

on which, as on a firm foundation, the subsequent charters of 1708 and 1730 were based. This instrument confirmed all previous "rights and privileges" granted the city, and gave it in addition the City Hall, the great dock and bridge (probably the bridge over the canal in Broad Street), the two market houses, the ferry, and the vacant, unpatented shore lands above low-water mark. Most of these vested rights we still enjoy, and they are yielding the city large revenues to-day, mostly in docks and ferries.

The people of New England especially were very much incensed against King James for thus depriving them of their chartered rights, as well as against Andros, his agent, and the moment that news of the former's abdication reached Boston her citizens seized Andros and thrust him into prison.

VIII. THE ENGLISH COLONIAL PERIOD (Continued)—LEISLER'S REVOLT.

A CHAOTIC condition of affairs arose in New York as the result of the abdication of James and the imprisonment of Andros. Two factions at once appeared, composed, as to race, of the English against the Dutch; as to class, of the aristocrats against the commoners; as to religion, of the Church of England against the Dutch Reformed Church.

The strife was as to who should rule the city. The English held that the officers appointed by James then in power should stand until their successors should be appointed by William and Mary, in which position they had law and precedent on their side. The Dutch party held that with the flight of James his authority ceased in the colonies as much as in England, and that therefore the people under their charter should appoint officers to rule until the pleasure of William should be known. Lieutenant Governor Nicholson and the three members of Governor Andros's council, Frederick Phillipse, Mayor Stephanus Van Cortlandt, and Nicholas Bayard, were the leaders of the English party. Phillipse was lord of the manor of Phillipseborough; his old manor house you may still see in the heart of the city

of Yonkers, in use as the city hall. Van Cortlandt was mayor, and had been judge of the admiralty. Bayard



Phillipse Manor House (now City Hall),
Yonkers.

was a connection of Stuyvesant, had been mayor of the city, and was now colonel of the regiment of city militia.

The leaders of the democratic party were Jacob Leisler and Jacob Millborne. Leisler was German born, but had lived in New York some thirty years. He was a prosperous merchant, a deacon in the Dutch Reformed Church, captain of one of the six train bands which made up Colonel Bayard's regiment of militia, a man of much energy and force of character, but uneducated, self-willed, passionate, and unbalanced in judgment; a fanatic on the subject of popery, a stern hater of the English, their church, and their institutions. Millborne was Leisler's son-in-law, a man of better education, but of far less principle.

The struggle for power began on April 29, 1689, by Leisler's refusing to pay the duties on a cargo of wine

he had imported, "because," he said, "Collector Ploughman was a papist, and therefore not qualified to perform his duties under the Protestant sovereigns William and Mary."

A long discussion in the City Hall between the council and Leisler was ended by the latter's declaring that he would never pay a penny to Ploughman. And now strange rumors began to be whispered about the town by the ignorant burghers. It was said that Lieutenant Governor Nicholson was plotting to betray the city to the French. His papist emissaries filled the woods on Staten Island, and met him nightly in consultation. King James, who had fled to France, was on the seas with a French fleet, to whom Nicholson would deliver up the city. The chief Dutch citizens had already been won over to popery. Ex-Governor Dongan, who still lingered in New York, had formed a plot to murder the Protestants and yield the city to the Catholics. These and many other disquieting rumors flew about. This fear and unrest of the public mind must be considered in order to understand what followed.

A very little thing at last brought on the conflict. Nicholson resided in the governor's house in the fort, and coming in late one night found a member of the militia company which had been detailed to guard the fort standing sentinel at the gate. This was contrary to regulations, and calling the sergeant in command, he reprimanded him. The latter replied that Lieutenant Cuyler had ordered it, and that officer in turn laid the blame on his superior officer, Captain de Peyster. Nicholson, who distrusted the militia, fell into a passion

at this, and said he would rather see the town in flames than be spied upon and overruled by his militia captains. This was at once tortured into a threat to burn the city, and soon the rumor flew about that the governor had formed a plot to fire the city and murder all the Dutch citizens the next Sunday as they came to church in the fort. The six train bands which formed the city militia were nearly all Dutch, and, led by Leisler, they now determined, in order to save their lives and property, to seize the fort and government.

