-thinking and right-feeling man must be fully aware.

It is pretended that the durable leases are feudal in their nature. We do not conceive this to be true but, admitting it to be so, it would only prove that feudality, to this extent, is a part of the institutions of the State.<sup>150</sup>

The Tilden Committee's proposals, James Fenimore Cooper and his landlord friends notwithstanding, passed the Assembly. The provisions to limit tenant leases to ten years and divide the estates upon the death of present owners were defeated in the Senate; but the provision to tax the income from feudal leases became law along with a bill to prevent the seizure and sale of tenant livestock or land to pay rent in arrears.

The Constitutional Convention of 1846 convened at Albany on June 1. Meeting through the warm summer until October, the delegates "prohibited any future lease of agricultural land which claimed rent or service for a period longer than twelve years,"<sup>151</sup> and approved an elected state judiciary. However, existing leases were left untouched by both the Convention and the state legislature.

With the convention concluded, anti-renters turned their

<sup>150</sup>James Fenimore Cooper, The Redskins (New York: James O. Gregory Publishers, 1864), preface.

<sup>151</sup>Id., p. 161. <sup>151</sup>p. 161. W. Ellis et al., A Short History of New York State,



minds to the upcoming November elections. Silas Wright was again the choice of the Democrats for governor, while the Whigs chose Assemblyman John Young for the post. Despite constant pressure to gain anti-rent support, the Democrats suffered a pre-election defeat when, on October 6, at the Second State Anti-Rent Convention, held in Albany, John Young received anti-rent endorsement for governor. Young promised the anti-renters that, if elected, he would release the tenant prisoners from Dennewora, and the tenants meant to have Young for governor and the release of their comrades. The election was a Young triumph by eleven thousand votes, and it was seen by all as an anti-rent rather than a Whig victory.

In February, 1847, Governor Young ordered the anti-rent prisoners released and the freed "Indians" came home amid celebration and rejoicing. In June, the first election for state judiciary seats was held in New York State. With elected judges considered free of landlordism, the tenants brought suits to test the legality of the Van Rensselaer's deeds. "The courts eventually ruled that the statute of limitations prevented any questioning of the original titles. Declaring that the holders of perpetual leases were in reality freeholder, the Court of Appeals outlawed the 'quarter sales' in 1852.<sup>152</sup>

Harassed and frustrated in their attempts to collect rent from their troublesome tenants, and bothered by investigations of the attorney general and the courts, the "patroons" gradually sold their holdings. In 1848, William Van Rensselaer sold his rights

<sup>152</sup>Ibid.

in over five hundred farms. In 1852, Stephen IV offered the West Manor to land speculators including a Walter Church who paid "an estimated two hundred and ten thousand dollars, gambling on a substantial profit before the grave of feudalism was finally dug."<sup>153</sup> In 1857, Church bought the remaining East Manor leases from William Van Rensselaer at a price between twenty-five cents and five cents on a dollar.<sup>154</sup> William Van Rensselaer moved to Rye, New York where he died in 1872. Stephen IV remained in Albany and died there four years before his brother. Walter Church continued the rent war until 1870, bringing farmers to court for back rents and reservations, but the age of "patroonery" was past.

We can look back and see the Anti-Rent War as a colorful though relatively unknown event in our history of democracy. The landlords and tenants who suffered through the war saw it more as survival of their ways of life. Neither landlord nor tenant was completely right. The landlord, with law on his side, was so uncompromising and unjust against such a vast number of tenants that he lost his entire property and the good will of his neighbors who resorted to killing, violence, and finally superiority at the ballot box to win what they considered to be justice.

<sup>153</sup>Christman, op. cit., p. 303.

<sup>154</sup>Ibid., p. 305.



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