The Sunday came,—May 31, 1689,—and at noon a single drumbeat was heard. Captain Leisler's company at once mustered before his house, and was led by Sergeant Stoll to the fort, where Lieutenant Cuyler, who was in charge, admitted them. In a few moments Leisler appeared and took command. On hearing of this, Colonel Bayard, commander of the militia, went to the fort and ordered the soldiers to disperse; but Stoll coolly told him that they disowned all authority of the Andros government. Having no force to defend himself, Lieutenant Governor Nicholson made no resistance, and shortly after sailed for England to lay the matter before King William, leaving affairs in the hands of his three councilors.

Leisler, by virtue of his command over the City Guard, now ruled as governor of the city. His first act was to write an address to William and Mary in behalf of "the militia and inhabitants of New York," describing the revolution and its causes, and pledging to them the loyal support of himself and those acting with him. At first he governed with justice and moderation, but he seems

soon to have become intoxicated with the possession of unlimited power, and treated those opposed to him with great arrogance and even cruelty. About the middle of June two envoys came from Hartford bearing orders to proclaim William and Mary in New York, as they had shortly before been proclaimed in Boston and Hartford. The envoys also bore a royal proclamation confirming all Protestant officers in the colonies in their places. This was fatal to the claims of Leisler and his party, and spurred them on to the rash and fatal extremity of resistance. Mayor Van Cortlandt rode far up into Westchester to intercept the envoys, but Leisler managed to secure both proclamations from them, and read the first named in the fort on the 22d, although Mayor Van Cortlandt demanded that they should be delivered to him as the lawful authority. Two days later the mayor succeeded in securing a copy of the second proclamation, which constituted himself and his colleagues, Phillipse and Bayard, the only legal government, since they were Protestants and had received their commissions from the crown. The three met with the common council to consult on the best plan of regaining their authority without provoking civil war. Their first act was to remove the collector of the port, who was a Catholic, and therefore ineligible, and to appoint in his place four commissioners, all Protestants, to perform his duties. Scarcely had they begun, however, when Leisler, at the head of a body of militia, marched in and peremptorily ordered them out of the room. Bayard sternly reminded him that they were there by order of the king, and that resistance to them would be high

treason, and punishable with death. Leisler in reply began a long speech in which the words "rogues," "traitors," and "devils" were freely applied to the commissioners. Even while he was speaking one of his soldiers seized a commissioner and dragged him into the street, where he was sadly beaten by the mob. Bayard himself was attacked, but succeeded in beating off his assailants and escaping to a house near by, which was at once besieged by the mob; he, however, contrived to elude them and regain his own house. Then the rabble paraded the streets, hooting and shouting for the blood of the aristocrats. Their slogan was, "The rogues have sixty men sworn to kill Captain Leisler." Bayard's friends came to him next morning, told him what passions were moving the commonalty, and besought him to flee from the city; he was at length persuaded, and succeeded in escaping to Albany. Van Cortlandt remained, and continued to act as mayor until the next October, when his house was attacked, and he was forced to flee for safety to Governor Treat of Connecticut.

Leisler was now sole master of the city, and with his lieutenant and ally, Millborne, committed many more acts of violence and oppression; but at last retribution came. As soon as King William's ministers turned their attention to New York's affairs, they wrote a letter to Lieutenant Governor Nicholson, ordering him to assume the government, call the leading citizens to his assistance, and "do and perform all the requirements of the office," they supposing him at the time to be in New York, whereas he was, as we have seen, on the sea. By some fatality this letter was not addressed to him by

name, but simply to "Our Lieutenant Governor and Commander in Chief of our Province of New York in America, and in his absence to such as, for the time being, take care for preserving the peace and administering the laws in our said Province of New York in America." Leisler refused to allow the council to receive this letter. The king, he said, knew that he was at the head of the government, and intended the letter for him.

The council protested, but Leisler had the men at arms and the guns, and the messenger delivered the packet to him, whereupon he turned upon the councilors, called them popishly affected dogs and rogues, and bade them begone; he then proclaimed that the king had appointed him lieutenant governor, and at once entered on the duties of the office, named a council and other officers, had William and Mary proclaimed a second time, and on the Sabbath rode to the Dutch church and sat in the governor's pew, while his councilors seated themselves in the pew reserved for the magistrates.

Meantime Lieutenant Governor Nicholson had reached London and laid his case before the king and the committee on plantations, who sustained him in all that he had done; but as he had been embroiled in the factional fights there, they did not name him governor of New York, but made him lieutenant governor of Virginia. Colonel Henry Sloughter was appointed governor of New York, but owing to the Irish troubles and other causes did not reach his government until nearly a year had elapsed. Leisler, having secured the chief authority, was placated to a certain extent, so that Van Cortlandt, Colonel Bay-

ard, and other exiles ventured to return to their families; but they were not long left in peace.

In the winter of 1690, having reason to suspect that these gentlemen had sent letters of complaint to the king, Leisler seized the Boston post rider as he rode through Westchester, confiscated his mail bag, and found among its contents, as he had expected, letters from Van Cortlandt, Bayard, and others complaining bitterly of his acts. He at once proclaimed that he had discovered a "hellish conspiracy" against his government, and that Colonel Bayard was the instigator of it. He therefore sent a file of soldiers, who seized that unfortunate gentleman, loaded him with chains, and thrust him into the common jail, where he received the same treatment as was meted out to the worst malefactors. Another file was sent against Van Cortlandt, who escaped, but William Nicolls, attorney-general of the province, was seized and thrust into the same prison with Colonel Bayard. They languished in jail many months.

By the summer of 1690 complaints, petitions, and addresses from the people of New York began to rain in upon King William, beseeching him to deliver them from the oppressor. These came not only from the English, but from the Dutch residents of New York. One was signed by the Dutch and French clergymen as well as by leading citizens. William, aroused by them, told Governor Sloughter that he must proceed to New York at once, and bring peace and order to the distracted city. Sloughter complied, and in December, 1690, sailed in the frigate *Archangel*, while Major Richard

Ingoldsby, the lieutenant governor, followed in the *Beaver*; two smaller vessels accompanied them. With Governor Sloughter sailed two companies of soldiers, and all the petitions, complaints, and documents in the case of Leisler were given him, with orders to make a careful and impartial investigation of the whole matter.

Sloughter also bore a system of government for the province, which differed little from that of James, and continued in force to the Revolution. It provided for a governor and council to be appointed by the king, and an assembly to be elected by the people. All peaceable persons "except papists" were assured liberty of conscience, but the Church of England was made the state church and placed under the jurisdiction of the Bishop of London. The members of the old King James council were nearly all retained and confirmed in their offices.

News of the sailing of the fleet came to New York by way of Boston, and its arrival was anxiously awaited by all parties. At last, on January 29, 1691, a sail was sighted far down the Narrows, then a second and third, and it was known that the long-expected fleet had arrived; but the fourth sail did not appear, and this laggard, most unfortunately for all parties, was the *Archangel*, the vessel that bore the governor and all the papers and commissions. Scarcely had the *Beaver* anchored and saluted the fort ere she was boarded by Phillipse and other members of the Nicholson government, who inquired eagerly for the governor.

"I know not where he is," said Ingoldsby; "we were separated these many days back by a great storm, and

where the *Archangel* is, or whether she be at the bottom of the sea, no man may tell."

This was a great disappointment; yet they tried to induce the lieutenant governor to act. Rapidly they sketched the condition of affairs in the city,—the sufferings of the poor prisoners, the discontent of the people under Leisler's harsh government, the latter's high-handed acts of treason and violence,—and urged Ingoldsby to make a demand at once for the fort and government. The latter consented, and sent a messenger to Leisler demanding the fort for the king's soldiers and stores.

"Your authority?" replied Leisler.

"My ships and my soldiers," was the quick response.

But Leisler would not yield; he must see the lieutenant governor's commission from the king; but this was in the *Archangel* with Slaughter, as Leisler well knew. Uncertain how to act, Ingoldsby remained cooped up in his ships for several days, afraid to land, since Leisler had the fort and the troops; but at length, on being assured that the people were with him, he disembarked his soldiers and took post in the City Hall, which Leisler had offered for that purpose. When safely installed there he sent a letter to Leisler ordering him to release Bayard and Nicolls (still confined in the fort), because they had been named as members of his Majesty's council; but this threw Leisler into a terrible rage.

"What! those popish dogs and rogues?" he cried, and returned word that he should hold them until his Majesty's further orders arrived.

Six weeks now passed, this condition of things being

maintained, the king's lieutenant governor in the City Hall, his authority defied, and the king's councilors in the common jail.

At length Leisler committed an overt act of treason and murder. Learning that Ingoldsby and the councilors had gathered a force of several hundred men in the city, he sent them word to disperse under pain of being attacked and destroyed. Two hours to consider were given; but the governor replied at once. He should preserve the peace, he said, and whoever should attack him would render themselves public enemies to the crown of England.

At the time the message was sent Ingoldsby's two companies were drawn up on the "Parade," probably the Bowling Green, and Leisler, on receiving the reply, ordered a gun to be trained on them at once and fired; several shots were also sent into a house where the soldiers lodged. When the smoke cleared away it was seen that two British soldiers had been killed by the fire and several wounded. The English fired at the fort in return, but injured no one.

Happily, next day, as the parties stood confronting each other, the *Archangel* was signaled in the lower bay. Word was quickly sent to Governor Slaughter, who hurried to the city in a pinnace, and went to the City Hall, where his commission was immediately read, although it was dark when he arrived. Both the governor and council, except the two imprisoned in the fort, then took the oath of office.

It was eleven o'clock at night, but Ingoldsby was at once sent with his soldiers to the fort to demand its sur-

surrender in the name of the king. But Leisler would not comply until he had sent Sergeant Stoll, who had met the governor in England, to identify him as the real Slougher. Stoll gravely told the governor that he was glad to find in him the same man he had known at home.

"Yes," said the governor, "I have been seen in England, and now intend to be seen in New York."

He refused to treat with Stoll, however, and again sent Ingoldsby to the fort to demand its surrender and to order Leisler and his council to report forthwith to the governor, and to bring Bayard and Nicolls with them. But Leisler refused, declaring it would be against all military precedent to deliver up a fort at midnight. A third time the messenger was sent, and a third time he was "contemptuously refused." Then governor and councilors retired with an agreement to meet at an early hour next morning.

They were very early at the City Hall. During the night the governor had matured his plans. Ignoring a humble letter from Leisler in which the latter asserted his loyalty and offered to "give an exact account of all his acts," he ordered Ingoldsby to go to the fort and command the men at arms to submit, promising pardon to all but Leisler and his council. When this was done the men laid down their arms and gave up Leisler and his councilors, who were led prisoners to the City Hall. Then the heavy doors of the cells in the fort were thrown back, and Bayard and Nicolls brought forth, aged and worn to skeletons almost by their thirteen months of captivity. They were met with good wishes, min-

gled with expressions of pity, and conducted to the City Hall, where they took the oath of office amid the cheers of the people. But Leisler and his councilors were thrust into the cells that had just been vacated by their victims; the chain that Bayard had worn was put on the leg of Leisler.

Soon the people began to clamor for the punishment of Leisler and his friends. A speedy trial was demanded by the accused and granted by Slougher. On March 23, three days after the surrender, the prisoners were examined and bound over for trial. The case was at once given to the grand jury, which found a true bill against Leisler, Millborne, and eight others, charging them with "holding by force the king's fort against the king's governor, after publication of his commission, and after demand had been made in the king's name, and in the reducing of which lives had been lost."

The court sat March 30, and the trial proceeded for eight days with all the solemnity and stately ceremonial common in those days. A very august tribunal it was, too, of ten stern judges in flowing black robes and powdered, full-bottomed wigs—Dudley, the chief justice of the province, Thomas Johnson, Sir Robert Robinson, former governor of Bermuda, Jasper Hicks, captain of the *Archangel*, Lieutenant Governor Ingoldsby, Colonel William Smith, Major John Lawrence, Recorder Pinhorn, John Young, and Isaac Arnold—men chosen because they had suffered little or nothing from the prisoners, and who would be more likely, therefore, to judge them fairly.

When brought before them Leisler and Millborne

declined to plead at all until the court should decide whether the king's letter to Nicholson conferred the government upon Leisler. The court referred the question to Governor Sloughter and his council, and they declared in writing that neither in the king's letter nor in the papers of the privy council was there the slightest authority for the prisoner to seize upon the government. This swept away any defense the prisoners may have hoped to make; for unless they could prove authority they stood convicted of treason and murder, the penalty of which was death.

They did the very best thing possible under the circumstances—they refused to plead and appealed to the king. The eight other prisoners pleaded not guilty. Notwithstanding, the trial proceeded. Leisler, Millborne, and six of the other prisoners were found guilty; two were acquitted; and Chief Justice Dudley, assuming the black cap, passed sentence of death upon the eight.

But Sloughter hesitated to order their execution; he had grave doubts as to his authority to sign a death warrant in the case of an appeal to the king. "Never greater villains lived," he wrote King William, "but I am resolved to wait your pleasure, if by any other means than hanging I can keep the people quiet."

But he soon found that there was no other way. Scores of petitions and remonstrances from Dutch and English, and even from the Indians, against clemency were thrust upon him. So many had suffered grievous wrongs, either in person or property, from the usurper that the demand for his execution was general. The two Dutch clergymen are said to have openly ad-

vocated his death from the pulpit. Ladies of high station, sufferers from Leisler's tyranny, pleaded with the governor to sign the death warrant; the most eminent and loyal men of the province said to him that there could be no peace nor quietness while the leaders lived, and threatened to remove from the country unless the sentence was carried out. On the other hand, there came many petitions from the friends and families of the condemned, praying for clemency, so that between them the poor governor was nearly at his wit's end. But one day there came news from Albany that the Mohawk Indians, whom Leisler had greatly angered by his acts, had threatened to join the French as allies unless their enemy was executed.

On receipt of this news the governor and council met, and resolved that for the satisfaction of the Indians and to quiet the province it was necessary that the sentence against the principal offenders "be forthwith executed." This was laid before the House of Representatives, which the governor had convened, and that body indorsed the action of the governor and council. Sloughter therefore signed the death warrant, and Leisler and Millborne were executed.

The former met his fate with firmness and dignity. In his speech upon the gallows he begged that all discord and dissension about him might be buried with his ashes, and declared that in all he had done his sole aim had been to advance "the interests of William and Mary, and of the Reformed Protestant churches of these parts."

Perhaps the fairest judgment that could be passed

upon this puzzling character is that he was of unbalanced mind, half crazed by fear of aristocratic and popish plots and by the possession of unlimited power. Regarded from any standpoint, it was a most unfortunate affair, and retarded the growth of the colony not a little. For, despite Leisler's prayer, the spirit of faction survived his death, and for half a century the "Leislerites," as they were called, continued to exercise a disturbing influence on the politics of the city.

When the matter came before King William on Leisler's appeal he decided that the sentence was a righteous one and sustained the judges. On the ground of former loyal services rendered by Leisler, however, he restored to the latter's heirs his estates, which had been confiscated for treason, and four years later Parliament, on the petition of the friends of Leisler, "to promote peace and heal the scars of the civil war," reversed the decree of attainder which had been pronounced against Leisler, thus removing the attainder from his family.

IX. THE APPROACH OF THE REVOLUTION.

FROM 1691 to 1764 the history of New York presents no events of great importance. During this period she grew in wealth, population, and commerce but slowly, the acts of the British government greatly restricting her foreign trade, and the many wars with the French and Indians on the north retarding her growth in numbers. Politically this period was marked by the almost constant struggle of her people for more liberty—liberty of trade, liberty to govern themselves, liberty of speech, and a free press. Some striking incidents and romantic phases of the period may be touched upon briefly.

Governor Sloughter died suddenly about two months after the execution of Leisler,—some said from poison,—and in 1692 was succeeded by Colonel Benjamin Fletcher. This gentleman was a brave soldier who had seen service in the Low Countries; he was a courtier too, shrewd, pliant, persuasive, politic, not to be praised for all that he did, but perhaps the best man for the place that could have been found. He allayed in a measure the angry passions that had been aroused in Leisler's time; he soothed and pacified the Indians, and he practically founded the Trinity Church of to-day, by